

The Assembly met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

READING AND RECEIVING PETITIONS

Clerk: — According to order, I have reviewed the following and wish to report that it is now to be read and received. The following petition is: of certain residents of the province of Saskatchewan praying that the Legislative Assembly may be pleased to urge the provincial government to reverse its decision to relocate the Saskatchewan liquor board store from its present location in the Market Mall to a new location on Eighth Street in Saskatoon.

Some Hon. Members: Hear, hear!

INTRODUCTION OF GUESTS

Ms. Simard: — Thank you, Mr. Speaker. Mr. Speaker, I would like to introduce some guests who are here from Finland and are on a cross-Canada tour. They are Ms. Sari Nieminen and Mr. Ari Partanen from Finland and they are guests of Mr. and Mrs. Bill Simenson of Regina, Mr. Speaker. I'd like to ask you and other members of the legislature to welcome these people.

Hon. Members: Hear, hear!

Mr. Koskie: — Thank you, Mr. Speaker. Mr. Speaker, it gives me a great deal of pleasure to introduce to you and to the House some 19 grade 7, 8, and 9 students seated in the Speaker's gallery. They are accompanied by their schoolteacher David Dielschneider and Polly Mills and Joanne Plamondon. I'll have the opportunity to meet with the group following question period. I want to ask members to join with me to extend a warm welcome to this group.

Hon. Members: Hear, hear!

Mr. Solomon: — Thank you, Mr. Speaker. It's my pleasure this morning to introduce to you, and through you to all members of this Assembly, grade 7 and 8 students from St. Mary School in my constituency. They're seated in the east gallery. There are 36 of them. They are accompanied by their teacher, Paul Thériault. I look forward to meeting with you after the question period. I welcome you personally to the Assembly. I hope you enjoy your visit here, and I ask members to join me in welcoming these students. Thank you.

Hon. Members: Hear, hear!

Hon. Mr. Gerich: — Thank you, Mr. Speaker. On behalf of my colleague, the member of Turtleford, I would like to introduce to the legislature and to yourself a group of students, 14 in grade 4 from the Medstead School, Medstead, Saskatchewan, in the south west corner of the Turtleford riding. They're accompanied by their teacher, Mrs. Rita Adamache, chaperons, Mrs. Marg Bagen, Mrs. Shelley Seidle and Mr. Peter Klassen and the bus driver, Mr. Doug Lehman. I hope that their visit to Regina is an

educational and informative one today, and I'd like to ask members of the legislature to please make welcome our guests.

Hon. Members: Hear, hear!

Mr. McLaren: — Thank you, Mr. Speaker. On behalf of my colleague, the MLA for Canora, I would like to introduce to you and through you to the Assembly, 50 grades 4, 5, and 6 students from the Springside School, found just outside of Yorkton. They're seated in your gallery, Mr. Speaker.

And we want to welcome you to the Assembly. We hope that you enjoy your trip to Regina and that you'll enjoy the proceedings here in the Assembly.

On behalf of the member from Canora, I'll be meeting with you for pictures and some refreshments a little later on. And I would ask all members to please welcome these students from the Springside School just outside of Yorkton.

Hon. Members: Hear, hear!

ORAL QUESTIONS

Provincial Tax on GST

Mr. Shillington: — Thank you very much, Mr. Speaker. My question is to the Premier. It is now day 62, well past the normal time for introducing amendments to taxation legislation. Do we take it from that, Mr. Premier, that it is your intention to disregard the universal protests and continue with your determined intention to levy a tax on a tax? Do we take it that the provincial sales tax on January 1 will be going on top of the goods and services tax?

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — As I indicated to the House previous, Mr. Speaker, the law today currently requires that the province be the last tax in. I explained the dynamics of the two different approaches and I understand that various provinces are taking different approaches.

I've once again used a recipe that I think has served our government well and the public of Saskatchewan well, which is the more important factor here, and that is that we've gathered together a group of business people, consumers, farmers, and others to help give us some advice on that matter and others. The objective in my mind continues to be a system that will provide maximum simplicity, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Shillington: — Supplementary. Surely, Mr. Minister, even someone who's stone deaf, as this government gives every indication of being, surely, Mr. Minister, even this government can hear; you shouldn't need any further advice on this subject. The views of the business community and the consumers are unanimous. They don't want the tax and they certainly don't want a tax on a

tax.

What is it precisely, Mr. Minister, that you hope to learn from the task force that you couldn't learn if you were a little more open and accessible to the business community in this province?

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — We've already registered our view of the unacceptability of the goods and services tax, Mr. Speaker. Having said that, Mr. Speaker, we also are of the view that the existing federal sales tax is retrogressive; the cure is worse than the disease however in this case, but it increasingly appears as though this is the reality we are going to have to deal with.

The hon. member may suggest that the issue is a very straightforward one; I am of the view that it is not. I am of the view that it would be unwise of us, indeed even foolish, if we did not consult with the business community and others to try and make what has become a very complicated and complex tax situation . . . we would be remiss if we didn't involve others to try and make it as simple as possible.

Now having said that, there are also obviously some fiscal realities that come about with both approaches, and they too have to be factored into the thinking. I think this group can give us some good advice relative to this and other issues, Mr. Speaker.

Mr. Shillington: — A new question, Mr. Speaker. Mr. Minister, I'll spare you the embarrassment of repeating the Premier's earlier support of the goods and services tax at a more formative stage in this discussion.

Mr. Minister, why is it that it is always that the whole army is out of step but you? B.C. has determined that it will not levy a tax on a tax. Alberta never did. Manitoba has determined it will not levy a tax on a tax. In western Canada only this government is deaf enough and unconcerned enough to levy this tax. Why is it, Mr. Minister, that the whole army's out of step but you?

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — Well first of all, Mr. Speaker, I don't recall having said what approach we're going to take, point number one. What I have said is that there are arguments on both sides. I'd like to have the advice of the consumers, farmers, and small-business men and others to help guide us in our decision making. Maybe the hon. member could explain to the legislature his turn-around in this position. Maybe the Leader of the Opposition could explain to this legislature his turn-around on this position.

That member has stated in this House before; one tax, Mr. Speaker. He is out of step, I would argue, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Shillington: — New question, Mr. Speaker. Mr. Minister, I remind you that it is day 62. If you have any intention to introduce amending legislation, any time

now would not be premature to give us a look at it, Mr. Minister.

Mr. Minister, the business community are making the same assumptions. The business community are making . . . retailers are making inquiries about the cost of this, and in almost all cases their existing registers cannot be converted to levy a tax on a tax. They are thus put in the position of buying a new cash register at a cost of many thousands of dollars.

Mr. Minister, if you are deaf to the cries of the consumers, will you not at least listen to the business community and remove this very expensive tax on a tax.

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — Mr. Speaker, that's precisely what we intend to do is to listen to and involve the small business community.

Electoral Boundary Changes

Mr. Koskie: — Thank you, Mr. Speaker. Mr. Speaker, in the absence of the Minister of Justice, I direct my question to the Premier.

Mr. Premier, a month ago your Minister of Justice stood up in this House in his full level of self-righteousness to announce that you were going to deal with all the concerns about the gerrymander legislation by having a reference to the Court of Appeal.

I ask you, Mr. Premier, that being the case, can you explain that nothing has been done and one month has passed since the minister made the announcement?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Well again, Mr. Speaker, the hon. member is wrong as usual. The questions are being drafted by the Department of Justice for their reference.

Mr. Koskie: — Obviously it hasn't been filed and that's what I asked and a month has passed, Mr. Minister.

Mr. Minister, in your self-righteous statement you indicated this. Mr. Speaker, a new question. It is in the best interests, you said, of the entire province to have the validity of the electoral boundaries confirmed as authoritatively and as expeditiously as possible. Expeditiously means a speedy . . . doing it speedily.

I want to ask you, Mr. Minister of Justice, why the delay? Is it a continuation of the incompetence of this government or do you have other political motive behind it?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Well I understand, Mr. Speaker, the hon. member's very limited experience before the courts in this province and that the matter will be heard by the Court of Appeal we expect, either later this summer or early in the fall.

Mr. Koskie: — Talking about a lack of experience before

the courts, you should take a look in the mirror.

Some Hon. Members: Hear, hear!

Mr. Koskie: — I want to say, Mr. Minister, in respect to this, isn't it one of the essential reasons that you made a reference to the Court of Appeal simply because citizens were disgusted with the gerrymander that you were perpetrating on the people of Saskatchewan and you short-circuited their procedure to challenge this Bill.

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Let me assure the hon. member, Mr. Speaker, unlike the hon. member, I'm not afraid to look in a mirror. But having said that, Mr. Speaker, the electoral boundaries were done by a commission with two judges involved, Mr. Speaker.

Let me remind the people of this province that under the previous boundaries, the member from Riversdale, for example, had a much smaller seat than several other members in the city of Saskatoon. The member from Elphinstone had really a pocket borough in the city of Regina, Mr. Speaker. So the NDP had a system, Mr. Speaker, where the core inner-city seats would be very small, Mr. Speaker. That's what they designed, and designed deliberately.

Secondly, Mr. Speaker, the NDP stand up in this House and have disagreed with the plus or minus variation, which is in the federal Act, differential, Mr. Speaker, because they want a whole bunch of reduction of rural ridings. And that's really what the NDP wish to see, Mr. Speaker, is to wipe rural Saskatchewan off the electoral map. Mr. Speaker, we will follow the procedure and the Court of Appeal will hear it, Mr. Speaker, as soon as possible.

Some Hon. Members: Hear, hear!

Mr. Koskie: — Mr. Minister, you indicated when you made this statement that you're likely to have a decision by fall. Now you are slow walking it. That's what you're doing, slow walking. And moreover, Mr. Minister, when you introduced the Bill you said that it was fully constitutional and you indicated that you had no doubts whatsoever about it.

And I say to you, what you have done here is to slow walk it to put it before the courts because you're afraid to go to the people of Saskatchewan this fall, and you're going to use that as an excuse to delay the election. Isn't that the real motive?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Well, Mr. Speaker, again if the hon. member knew the procedures of the Saskatchewan Court of Appeal, Mr. Speaker, that the matter wouldn't have gone on for the spring hearings of the court anyway. So having said that, Mr. Speaker, the next window is either late summer or early fall for the Court of Appeal, and I have indicated that's when the matter will be heard by the Court of Appeal.

Having said all of that, Mr. Speaker, the B.C. Court of Appeal has upheld the differential of 25 per cent from the norm, Mr. Speaker; the Parliament of Canada has upheld it; several provinces have upheld it. The only ones who believe that it is unfair are the NDP because they . . . who stand up in this House and really what they want, Mr. Speaker, really want is to wipe out rural Saskatchewan, wipe out representation for rural Saskatchewan. They stand up in the House, Mr. Speaker, and want huge differentials in the city of Saskatoon and Regina. They say that's fair, but it's not fair for rural Saskatchewan to have reasonable representation. That's what they're opposed to, Mr. Speaker.

Some Hon. Members: Hear, hear!

Collapse of Principal Trust

Mr. Calvert: — Thank you, Mr. Speaker. My question is to the Minister of Consumer and Commercial Affairs. Mr. Minister, I have here a copy of the statement of defence filed by your government in the suit launched against your government by the investors of Principal Trust, who were betrayed by your government some years ago, sir.

Mr. Minister, in your government's statement of defence in this action, the argument that you make is that the action should be barred because the investors had not commenced their action within 12 months of the act. That's the argument that you put in your statement of defence, Mr. Minister.

And yet it was your Premier who wrote to the investors, encouraging them not to launch legal action but to wait for the Code inquiry and its results. It was your government that said to the investors, don't launch your legal action, but wait for the results of the Ombudsman's report in the province of Saskatchewan. Mr. Minister, they waited. The investors waited. They acted in good faith. Mr. Minister, why has your government not acted in the same good faith?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: — Mr. Speaker, obviously the member is bringing forward a matter that's before the courts right now. The statement of defence is very clear. And the statement of defence included many, many items. And that was one. There is a legal time limit always and that's set by the courts of law, so why he's bringing it up here is beyond me. This is not a court of law. The other articles clearly state the defence, which is that we expect Alberta to take in fact this responsibility.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Speaker, new question. Mr. Minister, we've been through the argument before. We've got a ruling from the Chair and the Speaker of this House that what you've just said is not appropriate, that you must answer the questions. This is a civil case and the questions must be answered in this House.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Minister, again I say to you, your

government asked the investors of this province to wait until the Ombudsman had reported. They waited in good faith, sir. They received and we received a report from the Ombudsman which laid the blame squarely at your feet. Mr. Minister, why do you force Saskatchewan people to take your government to court?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: — You know, Mr. Speaker, here we see another prime example of a flip-flop by the NDP and how they want both sides of an issue.

Yesterday they were maintaining that because there was a petition we weren't listening. Now we've got a million people that we have to listen to versus 600 and we're accused of the same thing. It's unbelievable what they're trying to do.

Mr. Calvert: — Mr. Speaker, a new question to the minister. Mr. Minister, the million people of Saskatchewan want to see your government for once see justice done.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Minister, it was not many weeks ago that 175 to 200 Principal Trust investors gathered in this building representing the thousands of investors across this province. They met with you that day, sir. A representative of theirs has since met with you.

Mr. Minister, I believe the only response they've seen from your government since that day is to proceed with a court action. Further, Mr. Minister, I believe this court action can be stopped. You can do what is right; you can do what is just. Will you act today on their concern?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: — The member appears to be answering his own question, Mr. Speaker. We have a strong legal duty indeed to stand behind the legal arguments that are put forward on behalf of all of the people of this province. I believe that we're representing a million people in a legal defence that we must do. And we are indeed protecting the rights of the Saskatchewan citizens by defending what we believe is legally right against 600 people that have a different view.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Speaker, I would remind the minister he should know that we're talking of several of thousands of people who saw life savings lost because the negligence, because of the negligence, sir, of your government.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Speaker, the negligence and the thrust of deregulation of Tory governments here in Regina and Tory governments in Ottawa have brought this about, and now we're faced with the consequences of it.

Mr. Minister, one further supplementary. On July 30, as

you know, on July 30 the offer made by the British Columbia government will run out. That offer is only available to other provinces who have taken remedial steps on behalf of their citizens. Mr. Minister, if you don't act soon, the B.C. money which should come to Saskatchewan investors will not come and they'll be done out.

Mr. Minister, how many ways, how many ways do you intend on hurting these Saskatchewan residents?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: — Mr. Speaker, let's understand something and understand it very, very clearly. I've said this before and I will repeat it today. The average investment by Saskatchewan investors ranged around the 8 or \$9,000 mark; 75 per cent is available to those investors right now, which means that those investors stand to lose between 2 and \$3,000 — hardly a lifetime saving as the member opposite tries to make everybody believe. Hardly a lifetime saving. They are losing 2 to \$3,000 and they are losing that money because they chose to invest at a higher interest rate than would normally be available to the people that invested in other fashions.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Speaker, supplementary. Mr. Minister, you have just said to this House that 2 or \$3,000 is hardly a lifetime of savings. Well, Mr. Minister, it may not be your lifetime savings, but it is for many of the people I represent.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Minister, at relatively small cost to your government, you can do justice. Will you do that, sir?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: — Mr. Speaker, we're doing what we have to do on behalf of the million people that didn't get involved with that form of investment, perhaps a million people that indeed didn't have the \$8,000 to invest in the first place. So when they come along now and they say that 2 or \$3,000 may very well be a lifetime saving, how can they say that when there's a million people that didn't even have the \$8,000 to invest in the first place?

Clearly, 75 per cent of their money has been recovered, or will be recovered, and clearly it's our opinion, on behalf of the taxpayers of this province, that the Government of Alberta, if they want, they are the ones that should protect the investors from Saskatchewan.

Some Hon. Members: Hear, hear!

CFIB Survey of Saskatchewan Small Business

Mr. Lautermilch: — Mr. Speaker, I have a question for the Premier, and it has to do with yet another group of Saskatchewan people who you've fallen out of touch with, the small-business community. Mr. Premier, the

Canadian Federation of Independent Business recently released its national business watch survey. More than 1,200 business people in Saskatchewan were surveyed and I think the results are highly informative.

For instance, fully 82 per cent of these businesses identify the tax burden as the number one problem, and that's an increase of 15.3 per cent over who was identified as having that problem two years ago. It's twelve and a half per cent higher than the national average and it's the highest rate of identification on that problem, with the exception of Newfoundland.

Given these concerns by our business community, I want to know why you've broken every promise you ever made to them about taxation.

Some Hon. Members: Hear, hear!

Hon. Mr. Schmidt: — Well, Mr. Speaker, the member opposite has taken an isolated line from a . . .

The Speaker: — Order, order. The hon. member has been intervening quite consistently, and perhaps he can ask the next question if he's that anxious to participate. However somebody else has and the minister should have the right to answer.

Hon. Mr. Schmidt: — The answer I was giving, Mr. Speaker, was that we have here one line from a survey of 1,200 people in Saskatchewan who have a perception about tax problems. But what you . . .

The Speaker: — I don't like to interrupt the minister again, but we seem to have a simultaneous question and answer period in progress here. Perhaps we can have one at a time. Let us allow the minister to reply.

Hon. Mr. Schmidt: — Well I'll have to be quick about my reply because as soon as I say one sentence, the screaming starts from the other side of the House, Mr. Speaker.

The situation we have here is that the tax situation in Saskatchewan is actually getting better, and that tax-free day was moved ahead this year.

That means that Saskatchewan citizens were taxed free sooner than they were last year and the year before and the year before that — in the last five years, tax-free day has been moving in the positive side in favour of the taxpayers in Saskatchewan — that the business people are protected on their residences, like our other Saskatchewan citizens, by the mortgage protection plan in this province.

The business people have to consider their protection that they get as Saskatchewan citizens, while Canada's tax-free day is a lot later than Saskatchewan. The tax burden therefore, in Saskatchewan is lower than it is across Canada on the Canadian average.

Some Hon. Members: Hear, hear!

Mr. Lautermilch: — I have another question for the same minister. Mr. Minister, let me tell you that it isn't just one

isolated concern. If you took the time to read the report, you'd know just how out of touch you are with the Saskatchewan business men and women.

Some Hon. Members: Hear, hear!

Mr. Lautermilch: — Mr. Minister, let me quote to you one other line out of there: the second greatest problem identified by the Saskatchewan business operators is red tape and bureaucracy created by your government. That figure sits at fifty-six and a half per cent, and that's up sixteen and a half per cent over the two-year survey. And I want to tell you, Mr. Minister, it's above the national average in terms of concern with that issue.

You're constantly talking about how your government is taking bureaucracy off of the backs of the business people, but they know it's not the truth. You don't need Consensus Saskatchewan to tell you that you're the problem. Listen to the business men and women in this province. They know that you're the problem. Why don't you even listen to them, Mr. Minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Schmidt: — Mr. Speaker, not only did I read the report, I met with the federation and listened to their concerns. Taxation is a concern of everyone. But let me say this, that they had greater concerns. They have a great concern that an NDP government, if elected anywhere in Canada, which is not the case now, would put on a payroll tax on small business, taxing small business the way they did in Manitoba for hiring people. A tax on employment - that is what one of their major concerns is.

One of their other major concerns is that the NDP would drive up their cost, increase the bureaucracy, hire back the 4,000 civil servants that we have reduced. They are concerned about NDP waste and mismanagement.

You look at the track record of this government in eliminating regulations, in eliminating workers that were not necessary, redeploying workers. The bureaucracy that you established that wasted money has become efficient. That is the difference.

Some Hon. Members: Hear, hear!

The Speaker: — Order, order. Prince Albert-Duck Lake, the member, would you please come to order. All members come to order.

MINISTERIAL STATEMENTS

New Crown Disclosure Policy

Hon. Mr. Lane: — Thank you, Mr. Speaker. I am pleased to announce today the introduction of a new Crown disclosure policy for the province of Saskatchewan. The purpose of this new policy is to facilitate the provision of uniform full disclosure of the Crown's case to defence counsel. The provision of full disclosure is essential to upholding the right of an accused to know what he or she is facing in court.

This new disclosure policy is the latest step in a series of initiatives that have been implemented by this government since 1984 to ensure an accused right to a trial within a reasonable time in accordance with the Canadian Charter of Rights and Freedoms.

The previous policy on disclosure affirmed the Crown's obligation to provide disclosure to defence counsel. The new policy clearly sets out what information must be disclosed; it also specifically indicates under what circumstances full disclosure may be limited and initiates an internal process to authorize any such limitations.

The government's commitment to upholding the rights of individuals in context with the sound and safe functioning of our society has been clearly demonstrated by improvements we have made to our justice system. These improvements have resulted in Saskatchewan having one of the best records in the country in terms of time to trial. In 85 to 90 per cent of all cases, a person charged with an offence in this province can receive a trial or preliminary hearing date within three months of his or her election and plea.

For criminal matters that are heard at the Queen's Bench level in Regina and Saskatoon, the time from date of election to trial date has been reduced from an average of 15 months to under 7 months. Improvements to the system began with the introduction of electronic recording of court proceedings. This reduced the time required to produce a transcript from six months to within four to six weeks.

Other improvements have included the creation of a trial co-ordinator position in Saskatoon provincial court and the implementation of pre-plea conferences as a forum to provide disclosure. The commitment to an effective justice system is also shared by the judiciary, with the Court of Queen's Bench judges introducing an automated scheduling system as well as pre-trial conferences to narrow issues and expedite trials.

The implementation of the new policy and disclosure will also be accompanied by measures to facilitate disclosure. The use of pre-conferences will be expanded in Saskatoon. The scheduling of cases will be improved to ensure that counsel for the accused can contact an assigned prosecutor to obtain information as quickly as possible. In addition, fax machines have been installed in prosecution offices in Regina, Saskatoon, and Prince Albert to speed the transfer of information.

The initiatives I have announced today along with the measures introduced over the past six years are aimed at ensuring that the time it takes for a matter to go to trial will not be delayed by any inefficiencies in the operation of our justice system. The right of a trial within a reasonable period of time must be upheld as a fundamental principle of our just, democratic society.

Some Hon. Members: Hear, hear!

Mr. Koskie: — Thank you, Mr. Speaker. Mr. Speaker, I just want to make a very few brief comments in respect to this. Certainly what I want to say, that the justice system needs continuous upgrading. We have to continue to

have the public have confidence in the justice system. It's very important. We welcome the introduction of a new Crown disclosure policy. We welcome that improvement. I just say I know that the minister probably is very sincere in what he's doing. I would hope that he's not just paving the way to his future appointment.

So, Mr. Speaker, with those few words, we welcome the introduction.

Some Hon. Members: Hear, hear!

INTRODUCTION OF BILLS

Bill No. 47 — A Bill respecting the Saskatchewan Association of Speech-Language Pathologists and Audiologists

Hon. Mr. McLeod: — Thank you, Mr. Speaker. I move first reading of a Bill respecting the Saskatchewan Association of Speech-Language Pathologists and Audiologists.

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

ORDERS OF THE DAY

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 35 --An Act to amend The Income Tax Act

Hon. Mr. Hepworth: — I am pleased to rise today and move second reading of a Bill to amend The Income Tax Act. As in past years, this Bill introduces both policy measures announced in the budget and a number of technical amendments that have been requested by the federal government as part of our responsibilities under the Canada-Saskatchewan Tax Collection Agreement.

However before getting to the specific comments of this Bill, I would like to make a few comments about what is not in this Bill. Through my pre-budget deliberations I had an opportunity to talk with a great many provincial residents concerning the level of taxation that they had to bear. There were of course a wide range of comments on this topic. However a clear message did emerge. Saskatchewan people had had enough of tax increases.

And their concern over taxes was not specifically directed to the province or the federal government or local governments. They told me that governments should not expect more tax revenue until they can justify the money they are currently receiving. At issue was value for money. Saskatchewan people want governments to improve the way they spend tax dollars before asking for more.

In our recent budget our government has made significant changes to streamline government operations and reduce inefficiency. We rolled back ministers' salaries, we eliminated severance packages for MLAs going to government jobs, we reduced government travel and advertising, we amalgamated four government

departments, and we froze the size of the civil service. But as I stated in my budget, this must only represent a beginning of the process of streamlining government spending. Meaningful reviews must be undertaken to ensure that maximum value is drawn from our financial resources.

This Bill follows my commitment that there will not be any tax increases for 1990. The income tax system will remain unchanged, and to this end my only policy change is the continuation of the tax reduction for new small businesses. Since 1986 this reduction for small business has assisted over 1,300 new corporations starting up operation in the province. It provides an income tax holiday of active business income earned during the first two years of the corporation's existence.

All other amendments in this Bill relate to technical changes in the Act, so that our legislation remains accurate and is consistent with the federal Income Tax Act. Most notable of these amendments is the introduction of direct referencing to the federal Income Tax Act. Many of the existing sections of our Act that deal with collection assessment and enforcement attempt to duplicate the federal Act. This Bill removes those sections that have been duplicated and replaces them with direct references to the federal Act.

This change permits a number of advantages, Mr. Speaker. It removes a necessity to continually revise the provincial Act with changes that we are legally required to make. It permits simpler compliance for practitioners since they have to reference only one Act for administrative matters. And it eliminates confusion amongst taxpayers caused by a continually out-of-date provincial Act.

It therefore gives me great pleasure to move that An Act to amend The Income Tax Act be now read a second time, Mr. Speaker.

Mr. Kowalsky: — Thank you, Mr. Speaker. We will want to take a closer look at the minister's remarks. He seemed to indicate something that was rather contradictory. He talked for some time, Mr. Minister, about moves that his government has made that seemed rather unrelated to this Bill, and then at the same time gave indication that the Bill was mainly housekeeping in terms of . . . that it was provincial amendments that needed to be made to make the income tax provisions for the province of Saskatchewan consistent with that of the federal government. That part we have no difficulty with.

The concerns that I would think should be addressed with respect to any amendments to income tax, Mr. Minister, are something that was addressed in question period this morning, and that is right now the impending federal GST (goods and services tax) is the tax that is the most foreboding in the mind of most people in Saskatchewan and indeed across Canada. We are concerned that the minister is not fulfilling his duty in bringing forth any legislation that would make the impending federal GST tax provision compatible with the provincial sales tax.

Right now, the way things stand, unless legislation is brought forward by this government, the government

would be collecting provincial tax on top of the federal tax which is to be imposed upon us by the federal government come January 1.

Now this government stands to make some money, estimates ranging from 12 million to \$42 million on this — extra money, in addition to that extra revenue that they would be taking from the people of Saskatchewan. There would be a tremendous cost in both time and in money to small-business people who will have to recharge their registers or get new cash registers.

So our concern in that respect is something that I know our Finance critic will want to take a much closer look at, Mr. Speaker, so I would ask on that basis that we adjourn debate on this second reading.

Some Hon. Members: Hear, hear!

Debate adjourned.

(1045)

Bill No. 38 — An Act to amend The Municipal Employees' Superannuation Act

Hon. Mr. Hepworth: — Mr. Speaker, I rise to move second reading of Bill No. 38, An Act to amend The Municipal Employees' Superannuation Act.

The municipal employees' superannuation plan provides pension benefits to municipal employees, school board employees, and designated police officers and fire-fighters. Seven hundred employers and 5,400 employees participate in the plan. A nine-member commission representing major employers and interest groups oversees the plan's operations.

The government has listened to the concerns addressed to the commission by its membership. Interest groups such as the association of school business officials, the rural municipal administrators' association, and the city of Prince Albert employees' pension committee have expressed their needs for improvements in the plan. These groups have worked diligently with the commission to ensure that the plan can afford the improvements being put forward in this legislation.

One of the major objectives of this legislation, Mr. Speaker, is to protect the future of the families of 5,400 employees by enhancing survivor benefits under the plan. Current legislation does not adequately do this. For instance, Mr. Speaker, the current legislation does not provide equal survivor benefits for all plan members, nor does it insure a pay-out of the employee contributions at the date of the member's death together with interest. This legislation will correct these shortcomings.

Under the current legislation, only service with the new pension plan is recognized for the purposes of retirement. The government feels that the long-service employee is not being adequately recognized and has provided for the recognition of former plans' service in this legislation for the purposes of determining eligibility for retirement.

Mr. Speaker, this government wants to ensure that most

employees have the opportunity to plan for reduced income due to retirement. With the approval of this legislation the door will be open for non-permanent employees to participate in this pension plan upon completion of 700 hours of work in each of two consecutive years. Along with permanent employees, these employees will have the opportunity to provide the needs of their family in retirement years and to provide income protection in the case of their death.

The government recognizes that family life-styles are changing in Saskatchewan; the commission has recommended on behalf of its members, recognition of common-law relationships for the purposes of survivor benefits. This legislation, Mr. Speaker, addresses these concerns.

As a result of the efforts of the Municipal Employees' Superannuation Commission, this plan now enjoys a healthy surplus. The government respects the prudent management skills of this independent body and supports the commission's request to adjust the contribution rate for the plan as the need arises while maintaining the principle that employee and employer contributions should always remain equal.

The Municipal Employees' Superannuation Commission is proud of its operations. Even though it publishes an annual report for its employers, the current legislation does not require tabling of this report. The commission now seeks the opportunity to table its annual report in accordance with The Tabling of Documents Act. The commission also seeks other legislative amendments to ensure the continued efficiency of its administration.

Mr. Speaker, I take pleasure in moving the second reading of Bill No. 38, An Act to amend The Municipal Employees' Superannuation Act.

Mr. Kowalsky: — I want to make but a few remarks on this, Mr. Speaker. We have been in contact with the people involved from the municipal employees' superannuation and in all cases they have urged the quick passing of this Bill.

If there was any anxiety on their part at all, it was that it might not get through the House this year — might not be presented this year. So I believe that it does meet the provisions they've been asking for for some time and the members on this side of the House are going to be voting in favour of this legislation.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

Bill No. 42 — An Act respecting the Legal Profession, the Law Foundation and the Law Society of Saskatchewan

Hon. Mr. Lane: — Thank you, Mr. Speaker. This Act will replace the existing legal profession Act. It provides a general updating of the Act, in particular in those provisions respecting elections, by-law making powers, disciplinary and enforcement powers. The benchers now have a clearly delineated list of penalties and requirements that can be imposed upon members guilty of conduct unbecoming.

In addition, there are many new provisions in this Act. For the first time this Act will allow the provincial cabinet to appoint two members of the general public as members of the governing council of the law society, known as the benchers.

The presence of public representation on the benchers has been endorsed by the law society. Public representation on governing councils of other professions has been found by those councils to be very useful in providing a public perspective to their deliberations and decisions.

It is the government's intention that all self-regulatory professions have public representation. A person who makes a complaint to the law society respecting the conduct of a lawyer will have improved rights under this Act. The complainant is given the right to be advised of decisions respecting the progress of the complaint through the discipline process. Where a preliminary decision is made without an investigation that no further action should be taken on a complaint, the complainant may appeal that decision to the benchers. The complainant also has the right to attend discipline hearings.

New powers are given to the benchers to deal with incompetence. Incompetency in standards committee is established; it can investigate a lawyer's competence and make recommendations to the lawyer to assist the lawyer in improving his or her skill and knowledge. Where the incompetence is so serious that it affects the best interest of the public or profession, it can continue to be dealt with through the discipline process.

The penalties which the discipline committee can impose are expanded to take into account the fact that some of these cases they are dealing with are competency-based problems rather than strictly discipline problems.

The charter of rights has enabled the establishment of interprovincial and international law firms in Canada. This Act gives the law society the authority to regulate such firms with regard to their operations in Saskatchewan and to ensure that their lawyers are properly governed especially with respect to liability insurance in the discipline process.

The requirement for lawyers to maintain professional liability insurance is changed from permissive to mandatory. This will not have any affect in practice because the benchers now require all lawyers as a condition of membership to maintain liability insurance.

The Act also deals for the first time with contingency fee agreements. The benchers are given the authority to regulate the form, content, and scope of contingency fee agreements. The Act also specifically gives clients the right to apply to a judge to have the agreement overturned on the basis that it is not fair and reasonable.

Mr. Speaker, I am satisfied that the changes encompassed in this Act will provide better public access to the workings of the law society. This increased public access will allow the people to see that the law society is diligent

in carrying out its duty to regulate lawyers and to protect the public. I am pleased to move second reading of The Legal Profession Act, 1990.

Mr. Koskie: — Thank you, Mr. Speaker. I just want to make a few brief comments. As the minister indicated, this is a new legal professions Act. And also I think there are some welcomed provisions within it as he indicated that in respect to the composition of the benchers, two new ones to be appointed by order in council and they're non-lawyers, which I think is a welcome addition.

It also indicates, as he mentioned, it deals with the discipline powers and it goes to include now the competency of the individual lawyer. I understand that in respect to fines in the old Act have also been raised from 1,000 to \$2,000 and 5,000 for a second offence.

I don't think we're going to have too much problem in respect to supporting the Bill. I do however want to take a look at the minister's comments and to finish the process of consultation that I have undertaken. And therefore I take leave to adjourn debate at this time.

Debate adjourned.

Bill No. 43 — An Act respecting Police Services

Hon. Mr. Lane: — Thank you, Mr. Speaker. I'm pleased to rise to move second reading of The Police Act, 1990. This new Act replaces the existing police Act and introduces measures to ensure effective handling of police complaints and police disciplinary procedures. In addition, it clarifies the roles of the Saskatchewan Police Commission, the local police boards, the chiefs of police, and the Minister of Justice in delivering of policing services in our province.

The proposed legislation will create a new process for dealing with public complaints by establishing the office of complaints investigator. The complaints investigator will be appointed to act in co-operation with the chief of police and local police board in assessing the merit of any public complaint, as well as the process used to deal with the complaint.

The rights of complainants are also enhanced in the proposed Police Act. The complainant will receive progress reports regarding the investigation into his or her complaint every 30 days until such time as the matter is resolved or it proceeds to a hearing. When a hearing is conducted regarding a complaint about the conduct of a police officer, the complainant will have the right to attend the hearing and be represented by legal counsel. This Act will require such hearings to be conducted by an independent hearing officer who is in no way attached to the local police service. The decisions of the hearing officer may subsequently be appealed to the Saskatchewan Police Commission.

The Act also significantly amends the existing discipline process by removing the local board from the hearing process and providing for independent, provincially appointed hearing officers. The Act will provide for the designation of minor and major disciplinary offences and incorporate both formal and informal disciplinary

procedures, which encourage informal resolution and remedial rather than punitive sanctions where the chief determines such an approach to be appropriate.

The legislation also provides for a single appeal from a hearing directly to the Saskatchewan Police Commission in an effort to avoid unnecessary and expensive delays.

Under this legislation the Minister of Justice will continue to be able to order a special inquiry into any policing issue in the province. The Saskatchewan Police Commission and the local boards will also possess the authority to conduct their own inquiries into matters of provincial concern in the case of the commission, or pressing local concern in the case of local boards.

Another change within the new legislation is the clarification of the relationship between the local municipal police board and their chief of police. The chief of police will be responsible for hiring and for initiating the discipline and termination process for the members of the police force under his or her command. The board will be responsible for hiring and for directing the disciplinary process with respect to the chief. The chief serves at the pleasure of the board and may be summarily dismissed for cause. Local police boards will continue to have overall policy-making and budgetary control over the police force and will remain actively involved in the delivery of policing services. It will, however, be the chief of police who will be responsible for day-to-day management of the force and law enforcement with the jurisdiction.

The Saskatchewan Police Commission will be responsible for establishing standards for policing in the province of Saskatchewan and for being the final body of appeal in disciplinary and dismissal matters. The commission's authority to audit and monitor police forces throughout Saskatchewan will be enhanced under the new legislation. And the Saskatchewan Police College will continue to be within the responsibility of the commission.

Also provided under The Police Act is the informal inclusion of the Saskatchewan Federation of Police Officers in the consultation process prior to the creation of new regulations pursuant to this Act. As is currently the case with police boards, the commission will now inform the Saskatchewan Federation of Police Officers of any proposed change to the regulations to provide them an opportunity to make representation with respect to the change. It is police officers who are most affected by any such new regulations, and I believe it is entirely appropriate that their input be statutorily ensured.

Another important initiative in this Act are the provisions allowing for regional policing. Small urban communities in close proximity have for some time requested that they be given the option of combining their scarce resources to create a regional police service for two or more centres. This is seen as a more effective use of limited resources in small communities. These regional police forces will be subject to all the provisions of the Act to ensure conformity with existing provincial standards for policing.

The Police Act, 1990 will also include a requirement for mandatory members-at-large on all local police forces. Several requests were received for this amendment, and it is seen by this government as important in providing an ongoing link between policing services and the community as a whole. All major municipalities in Saskatchewan with a municipal force already included some members-at-large and they have provided a valuable contribution to board activities.

Finally in response to concerns raised both within the police community and by the general public, the qualifications for provincially appointed independent hearing officers have been expressly set out in this Act to parallel those currently required for a provincial court judge. This amendment will ensure that desired high quality for candidates for these important positions will be met.

Mr. Speaker, we're indeed fortunate in our province that the professionalism, management and ongoing accountability of our police services have rightly earned a very high degree of public confidence. With this Act we seek to enhance this public confidence by recognizing and balancing the legitimate needs of the public, individual police officers, and the management and adjudicative bodies which are responsible for policing in our province. With these changes, justice will not only continue to be done but will continue to be seen to be done by all the people in Saskatchewan.

I move second reading of An Act respecting Police Services and certain consequential amendments resulting from the enactment of this legislation.

(1100)

Mr. Koskie: — Thank you, Mr. Speaker. I want to make just a few comments again in respect to the new Bill that has been introduced: The Police Act. Just as a background, I want to indicate, Mr. Speaker, that last year the essence of this Bill was presented before the legislature and was not passed at that time, and has been reintroduced again during this session. And the problem that I have is that there are a number of amendments to that previous Act that was sent out for consultation with groups across the province that are interested particularly in the provisions of the Act.

And I am advised that a number of groups have not been in possession or consulted in respect to the amendments which are in the Act that is being proposed to be passed. There are a number of groups that are at this time taking a look and reviewing it. It is my understanding that there are a number of concerns, but I want an opportunity to listen to the groups, to get their comments. And therefore I would beg leave at this time to adjourn the debate.

Debate adjourned.

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Economic Diversification and Trade Ordinary Expenditure — Vote 45

Item 1 (continued)

Mr. Koenker: — Yes, I'm wondering if the minister can just introduce any officials from science and technology today?

Hon. Mr. Schmidt: — David Rothwell who heads up the science and technology division in Saskatoon and the total new department's presence in Saskatoon.

Mr. Koenker: — Thank you, Mr. Minister. Mr. Minister, I'd just like to start with some very technical kinds of questions.

First of all, I'm wondering if you would undertake to provide the standard answers that have . . . answers to the standard questions that I've asked the last two or three years pertaining to departmental expenditures. I refer to my request of June 8, 1989 for more detailed information regarding advanced technology development grants, the payee, the project, the program, the amount paid. And I have almost 20 pages here of such information. I can go through it all, but if you'll undertake to provide it as it has been provided in the past, we can get on with other matters.

Hon. Mr. Schmidt: — Well I haven't seen your 20 pages. If you'll send them over, we'll answer as many of the questions as possible.

Mr. Koenker: — Well let's just take this for a start, Mr. Minister. Will you undertake to provide the advanced technology development grants for the last year, indicating the payee, the project, the program, and the amount paid?

Hon. Mr. Schmidt: — We have no problem providing that information.

Mr. Koenker: — How about payments made to the Receiver General of Canada, Mr. Minister?

Hon. Mr. Schmidt: — We have no problem with that. It's published in the *Public Accounts*.

Mr. Koenker: — Mr. Minister, I'd like it itemized though, the way it was itemized last year. I can go on like this. We can play games. I'm talking about contractual services, I'm talking about any differentials in severance pay and stand-by pay, just a global figure there. I'm talking about advertising and printing-related expenses. I'm talking about salaries for departmental staff.

I'm talking about travel. I'm talking about contractual services, grants, and contributions, any payments that still might be made under the expired Canada-Saskatchewan subsidiary agreement. Will you undertake to provide as much of that information as is possible and as has been done in the past? It's a simple undertaking, I think, that has been done in past years. And if you agree to that, we can get on with the show and expedite this process.

Hon. Mr. Schmidt: — Well the answer is yes to the question you have now raised. I said earlier, why don't you just send the questions over and we'll tell you if we can answer them or not. The submission you've just

made, I can agree to.

Mr. Koenker: — Certainly, Mr. Minister, I can give this to a page. And they aren't the questions as such but they're the answers that were supplied in previous years and I think you can take this as a guide-line. With that understanding, we can get on.

Mr. Minister, referring to the estimates for this year for the department, I've noted that on page 30 of the current 1990-91 *Estimates* book, that the total for science and technology divisional funding last year is indicated as being 1.699 million, when a year ago in the *Estimates* book it was indicated as being 1.983 million. And I'm wondering if you can explain why that figure was diminished from last year's *Estimates* book.

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

An Hon. Member: — Mr. Chairman, I'd like permission to introduce some guests.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Meiklejohn: — Thank you, Mr. Deputy Chairman. It gives me a great deal of pleasure today to introduce to you and to other members of the legislature, a group of 35 grade 5 students from Langenburg School.

They're here visiting us today, accompanied by their teachers, Mrs. Mayo and Mrs. Okrainetz; and bus driver, Mrs. Becker. I certainly would like to welcome the students and their teachers and bus driver this morning on behalf of the MLA for Saltcoats, and will look forward to meeting with you after. If you have questions, I'd be happy to answer them.

I hope your visit here to Regina is enjoyable, and we'll wish you a safe trip home and a very good summer.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Economic Diversification and Trade Ordinary Expenditure — Vote 45

Item 1 (continued)

Hon. Mr. Schmidt: — With respect to your question on Economic Diversification and Trade estimates, the decrease this year, you'll notice in the budget there are two asterisks, and then the explanation at the bottom of the page says that:

The 1990-91 subvote structure of the vote Economic Diversification and Trade has been altered to reflect certain changes in the organization. The 1989(-90) estimates have been reallocated on a comparative basis to the subvote (for 1990-91).

And because of the consolidation of the department,

there are certain economies involved in having the department part of the large Department of Economic Diversification and Trade. Some of this is reflected in savings. Some of it is reflected in allocations to other subvotes in other parts of the department estimates — for example, space rental from the Saskatchewan Property Management Corporation. Some of it is reduction because there is not a separate minister or a separate portfolio there.

Mr. Koenker: — Mr. Minister, can you give me the . . . is there any payment to the property management corporation included in this year's estimate figure of 1.8 million?

Hon. Mr. Schmidt: — Included in the subvote 5 is the expenses of computer rentals and CVA (central vehicle agency) vehicles, but not included are the rental costs of the Saskatchewan Property Management Corporation, which are included in the general rental vote.

Mr. Koenker: — Thank you, Mr. Minister. And what would the apportionment be from the general vote for the property management corporation, item 9, what would the apportionment be for science and technology this year?

Hon. Mr. Schmidt: — Mr. Chairman, we don't break it down with respect to divisions. It is included in the total of subvote 9. We don't have a breakdown of the rental costs for each division or each particular room or location of the department.

It's a global figure of \$3.954 million that's included in there. Part of the decreases, as I explained earlier, this department is a consolidation of four ministries into one ministry and there's some saving in having one minister, or one and an associate, as compared to four ministers.

Mr. Koenker: — Well, Mr. Minister, that's a very convenient answer. We're talking about a quarter of a million dollars or more that the department has paid to the property management corporation in the past. I'll accept it at face value. I don't believe you though when you say that you don't have it broken down. I don't expect you to have every room broken down, but certainly when you have a division, you have to have those figures for the property management corporation.

Be that as it may, you've indicated that in item 5, the \$1.8 million for the division of science and technology, a portion of that goes to the property management corporation for computer services and CVA. Would you please explain what that figure is for this year?

Hon. Mr. Schmidt: — We'll send that figure to you in that detailed question information that you asked for earlier.

(1115)

Mr. Koenker: — Thank you, Mr. Minister, that would be very helpful.

Mr. Minister, I'd now like to turn to another matter of expenditure within the department and this concerns the questioning that we had earlier this year regarding the

centres of excellence program at the University of Saskatchewan. I'm wondering where the funds that you have allocated for that program are found in this year's estimates.

And I do want to say at this point that I commend you for your willingness to honour the commitment made to the centres of excellence. I think it's very important to the university community and I'm very pleased that you've recognized that. It's also vitally important to the province as well. I think you've done the right thing. I'd just like to know where the money for that will be coming from.

Hon. Mr. Schmidt: — Mr. Chairman, the money will come out of subvote 1, advanced technology development programs, total \$3.2 million, and the money will come out of that vote.

Mr. Koenker: — I take it that you really mean item 1, subvote 1, the \$3 million rather than the \$3.2 million, and on that basis I am thankful for your answer.

Just very briefly, Mr. Minister, still related to this question, has that money been released to the University of Saskatchewan at the present time?

Hon. Mr. Schmidt: — At present it has not been released; the paperwork is being completed to take it to the next cabinet meeting next week.

Mr. Koenker: — And, Mr. Minister, at this time what is the proposal for the release of the money to the university. Will that be done on a one-shot basis, or do you envision it being done a quarterly basis or on a monthly basis?

Hon. Mr. Schmidt: — Mr. Chairman, the university will be submitting their work program and their invoices to the government and they will be paid as the work is completed.

Mr. Koenker: — Thank you, Mr. Minister. Mr. Minister, I'd like to stick for a moment with departmental funding — what was departmental funding and now is divisional funding — and ask you whether it's of any concern that that funding has been decreasing over the last three and four years. Is that of any concern to you.

Hon. Mr. Schmidt: — Mr. Chairman, the expenditure shown is \$3 million. However, there is an additional \$300,000 that will come from the Environmental Protection Fund for environmental-based projects. So the actual expenditure will be \$3.3 million; 1 million is shown here.

Yes, there was a decrease in the past. We had agreements with the federal government under the urban regional development agreement, and federal government has reduced expenditures in that area. However, this year we anticipate the overall expenditure levels will be up with respect to the federal involvement, and research and development should be up to 29.8 million in the province.

Mr. Koenker: — Mr. Minister, you didn't answer my question. I asked you very clearly, about departmental, divisional funding. I was very, very clear about that. And

you choose to talk about the advanced technology development programs in the Economic Diversification and (Development) Investment Fund.

You want to talk about that. I'll ask the same question there. Are you concerned about the decrease in funding for advanced technology development grants? You claim that funding is increasing, based on an extra \$300,000 coming in from the Environmental Protection Fund.

The fact of the matter is that in your own departmental Economic Diversification and Investment Fund, there is no mention of that \$300,000. You have \$3 million there. And I will point out to you, Mr. Minister, that last year the allocation for the advanced technology development program was \$3.2 million, not \$3 million. The year before that, it was \$3.5 million. The year before that, it had been cut down to \$3 million; the year before that, '86-87, it was at \$4 million, as it was in '85-86 at \$4 million. In '84-85, it was at \$5 million, and in '83-84 it was also at \$5 million.

So what we have, Mr. Minister, contrary to what you assert, is not an increase in funding for advanced technology development programs, but a very clear trajectory of decrease.

Point no. 2 with respect to the advanced technology development program, you, . . . I'll correct that — I won't say it about you. But I will say it about your predecessors. Your predecessors in the old department of science and technology have a proven track record of allocating money for advanced technology development programs and consistently underspending.

Let me take the first year that that fund was in existence, at that point under the old Heritage Fund. Five million dollars, as I said, was allocated for advanced technology development grants. And do you know how much was spent? I think the public needs to hear this — one tenth of that amount. A half a million dollars, when you had estimated and announced and gotten all kinds of political mileage out of proclaiming you would spend \$5 million. Well, fair enough. It's the first year of the program.

The second year of the program however, there still are not good . . . not a good sign for the public. In '84-85 you announced again another \$5 million which is fair enough. Maybe things didn't get off the ground as quickly as you thought the first year. What do you spend? Not even a third of that amount. You spend \$1.4 million.

The third year of your spending for advanced technology development programs the truth really begins to show. You cut the fund from \$5 million down to \$4 million. You can't even hold to that estimate of spending. You revised the estimate downward to \$3.3 million during the course of the year, and still you underspend even that estimate by half a million dollars. In total you're underspent more than \$1.2 million from your original estimate that year.

So the fourth year of the program you come in at \$4 million, and it's an election year and guess what happens. You spend almost all of the fund. You spend \$3.6 million of a \$4 million fund. Now we're talking. Now we're rolling. Finally you're spending what you're allocating to

high technology in the province.

The election is over however the next year, and what happens? Smoke and mirrors begin to appear with this funding. In the spring of 1987, as people will well remember here in Saskatchewan, there's hacking and slashing of social programs and education and health care, the dental program, and the prescription drug program. And the very same happens with advanced technology — \$3 million budgeted, estimated to be spent on scientific activity in the province. And about two-thirds of that actually gets spent that year — \$2.2 million. Underspent again.

The next year what happens? You say you're going to spend more — \$3.5 million for advanced technology development grants. And you actually underspend by even more than you did the previous year. You almost double your underspending to \$1.3 million. And the next year, last year, you cut it from \$3.5 million to \$3.2 million. And this year you cut it again.

And so, Mr. Minister, what we have here and what the public as taxpayers and what the industrial community and the university community and the research community need to see and to know is that you and your government have a consistent trajectory of underspending your own estimates in advanced technology development. And not only that, but playing politics with it for election purposes. And what we have, Mr. Minister, is a shrinking estimate. Not a shrinking estimate, a shrinking empire when it comes to your commitment to science and technology.

So you want to talk about the advanced technology development fund when I ask you a question about departmental funding. I'll talk to you about the advanced technology development fund, and I'll tell you and I'll tell the public of Saskatchewan that you are consistently cutting, cutting, cutting your spending for research and development in this province from the very inception of the department itself. And now, lo and behold, we don't even have a department; we have a division within this monolithic department that you are minister for. So I'd like to know what you have to say about that. And then maybe I'll ask you the question I originally asked you about the divisional funding.

Hon. Mr. Schmidt: — Well the television is a key factor. People tend to play to the audience. I don't really think there is an audience this morning. What I'm going to say is very basic and elementary, Mr. Chairman, and that is that the annual budget expenditures are proposed expenditures for the forthcoming year.

There is every year an overexpenditure at Health. In fact, Health takes up so much of the spending of this particular government that there usually isn't enough to go around for the other departments. So after Health and Education and Social Services take out their spending — and Health and Education are usually overspent — there simply isn't enough money to go around to pay the bills.

So do you want to pay the health care bills or do you want to raise expenditure on research? Those are the choices we have. And we have chosen to pay the health bills first

and the education bills first, and then scratch up as much as we can for research.

Mr. Koenker: — Mr. Minister, that is patent nonsense. That's absolute nonsense. You had \$5 million for GigaText. And that didn't go to health care and that didn't go to education. You had \$1 million . . . \$1.125 million in tax concessions for Joytec and more than that for Supercart under Science and Technology spending, which was wasted and squandered.

And what you neglect to mention, very conveniently, Mr. Minister, is that your government spending doesn't just go to health and education. No, no, no, not at all. Your government spending, the third largest expenditure by this provincial government after health and education, the public need to know, is a half a billion dollars a year just to pay the interest on the provincial deficit. That's \$1.3 million-plus each and every day.

And, Mr. Minister, I say that is why you can't spend money on advanced technology development in this province, because you have mortgaged the future of this province by your fiscal mismanagement and your inheritance of debt that you have projected onto the taxpayers and onto their children for years to come.

(1130)

And that is why you have no credibility when it comes to research and development in this province and why the facts, as I've outlined them, regarding advanced technology development grants, speak for themselves. That's why, Mr. Minister, nobody believes you. Because you aren't just playing games with research and development and fiddle-faddle with the figures there in what you estimate; you're also playing larger political games when you say that the money goes for health and education. Your priorities are wrong, and why don't you be honest about it? At least people would respect you for your honesty if not for your management.

I'd like to turn now, Mr. Minister, to the departmental and divisional funding where we see the same story, okay? Just in case you can't follow what I'm talking about, I'm talking about page 30 in the current *Estimates* book, item 5, the division of science and technology funding at \$1.8 million for this year.

And I want to know, Mr. Minister, the question I asked earlier: are you not concerned that this too is part of the shrinking empire when it comes to science and technology in this province, where for the last three or four years we've seen a clear downgrading or diminishing, not just of advanced technology development grants, but also of departmental funding as well?

Hon. Mr. Schmidt: — Mr. Chairman, the province can't afford to sustain any empires. And if I'm accused of tearing down an empire, then I take that criticism happily. But what we really are doing is running the division as efficiently as possible. And Mr. Rothwell is in Saskatoon and is doing that. And if he can manage to run it efficiently and save some money, I believe that's a credit to the taxpayers, a credit to the government, and a credit to Mr.

Rothwell who's been put in charge of that particular area. In addition he's also covering other elements of a department in Saskatoon. And so while you wanted a smaller cabinet and more efficiency, you've now got it and shouldn't be complaining about it.

When we were elected there were 60 firms with 200 employees involved in advanced technology in Saskatchewan. There are now 200 firms with three and a half thousand employees. I would submit that is quite good progress in a mere eight and a half years.

So sometimes you don't just have to pour cash on something. Sometimes you have to manage it well, use your head, use common sense, and you can achieve results without slopping out money everywhere.

Mr. Koenker: — Mr. Minister, you talk about slopping out money everywhere. I want to ask you then why your Premier, why your Premier on Friday, October 10, 1986, during the last provincial election campaign, did just that — talked about slopping out money for struggling high-tech firms and promised \$50 million over five years for so-called struggling high-tech firms. Mr. Minister, why did your Premier talk about slopping out money, as you say, in that kind of fashion on October 10, 1986? It was a Friday and it was in Saskatoon.

Hon. Mr. Schmidt: — Mr. Chairman, research goes on everywhere, not just through this department. And the Premier was justified in what he said and has more than delivered. Economic Diversification and Investment Fund last year alone was \$41 million. The Agriculture Development Fund has since that time spent \$130 million on research and development. Science and technology has spent about \$12 million. Saskatchewan Research Council has spent about 27 to \$28 million. Provincial departments have their own research and development expenditures of approximately 18 million annually, or about \$50 million. And Ag-West Biotech has received \$9 million over five years for special research matters.

These are a lot of dollars and this is way over the \$50 million that the Premier mentioned, but I mean there is a limit to how much we can spend.

So I think you should be really considering the total expenditure here and you should be talking about how much can the taxpayers afford in this area. And that's why we've had to re-examine from time to time how much we can spend on research and development.

Mr. Koenker: — Mr. Minister, you say that that's a lot of money. You recite all sorts of figures as to your government's expenditures, but nobody believes you. Nobody believes you, Mr. Minister.

And your Premier, when I questioned him again a year later on October 19, 1987 about the promise he had made about high-technology development grants for struggling Saskatchewan firms . . . And incidentally, he didn't talk about funding research at the university and he didn't talk about the Agriculture Development Fund and he didn't talk about the industrial incentives programs and all these other things that you've talked about. He

didn't talk about the Saskatchewan Research Council. When he made that promise, he talked about \$50 million over five years for struggling Saskatchewan high-tech firms.

And when I asked him a year later, on October 19, 1987 about this during question period, he said, and I'll quote you this, Mr. Minister:

I promised in the next five years that we would have a program in this province that encourages high-tech development (and) that we would rank among the best in the country, and that we would spend up to \$10 million . . . over a five-year program. I promised that, Mr. Speaker.

This is the Premier speaking, I say parenthetically.

All I (can) say to the hon. member: you watch — you watch us deliver on a five-year program in high technology . . .

Now, Mr. Minister, everyone in the scientific community in Saskatchewan and the R&D (research and development) community in Saskatchewan has watched these last two years, just as the Premier has said. And they've watched a diminution of the department to a division, and they've watched almost a halving of the advanced technology development grants, and they've watched the elimination of the ERDA (Economic and Regional Development Agreement) program with the federal government for advanced technology development expire and eclipse without a word of protest from your predecessors; \$33.5 million under that ERDA program - poof, gone! And not a word of protest from the Premier who says to watch for a five-year program in this province that encourages high-tech developments.

And people are watching. They watched the Saskatchewan Research Council budget get cut. They watch for the Premier and they wait for the Premier to develop a program and they see what his program is, Mr. Minister: the elimination and withdrawal of support for research and development for the technical community in this province.

And I want to know, as minister responsible for this division now, whether you have any plans at all on the book to put together a new plan for advanced technology development in this province, or whether you're going along with the old plan that the Premier talked about when he made the promise for \$50 million over five years.

Hon. Mr. Schmidt: — Well let me say, Mr. Chairman, that as I pointed out earlier, the member makes the same argument over and over again and I think probably I should just give him the same answer over and over again, and that is that when we were elected, 60 firms employed 200 people in advanced technology. Now 200 firms employ three and a half thousand people. That is considerable progress.

We will target research money towards firms that can apply their research and create jobs in Saskatchewan. Most of those jobs are in Saskatoon, in the constituency of

the member asking the questions. His area has benefitted considerably and we will continue to do that.

Mr. Koenker: — Again you're spouting nonsense, Mr. Minister. You're spouting utter nonsense. I want to know, Mr. Minister, what plans your government has to protect taxpayers' interest and to secure the \$1.125 million that are owed Saskatchewan taxpayers by Joytec. You're also minister responsible for venture capital. What are your plans to recover that Joytec money for the provincial taxpayers?

Hon. Mr. Schmidt: — The member has already indicated as in the case of GigaText or Joytec that research and development is a risky business. We make grants for research and development. If possible, if the process, the research doesn't pan out we try to recover what is possible. But when the government is putting money into grants for research and development we do not anticipate that everything will be successful nor do we anticipate that we will be able to recover all of the costs of having given grants to the unsuccessful ventures. We don't ask the successful ventures to return their research money, so it's difficult to collect from the unsuccessful ones.

Mr. Koenker: — I can appreciate that, Mr. Minister. That's not what I asked though. I asked what plans do you currently have to undertake to secure a return on that Joytec venture capital allocation that your government made. What plans do you have? What are you doing to protect taxpayers' interest and to try to secure that money? What's your plan? What are you doing?

Hon. Mr. Schmidt: — Pursuant to the agreement under which that money was given for research and pursuant to the law in Saskatchewan, that company has until March, 1991 to re-establish an eligible investment in Saskatchewan. If they don't do that by March, 1991 they will be deregistered, and recovery action will be initiated against its assets. According to the law now, we can't move in on them until March, 1991 which is about eight months from now.

Mr. Koenker: — Mr. Minister, do you know anything about the financial status at all of either Joytec Ltd. or Technigen corporation?

Hon. Mr. Schmidt: — Well, Mr. Chairman, we can't have the detailed financial status of all companies.

I would say this, that we are not impressed that they have moved their operations to British Columbia, which is contrary to the agreement with us. But the agreement and the law in Saskatchewan gives them until March, 1991 to re-establish eligible investment in Saskatchewan, and I have to follow the law as it exists. I can't change the law because of one company.

So we are not aware of their total financial status. We are not satisfied with their move to British Columbia. We will take all legal measures to recover money, if possible.

As I indicated earlier, some of these ventures fail because research and development is risky. That was the situation with GigaText and that is the situation with Joytec, but it's certainly not the situation with the 200 other firms that are

in Saskatchewan employing three and a half thousand employees. And we could, you know, provide a list of those 200 and the successes there.

So you have to be realistic that there is bad that comes with the good. The good here is about 98 per cent; the bad is 2 per cent; that's a fairly good ratio.

(1145)

Mr. Koenker: — Well, Mr. Minister, it's a little bit disappointing to hear that you can't even follow the financial affairs of a company that owes the people of Saskatchewan \$1.125 million in venture tax credits. I don't expect you to follow the financial affairs of every company; no one expects you to do that. But the least the taxpayers could ask of you is that you might give some scrutiny or consideration to the affairs of companies that owe the province money, and that are rapidly coming to the point where that money is going to be due. You can't be bothered with that kind of detail, with that kind of service or ministry on behalf of Saskatchewan taxpayers.

But, Mr. Minister, I can tell today that I have in front of me the most recent financial statement for Technigen Corporation which is the parent of Joytec, and you might be interested to know that their current deficit for the period ended March 31, 1990, is \$8.1 million.

So what we have, Mr. Minister, is a case of you people giving money to a firm like Joytec, one of the principals of whom was the president of the PC Constituency Association for the minister of science and technology, another principal of whom was a campaign manager, a business manager for Bob Andrew in the Kindersley constituency, and other such individuals closely connected to the PC party. And you can't be bothered with investigating their financial affairs. And it's no wonder you don't know the Technigen Corporation, the parent, is \$8.1 million in debt.

Now, Mr. Minister, what are going to do about that? Given this information, does that concern you at all, that the taxpayers interests in Joytec might be at very great risk? Does that concern you at all?

Hon. Mr. Schmidt: — Of course we are concerned about Joytec. We would like it to be successful. Joytec did spend \$6 million in Saskatchewan and hired . . . had employment of between 9 and 30 people between 1984 and 1989. We have received back in taxes and in benefits the sum equal to or very nearly equal to the original amount of grant money for research and development. I've admitted that Joytec has not been a resounding success.

You're inaccurate in your political assessments of the operators of Joytec. I had nothing to do with it at the time so I can't give you complete details, but your assessment of where they are politically, I can tell you that one of the people you referred to writes me nasty letters because of the shabby treatment that we are giving that individual and so I wouldn't list him too high with our Tory friends if he's writing me nasty letters.

So I think you're making a scurrilous allegation here. We

will agree that Joytec has not been a resounding success and we are not happy with its move to British Columbia, that we will take legal measures that are available to us to recover whatever tax credits can be recovered.

But we will continue to invest taxpayers' money in new research and development projects, some of which will pay large dividends and some of which will be fodder for the opposition. But those are the risks you have to take when you're government. You have to be prepared to use your best judgement and try to sponsor applied research that will lead to profits in the future. And there are certain risks in being government. There are risks in high tech. And those are the risks we have to take from time to time.

You will note that in Ontario there is now a concern about \$26 million being invested by the provincial government and shareholders and the federal government in plastic engine technology. And I'm disappointed that that failed, but I'm very pleased that it failed in Ontario. So that these things happen from time to time. And Ontario goes on with other ventures and has been very successful over the long haul.

Mr. Koenker: — Mr. Minister, I'll ask you once again: what are you prepared to do now in light of the fact that Joytec and its parent company, Technigen, is in the red, has a present deficit at at least \$8.1 million? Will you today undertake any measures or any steps to protect taxpayers' interests in this matter and to begin to walk down the road to next March 31 and to at least ensure that you have annual statements, such as I have on this corporation, so that you might be prepared to deal with the situation when their time period is elapsed with respect to the venture capital regulations. Will you undertake to do that minimal amount of work to protect the taxpayers' interests?

Hon. Mr. Schmidt: — We will do everything possible, Mr. Chairman.

Mr. Koenker: — Mr. Minister, I must say that it was your Premier who at the opening of the Supercart operation, again during the 1986 provincial election, called it "a perfect example" of Saskatchewan's open-for-business philosophy helping to diversify the economy.

And this is the concern of Saskatchewan people, namely that you people have no business sense when it comes to protecting the public interest in venture capital operations, for example, such as Joytec and Supercart.

And what kinds of provisions do you presently have in place to scrutinize and tighten up the allocation of funds to corporations to ensure that the public doesn't get bilked as they were bilked with Joytec and Supercart when you gave money out for advanced technology development?

Hon. Mr. Schmidt: — As I indicated earlier, there always will be failures. Where's the box factory that Tommy Douglas started? Where's the tannery that Tommy Douglas started, not by giving research money but by giving the taxpayers' money directly to their socialist friends to run businesses they didn't understand. Where's the brick factory? Where's the Nabu computer caper that

you ran in the '70s that Blakeney and your leader ran there? Where's PAPCO (Prince Albert Pulp Company) with its \$91,000 per day loss? We can compare failures, and your failures are megafailures.

Let the Leader of the Opposition get into this if he believes that you are on the right track here, and let him explain those megafailures that he was involved in.

So let us just agree that from time to time the best plans of free marketers and socialists will not pan out, and from time to time there will be failures. You have to go on into the future and try your best on the new projects that will work.

Mr. Koenker: — Let's move from ancient history, Mr. Minister, talking about failures, to more recent history, and promises that your government has made with respect to science and technology in this province. Where, Mr. Minister, for example, is the study of the greenhouse effect that was announced in your government's 1989-90 budget more than a year ago?

Hon. Mr. Schmidt: — Mr. Chairman, scientific studies take time. Sometimes it takes a while and some patience to have the results. There is a world-wide study going on on the greenhouse effect. We are doing our share. And the greenhouse effect has been with us for a while. It will be studied for a considerable period of time, and we will take such measures as we can, as we are already with respect to the greenhouse effect.

And we are installing state-of-the-art equipment at Shand to eliminate 95 per cent of the acid rain. And we are going to study, and you will see in the near future, energy options for the future which will take into account what contribution Saskatchewan would make to the greenhouse effect in the future.

So these are not things that can be debated and finalized today; they will require further research. And that's being done.

Mr. Koenker: — Mr. Minister, who in your government is responsible for the study into the greenhouse effect that was announced a year ago and still has not commenced? Who is responsible ministerially for that study?

Hon. Mr. Schmidt: — To the best of my knowledge, the Saskatchewan Research Council is working on the greenhouse effect study.

Mr. Koenker: — Well, Mr. Minister, you didn't answer my question. Which minister is directly responsible for that?

Hon. Mr. Schmidt: — This portfolio is not responsible for the Saskatchewan Research Council. My best recollection, because we've had some change of personnel, is that the Minister of Energy and Mines would be responsible for the Saskatchewan Research Council.

Mr. Koenker: — Thank you, Mr. Minister. I must say that when I questioned the minister for the Saskatchewan Research Council that was not his answer. I think what it shows is that you people don't know what you're doing.

And it only confirms that it's not an accident that there is no initiation of the study into the greenhouse effect to this very day, more than a year after it was announced by your government in its budget speech.

Let's turn now, Mr. Minister, to another item that was announced in your government's challenges and opportunities document which was tabled along with the budget back in March of last year. And I quote from that document:

At the present time, laboratory capacity for a full range of water sample testing and trace organics analysis does not exist in the Province. In this Budget monies have been set aside for a study on the feasibility of an Environmental Trace Organics Laboratory for the Province.

Mr. Minister, as minister responsible for science and technology, can you tell me whether this study has been undertaken? And secondly, if it has been undertaken, what were the results of it?

Hon. Mr. Schmidt: — Mr. Chairman, the study is planned. That responsibility would fall under the Saskatchewan Research Council. Let me caution the member opposite and all the members of the Assembly that traces are not necessarily dangerous substances. And it's a question of what you test.

I've been reading recently in this particular area that we have to start rethinking on what is dangerous and what isn't. Any time you bring in a new product, it has to be tested. But if you test existing products, existing foods, you will find toxins in all of our foods, natural toxins. That is why our foods . . . they're natural defences from being eaten and so you have natural toxins. And if you do analysis of things like celery and other common vegetables, you will find traces of toxins in them, even if they were grown in a completely chemical-free environment.

So the discussion of traces is an emotional term, but I caution all the members to think clearly on all of the evidence before they get too concerned about traces of things in their food or their environment.

(1200)

Mr. Koenker: — Mr. Minister, you're talking through your hat. I asked you a question about your government's announced plans for an environmental trace organics laboratory for the province. As minister responsible for science and technology, do you personally know anything about the plans for that laboratory?

Hon. Mr. Schmidt: — Mr. Chairman, I answered the question.

Mr. Koenker: — Mr. Minister, I'm sorry, but I didn't hear your answer. Would you please repeat it. Do you know anything, as minister responsible for science and technology, about your government's plans to study the feasibility of an environmental trace organics laboratory for the province, as announced last year in the budget. I'm sorry I didn't hear your answer. Do you know anything

about it?

Hon. Mr. Schmidt: — The answer was and still is that the research is being planned. It will be handled through the Saskatchewan Research Council.

Mr. Koenker: — Mr. Minister, another example of your government not knowing what it's doing.

I'll ask you, Mr. Minister, do you know anything about the Toxicology Research Centre at the University of Saskatchewan and funding allocation for that centre, as part of your ministerial responsibility for science and technology. Who in the Government of Saskatchewan is directly responsible for funding allocations to the Toxicology Research Centre? And do you as minister have science and technology . . . have any hand in decisions that are made for that centre?

Hon. Mr. Schmidt: — Mr. Chairman, the best information we have is that the toxicology lab has not directly asked the province for money. They're making application to the federal government. The consideration of giving money to that particular toxicology lab would be spread across Health, Environment. And science and technology could consider the application if we were to receive one.

Mr. Koenker: — Mr. Minister, given the fact that the province presently spends some \$300,000 for dioxin analysis alone — this is a trace environmental laboratory kind of consideration — and given the fact that the toxicology centre at the University of Saskatchewan could do precisely that kind of work if it secured proper funding from your government, are you as minister of science and technology at all prepared to get involved in negotiations with the minister responsible for the Saskatchewan Research Council, with the Minister of the Environment to ensure that some of this scientific and technological infrastructure for the province is put in place?

I note parenthetically that funding for the toxicology centre has been frozen for the last 10 years in spite of inflation. And last year you people promised an extra \$100,000 for the centre in your budget, and it took until literally within days of this year's budget being tabled in this legislature, literally within days, almost a full year, for that extra funding — one-time funding we now find out that this year's budget was tabled — it took an extra year for that money to come forth. And now it isn't there again this year.

But I ask you: are you, as minister responsible, prepared to step in and co-ordinate efforts between the minister responsible for the Saskatchewan Research Council and the Minister of the Environment to ensure that there is a scientific and technological infrastructure being built up within this province? Or are you too busy with immigrant investment funds?

Hon. Mr. Schmidt: — Mr. Chairman, let me explain that proper funding really means money out of the taxpayers' pockets, so we can't separate that. Are we prepared to put more money out of the taxpayers' pockets into toxicology research? The answer is yes, we are prepared to consider that.

The lead on this consideration is in the hands of the Environment department. They have a representative looking into the matter. We are prepared to look into it further. So some money may go out of the taxpayers' pocket into further toxicology research.

Mr. Koenker: — Well, Mr. Minister, as I said, right now \$300,000 a year is going to out-of-province organizations or centres to do dioxin testing alone in the province. So if you were to investigate and co-ordinate, as minister of science and technology, the creation of an infrastructure here in the province, you might actually end up saving the taxpayers some money and you might actually create some jobs here in Saskatchewan if you would take a good look at building infrastructure at the toxicology centre right in Saskatoon at the University of Saskatchewan.

That's my point. And I urge you to do that. I think you'd be applauded for doing that, not only by the people at the toxicology centre and people at the university, but by taxpayers because it would be good stewardship of taxpayers' funds.

Mr. Minister, who attended — excuse me, here — who represents the Saskatchewan Advisory Council on Science, Technology, and Innovation? Could you undertake to supply me with a listing of the individuals who presently are on that advisory council? You don't have to do it right now.

Hon. Mr. Schmidt: — Yes, we will. I'll be meeting with them next week.

Mr. Koenker: — Mr. Minister, how many times has the council met in the last year?

Hon. Mr. Schmidt: — They've met approximately six times and they've met with the Premier once in addition to their six meetings.

Mr. Koenker: — Are there any reports that are published or public from those meetings?

Hon. Mr. Schmidt: — No, they don't publish reports. Their duty is to be advisory and they don't have a budget for the preparation of reports.

Mr. Koenker: — Well my understanding, Mr. Minister, was that they were to assist in providing a plan for science and technology in the province. Is that not one of the expressed intentions of having this advisory committee?

Hon. Mr. Schmidt: — The answer is yes, that is their role. There has been a national plan prepared. They are now considering the national plan and their advice with respect to how Saskatchewan can fit into the national plan. They do not have a budget and staff to prepare any lengthy reports.

Mr. Koenker: — So when, Mr. Minister, do you anticipate the unveiling of the Saskatchewan plan for science and technology? All the more urgent, given the fact that the department has been eliminated and that your funding is cut across the board for all areas of programming. When do you anticipate having a new plan for science and

technology in the province?

Hon. Mr. Schmidt: — There are certain things happening. Next week on Tuesday I'm meeting with the western ministers of science and technology. Next week I am meeting with the advisory council. The provinces have been asked to respond to the national plan by September, and when I have met with the advisory council next week, I will be able to better ascertain their planned response and when they will be responding to the national plan.

Mr. Koenker: — Mr. Minister, who attended the national forum of science and technology advisory councils that was held in Edmonton at the end of last month, who from the Saskatchewan Advisory Council on Science, Technology and Innovation attended the national forum in Edmonton?

Hon. Mr. Schmidt: — Mr. Chairman, the people attending were Dr. Steve Acres, Dr. Jack Manns, Jerome Getz, Dr. Bruce Cooke, and Art Maitland from the Labour department.

Mr. Koenker: — Thank you, Mr. Minister. Mr. Minister, would you undertake to provide me with the results of the readers' viewpoint survey that was found in volume 4, no. 1 of *Frontiers* published by the old department of science and technology and was undertaken in March 1989?

Hon. Mr. Schmidt: — The information is publicly available. We don't have it with us today; we'll send it over to you.

Mr. Koenker: — Mr. Minister, what plans do you have to deal with the growing gap in this province's funding for science and technology in terms of gross domestic product?

We all know that the United States spends some 2.9 per cent a year of gross domestic product on science and technology, and that funding has fallen consistently since the Mulroney government was elected federally, and is now at about 1.23 per cent of gross domestic product, down from 1.4 per cent in '85-86; not to mention the fact that Saskatchewan's percentage of gross domestic product two or three years ago was pegged at .9 per cent. What plans do you have to enhance the research and development, the technological capacity of the province?

Hon. Mr. Schmidt: — Mr. Chairman, we'll spend as much as possible. There's a great irony here that the member who was to my knowledge born in the United States, understands the United States reasonably well, would want us to copy the United States when his party is denouncing everything that is done in the United States; his party denounces their health care system, denounces their military spending, and now wants us to copy their research and development. We can't just pick elements of what the United States is doing and say we will copy them exactly.

(1215)

We have to do what we can afford to do in Canada . . . (inaudible interjection) . . . And the members opposite say

we are world class. Yes, if we had more of a market economy as the United States has, we'll probably be able to afford just as much research and development as the United States.

Mr. Koenker: — Mr. Minister, I said nothing about copying the United States. I asked you what your plans were here in Saskatchewan to deal with research and development and the building of a technological infrastructure. It's almost . . . Well I won't say anything more. There is no plan, I guess I have to say that.

Mr. Minister, is your government monitoring, and are you as minister of science and technology or your department or any other department of the Government of Saskatchewan monitoring the operations of the Pinawa research reactor, the nuclear reactor at Pinawa, Manitoba?

Hon. Mr. Schmidt: — The question pertains to a facility in Manitoba which we ordinarily wouldn't monitor. The only involvement that I know of that we have with that facility could be with respect to atomic energy commission of Canada which has been contracted to do research for Focus on Inputs of a Saskatchewan-based, farmer-owned company that is doing research in generic chemicals. And the government has met with them, has given them some support in that research, and they are asking for further support on a pilot plant and we are considering that at this time.

Mr. Koenker: — Mr. Minister, again you don't answer the question. Let me put it this way, Mr. Minister. What is your understanding of your government's commitment to the building of a slowpoke reactor on the University of Saskatchewan campus?

Hon. Mr. Schmidt: — The slowpoke reactor proposed for Saskatoon is a local issue. It would have to meet all environmental requirements. It would have to meet all regulatory requirements. It's a decision to be made between Atomic Energy of Canada and the university and the Saskatoon community, and we really don't know what the results of that will be. But it is not a direct involvement of the province of Saskatchewan in this slowpoke project.

So we will regulate to the extent that we are responsible to regulate. Final decisions will have to be made by those people who are elected to make those decisions.

Mr. Koenker: — Mr. Minister, there seems to be some confusion about the funding for this proposed slowpoke reactor, confusion that emerges within your own cabinet and I refer to material in the press dated January 23, 1990 in the *Star-Phoenix*, an article entitled "Slowpoke funding promised in Berntson letter" which quotes the then deputy premier, member from Souris-Cannington, writing university officials:

To clarify this situation, please be advised that the province is prepared to fund the accelerated redevelopment of parts of the university tunnel system required to accommodate a Slowpoke energy system.

Mr. Minister, is that your understanding of the provincial commitment to funding of slowpoke in Saskatoon, that the province is prepared to fund the accelerated redevelopment of parts of the university tunnel system required to accommodate a slowpoke energy system?

Hon. Mr. Schmidt: — Mr. Chairman, I'm a member of treasury board. I know of no provincial commitment to fund a slowpoke reactor in Saskatoon nor do I know of any commitment to fund the university extra for any costs. The university of course is paid for by the taxpayers of Saskatchewan, either through tuitions, which are about 15 per cent or 85 per cent through the Government of Saskatchewan.

The university would come to us if they have costs of renovating their heating system. We expect there will be costs regardless of which system they choose and we will at that time discuss the costs at the time they make their request. At present, as a member of treasury board, I can tell you there is no commitment to spend additional sums on a slowpoke reactor in Saskatoon. But we will have discussions with the university with respect to replacing and repairing their heating system.

Mr. Koenker: — Mr. Minister, are you considering at all looking at the possibility of options to the slowpoke system at the University of Saskatchewan by way of energy conservation measures or alternative energy proposals at the university?

Hon. Mr. Schmidt: — Well, Mr. Chairman, the university is considering the options they have for heating their university plant. When they make a decision or a recommendation we will consider their recommendation and the cost thereof. I indicated earlier, it'll be a decision that'll have to be made by the university, the Saskatoon community, and AECL (Atomic Energy of Canada Ltd.) Canada with respect to the financial matters.

And we haven't had a proposal for us to consider at this time, nor have we committed any taxpayers' money to that particular proposal.

Mr. Koenker: — Mr. Minister, are you according any priority within your division of science and technology to alternate energy research or conservation technologies. Are you according any particular priority to that kind of project and that kind of funding within your division?

Hon. Mr. Schmidt: — No, energy conservation is within the jurisdiction of the Department of Energy and they have programs with respect to energy conservation and research in that area.

Mr. Koenker: — Well, Mr. Minister, that's a sad commentary on the state of the department of science and technology, that you appear not to be even dealing with it.

Let me ask you this: if alternate energy technologies, conservation technologies are not viewed as part of your purview as responsible for science and technology in this province, is your department placing any priority on recycling technologies in terms of funding initiatives in that area, the technological advances?

Hon. Mr. Schmidt: — I've already indicated that \$300,000 has been set aside from the Environmental Protection Fund and the possibilities . . . the areas that people have expressed interest in using the \$300,000 are technologies which eliminate or reduce emissions within industrial processes. Example, process modifications, waste-stream separation, end-product substitution. There's possibilities in waste reduction, re-use, recycling, and composting. There has been an interest in hazard as a non-hazardous waste management, in drinking water management, in municipal and industrial waste . . . water treatment, in sewage and sludge management, spill clean-up, monitoring and analysing methods and techniques of air quality management. Those are some of the ideas that have come forward.

There is, in addition, a program in this department with respect to community bonds; the Act that has been passed has a provision for environmental bonds. There has already been an announcement of a plant in Swift Current that will be environmentally enhancing to the environment in that it will take the use of plastics out of the food industry. We anticipate there's a large market for that, that community bonds will be involved and possibly environmental bonds will be implemented on that particular project.

So across the government as a whole there is expenditure everywhere for environmental enhancement. This department has set aside money in that regard. And I have listed for you some of the proposals that have been brought forward to us, and we will be picking the most logical and most commercial of those, the ones that have the most potential. And we'll be giving research money to those that have the best chance of success. And I do not guarantee success, but we will make an effort.

Mr. Koenker: — Mr. Minister, has your department, or division now, of science and technology made any representations to the federal government regarding cut-backs to CISTI, which refers to the Canadian Institute of Scientific Technical Information, a division of the National Research Council?

Hon. Mr. Schmidt: — The issue you refer to is essentially a library style of service and we believe that scarce money should be used for applied science, and so we are sympathetic with the federal government's view that money has to be directed at applied science. It would be nice to maintain that library-type service that you refer to, but we have to be selective; so we have made representations to the federal government. They also have a deficit, and we understand that they have to watch carefully their expenditures.

So as long as research is directed towards applied science and application of science in the industry and creation of jobs, we would be satisfied with the federal effort.

Mr. Koenker: — Mr. Minister, this is exactly what CISTI is about. It isn't just a library. And particularly for a province such as Saskatchewan that doesn't have access to large information holdings for its companies, small businesses, relatively small technological infrastructures distanced from Vancouver, Montreal, and Toronto, CISTI is all the more valuable and isn't just a theoretical bookish kind of

library place as you would portray it. It has a very direct impact on places like the Saskatchewan Research Council and the kind of work they do for tech transfer with companies across the province.

And so I urge you to take a second look at that and not sit in the lap of the federal government and simply countenance cut-backs to that kind of program which impact proportionately more directly on a province like Saskatchewan than any others. I'll leave it at that.

Mr. Minister, would you undertake to provide me with, as part of the information we talked about earlier when we began these estimates, a breakdown for expenditures for this year's science and technology week.

Hon. Mr. Schmidt: — Expenditure's about \$100,000 and it involves a lot of different things. We'll send it over to you.

Mr. Koenker: — Thank you, Mr. Minister. Mr. Minister, just very briefly, last year during estimates I asked the minister when there would be a new edition of the tech transfer catalogue. He said at that time it would be in the fall — we still haven't seen it. Do you anticipate publication of a third tech transfer catalogue by the Government of Saskatchewan?

(1230)

Hon. Mr. Schmidt: — Yes, we will be, and we are in the process of establishing a better data base for this particular project. Alberta and British Columbia have established a data base that can be updated continuously so that they can have it properly computerized and always current. We are negotiating with a company that will utilize students to set up this particular data base and we anticipate that they will be in progress soon and that we will have one similar to British Columbia and Alberta.

Mr. Koenker: — Thank you, Mr. Minister. Mr. Minister, I want to conclude by saying that it's a tragedy what your government has done to science and technology in this province. From so much hope when you announced the formation of the department back in your first term of office to what we see now, from so much hype, from such consistent heightening of expectations across the province to what we have now, is a real tragedy, particularly at a time when scientific and technological enterprise could provide the basis for a more sustainable diversified economy that I think you want to provide for the province.

And so I simply close by urging you to reorder some of your priorities. Government is nothing but the making of decisions and the ordering of priorities to protect the public purse and to pursue, for example, the possibility of even yet, at this 12th hour, trying to secure provincial interests with respect to Joytec corporation and the venture capital funds that are owed Saskatchewan people, to act on reinstatement of research and development funding across the province.

And I suppose I close with a plea for you to fight with your caucus colleagues for more adequate educational opportunities for Saskatchewan young people.

Because finally when all is said and done, that's the only way you can build a technological infrastructure and a scientific community and a viable economic enterprise here in Saskatchewan is by having a literate, well-equipped work-force to deal with the complex issues involved in manufacturing and processing and development, so much of which is dependent on science and technology and information processing skills and computer science and the so forth.

And I note in this connection that it's been three years now that the federal government has made Science Culture Canada (program) awards from across the country. And after three years, Saskatchewan has yet to have any organization or project funded under this program, Saskatchewan and P.E.I. alone. And we have almost eight or ten times the population of Prince Edward Island, and we stand alone with no facilitation of projects in this area. And I think that has to do with the demise and the diminution of the department of science and technology.

I also point to you in conclusion the fact that Saskatchewan residents' participation in second degree engineering degrees in Canada is the lowest participation rate in Canada. We simply aren't encouraging our own Saskatchewan young people to go into advanced degrees in engineering. People are studying engineering at the University of Saskatchewan, but they aren't Saskatchewan people, advanced degrees. And people at the University of Saskatchewan tell me that 75 or 80 per cent of graduates from the College of Engineering now have to leave the province in order to find employment.

So I'll conclude by urging you to get your priorities straight, to attempt to be honest with the scientific and technological community. I applaud you, as I said when I began, for your efforts to ensure that funding is available for the centres of excellence program and I think that's a hopeful sign in terms of your stewardship of your new responsibilities for this division. And I hope that you can continue to grow in your appreciation and your championing of scientific and research work in the province. I think you have the capability to do that, maybe in the sense in which some of your predecessors didn't, especially now as you have responsibility for an integrated view of economic development. And go to it. Do what's right. Protect Saskatchewan taxpayers' interests and you'll receive full credit for it. Thank you, Mr. Minister.

Mr. Goulet: — Yes, I would like to ask the minister a few questions in relation to economic development and tourism, what used to be the economic development and tourism branch in northern Saskatchewan.

So I would like to get probably the staff to check on the issue particularly relating to Lou Gach. So if you could get your officials ready for questioning in that area. First of all, my first question relating to Lou Gach, who used to be an employee of the . . . Lou Gach used to be the manager of credit and collections in northern Saskatchewan, but he reported to Bruce Walker who was the manager of the revolving fund, who then also reported to Mr. Hynd.

Now the questions that I want in relation to Lou Gach has to do with his dismissal. We know that Mr. Lou Gach worked for the department approximately 16 years. Out of those 16 years, he was a supervisor of credit and collections for approximately 10 years. Now there was something going on in the department just prior to Christmas and there was a lot of talk going around town in La Ronge as to what was taking place. Now nothing was done for some time until February 1, 1990 when Lou Gach was suspended for a 10 day period without pay on February 1, 1990. So right after the suspension there was again a lot of talk going on around north as to many different types of allegations. Now there was a dismissal then on February 28, 1990.

I would like to know from the minister the reasons why, for the record, the reasons why Mr. Gach was dismissed. And I would also like to know if there was any severance pay or benefits that arose from the dismissal, then I would like to have that on record for the public, Mr. Minister.

Hon. Mr. Schmidt: — Mr. Chairman, Mr. Lou Gach was dismissed for cause on February 28, 1990. I will not give the cause in this public Assembly. If Mr. Gach wishes to take his remedies with respect to the courts or to grievance procedures, then those causes will be taken up at that time. But I have a strict policy of not getting into the details of the cause for which people have been dismissed. I don't think it would do Mr. Gach any good for us to discuss the cause here in the Assembly when he is not present to state his case, nor would it serve the public any benefit, nor would it enhance the professionability of the public civil service to have us drag in the details of their employment record on to the floor of the legislature.

So I will simply say that Mr. Lou Gach was dismissed for cause on February 28, 1990, and if he is aggrieved he could take other remedies. If he doesn't feel aggrieved, then the matter is closed.

Mr. Goulet: — For the record, Mr. Minister, maybe you could speak with your associate deputy that's right beside you, and for the record there was a statement of cause in the letter sent to me. Could you have that read in for the record?

Hon. Mr. Schmidt: — Whatever documentation exists can be considered in other appropriate forums. I will not, as I indicated, go into the details of the cause for the dismissal of this particular employee.

Mr. Goulet: — Since you will not provide me with the details, Mr. Minister, and knowing that you always keep many things in secret and will not disclose information although it not only pertains to the individual at hand but the operation of the department and also because of public interest, I will then proceed with some of the information that I do have at present and ask whether or not these may or may not be accurate.

Number one, there was a connection between Mr. Gach and the account of Clarence Cardinal. Of course Clarence Cardinal is running a post-cutting operation on Hanson Lake Road which was part of the old highway, and he did this operation over there. The first question I

would like to know is what was the proper authority to provide the agreement necessary in the proper legal context with Mr. Clarence Cardinal? That's the first question.

Hon. Mr. Schmidt: — Well this is not a coffee shop for idle gossip. This is a legislature. And I've already indicated to you that matters with respect to the details of dismissal of a particular employee will not be discussed in this Assembly in fairness to the employee, in fairness to other employees, in fairness to their supervisors, and in fairness to the members of this Assembly, and in fairness to any other proceedings which might take place with respect to this dismissal. For that reason, I will not answer your question. I won't even go to the trouble of trying to find the answer.

I advise you to cease and desist from bringing this kind of a discussion to the legislature. There is a proper place for these kind of questions, and it is not in the legislature.

(1245)

Mr. Goulet: — Again, Mr. Minister, a public account like Clarence Cardinal is in the public interest. The reason why I ask questions . . . You're already jumping to the conclusion. You're already jumping to the conclusion, assuming and making the assumption that there is a direct connection between Lou Gach and the account with Clarence Cardinal. You're already trying to hide that fact.

All I'm asking you is: by what authority did you provide the moneys that went to Clarence Cardinal? By what authority did that money go to Clarence Cardinal from the branch?

Hon. Mr. Schmidt: — Mr. Cardinal has a loan pursuant to the Northern Revolving Loan Fund, and he made an ordinary application and received approval under that fund.

For those people who don't understand, the Northern Revolving Loan Fund is a form of a lending bank for northern Saskatchewan. There are no banking facilities in northern Saskatchewan and it is of special assistance to residents of northern Saskatchewan with respect to business and diversification interests.

Mr. Goulet: — So we now know that Cardinal then did get money under legal authority from the department, by the context of your answer.

I would like to then pursue a bit of the background information that I do have in that particular story.

There was a former worker by the name of Anne Lillie, that worked in the department. She had interestingly handled the case for Clarence Cardinal and had complained.

I notice that the staff are laughing about questions that I refer to that are of a public interest nature. And the minister was smiling at the same time. It seems that the minister always smiles when he's trying to cover up secrecy — whether it's GigaText or whether it's the privatization of Cargill or whatever. It's not a funny topic

for the minister to laugh in this legislature when he's using public funds and mismanaging public funds.

Therefore the question, the information that I do have is this: Anne Lillie refused to handle the case with Clarence Cardinal, basically because there was something wrong with that. And she complained to the management at that time but nothing was ever really done.

Rather, when she left the department to work elsewhere, the particular authority that was given to field workers to work with Clarence Cardinal, all of a sudden was not given to another field staff. This particular account was not handled by the field staff after Anne Lillie left. It was now handled by the manager of credit and collectives.

In other words, Mr. Gach was handling the case directly. I want to know why it was that, when there is regular policy and practice of field workers handling the case on particular accounts, why is it that the manager of credit and collectives, the man you fired, why is it that he was handling this particular case?

Hon. Mr. Lane: — Could I have permission to introduce some guests?

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Lane: — Thank you, Mr. Chairman. I'm very pleased to introduce to the Assembly today some 15 grade 4 students from Lumsden, the Lumsden Elementary School, of course. They are accompanied by their teacher, Mrs. Karen Klippenstine; chaperon, Mrs. Sandy Ullrich; and bus driver Mary Lou King.

I would ask all hon. members to join with me in welcoming our special guests from the beautiful community of Lumsden and area, and I look forward to seeing them for a few minutes before 1 o'clock. Please join me in the usual welcome.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Economic Diversification and Trade Ordinary Expenditure — Vote 45

Item 1 (continued)

Hon. Mr. Gerich: — Anne Lillie left the employment of the department and Mr. Lou Gach took over looking after the file and did the work on it.

Mr. Goulet: — My question was: why was a supervisor directly involved when there was already another field worker in that area?

Hon. Mr. Gerich: — Anne Lillie at the time was the field worker and there was no supervisor, so Lou Gach took over the file.

Mr. Goulet: — There was a further complaint in regards

to the situation, and Mr. Strom who also recently left the department, you know, to also work elsewhere, raised issues to the management in relation to this aspect and there was . . . I understand that right in around that period, something strange happened because when questions were being raised, all of a sudden Mr. Strom, whose office was centred in Creighton, was forced to work out of the La Ronge office. He was forced to work out of the La Ronge office part of the time and part of the time in Creighton.

Many of the people in Creighton, Sandy Bay, Pelican, raised their concerns because their worker was already centred in Creighton and now he was forced to work out of La Ronge. Many people don't know the inside story in this regard, but a lot of people thought that there was a connection that it may have been an attempt to squeeze out Mr. Strom. Now that may or may not be true, but there was a lot of suspicions, you know, raised in that regard.

And it so happened that there was a little bit of pressure from the communities, so a lot of the communities wrote to the minister — I myself wrote to the minister — as to why Mr. Strom was going to be forced out of that area. The response later on was that he was indeed going to be still working part time in Creighton and part time in La Ronge. Then later on, right after that when Mr. Strom was going to be leaving, they said you could have your old situation back. But this was only after public pressure. That was only after public pressure.

And also to the fact that there was an interconnection that the management system wasn't properly reacting to certain issues in the area.

Now what I'm seeing here is another strange aspects develop. Right after the Cardinal case, there has been no solid question as to whether or not every aspect of the \$32,000 loan of Cardinal was above board, and whether or not any of the payments were being made to the bills accrued to Mr. Cardinal.

I would like for the record for the minister to tell me what type of bills and by what amounts have been paid by economic development branch on behalf of Cardinal's bills. Could you tell me what payments have been made? And I'll name a few, like Jacobson. And I'll leave it there for the time being to see what kind of information you will provide, to see whether or not there is an openness in regards to the questions I raise.

Hon. Mr. Gerich: — Yes, on the first question regarding the offices in Creighton, Creighton and Buffalo Narrows were closed and moved to La Ronge, but they still have visiting offices. They use their BRC (business resource centre) vehicles to travel into the areas and meet with the folks.

The second question about the audit. The fellow met with the compliance audit performed by the staff, and the money was spent in line with the regulations and rules set down by the department and the loan requirements.

Mr. Goulet: — Now the other question you did not answer me, and could you please. In regards to bills that have come through there, through that account, I understand there was payments made to a Mr. Jacobson.

And I might add that these businesses are highly legitimate, the businesses such as . . . I'll list the following: Jacobson's, Quandt Enterprises, Van Coughett's I.G.A., and Sumlic Mechanical and Welding. I would like to know how much was paid to these companies, Mr. Minister?

Hon. Mr. Gerich: — Okay, regarding the bills on account and the payments received to cover these accounts, these certain bills are still under investigation through the department.

Mr. Goulet: — So in other words, my initial question that I raised that there was, you know, that there was suspicion that there was a connection between the Gach dismissal and the Cardinal case is now become confirmed because these bills are under investigation. Now is that correct, Mr. Minister?

Hon. Mr. Gerich: — Just because there's an investigation into a certain matter doesn't mean that there's any continuity between both of the factors involved. They're doing an investigation to clear the matter up for Lou Gach.

Mr. Goulet: — Well I would like to know therefore, just on pure mathematics, here you have somebody that got \$32,000 loan. Jacobson has a bill of over \$15,000 that has already been paid, which therefore is inaccurate in your statement that they're all being investigated. We know it's already been paid. So your answer to me was inaccurate, number one.

Quandt Enterprises, \$4,000 approximately; Van Coughett's IGA, \$31,000; Sumlic Mechanical and Welding, 5,800. This totals 56,600 . . . over \$600. I would like to know from the minister, how is it that they can be billed for \$56,000 when the original loan was \$32,000? How can this possibly happen in this day and age in regards to supposedly the internal controls of management within your department?

Hon. Mr. Gerich: — Like I mentioned to the member before, the invoices that were provided and the bills that were provided are being investigated and any related incidents.

Mr. Goulet: — Because of the investigation right now in relation to that, is this investigation with every piece of evidence that was in relation to, not only the Lou Gach dismissal, but because I see the time is going to be running out.

Because of the many aspects . . . because he was in charge of repossessed equipment. I mean, he worked there for 16 years. For 10 years he was a supervisor. I would like to have a complete record of the department and all its renovations . . . I mean, repossessions. Could the minister provide me, during that period especially when Lou Gach was a manager, would you provide that information? Because that would be very important in knowing where the public interest is at. Would the minister be prepared to include that in his report when he tables it in this legislature, and will he table this report in the legislature?

(1300)

Hon. Mr. Gerich: — The answer is no. We can't do that because it will affect other people's credit ratings that are involved.

Mr. Goulet: — Well the credit rating was involved in cases of GigaText. I mean, we know that, but the fact still remains that you as a minister . . . as an associate should be protecting the public interest. I mean, what we are looking at is not only the credit system, but the credibility of this government. What we are looking at is the credibility of your management system. You are utilizing public funds and you have to be able to provide things, especially those things that are alleged to have involved some wrongdoing. And you must have a good handle on the evidence already because you actually dismissed the person. You actually fired a person in February. Therefore you had some concrete evidence already.

I don't expect you to do the evidence right now because the minister will not be forthcoming on that. But in the report itself, I will ask you the question: will you be prepared to provide that evidence, the complete evidence to the House in regards to all the transactions that are taking place within that specific credit and collections branch?

Hon. Mr. Gerich: — Okay, in regards to the northern revolving fund and these loans and the investigation for the Department of Finance and for the Department of Justice who are investigating it, I'll await their results before I make a commitment.

Hon. Mr. Schmidt: — Mr. Chairman, I understand that the opposition and the government have agreed that these estimates would go till 1 p.m. and that Justice would commence at 1 p.m. today, and I propose that we now switch to Justice estimates at this time.

Mr. Chairman: — Is it agreed to by the committee? Agreed.

Consolidated Fund Budgetary Expenditure Justice Ordinary Expenditure — Vote 3

Mr. Chairman: — Would the minister care to introduce his officials, please.

Hon. Mr. Lane: — Thank you, Mr. Chairman. With me this afternoon are Brian Barrington-Foote, QC, deputy minister; Jim Benning, assistant deputy minister, administration; Terry Thompson, assistant deputy minister, corrections and justice service; Mrs. Ellen Gunn, executive director, public prosecutions; Doug Moen, co-ordinator, legislative services; Gary Brandt, executive director, court services; and Bob Richards, executive director, public law and policy.

Item 1

Mr. Koskie: — Thank you, Mr. Chairman. Mr. Minister, I want to deal with some specifics which you can perhaps provide me, and perhaps you have at this time. But in any event, if you'd give me a commitment, there's a number of areas that I want to cover.

First of all I just want to ask you whether there has been any major or any reorganization of the department during the past year, any significant reorganization?

Hon. Mr. Lane: — No.

Mr. Koskie: — What I would like then also is if you would provide me with a list of the names of your senior staff, their salary — that's of the department — and also when each appointment was made, and previous employer, if you have that information. Can you provide that information?

Hon. Mr. Lane: — We'll get it for you probably early next week. Is that too late?

Mr. Koskie: — That's fine. And also, Mr. Minister, I would like a list of your personal staff and the same thing, if you would; and also if you would provide us with the information in respect to air travel out of the province — the destination, the purpose, and the cost for any out-of-province travel by yourself and/or your staff.

Hon. Mr. Lane: — My personal staff?

Mr. Koskie: — Yes. Provide that?

Hon. Mr. Lane: — Do you want to just keep going with questions there, Murray?

Mr. Koskie: — Yes. The other information that I want is the number of provincial court judges that have been appointed since 1982 — I can check this out myself — but the names and when they were appointed. Also I want the number of provincial court judges that retired since 1982, and also how many are due to retire within the next year, that information. Can I get that information within a week or so?

Hon. Mr. Lane: — Yes, there is a possibility. Just so you know that there is some discussions as to the status of Judge Muir in that the Workers' Compensation Board people and the employees and employers would like Judge Muir to undertake a particular function. That may affect his status; I'm not sure. So with that lack of precision, we'll get you the rest.

Mr. Koskie: — And one of the areas that I want to discuss with you in a little length is really the method of appointment of judges. Today you made a ministerial statement indicating an improvement of the justice system. And to some extent I think, and maybe you'll agree, that there is perhaps something to be desired in the method of appointment. I think that the practice has been in effect that has been followed for a number of years and, I suppose, by yourself. But I want to just ask you to run through the method of appointment of provincial court judges that is followed under your jurisdiction.

Hon. Mr. Lane: — Well the criteria has not changed much, I believe, over about the last 15 years. They must have five years admission to the bar, obviously must be in good standing. All of the applications that I receive I submit to the judicial council, and the judicial council simply advises whether they are acceptable or not. And

assuming they meet that criterion or have met the criteria established by the judicial council, then if there's a vacancy, an appointment can be made.

Mr. Koskie: — Well I want to go just a little bit further. I understood that basic procedure to the judicial council and their input is to the extent, as you indicate, of advising as to their suitability. Is it the practice normally that when a provincial court judge is being appointed, that a number of applicants are put forward and submitted to the judicial council for review and a comparison and perhaps a narrowing down of the number to say, three or two, for your consideration? Or do you simply put forward a given individual's name, submit it to the judicial council to see whether it clears and comes back with the recommendation that that person would be suitable for the appointment and then proceed. Could you clarify that?

Hon. Mr. Lane: — All I can advise is that my practice is whenever I get an application or a recommendation, I immediately ship it to the judicial council for their review. So I can't think of a circumstance where they came in, say in a batch of them — and I think you asked that question whether there was a number of them. Throughout the course of the year they would come at varying times, no regularity, and they're just then submitted. And we are advised, I'm advised as Minister of Justice as to whether they're deemed suitable or not by judicial council.

Mr. Koskie: — So in other words, individual lawyers indicate to your department that they're interested in being appointed? Is that how you get their name? And from there, you follow?

Hon. Mr. Lane: — Well we could get it, two sources. Sometimes people will write in a name. I don't recall that happening, but I could see where it would. Or the lawyers themselves generally send a letter. That's I believe in all the cases of appointments — I'm pretty sure of this — all the cases of appointments that I've been associated with, the application and the letter of interest comes from the lawyer.

Mr. Koskie: — Right. Well this is indeed no aspersion on the Chief Justice, but I want to go into the basic procedure in respect to the appointment of the Chief Justice of the provincial court. And I want to ask you there: were there more than one considered for the position of the chief justice? Or was there simply the one individual that was submitted to the judicial council for its consideration?

In other words, I want to know, in choosing a very important position, what is the technique . . . or not the technique but the method, methodology, the method that is followed in respect to that appointment?

(1315)

Hon. Mr. Lane: — Well we wouldn't send in an individual's name for a specific position. In other words, the name would have gone in. Is the individual suitable? The designation of the chief judge is that of the minister. So . . . but it wouldn't go in as chief judge or the 10 other people to be chief judge. That's not the process.

Mr. Koskie: — Do you think that it might be well advised to indicate to the judicial council that the particular person that . . . name that you've submitted, that what you are probably going to be doing is appointing as chief justice? I would think that looking at the chief justice that you may be looking beyond so far as experience, its relative position in the legal society, profession and those factors.

And what I'm really asking you here, it follows I guess exactly the same procedure for the ordinary appointment of a provincial court judge. And what I'm asking you: do you think it would not be advisable that the provincial council realize that at the time that they're taking a look at and advising of the suitability of a particular person, a lawyer, to be a provincial court judge that they have some knowledge that perhaps what they're doing is approving a candidate for the chief justice? Or do you think that that should solely be in the discretion of the Minister of Justice?

Hon. Mr. Lane: — Certainly under the legislation respecting the provincial court is solely in the discretion of the Minister of Justice. You may raise a valid point and we should keep in mind that the chief judge is appointed by statute for a seven-year term.

And it does raise a difficulty though, and I caution the hon. member — is that if you submit a name of a person to the judicial council and you indicate that you may be recommending that person for the position of chief judge, then how do you get a process going involving existing members of the court to go back and raise this whole question about who should be the chief judge? Do you then get these people to reapply to the judicial council. Are you saying the judicial council then makes the designation of chief judge? Do we get in the problem of some pretty severe competition within the bench itself as to who should be . . . what type of process would be involved in encouraging existing members of the provincial court to apply for chief judge.

What I'm saying to the hon. member is that I'm not disagreeing with the point that you make. I do raise what I believe to be some perhaps difficulties — I may be overstating it. But the idea that existing members of the provincial court should have to go back to the judicial council for an assessment as to their suitability for chief judge, if 10 of them are deemed suitable what problems do you cause on the court? I'm not sure. I'd like to think about it. I wouldn't rule your comment out of hand, but I just raise with you that there are some practical difficulties.

Mr. Koskie: — As you are aware, in the United States, of course, to the Superior Court the Senate has the right to review. With the judicial council here, they advise if the applicant is suitable.

What I want to ask you, are there actual interviews in respect to that applicant? Is there an analysis of his past performance? Is there an analysis . . .

An Hon. Member: — Are you talking about at the judicial council?

Mr. Koskie: — That's right. You say they send back and advise you of the suitability. I want to know the process that the judicial council goes through. Is there a panel of them or a committee of them? Do they interview the individual? Do they do a sizeable amount of research? Do they look at all of the factors.

Hon. Mr. Lane: — I have some difficulty answering on behalf of the judicial council because we're not privy to their considerations, deliberations, or discussions. They do set their own rules as to what they want to look at. It is certainly their prerogative if they want to interview a potential judge but that's their call, that's their . . . they set their own rules. They would obviously do background checks, check with perhaps people in the local bar, whatever that may be. But we have no influence as to what procedures they use and I'm not familiar with what procedures they would use. So as I say I have some difficulty responding to their procedures.

Mr. Koskie: — Well I guess I really have . . .

Hon. Mr. Lane: — If I may refer to the hon. member further, the particular provision . . . I believe it's 16(2) of The Provincial Court Act makes it specific that:

The proceedings of the Judicial Council shall not be public, but it shall inform and advise the Minister (of Justice) respecting matters that it has investigated or reviewed.

And with regard to the question of the suitability of an individual for provincial court appointment, we would just get a letter saying that the individual is suitable or not suitable. We would get no reasons.

Mr. Koskie: — Just in respect during your tenure as justice minister and your referral to the judicial council, has there been any occasions in which they have come back indicating, advising that the individual is not suitable for the appointment? Is there any time that the judicial council has in fact to your knowledge rejected a submission by the Attorney General.

Hon. Mr. Lane: — I can't recall in my term as Minister of Justice that any have come back not suitable. But again understand the process that I follow which is: whatever the source of the letter or the application, I send them in automatically. So again, I can't recall any that would have been ruled not suitable.

Mr. Koskie: — Just to finish up, do you think of any merits in opening up the procedure? That is, I don't think we can go to the same extent as the U.S. Senate, but there was a prime example of the Senate doing thorough examination of the record of a judge that was going to be appointed by the president and being rejected.

What I'm asking is, the open process . . . I know where it has some disadvantages of course, and I understand what the Supreme Court of Canada has said in respect to any adoption of procedures similar to the United States in respect to Supreme Court appointments. But I'm asking you: have you given any thought to the possibility of a more open procedure in respect similar in nature to that

of the U.S. Senate in order to better open the process up to the general confidence of the public?

Hon. Mr. Lane: — Well, that is really a call for a strong politicization of the court, of course, and, as you mentioned, there are some drawbacks to the process and procedures in the United States. It concerns me in the question of judicial independence, for example, in that . . . for example, it's been evident that judges being elevated to the appeals courts in the United States, their judgements are being questioned by senators who disagree with the decision, which is a review process and perhaps a hindrance to, let's say, an ambitious judge who knows that his or her decisions may be well scrutinized in a political forum.

Secondly, the same thing has been well documented with regard to academics being nominated for appeals court and U.S. Supreme Court positions. Their academic discussions and their papers have been criticized by those who disagree with their views and those who agree with them. I wonder whether an academic who aspires to a judicial appointment would be prepared to take strong opinions if they knew that that strong opinion could eventually mean that they would not pass or not get approval for an appointment.

So there are some very, very great dangers, in my view, in that type of process. I think the Supreme Court is very wise in its rejection of the American system.

And I would like to restate who is on the judicial council, who decides whether the applicant is suitable or not. The Chief Justice of Saskatchewan, the Chief Justice of Court of Appeal or a judge designated by the Chief Justice from the Court of Appeal, and that individual shall be chairperson; the Chief Justice of Queen's Bench or a designate; the chief judge or a judge designated by the chief judge; the president of the law society or a bencher or a person who has been a bencher of the law society — designated by him — and not more than two other persons appointed by the Lieutenant Governor in Council.

So we have four positions that are certainly outside of the political process. There are two appointed by cabinet, and my recollection was that at least one of the two, and perhaps both, were appointed by the previous administration. So there's certainly been an effort to get fair-minded people to sit on the judicial council. But I think there are some, in the Canadian system, in the British parliamentary system, some very great dangers to imposing an American system.

The next step would obviously be election of judges, and I think that that also has some great dangers. So as I've indicated, I support the Supreme Court's assessment of the American political review of judicial appointment.

Mr. Koskie: — I'll leave that. I think what you're saying is that you're satisfied that you're getting in each instance the best possible individual and the most qualified. I don't quite agree with that assessment, that we necessarily are getting the best qualified in the position of judges, but let's leave that for the time being.

Just in respect to the courts, I just want to know in respect to the Court of Queen's Bench and also the Court of Appeal: can you indicate, in general terms at least, the relative work-load in respect to them, whether there was a considerable problem with the Court of Appeal in the past? Could you give us an indication whether they're able to cope with it, or are they considering additional appointments to be made to Queen's Bench and, or, the Court of Appeal to handle the work-load.

Hon. Mr. Lane: — As you know, there is now a vacancy in the Court of Queen's Bench. Mr. Justice . . . (inaudible interjection) . . . Pardon?

An Hon. Member: — There is, eh?

Hon. Mr. Lane: — Mr. Justice Geatros chose to go supernumerary, I believe, two months ago. At the Court of Appeal, the Chief Justice has indicated the need for additional people. That obviously is his recommendation.

The Court of Appeal . . . I'll have to pull these statistics together for you, if you wish, and put them in a status report of where we are. You many not have . . . and if you don't, I can certainly arrange to get it for you. The Court of Appeal is putting out, I believe, an annual status report, and if you or your staff don't have that, I can arrange to get that for you. That I think, would be a more practical way for you to make your own assessment.

Mr. Koskie: — Are there any other retirements in respect to either court that is within the next year that you know?

Hon. Mr. Lane: — I have to get that information for you, okay?

Mr. Koskie: — Yes. Okay.

(1330)

Hon. Mr. Lane: — I'm going to assume from that that the question is retirement at age 75 as opposed to . . . I'm not aware of anyone electing to go supernumerary, but that could happen before the age 75 and I couldn't speak with knowledge if that's likely to happen.

Mr. Koskie: — Thank you. A couple other pieces of information that I would like and that is in respect to private prosecutors that have been used during the course of the year — if you could provide me with the names of the private prosecutors that were used, the firm that they're associated with and the amount that was paid during the course of the past year.

Hon. Mr. Lane: — We will be able to submit that to you this afternoon.

Mr. Koskie: — One other piece of information if I could have, and that, indeed if you used any law firms. What I want is a list of the law firms used by the Department of Justice in the previous year. I'd like the name of the firm, the nature of the work and the amount paid. Please understand me. I'm asking whether you use private firms in Saskatchewan or outside of Saskatchewan. If you could provide that.

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

Mr. Gleim: — Could I have leave to introduce some guests, please?

Leave granted.

INTRODUCTION OF GUESTS

Mr. Gleim: — Thank you very much, Chairperson. I have today with me grade 5 and 6 students from Consul, Saskatchewan. And I wish to introduce them to you, Mr. Chairman, and to the rest of the people in the Assembly. There are 15 students. They are accompanied today by their teacher, Marilyn McCuaig. Chaperons are Kathy Smith, Glen West, and most of all important person is the bus driver, Vern Howell.

I hope they enjoy their visit in Assembly today and in the Legislative Building. You will, right? And I will be meeting with you shortly, as soon as I leave here, to have some drinks with you and talk about some of the things in the legislature here. So enjoy your visit and we'll talk about your safe trip home later on. So I wish everybody here to welcome these students from Consul, Saskatchewan.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Justice Ordinary Expenditure — Vote 3

Item 1 (continued)

Hon. Mr. Lane: — I can give you a rather lengthy list, but we're getting down to payments of \$75, and I don't think that's of any interest to you. What if I round it off to, say, a thousand dollars? You pick the figure, and I'll submit you that list.

An Hon. Member: — That's fine.

Hon. Mr. Lane: — Secondly, I'm advised that the two firms used out of province were Gowling & Henderson in Ottawa, and of course they have been the agents for the province for a number of years for matters before the Supreme Court. And the payments I have, and I'll just roughly round that off, is about \$2,350.

The second one is Davies, Ward & Beck, and they again have been used for some considerable period of time by the government, and the amount of the payment last year was \$323.63.

I'm sorry, there is a third. I was just advised of a third on the Principal Trust matter in Edmonton. We did pay obviously on behalf of Consumer Affairs for the firm of Newson Brumlik, in I assume, Edmonton. And it's \$8,000. Those are the out-of-province payments. Again if that thousand dollar . . . and again, if you have discomfort with the thousand dollar, we can change that. But there are a number of very, very small ones and I can prepare the list for you and submit it to you.

Mr. Koskie: — Yes, that's fine. I don't need the ones . . . under a thousand dollars is fine. It's just the general payments of larger amounts.

Just a couple other. There has been some problem with the justices of the peace. A number, at least indication of resignations and very low payment, something to the extent that Saskatchewan is paying something like \$20 a day and that Ontario is paying something like \$150 a day. I wonder, Mr. Minister, if you could indicate . . . Your comment was that you had no concern about it because you had lots of JPs. So really what I'm asking you here is that, have you had many resignations? And secondly, have you reviewed the schedule of payment in respect to JPs?

Hon. Mr. Lane: — You may recall that the legislation, a new Act was brought in last year dealing with JPs. It was to begin the reform of the justice of the peace system.

Several things are happening — if I can take the hon. member through them. First of all, they are now going through a training program which is now mandatory. New appointments, for example, before they can be eligible to be appointed as justices of the peace, will have to take and pass the training program, so it's no longer just basically a cabinet appointment.

And in Saskatoon what we . . . primarily in Saskatoon, we've had a situation with a huge number of JPs that some were being assigned virtually all of the matters that come about and others weren't getting any pay or very little opportunity to carry out any of the services. So we established in Saskatoon what's called a duty roster, and it's an attempt to bring some management into the allocation of the JPs.

And the duty roster means that they must be available on a rotating basis for a definite period of time. And in that period of time they may sometimes end up with very little work, may end up with a lot of work, but it ensures that there's a distribution of the work to all of the JPs.

Obviously, some of the JPs that were doing the bulk of the work before are less than happy with this duty roster which is spreading the work out to all of them and making sure that they're all available. We did have some difficulties with the implementation of the duty roster. That has now been worked out with the JPs. Too, I suppose, in the case of those . . . most will be satisfied with it, but those that were getting the bulk of the work fed to them are obviously not . . . won't be satisfied with that.

We also have to take out of the assessment or the discussion of the JPs, those that are full-time JPs, for example, traffic safety court, because they are paid a salary, I think it's in the range of 4,000 a month, a little better than that. So it's about 50,000 a year for those.

So when we talk about the others, we are reforming the appointments of the JPs, the training of the JPs. We are by virtue of a lot dropping off because of no work-load, we will have fewer JPs. And when this has settled down, then we will begin to look at the adequacy of the payment schedule. But until we've gone through this process . . .

well I just come back. We had to go through the process of upgrading and training programs before we could look at that, in my view.

Mr. Koskie: — Well one other issue that was about, and that is in respect to court auditing; that is in respect to the various . . . It had a problem, let me put it this way, in respect to some funds in Wynyard, and it was really a breakdown of auditing. Some of the fines that were being taken in apparently were not accounted for and it resulted in, I think, a term in this instance. My understanding is that, not this year but the year before, that you set up an auditing system, but that the individual, I'm advised, that was sent out to do the auditing had no auditing experience whatsoever. Now that may have changed, but that was the information that was passed on to me, that the particular individual had little or no auditing experience and was put into that particular job. So I'm just asking you here, what steps have been taken in respect to correcting the misappropriation of funds that have taken place in a couple jurisdictions?

Hon. Mr. Lane: — Well if we're referring to the same individual, I'm advised that he has been a long-term manager in the department, was a manager of audits within the department, and had university training on audits. So we're a little surprised if that was a criticism because they're very confident on his audit experience. Secondly, the audit procedures, we now are doing it on an annual basis, and all centres are under the financial audit.

But unless the hon. member has other information, my officials advise that the individual had a fair amount of audit experience.

Mr. Koskie: — Well I'm satisfied if your officials are indicating that. I did receive a phone call indicating otherwise. I take your information as being correct in this instance, I guess.

One other just small item and then I want to get into some of the major issues. The appointments of Queen's Counsel, you've taken a big, major step in that. They're going to take that out of politics now after the many years. What procedure have you set up for that?

Hon. Mr. Lane: — The selection committee for the Queen's Counsel starting this year, will be as follows. It will alternate between the two chief justices of Queen's Bench and Court of Appeal. It will be the immediate past president of the law society, the benchers; immediate past president of the Saskatchewan section Canadian bar; and the Minister of Justice or his or her designate. So there will be the four on the committee.

They will be limited to seven except the Minister of Justice will reserve the prerogative, the long-standing one, of being able to name one of the government lawyers that is a member of government service or government agencies, which we have traditionally recognized on an annual basis. And the president of the law society will, by virtue of the office, become a QC (Queen's Counsel) again, subject to qualifications; and the dean of the law school, the same; the Minister of Justice; and the deputy minister.

So those four, by virtue of their office, we believe should be automatic upon appointment, and from time to time designation by the minister of a departmental or a government lawyer that has service to the department or the agencies, would also be above the seven.

(1345)

Mr. Koskie: — I have one other inquiry here that I want to clear off too. This has to do with a non-government agency, and what they are attempting to do in this instance is to have a transfer of an inmate who was in the penitentiary for some three and a half years, and they are working to get a transfer to the Saskatoon correctional centre. The term, I understand, was for three and a half years . . .

An Hon. Member: — Which penitentiary?

Mr. Koskie: — It's in Prince Albert. Yes. Three and a half years and what the organization is doing is working for a transfer to the Saskatoon correctional centre. I understand there's but five months left.

My information is that the penitentiary officials have reviewed all the information and the sort of the transfer kit that they call it, transfer package, and apparently they are satisfied that there has been suitable rehabilitation and that he would be a candidate for the transfer.

But the problem that has arose is that the Saskatoon correctional centre is refusing, and it's based on past history so I am told, rather than looking strictly at the present, because apparently the individual has a fairly good record of behaviour in the recent times and has satisfied the penitentiary officials.

I just want to know what is the procedure here in so far as accommodating such a transfer, Mr. Minister, in this circumstance?

Hon. Mr. Lane: — Well we do accept federal prisoners under the exchange of services agreement that I believe all provinces have with the federal government. And it basically is a security argument.

Now I have no knowledge of the particular case that you're referring to. We do . . . there is under the exchange of services agreement, the ability to take prisoners from the federal system. It is a security argument and the length of the balance of the sentence may not be a factor. I mean if it's a question of security or something of that nature, even if it was a month, it may not be done.

That's all done by the expert professionals. And if you would wish to raise with my officials on a private matter the individual, we can check it out for you but in all likelihood it would be a security question that would impair a transfer, assuming everything else would be met. So if you would . . . I'm assuming you don't want to give the name here, but certainly we would check it out and get a response to you.

Mr. Koskie: — That would be satisfactory. I just want to know, in respect to the procedure if the individual or . . . I want to know how it's initiated and who has the final say.

Because just here on the facts that I have been given, is that the penitentiary officials are saying; on the basis of past history that they see no problem with the transfer. Is it ultimately with the Saskatoon correctional centre whether or not they accept? Or is there a process of appeal? Or what is the process?

Hon. Mr. Lane: — It's done by the correction professionals who make the assessment as to whether there's a security question or whether it's appropriate. The final decision, obviously when it's from federal to us, would be our provincial correctional officials under the services agreement. So ultimately our officials would make the determination as to whether they would be satisfied with the matter of security.

Again, that's how the process works. I don't know whether it's initiated. It could be initiated by a prisoner, it could be by the appropriate corrections officials, and I don't think there is any formal standard there. But having said that, again we can check out the particular individual and report back to you.

Mr. Koskie: — This may well be within the Department of Social Services, but I would think that corrections generally would be associated with it also. And it is my information here that there's going to be built a centre for juveniles and it's going to be built near the radar station bordering the RM of Buckland and the RM of Shellbrook. Apparently this is some 16 miles, I think, west of Prince Albert. And I guess, Mr. Minister, if your officials have no knowledge of it, it is Social Services. I leave it at that.

But let me just give you a couple of more facts. So it's the RM of Shellbrook have approved it, but it's right on the border of the RM of Buckland. And living within walking distance there's a large number of residents. And apparently they are concerned; there's about 15 families in very short walking distance from the proposed site. Their concern is that there was no consultation in respect to the erection of the juvenile centre, and this has been a concern, and a number of people in that area have been contacting some of our members and asked me to raise it, if possible, to indicate whether or not that deficiency would in fact be overcome and that some consultation will be taken with the residents of Buckland.

Hon. Mr. Lane: — Well it's not within the Department of Justice. It's young offenders; it would be Social Services. We don't have any knowledge of the particular matter, but we'll certainly raise the matters that you have raised and pass them on to the minister responsible for Social Services.

Mr. Koskie: — There's one other area that is of a little bit of concern to a non-government organization that I'd like to get cleared up also, and that's really the surcharge in respect to the — under the Act — the victims of crime.

And the information that they would like to have and asked us to get this information from you is, what amount of money has been collected — that is the growth and the development of the funds — under that program, and basically whether or not you can give a breakdown of how the funds have been used during the past year. Could you provide that particular information?

Hon. Mr. Lane: — The amount of revenue to the end of the fiscal year which is the most recent statistics I have — that's March 31, 1990 — is net revenue of \$654,670. I'm sorry; add \$62,000 to that because there was one grant that's been paid out to community mediation services in that amount of \$62,000. The comprehensive plans are being developed, but they are awaiting the proclamation of the new restitution provisions under the Criminal Code. And there's been discussions with the Government of Canada as to those provisions. We could expect the proclamation of those provisions in the fall of this year. But there are negotiations as to those regulations, and then we will be able to finalize comprehensive plans.

Mr. Koskie: — So obviously at this date you have no plans in place. Has any of the money that has been collected to date been expended, or is it simply reserve funds?

Hon. Mr. Lane: — I've referred to a grant of \$62,000 to the Saskatoon Community Mediation Services. That's the one grant that has been paid out. There have been administration expenses of roughly \$83,300. So those are the expenditures out of the fund.

Mr. Koskie: — If you were able to make one expenditure of \$62,000, how did you have jurisdiction to do that? Why haven't you got plans for other expenditures?

Hon. Mr. Lane: — It was an existing program that we believe should be continued. Most of the other I believe, if not all the other applications, are new programs. And until we get the comprehensive policy development, which will depend upon the form of the restitution regulations that we expect this fall from Ottawa, it's just difficult to finalize the type of program till we know those restitution regulations under the Criminal Code.

Mr. Koskie: — And all of these funds then would be held in trust and not otherwise expended in any other way and will be there once the program plans are developed.

Hon. Mr. Lane: — They're held in a separate — it's not trust, but they're held as separate funds.

Mr. Koskie: — Mr. Minister, I want to turn to an area which I think you probably feel that the doors have been shut and the decision has been made, but it has caused so much concern that I really want to raise it again. And that's in respect to your refusal to take a look at a judicial inquiry, or an inquiry to be held into the circumstances of the case over in Swift Current.

I read through carefully in respect to your ministerial statement and you indicate that you have examined all the relevant issues, and issues were properly and thoroughly examined — not specifying what relevant issues are. And you go on to indicate, within that, what happened in this particular case, and I quote from your letter:

... I am advised that the decision to lay the mischief charge and to proceed with the prosecution were made after consultation with the executive director of public prosecutions ...

And you go on to say that's not "unusual or improper."

And then you go on to indicate that the executive director of public prosecutions, who advised and was party to laying the charges, you indicate in the next paragraph that:

And I'm equally confident that the decisions to initially lay charges against two (the) Swift Current men and later to stay those charges were based only on proper and relevant considerations. In each case the decision was made in consultation with the executive director of public prosecutions.

So here you have the individual that decided or helped to influence as to what charges would be laid. And then you turn around and have the same person, apparently, the executive director of public prosecutions, say that everything was done and all the relevant issues were looked at and, you know, everything is fine. No inquiry. So basically you have one making the decision to proceed, re-examining and conferring with the initial decision.

(1400)

I ask you, Mr. Minister, how do you expect the public to be satisfied? And as has been indicated by the lawyer that represented the juvenile in this particular case, you seem to have the very person that initiated the charges also deciding that there's no irregularities, and you expect the public then to have a lot of confidence in the judicial system. That's the first question. And I wonder if you could explain your rationale as to how that process gives you confidence in the judicial system.

Hon. Mr. Lane: — The practice — and I in no way minimize the seriousness of the situation in Swift Current — the practice was reviewed by the deputy and members of his staff as well. It wasn't done only by the director of prosecutions. But you have to keep in mind that the procedures are such in the department that the director, in consultation with other prosecutors, would make these decisions or the local prosecutor could make the decision. So what we were trying to find is were the correct procedures followed, etc., and that was done by the deputy minister of Justice and his staff.

Mr. Koskie: — The problem is, Mr. Minister, that's not even what you stated in your press release. Now you're expanding on it.

The thing is that the public is not satisfied, nor is the lawyer that represented juveniles, who had written to you. There are a lot of questions that should be asked in respect to this, and clarified. And all that you will do in your statement is say that relevant issues have been looked at. You've got to take a look at the sequences of events here, and they don't ... I'm telling you, the people of Saskatchewan can't have a lot of confidence in it.

As is set out by the solicitor who acted on behalf of the juvenile lady, woman, indicates on September 26:

Two individuals, Sakic and Smith, attended on my client's residence and participated in sexual

activity (and this is quoting the judge) sexual activity, some of it degrading and disgusting by any reasonable person's standard. My client was left bleeding rather profusely from her private parts and suffered considerable physical and emotional pain from the incident. She later became "desperate" and very depressed.

Now the sequence goes. On October 2, '89, client reported this matter to the RCMP, provided a statement to the police, October 2, and a further taped statement to the police on October 3. And on October 3 the two males were charged, having committed sexual assault. And it goes on in his statement of the sequences.

And there was a lot of intense community reaction. And he states in his letter:

In addition, at least one of the defence counsel for the accused men threatened the crown prosecutors with civil action against them personally.

That was said by a member of the legal profession who's involved.

Then something happened. What happened is on November 1, 1989, my client — this is the lawyer acting for the young woman — was interviewed extensively by Constable Campbell of the RCMP and Mr. Jack Hagemeister and Miss Margaret Bourne, crown prosecutor of Swift Current. That sometime after this interview the inspector in charge, subdivision, took the investigation case away from the city RCMP and assigned the investigation to Corporal Webb of the Swift Current subdivision. That on November 2 during the early evening, my client was taken by Constable Campbell to Swift Current subdivision office and left with Corporal Webb and another constable. She was interviewed extensively in such a manner that the court found her rights pursuant to section 10 of the charter of rights were infringed.

Just listen to the summary of . . . I can't get a copy of the transcript because it's juvenile and they apparently won't release it. But the lawyer goes on and says. "In summary His Honour, Judge King's findings are set forth in the following." I want to read a part of it:

Further Crown investigation was made and through more extensive interviews later with Ms. B, it was decided that Ms. B was herself going softer and softer on the issue of consent, and previous reports of inappropriate sexual contact with one of the accused men that were at first denied, were confirmed by her.

This it was felt by the Crown could seriously damage her credibility on the trial for sexual assault for these reasons, and possibly because of a silly, thinly veiled, indirect threat by defence counsel.

These are the words of the judge. He didn't say, as you say in your press release that the judge said that the threat was silly. He said, "a silly, thinly veiled, indirect threat". He

said it was stupid that it was done — silly. But he didn't say it was silly. That's the quote from the judgement.

And he goes on:

However, as they did this, or before they did this, a decision was made by someone unknown to the court that Ms. B was lying and had deliberately misled the police officers by her statements of October 2 and 3 to cause continuation of the sexual assault.

Why whoever did this arrived at the conclusion is not clear from the evidence, and I refuse to speculate.

But I just want one other short part of this, Mr. Minister, to clarify the concern that I have. In making this his decision, the judge stated the following. He said:

I ask two questions. Do I have any reasonable doubt to the veracity of evidence given by the witnesses of the Crown? Secondly, could the evidence given by or the story told by the witness for the defence reasonably be true? If I have doubt or answer yes to either one of those questions, the accused is entitled to the benefit of that doubt and to be acquitted.

And this is what he came:

To the answer to the first question as it pertains, I want to make this very clear as it pertains (and this is to the accused men) the answer is clearly yes.

In other words, he didn't trust the veracity of their evidence. And then he goes on:

As pertains to the second question, could the evidence in relation to the key matter of consent as given by the witness Ms. B. reasonably be true? And the answer is more clearly yes.

Totally throughout the trial it is indicated here, one, the judge didn't believe the evidence of the male individuals that were initially charged with sexual assault, and he believed the accused.

But there are a whole series of questions here that really need to be answered in this here. And a lot of those questions were set out and requested by you. Who made the decision to stay the prosecution of the sexual assault charges against the two male accused, and why was that decision made? Who made the decision to charge the young lady, the woman, with public mischief, and why was that decision made? The role played by the Justice department, including the local prosecutors, and the role played by the RCMP. The nature of the community pressure upon the prosecutor and what effect this had on the eventual decision to stay charges against the two individual males. The extent or threats of legal action made to the prosecutors and/or police or any other threats and any other pertinent matters.

So as you can see, Mr. Minister, there are certainly, I think, a large number of questions that really go unanswered. And what I'm concerned about is in your

press release, Mr. Minister, you don't resolve any of the pertinent doubts and questions as it relates to this case. And I may say that I guess this is not the first case in the Swift Current area because we had the Cabri Credit Union in the previous one. And I think there was quite a bit to be desired in that one also.

But I want to ask you here, Mr. Minister, how can you as Justice minister be satisfied that no inquiry in this situation is required? That's the question I think the people of Saskatchewan really want to know.

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Obviously, to answer on the basis that . . . and it's obviously a difficult situation, but also the fact, as you know as a lawyer that if someone is found not guilty that does not mean of itself that the charge should not have been brought. That would be a real perversion of our justice system if that was to be the case. So we can, and I think we have an obligation as lawyers to both remember that and remind the public that every time someone is found not guilty does not mean that a prosecutor should not have proceeded with the charges.

So it's difficult to respond, obviously. All that we could do is go back on our analysis and determine whether proper procedures were followed. We're satisfied that they were. This was not a decision . . . (inaudible interjection) . . . Well I'm going to challenge the member from Regina to stand up in her seat and if she's got evidence — because I've heard her snide remarks about this case — to start bringing new evidence to the people of this province. We'll take a look at it. You start standing up because you're making some serious allegations from your seat which I find a little disappointing from a lawyer.

So having said that, it's a difficult situation — and I understand that — and a difficult decision. But having said that, I cannot accept the argument that every time someone is found not guilty, the prosecutor should not have laid charges.

Secondly, the questions that were raised: were the police procedures properly followed? Our advice is that they were correctly followed. There are other procedures to deal with that. Obviously, the defence counsel didn't see fit because I believe that the proper procedures were followed.

So you break this down. Were the proper police procedures followed? Okay? That is one question. And we're satisfied that the proper police procedures were followed.

Now did the prosecutors act properly? And if you've got allegations against the prosecutor, because again I heard of some in Swift Current, then obviously we will have to take a look at that.

It's not uncommon, as I tried to indicate, that where prosecutors have cases that may be more difficult, they will consult with the director of public prosecutions and the staff here in Regina. That's not uncommon. I indicated that. So this is not a single decision made by one prosecutor; this is made by the prosecutorial staff and the

decision to proceed on that basis.

(1415)

So again, where the proper procedures follows, that is the best that I can say. And the ultimate question, as the judge said in the decision, was the credibility of the witnesses. That's right, and that's a proper place for that decision to be made. That is one of the rules of the courts, is to determine that credibility of the witnesses.

An Hon. Member: — Do you realize the state of the woman?

Hon. Mr. Lane: — Look, we did not find this an easy decision, and I don't want the impression left that this is an easy decision. The question we have to ask ourselves in the Justice: were the proper procedures followed?

Again, I can't accept the argument that where courts find an individual not guilty that the prosecutors were necessarily wrong and that the charge should never have been brought, because that's the logical extension of what you were saying.

Ms. Simard: — Thank you, Mr. Chair. Mr. Minister, no one said here that just because someone has been let off they should not have been charged. That's not the issue and that's a red herring and you know it, Mr. Minister.

What we have is the situation of a woman who was sexually assaulted, according to her evidence — and the judge, incidentally, believed what she said, according to the judgement — sexually assaulted and bleeding profusely, Mr. Minister, and there is not a charge laid against her attackers, according to her, not even an assault charge, Mr. Minister, let alone a sexual assault charge.

What we have here is a case that raises very serious questions — very serious questions — and the judgement refers to some of those issues. At the very least, Mr. Minister, it warranted an inquiry that would allow the public to judge for themselves whether or not these decisions were reasonable and accurate under the circumstances. What it required was a public inquiry where the public could evaluate the situation to determine whether or not justice was done in this case, Mr. Minister.

The message that this gives to the women of Saskatchewan is very, very dismaying. What it in effect says to women is that when they've been sexually assaulted, they'd better not complain to the police or they'd better think twice about it because they may be facing charges themselves, Mr. Minister. That's the clear message to women in this province.

And it's not good enough to hide behind legalese and technicalities in your argument, and to throw out red herrings. This is an argument of principle, Mr. Minister, an argument of grave principle, and what has happened in this case is a travesty. The public has a right to know what happened here and who made the decisions, and the questions raised by the woman's lawyer should be answered in a public fashion by your department, Mr.

Minister.

Hon. Mr. Lane: — Except that the question as to who made the decisions has already been answered. The decisions were made by the prosecutor and that the prosecutor in Swift Current did consult with the director of public prosecution and her staff.

I think we also have to go back to what the decision that was made by the judge as it applies to the young female. The judge made the final decision that she didn't intend to mislead in her statements. That's why the mischief charge was thrown out — that she didn't intend to mislead.

Now one should understand what was said by the judge with that statement. And as I say, that's what that decision was. And he didn't say that she was sexually assaulted. She wasn't sexually assaulted. The decision . . . well I understand the point that the hon. member makes with regard to the need for women in particular to have confidence in these situations. And I fully understand and fully accept that argument.

And I also am aware of the concern that others have about the decision. The question we have to ask in Justice, were the proper procedures followed? And the advice we have is that is the case. Again, I ask the hon. member to go back to the judgement made, the ruling made, which is that she didn't intend to mislead.

Mr. Koskie: — Mr. Minister, in this statement and the letter to you from the lawyer that represented this minor lady that was assaulted, or alleged to have been assaulted, this is what he says and I want to know whether or not you concur with it because it was after the intensive interrogation in the first part of November that new decisions were made and charges laid against her and a stay of proceedings against the two individual men.

She was interviewed, says the lawyer, extensively in such a manner that the court found her rights pursuant to section 10 of charter of rights were infringed. Now is that a fact? Is the lawyer in fact wrong? Did the judge find that? Did the judge indicate that? And if he did, surely to heavens that is not regular procedure. That is duress, that they took her for another interrogation and drilled her to the extent that she had to change her story.

Now if that is in fact true, but you see all of the sequences seem to add up. And that's the concern that I have. And I want to ask you, Mr. Minister, was there concern expressed by the judge in respect to the interrogation breaching her charter of rights, of that November 2 interrogation?

Hon. Mr. Lane: — Understand that the judge, I'm advised, did not express concerns about that in the *voir dire*, but the rules are very strict under the charter. And the warning, I understand, and the facts hadn't been given for a period of 30 minutes. And so it was that period of time that the judge ruled that under the rules there had to have been given a warning. I have some concerns about the statement of the previous member when she made the allegation of sexual assault by the other two individuals. I know we get caught up in the heat of the political debate, but I am not standing here accepting that would be a

decision of the court to make as to whether there was or whether there wasn't.

But having said that, I do indicate to the hon. member that the advice I have is that that 30-minute period was done without the warning and the rules are very strict that way.

Mr. Koskie: — Well, Mr. Minister, just look at the sequence there. She was interviewed, as is indicated, in the first part of October. October 2 she was interviewed. Then what happens is there is a major interrogation, interviewed extensively by Constable Campbell of the RCMP, Mr. Jack Hagemeister, Miss Margaret Bourne, Crown prosecutors in Swift Current, extensively. Then she gets another go at it some time after this interview. Then there is a shift . . . Swift Current RCMP.

One wonders how you start off with a particular RCMP totally involved in the investigation and, bang, suddenly in the middle of it up appears a transfer of certain officers. You know what it looks like? It looks like the stolen budget down in Ottawa. You remember Inspector Jordan of the RCMP? He wouldn't go and prosecute in that case. And he was honourable enough to come forward, but what happened by higher-ups was to transfer it over into another officer that would proceed with the charge. And that's what has to be cleared up here.

Here is a young woman, and I don't want to go into the total sorry details of it, but not particularly endowed . . . half intellectually, let's put it that way. And how easy it would be to twist the justice system and make this innocent victim the one being prosecuted and the glorious hockey players that ride high in the community being exonerated.

That's the sequence and you haven't answered either whether or not there was a breach of the charter of rights. You just say it's easy to breach them. I mean, this is very, very serious in the perception of the public and certainly in perception of women across Saskatchewan, and they have been very concerned.

And I know you can't have an inquiry in every individual instance but, gee, this here seems to indicate, Mr. Minister . . . why the transfer? Maybe I'll get into the specifics if you want to answer. Have you looked to see why she was interrogated extensively on November 1? Three people with this young teenager. Was she accompanied by a lawyer at the time? Why was she then turned around and different officers and an extensive interrogation the next day at which time her charter of rights, according to the lawyer, were breached? I think it points to her having been a victim; that's the general impression. And how easy to clear it up — by opening it up. And you know what turns me off so much is that you would in your statement say this:

Indeed in the judgement handed down by Judge King, he quite properly characterized certain threats against the Crown as silly.

You know, that's a deception because if what the lawyer quotes, he gives all the basic reasons of why the . . . what happened. And he says:

For these reasons and possibly because of a silly, thinly veiled, indirect threat by the defence counsel to one of the Crown prosecutors in the case, and possibly because of intense community reaction in the city, the Crown exercised prosecutorial discretion and stopped the prosecution for sexual assault against the individuals.

He didn't say it was silly in that sense that you use it here, that it had no . . . it wasn't made, that it was silly to allege it. He said it was silly to come forward with that unveiled, indirect threat — silly, thinly veiled.

But there was . . . let's take the sequence: interrogation in October 1 or 2; massive interrogation on November 1; very intensive interrogation, November 2, breached her charters; change of officers handling the case right in the middle of it. How can you possibly believe that everything was according to . . . looked at all the relevant issues and they were just fine. Can't believe it. And you'll never convince the public on this, not by this statement that you have put out here.

(1430)

And I'll tell you, you have a basic cover here, because the other thing is you can't get a copy of the transcript of the trial. And I would have liked to have done that. But apparently you can't. At least that's what my staff told me. And therefore you can't get into all the details because of a juvenile protection.

And so I want to ask you: how, in light of those sequence of what has happened, how do you justify the change in officers who do the interrogation, pulling a group of officers and the city into another division of the RCMP?

Hon. Mr. Lane: — Well the . . . I have to indicate a couple of things. One, you raised the question of the young victim before the three — two prosecutors and one other. It's difficult perhaps in this case to understand that that's precisely what the prosecutors try and do, is they try and take the extra time, when they have a sexual assault victim, to ease their concerns about going to trial.

They try and make the individual more comfortable with the trial . . . No, you can laugh at it, but the intent . . . (inaudible interjection) . . . No, the intent of the prosecutors and they do it on the sexual assault, with the victims, to try and make a rather traumatic court appearance easier for them. That's why they spend the extra time in advance, to try and help them through the process.

That's not been interpreted that way in this case. I find that unfortunate. But that was her intent and that is the practice that they recognize. These are very difficult situations for the victims, and they do try and make it easier.

Secondly, why did the officer change? If I can answer to the hon. member, the advice I have is that the officer was changed because the complainant, as she changed her story, they did not want her to have to go through the difficult process then of changing her story to the same

officer, putting her in a more difficult situation as a juvenile. And so the head of the detachment made that decision that because the story had been changed, that she shouldn't . . . trying to take the pressure off her, that she would give the other story to a new peace officer. So that's why it was changed, so that she wouldn't be faced with having changed her story before the original officer.

So I know that's not how this has been interpreted, but they were trying to be sensitive to the situation. I know it's not been interpreted that way, but that's what they were trying to do.

Mr. Koskie: — Well I'd like to know, Mr. Minister, you indicated that a story was changed; was the story changed on November 1? Was it changed on November 2?

Hon. Mr. Lane: — Again I'm tied here because we do have a juvenile. And you're right; we can't give the transcripts, and I don't know how much we can give. I can only fall back at this point. I've tried to indicate two of the procedures where, although they have not been interpreted right, they were really trying to be sensitive to a victim of alleged sexual assault.

Secondly, we do have to come back to what the judge ruled upon. And that is that the particular individual charged on the mischief, the ruling was — did not intend to mislead. And that's what the judge ultimately ruled. Again you know I'm prepared to be here . . . obviously my hands are tied in what I can and what I can't say. But I think we have to go back and take a look at what the judge ultimately ruled which was there wasn't an intent to mislead and take that statement for what I think it obviously means.

Mr. Koskie: — Have you got a copy of the judgement that could make it available to a critic?

Hon. Mr. Lane: — We don't have it here but we can get you one.

Mr. Koskie: — All right. Because in the part of the judgement that the lawyer who represented her . . . and I want this on the record today. In making his decision the judge stated the following:

I ask two questions. Do I have any reasonable doubt of the veracity of the evidence given by the witnesses for the Crown? The second question: could the evidence given by, or the story told by the witness for the defence reasonably be true? If I had doubt or answer yes to either one of those questions, the accused is entitled to the benefit of the doubt.

The answer for the first question as it pertains, and I want to make it very clear, as it pertains to Sakic and Smith: the answer is clearly yes. I have doubt of the veracity of their evidence.

As pertains to the second question, could the evidence in relation to the key matter of consent, as given by the witness, reasonably be true? And the answer is more correctly, more clearly to me,

yes.

Is that contradictory to what you saw in the judgement? Is that an accurate statement and an extraction of the key portion of the judge's ruling?

Hon. Mr. Lane: — Now if those two statements are accurate, but again, those two statements I'm advised were accurate, but what the judge ultimately had to decide is, was there the mischief charge obviously and the judge ultimately ruled — and that's the final decision — did she intend to mislead . . .

An Hon. Member: — I also found with respect to harassment . . .

Hon. Mr. Lane: — Well, but understand I cannot comment on the allegations against the other two. The charges are stayed. I can't say more than that.

Secondly, he obviously ruled on the veracity of the individual when he ruled "didn't intend to mislead," and found her not guilty . . .

An Hon. Member: — . . . (inaudible) . . . He said he believed her. That's what he said in judgement.

Hon. Mr. Lane: — That's right, that she didn't intend to mislead and he believed her.

Mr. Koskie: — I want to ask you, Mr. Minister, in view of what has been raised and the concern: is it possible for you to do a reconsideration in respect to whether or not there should be an inquiry here? I say that because I feel for this teen-age woman, relatively low mentality, and look at the sorry mess that she was left in, and she ends up being charged, Mr. Minister. She ends up being charged, and I don't think what you have done here really clarifies . . . And why wouldn't you, why wouldn't you, if all things are properly done, then why wouldn't you have an inquiry at least to indicate . . . first of all, this is a very unusual case with a teenager, relatively low mentality; and secondly, by the sum of the irregularities, as I see them, and a breach of her charter of rights during the interview — all of those various questions are not answered.

And so I guess I just simply ask you, in the light of not only having justice done but making it appear to be done, why wouldn't you hold an inquiry in respect to this?

Hon. Mr. Lane: — If I had have been convinced that there was . . . that the procedures were wrong, other than the one about the warning, whether it had not been handled properly, whether . . . I mean, the prosecutors will make their independent judgement. I have not interfered with the prosecutors' judgement nor do I intend to. That's a practice that I follow. I'm satisfied they made that judgement unfettered. We don't have any evidence nor was there any raised that the police acted improperly. There's none at all. I don't think that came up.

So the procedure is being correctly followed. An inquiry, in my view, would simply confirm that and not bring anything new. I'm not for a minute minimizing the difficulty, I'm not for a minute minimizing the sensitivity,

and I understate the difficulty in this situation. But . . . (inaudible interjection) . . . Sure. And of yours, the same thing — but that if the procedures were wrong or people had not acted properly, yes, I would have been very much persuaded. Because we have, I think in this province, taken a leadership role with regard to family violence matters.

So it was a difficult decision; it's a difficult case. And whether we've gone over lines here this afternoon with regard to allegations of sexual assault, I obviously can't say. But it's a difficult situation, obviously, for the young woman and her family. And the particular circumstances make it even more difficult.

I didn't find this easy, and I expected that I would convince very few of those who disagreed with my decision, the correctness of the decision. But I made that decision.

Mr. Koskie: — Well as you admit yourself, just a little irregularity: no warning to a minor. We can let that go. No problem.

But what about the judge? And it's not the essence of his judgement, but he does say why the charges were shifted, stayed in respect to the individual men, and that she was charged. And part of what he says, for these reasons and possibly because of a silly, thinly veiled, indirect threat by defence counsel to one of the Crown prosecutors in the case and possibly because of the intense community reaction — Gee, I mean the judge is saying that there was a silly, veiled threat by the defence counsel for the men as against the Crown prosecutor and you say, nothing wrong. Fine. Everything is normal. This is the problem. And you say, there is no irregularities. Take a look at them. How do you answer that?

(1445)

Hon. Mr. Lane: — The question of the lack of warning was one of the main factors that the judge stated. If I've left the impression that I thought that was minor, I apologize. That's not the case.

The rules are very strict as to when the warning must be given to the accused, and that obviously was one of the factors that the judge made reference to. So I, as I say, I apologize if I left the impression that that was a minor irregularity, given the rules as to the warning. Then, you know, again the judge dealt with that.

Mr. Koskie: — No, I asked you what about the silly, veiled, indirect threat by one of the defence counsel in respect to the Crown prosecutor. That's what he says:

For these reasons, and possibly because of a silly, thinly veiled, indirect threat by defence counsel to one of the Crown prosecutors in the case, and possibly because of intense community reaction in a small city, the Crown exercised its discretion and stopped the prosecution.

Hon. Mr. Lane: — The matter, and again I'm limited because charges are stayed, but the advice from the prosecutors, that they have an understanding of the

Nelles case and the standards of proof, and didn't at all take that at all seriously, and that it had absolutely no effect on the prosecutors' exercise of the judgement.

Mr. Koskie: — How do you know?

Hon. Mr. Lane: — Well, that's the advice we have and that's the advice of the prosecutors. Again, the prosecutors understand the very high standard of proof required in a Nelles situation. It's not something that can easily be pursued if I could guardedly use that. And they made their decision based on the evidence before them, as they would do in any other case.

Ms. Simard: — Mr. Minister, we have a situation here where the lawyer indicates that as a result of the sexual activity, the woman was bleeding rather profusely from her private parts and suffered considerable physical and emotional pain. Now, Mr. Minister, the judge also says that he believes her evidence with respect to consent to that sexual activity and he does not believe the two men. That may not be the "*ratio decidendi*" for the case but the fact of the matter is, is that is included in the judgement and should have been considered by your department.

Now even if your department takes the position there was not a sexual assault here, surely there was an assault, or did this woman inflict profuse bleeding on her private parts by herself, Mr. Minister?

Hon. Mr. Lane: — Well the decision with regard to the young woman, was not whether there was a sexual assault or not. The charge was mischief.

Well the difficulty I have with the hon. member's question is that you are bringing both cases under the one. And that may or may not deal with the question of the other two accused, and charges have been stayed as to what happens there. The question that it came down to in the mischief charge, that I'm advised that the judge ruled that she didn't intend to mislead. The question of the sexual assault I can't comment on because other charges are stayed, so we have to come back to what the specific charge was, and it was mischief.

Now I understand the difficulty of the situation, and the extent of the incident, if I can say that, goes beyond the specific mischief charge. But all I can comment on is on that mischief charge. If the argument is for an inquiry into the whole question of whether there was an assault or not, that's obviously another matter, and charges have been stayed. They can come back. So I think the hon. member knows that I'm very much and properly restricted to comments in that regard. But if we come back to the question of the judgement on the mischief charge, it was that she didn't intend to mislead.

Mr. Koskie: — You indicate that the charges in respect to the two men have been stayed. I want to ask you, is there any decision, is that being reviewed as to whether those charges proceed? Has there been any decision made as to whether the charges that have been stayed will be proceeding as against either both and/or one of the individuals that were originally charged with the sexual assault; and whether or not other considerations of other charges as my colleague indicated, straight assault

charges?

Hon. Mr. Lane: — I'm advised there is no basis to remove the stay at this time.

Mr. Koskie: — Have you looked at any other charges, I also asked you, in respect to lesser charges other than a sexual assault of an assault charge?

Hon. Mr. Lane: — All aspects are looked at by the prosecutors.

Mr. Koskie: — In other words it will be stayed for a year, and at that time there will be no further action. Is that correct?

Hon. Mr. Lane: — That's not what I said. I said that there is no consideration of removing the stay, that all aspects including included charges are looked at by the prosecutors.

Mr. Koskie: — Well have they been reviewed? I mean I don't want to just leave the stay sitting. I mean are you going to review it, and have you reviewed it to determine whether or not it's simply going to die? Are you going to leave it for ever, or are you going to finally dismiss it, or are you going to proceed with other charges?

Hon. Mr. Lane: — The hon. member may know that a stay is in operation for a year, and at any time during that the charges can be reinstituted. I can't say more than that.

Mr. Koskie: — Well has there been any work done by the Justice department looking at alternative charges? Surely you could indicate that.

Hon. Mr. Lane: — Again I can only restate what I've said, that there's no plans to lift the stay. Understand that when a stay is on, if and when new evidence brings forward, it can change circumstances. And I say that in general terms. But there's no basis, I'm advised by the prosecutors, to lift the stay.

Mr. Koskie: — You didn't answer the question. I asked you whether or not, in view of the circumstances and the facts that surround the matter, whether or not consideration of a lesser charge is considered; and has it been reviewed, and is that not an option?

Hon. Mr. Lane: — But I mean, in an included charges prosecutors would look at all aspects in any such decision, as I indicated earlier.

Mr. Koskie: — I want . . . this information, as you are aware, the Saskatoon Sexual Assault & Information Centre wrote you a letter, Mr. Minister, on May 30, 1990, and they ask for some considerable information. And I think I would like to just get that information from you too, but you don't have to deliver it right now unless you have that information. And maybe perhaps you have replied to them and you could give me a copy of that letter. I don't know.

Hon. Mr. Lane: — We're pulling the information together that we have, and I'll make sure that you get a copy of the letter that I send out in reply.

Mr. Koskie: — And that's from the Saskatoon Sexual Assault & Information Centre and the letter of May 30 and signed by Maureen Jones, executive director. Is that correct? Just for clarification.

Hon. Mr. Lane: — One, if I recall, that has a series of questions that they would like answers to. If that's the one, I'll undertake to make sure you have a copy of my reply to them.

Mr. Koskie: — Thank you. Mr. Minister, one of my colleagues wants to ask a few questions in another area. I'll turn it over.

(1500)

Mr. Pringle: — Thanks, Mr. Chairman. Mr. Minister, I'd like to talk for a few minutes, if I could, about the Human Rights Commission. And I don't see the chief commissioner, but I anticipate that these are issues that you'll be familiar with.

I guess one of the things that concerned me as I was preparing to go over these estimates is that in looking at the human rights code, which I've tried to study over the last couple of years and meet with a number of groups who have some very legitimate human rights concerns, is that increasingly it seems to me that the code is inadequate on a certain level. Certainly the amendments that were brought in last year, we supported. And those were important amendments. And we were grateful for those, as were many other groups, particularly those groups affected.

There's kind of another level of concern that I have that there really is no protection for, and those relate to things like hunger. There really isn't protection in the human rights code . . . there really isn't protection anywhere, as far as I know, that guarantees that children will not go hungry, for example; that guarantees that people will have educational opportunities, post-secondary for example, equivalent to their abilities. And I recognize that the resources of the province at any given time play a part in that.

But there really aren't guarantees. For example, if you're hearing impaired or deaf and you finish grade 12, you want to graduate from university, it's my understanding from a couple of recent constituency examples that we no longer fund out-of-province university education for deaf students. Yet the courses that they want are not available in the province. And the areas of employment, there really is no guarantee. We have no guarantee that people, say, who are physically disabled — where there's a 75 to 80 per cent unemployment rate — have a guarantee to a job.

There's no regulations or no expectations that we have educational equity programs at the universities, for example. There are no guarantees that people who are physically disabled, who wish to live independently in the community, have the right to do that.

And I'm aware, of course, that because of the level of funding in Social Services, again from some case examples in Saskatoon, that we no longer . . . For

example, if someone's in Cheshire Homes and wants to live independently in the community and they've got the ability to do that with some support, some home care support, some home-maker support, that there has been a recent policy decision in Social Services that says we no longer do that because it costs \$2,500 to do that. And I recognize that there's a cost implication there but in some cases these are people who have got into Cheshire for awhile but who have lived on their own in the community with those supports and now are not able to go back into the community.

So there's kind of a level — and again, I recognize that this is related to resources — there's kind of a whole new level, in my view, of . . . in a sense, a violation of what could be considered basic human rights because we aren't putting the correct amount of resources into the various program budgets. Yes, we've got money for Childers and Cargill and those firms, and so I'm not convinced that the money is not available if the priorities were different.

Now we are a signatory and have been for some time, and I know you're aware of this, to the charter or to the UN (United Nations) Universal Declaration of Human Rights. As a matter of fact, the Minister of Social Services in 1988, recommitted ourselves to that declaration. And that declaration speaks to the fact that we will work towards eliminating poverty, that hunger will not exist, that those kinds of educational, employment and housing opportunities I talked about would be available.

And I guess one of the concerns that I have, as I look at the code, is that there aren't guarantees about those things for our citizens. And you may or may not want to respond to that. I think that's something that has to be looked at. And I would like to sit down with the chief commissioner just to address that concern I have, increasingly, where I feel that we're not giving whole communities of people the opportunities that they should be entitled to.

There's protection not to be discriminated against on a case-by-case basis but not as a group of people.

I'd like to switch for a moment to the whole area of increasing intolerance and discrimination and racism that is increasing not only throughout Canada, but certainly, particularly on the prairies it seems to be increasing more. And I do commend the commission, the Human Rights Commission, for taking a proactive position on the pins that were floating around a while back. And I think that that served a pretty significant signal to the public.

I guess one of the concerns I have had is that I felt though in this whole area of intolerance and racism that we have been, that our government has been more of a reactive . . . has had more of a reactive response than a proactive response like some of the other jurisdictions.

For example, we have made no decision. We've made no decision in the face of the concerns of SCAR (Saskatchewan Coalition Against Racism) and some of the native organizations to make a commitment to a native justice inquiry. We've had no commitment to look at native child welfare despite some 30 or 40

organizations last year who were calling for that and based on the fact that our jails are disproportionately filled with people from aboriginal background as are our Kilburn Hall and our other child care institutions.

So whereas the governments of Manitoba and Saskatchewan, the federal government, the cities of Saskatoon, Regina, P.A. for sure, and maybe others, have in fact established on their jurisdictional level, have established committees and inquiries and what not on the provincial level to deal in a very proactive, concrete way with the whole question of increasing racism and intolerance, is a way of trying to find out what the problems are, trying to heighten community awareness, trying to come to grips with some kind of educational process because, in my view, inquiries can play that role if they're conducted properly.

We've really, as far as I know, have got no plan to deal with the overcrowding of the disproportionate number of native people in our jail system, the fact that Pine Grove is filled with, as I understand it, primarily native women. In many cases their children are in care somewhere throughout Saskatchewan and that whole area of . . . And I recognize that we've got some half-way houses — and I give you credit for that, I think it's a step in the right direction — but we've not initiated, like other jurisdictions have, a concrete plan to be a leader in the area of combating racism and increasing intolerance.

And the commission within their limited ability has tried to respond to that, but I am speaking here about I suppose your department and the government overall, and I would appreciate your comments on that. Maybe I am not aware of something. I am aware though that my colleague from Cumberland has publicly asked for, on behalf of a number of groups and certainly on behalf of this side of House, a native justice inquiry and a child welfare native inquiry. I guess I would be interested in at what stage that is at, in your thinking and within the Department of Justice. So that's one question I would appreciate your response to, Mr. Minister.

I have a couple of other questions, but maybe first of all if you wouldn't mind responding to that. I may have some more questions there depending on what you say, or I can switch to another area.

Hon. Mr. Lane: — Well the hon. member has raised a number of both questions and items for comment.

Let me say on the matter of rights, I think we would both agree that human rights are evolutionary. They evolve. What are rights for different generations may be less important to other generations.

I think when we talk about the matter of food, there are I believe some implied rights implied in the family legislation of the right of a child, for example, to be cared for by his or her parents. Some of those are stated in other ways.

Rights will evolve. I mean some make the argument that an individual has the right to be taught, not the right to be educated but the right to be taught; that they have a right to be promoted automatically from one year to the next.

Others insist that there be a right not to have to pay for government programs that they disagree with.

So I don't say those glibly and I don't say those to demean the hon. member's arguments, because they're not intended that way. It's just that all I'm saying is that human rights will evolve and they will change from generation to generation or country to country or jurisdiction to jurisdiction.

So we can talk, you know, whether the programs are adequate or not. I don't think that's the argument that you're trying to get into at this point.

But let's go to the matter of a native justice inquiry. I find it interesting that Chief Roland Crowe of the FSIN (Federation of Saskatchewan Indian Nations) said we don't need one. So there's an individual representing a significant percentage of our native peoples who has said that and said it on numerous occasions.

What I have said, and I ask the hon. member because I was being precise, I have concerns about an inquiry. An inquiry tends, in my mind, to look at a specific problem like the Marshall, or the particular problem in Manitoba, and we're going to get to the bottom of that specific problem.

I have indicated my support for some type of review of native justice. I am not the least bit interested — and I have said this publicly and said it to the native community and have had support from the native community on this — I'm not the least bit interested in some type of format that is merely to have a political stage or to just rehash issues that are out there, that whatever vehicle we can come up with, I want it on the native justice that says, all right, we know we have a problem; now let's go out and look for solutions. And that's the direction that I want to see it go.

I also have a view that practically, that committee or whatever body that would look at that, has to have the confidence of both the native and the non-native community. Because if at the end of the day, one of those two groups disparages the efforts or the recommendations, then you've wasted your time, in my view. And this is easier said than done, and I recognize the difficulties of accomplishing what I'm saying.

But if it is to be successful and if it is to deal with the problems that we would all accept and if it is to come up with solutions that even if dramatic or Draconian would be accepted by the native and the non-native communities, then we have to proceed cautiously — make sure we get: one, the right people, the right form and the right criteria.

So I haven't. Matter of fact, I would personally support some type of review of native justice. The inquiry I have ruled out for the reasons that I've given you.

Let's go to racial inquiry — and I'm going to come back because I'm going to list some of the things we're doing in Justice with regard to native issues. And we go to the question of a racial inquiry. I have, as I've said, some very serious concerns about an inquiry. As an educational tool

— and you alluded to that — it is limited. And education has to be the main objective. I think you'll agree with that.

(1515)

Then obviously, there are more effective ways to try and change public attitudes than an inquiry. But what happens — and what can happen in an inquiry — what happens if we have some of these John Birch-type organizations that take an anti-Semitic argument and use the inquiry to promote their views because they're not intimidated by an inquiry. Have we done anybody a service by giving them a forum?

We all think that those who oppose racism would be the only ones that would go to an inquiry. In fact the opposite could happen, or both could be there. I take a look, and when you say we're not in a leadership role, I take a look at perhaps some that you, with respect, would hold up to be further ahead. The anti-Semitic activities that we see are happening in jurisdictions that pride themselves on their laws promoting racial, religious tolerance.

So there has to be something else. And I don't have the answer; I don't stand here with the answer. But sometimes the simplistic solution of an inquiry here and an inquiry there is only that, and again I say that with respect to those advocating inquiries sometime.

If we would agree that public education is the best way to go, I think you would also accept that an inquiry would touch relatively few people compared to the medium of television. I think that's a fair, fair statement.

So I'm just not persuaded that it's the most effective way to go. You and I would probably have no disagreement about the problem. We may have differences on the solution. I mean I, like most people in this province, get appalled that there's desecration of the synagogue in Saskatoon, for example, and we can name others. I find that statements by that group in Prince Albert, I forget the name, I mean I just . . . you would think we would be past that in Saskatchewan. So I don't think we would disagree on the problem. We may have some disagreements on the solution.

I do go back to the matter of the natives and the justice, if I can come back and review some of our initiatives. And you mentioned about the question of corrections that we recognize, it's obvious. I mean, it's not a matter of we recognize, we know that the natives are over-represented in the Saskatchewan prisons, and programs that we've done, many of them unique — cross-cultural awareness. And the objective of that is a training course for corrections workers. We've got native programs. The native elder in Pine Grove provides cultural, spiritual and personal counselling services.

The Women's Secretariat also has programs. An annual pow wow conducted in conjunction with sweat lodge, pipe ceremony and a feast. Elders, family, friends, dancers, singers, etc., are extended invitations.

A native teacher was hired last year, and I'm talking about corrections. As a result the education program is taught from a native cultural perspective. A literacy program has

now been implemented, focuses on issues related to women and natives. Iskwew, women helping women, provides group and individual counselling services for women who have suffered from family abuse. Native outreach, a manpower agency, provides funding to various community courses, training courses. You're aware of Gabriel Dumont Institute and the involvement of the Saskatchewan Indian Federated College. Kateri House, a native Catholic mission provides weekly life skills and Bible study sessions. A module of the Elizabeth Fry life skills programs uses natives as role models. And a number of native community resources are used as release referrals, such as the Indian and Metis Friendship Centre, the Native Alcoholism Centre, and the native family council.

And I can go on about some of the . . . Prince Albert, again, the native elder . . . there's a native ministry program in Regina utilizing the concepts followed in native spiritual practice. And I could go on and on and on. I have about a three-page list if you want me to go through them all.

But we have a long way to go, and I'm not holding these up as the be all and the end all, but I do believe in many cases, Saskatchewan is leading. Certainly, with regard to natives, I know that many of our programs are being followed or being looked at by other jurisdictions. So it's, again, acknowledged that we have a long way to go, but I wouldn't want the hon. member to have the impression that we aren't doing anything because I think we have taken some rather imaginative initiatives in these areas.

Mr. Pringle: — I would like to receive a copy of that list, if I could. I guess a concern I have . . . So not an inquiry. I mean, I could speculate on why you don't want an inquiry. Now my understanding is that you're not doing anything like other jurisdictions are in relation to dealing with the issue on a broad perspective. You're the minister; you have the ability. I mean you say what you would prefer is to have a study or a review. Well you have the ability to do that . . .

An Hon. Member: — Are you talking native justice?

Mr. Pringle: — Yes. You have the ability to do the review, and I'd like to know if you have plans to do that and when, because other jurisdictions have started that process long ago.

And I won't get into this, but I also have a long list that I could talk about, a long list of cuts that I think have contributed to a deteriorating situation as it relates to native people. And I will just mention a few. You've cut the native court worker program. I've heard you say that that wasn't effective, there were better ways to deal with support to native people in the court system; I've heard native groups say that that's not true.

Your government and the federal government made major cuts to native journals and native magazines which takes away the ability of native people to communicate with each other and to communicate with the non-native community.

Now those are cuts that in my view have not contributed

to the betterment in terms of education and understanding and communication. Your government has cut, and not fully restored to the level that you cut, funds to native family support programs. You've cut the native child-care workers that were in Social Services specifically established and identified to recruit native foster homes; you've cut those workers.

There are many, many other areas I could mention, but we could spend quite a bit of time doing this and I want to move on to another area. But I'd like to know when you're going to do that review that you've got the power to do today if you want to initiate that. I'm not going to mention, but I could, the whole area of discrimination and racism and intolerance. I'm not going to mention the several examples that I could mention, but they're on record in this House by me as mentioning, of the comments by the Premier and other cabinet ministers that in fact two and three years ago that contributed to, that planted the seed, I could argue, that allowed for and gave messages that if our political leaders can give signals of intolerance then they can quickly grab on in the rest of the community. And you know the examples I'm talking about by the Premier and others, and I won't mention those.

I'd like to move on in the interests of time here to a couple of quick points. And you can give these to me in writing. One would be the . . . I guess a description of any affirmative action targets you have for Crown corporations, for departments — that is that the commission has — the status with regard to affirmative action. You can send those to me, if you don't mind.

And I'd also like you to comment, if you wouldn't mind, on a proposal that we made regarding . . . just before the session got under way. And I had discussed this last year with the minister, regarding the Human Rights Commission being made accountable to an independent committee of the legislature, along with the Ombudsman's office and the Provincial Auditor; whether you personally support the notion of the commission being independent to the legislature rather than to the Minister of Justice so that we can get around the situation where the commission, under any government, has to take the government to court like in Chambers case.

Now fortunately the system worked and the commission was successful, but it would be easier in future, under any government, if the commission was accountable . . . had the independence and was accountable to the legislature as a whole, not only for policy issues, but also to strike the budget requirements and the resource requirements of the commission. Any comments that you have on that, Mr. Minister, I would appreciate.

Hon. Mr. Lane: — You mentioned some programs. I realize your views on the native court worker program. One of the objectives of the native court worker program was to reduce the incarceration rate. In fact the incarceration rate went up. And there was a study done. You may want to refer to this. It was for the *Saskatchewan Law Review* in 1984:

The native court worker program cannot be favourably evaluated because of its fundamentally flawed program logic. While it was intended that

the program would eliminate or at least reduce the disparity between native and non-native incarceration rates in Canada, it is clear that a criminal court orientation and a referral service cannot meet such a goal.

So there were fundamental problems with it. I also referred that in some cases it became a bit of make-work project; that we were getting in some cases, if I recall, 90 per cent turnover in a year. Be in for a couple of months and then gone, and others would come in and do it for a while and then they would go.

And so there were some . . . I hope the hon. member would take a more than just a superficial look at that program in terms of what its objectives were and really whether it was the best way to meet those objectives because it really, really did fall short.

Again, I'm going to give you the list. We've tailored fine option programs, community service programs for the native concept of justice, particularly the community service order program. And it gives judges a further sentencing alternative; bail supervision program also tailored to natives in some cases. We now have during the past year, 17 per cent of all new correctional recruits in Saskatchewan have been native. So there has been a concerted effort to deal with what we both would agree is a serious problem.

I'm trying to remember your last point about . . .

An Hon. Member: — The independence.

Hon. Mr. Lane: — Oh, the independence. I wasn't aware of that recommendation. I would take a look at that. Certainly my first reaction was that I don't have a problem with that. I think it fair to say that some . . . as you said, the commission has been allowed to operate independently. If that assurance is better enhanced by that type of procedure of reporting to the Assembly, at first blush I don't have a difficulty with it.

I'd like to take a look at it and see if there are other difficulties, but I apologize for not being aware of the point that you made that you had raised this before, and the same thing would apply to the Ombudsman.

(1530)

Mr. Calvert: — Thank you, Mr. Chairman. Mr. Minister, I wouldn't have anticipated being part of the estimates of the Department of Justice, other than earlier in this session the Minister of Consumer and Commercial Affairs, during his estimates, told me that I should raise the questions that I had at that point with you in the Department of Justice estimates. And so I would just lay some of those questions before you, sir, and I anticipate the answers today.

Mr. Minister, in regard to the matter of the investors who lost money in the Principal Trust collapse and the lawsuit which now involves your government, my first question, sir, is this: why is it that you chose not to use in-house legal advice and rather chose to use the firm of MacPherson Leslie & Tyerman? That's the first question.

My second question: have you today, sir, for the information of the legislature an estimate of what it will cost the Government of Saskatchewan to involve itself in this lawsuit? What is going to be the cost to the taxpayers of Saskatchewan to provide the defence for your government in this legal action, which everyone admits may last for years and years? And then if I may just . . . You want to speak to those two first.

Hon. Mr. Lane: — Obviously the member knows that the lawsuit commenced by the plaintiffs is very complex. There are 642 plaintiffs claiming over \$18 million for losses sustained in several thousand investment contracts. Given the magnitude of the action, it was felt that the . . . I'll wait till the hon. member is ready . . . (inaudible interjection) . . . No, because it's information for the hon. member, that's all.

Given the complexity, the magnitude of the action and the time involved, it was felt the Department of Justice lawyers alone would not be able to provide the time to adequately attend to all of the government's interests that it represents. But several lawyers within the department continue to work on the file with the law firm selected.

Obviously we can't give you an estimate as to the amount of the cost because it would be done on a time basis and we just can't give you that estimate.

Mr. Calvert: — Mr. Minister, are you saying that you have not even a ballpark estimate what this might cost? If you can't answer that question, then can you answer the question: how much has the legal advice cost to date? What's the bill run up, to date?

Hon. Mr. Lane: — MacPherson Leslie & Tyerman, \$4,765.67.

Mr. Calvert: — Thank you, Mr. Minister. Mr. Minister, then I just have one more general question. I have with me today the statement of defence that has been filed by your government in the Court of Queen's Bench in response to the suit by the investors.

In this statement of defence . . . And I can quote it for you. I'm not sure I need to, but I will. "In complete answer . . ." This is point number six:

In complete answer in defence to the plaintiffs' entire claim, the defendant says that the claim, as further particularized by the plaintiffs' reply to demand for particulars, was not commenced within 12 months of the act, neglect, or default complained of, and therefore the plaintiff's action is statute-barred.

Mr. Minister, as you know, what you're arguing here, your argument is that the investors should have their action barred because they are past the statutory date, the 12 months.

Mr. Minister, how can you seriously argue that when you know that your Premier, by letter, communicated with the legal representative of the investors, asking that they withhold any legal action until after the Code report, asking that any legal action with investors be withheld

until the Saskatchewan Ombudsman reported?

And now in your statement of defence . . . And the investors were good, were good to that. They acted in good faith. And now in your defence you're saying that the thing should be barred because they were late — when they were only doing what your Premier and government recommended. Mr. Minister, how can you justify that?

Hon. Mr. Lane: — Well I obviously can't comment on matters before the court, but simply to indicate that the evidence applicable may differ from plaintiff to plaintiff. It could differ in their reasons for delay. It could differ in their reasons for bringing the action. It could differ in their reasons for their investment in the first place. So those are rather consistent arguments. The courts would determine their applicability according to the merits of the claim of each plaintiff.

Mr. Koskie: — Thank you, Mr. Chairman. Mr. Minister, I want to turn to another matter and that's the STC (Saskatchewan Transportation Company) issue. And as we have indicated before, we felt that the terms of reference to the inquiry itself was not broad enough. Your defence is that the chief justice . . . not chief justice, but Mr. Justice Brownridge had the power to come back and to ask cabinet to expand the terms of reference.

I think it should have been expanded initially because when you look at what in fact they are able to look at is the allegations the money was for political purposes in Canada. First of all, that allegations of the STC officials obtained money improperly; and secondly, allegations the money was for political purposes in Canada. It doesn't go beyond specifically that one single issue.

I guess the question I ask is, first of all, has the commission commenced its investigation? To what extent or when do they intend to begin the public hearings?

Hon. Mr. Lane: — I don't have that information. I suppose I could ask the inquiry on your behalf, or you could do it. Obviously that's their call, their decision. I have given the assurance that should they make the formal request for expansion of their mandate, that cabinet would agree to that. I'm sure that in light of allegations the other day, they will want to go back for some considerable period of time. And I know all hon. members would want to make sure that it's a complete inquiry, and we will make sure that that is the case.

Mr. Koskie: — Something like the Swift Current one. It'll be a complete inquiry, all right. We have full confidence in it.

I want to ask you whether or not the RCMP investigation has been completed. This commenced as of December 30 and they've been investigating ever since. I want to ask whether or not they in fact have completed the investigation.

Hon. Mr. Lane: — No, I'm advised that they have not completed their investigation.

Mr. Koskie: — I want to ask you then: in the event that the

RCMP investigation is complete, would it be the opinion of the Justice Minister to proceed with charges here, criminal charges, if indeed the investigation substantiated that, prior to the completion of the hearing in Dallas?

Hon. Mr. Lane: — The prosecutors would make that decision if in their judgement charges should be laid. That's a decision that they would make.

Mr. Koskie: — What I'm asking is: is it your view that there would be problems in proceeding with the Canadian charges or Criminal Code charges in light of the Dallas charges in so far as the potential of being basically on exactly the same facts and as a consequence, the provision of double jeopardy being applied in respect to that. Have you any opinion with respect to that?

Hon. Mr. Lane: — Well again I come back to the same answer that I gave you. It would depend on the charges and that's a judgement of the prosecutors. There, I gather, is a recent Supreme Court decision which may or may not help clarify things as to what happens if there's a criminal act in both jurisdictions and the effective charges. I just come back to what I said at the beginning, that that's a judgement that the prosecutors would exercise and make their decision on both the law and the facts.

Mr. Koskie: — Well you've said nothing, but that's fine. Just in respect to the terms of reference, you indicate that the commission will examine allegations if STC officials obtained money improperly from Eagle Bus Manufacturing Incorporated; secondly, allegations of money was for political purposes in Canada.

I just ask you: on what basis did you narrow it down that indeed it would have to be solely in respect to use of political purposes? In other words, if there was in fact money taken, is it not possible that that money could have been passed on to other individuals? Why wouldn't that be part of the inquiry? Why did you put it so narrowly in respect to the . . . that the sole determination was whether the money was used for political purposes? What reason?

Why not broaden it to look and to determine, you know, whether there indeed were other questionable operations by the individuals; and why not indicate whether or not this was for the enrichment or benefit of other person or persons besides the political party? Why would you confine it to that specific and very narrow investigation?

Hon. Mr. Lane: — Well, with respect, we feel you're interpreting that too narrowly. The allegations and word "allegations" in our view is very broad and can take down any one of a number of tracks, depending on the evidence. Secondly, the accounting practices are also in there which can open up many doors into other expenditures or use of the funds. And finally, if it is narrow, then Mr. Justice Brownridge can always come back. But our interpretation is that it's very broad. And we're very comfortable with that and certainly I think the inquiry feels that view, at this stage anyway.

Mr. Koskie: — I'm very concerned in respect to the length of time of the RCMP investigation. They started their investigation in or about December 30, I believe, the previous year. And this is a considerable length of time.

Have you had any contact as to the progress of the RCMP investigation and/or any reasons as to why it is taking such a considerable length of time in drawing it to a conclusion of the investigation?

(1545)

Hon. Mr. Lane: — Well I would indicate to the hon. member, they're the professionals. They will make those decisions as to their investigation. It may be much more complex with regard to the industry and activities. It may include other manufacturers. I don't know that. But the RCM Police are the professionals and they don't take direction from us. They carry out their investigation.

Mr. Koskie: — Well do the RCMP periodically give you, when they're doing an investigation, an update in respect to the progress of the investigation?

Hon. Mr. Lane: — Certainly they will brief the officials, depending on the investigation, from time to time if they feel in their judgement it's necessary or advisable. But the completing of the investigation, that's their call. The management of the investigation obviously is their call, and the investigation is their call.

Mr. Koskie: — Any indication in their briefing or in their submission to the department as to any time schedule within which they expect to complete their investigation?

Hon. Mr. Lane: — Well my understanding is, and this is not my phrase, "reasonably soon." But they are, I'm advised as well, pursuing some new areas. And what impact that will have on the time, I can't say.

Mr. Koskie: — Mr. Minister, I want to turn briefly, because time is moving on here, to one other area, and that is in respect to the constitutional reference in respect to the constituency boundaries. And I want to ask you, since it's one month since you made the ministerial statement indicating that you were going to reference the matter to the Court of Appeal, I want to ask you: why hasn't that been done? Because you obviously indicated that you wanted to get it authoritatively decision on it and you wanted to get it done as soon as possible.

Why the announcement without even any preparation or being in a position to reference it to the Court of Appeal? What is the delay? I mean why the announcement indicating that you're going to speed ahead with it and one month has gone by and still haven't apparently completed even the material that is necessary to be filed with the Court of Appeal. What's the answer there?

Hon. Mr. Lane: — We're finalizing the reference. As I indicated to the hon. member, it wouldn't go ahead this spring anyway because the spring session of the court was near its end. So it wouldn't have gone on. It would be dealt with late summer, early fall, and we will have it well advanced for the court to consider it at that time.

Mr. Koskie: — I am advised in checking with the registrar of the Court of Appeal that the court does not have specific sittings and is continuing to sit on an ongoing basis. I wonder with, Mr. Minister, whether or not Mr. Newis is correct in advising me that, or whether you

answer is correct.

Hon. Mr. Lane: — Well we're advised by the court that we would get it on late summer, early spring, and that's what I've indicated. In effect they are shut down.

An Hon. Member: — You are stalled.

Hon. Mr. Lane: — No, we're not stalling. I mean they, you got a big loss coming here, Ned.

Mr. Koskie: — All right then, give me . . . your information is contradictory to what Fred Newis indicates. He's the registrar. Because he says, and I had the staff check, the court does not have specific sittings and is continuing to sit on an ongoing basis. Now I want to ask you, is that accurate or is it not accurate? Is the court not available to file the material and to proceed with the hearing at this time? Is it in fact in recess? Is that what you're saying?

Hon. Mr. Lane: — I'm just advising you, as I said, that the Chief Justice has indicated to us that they would in all likelihood not hear it before the end of the summer or early fall.

Mr. Koskie: — Early fall. Do you have . . . You've indicated as to hearing and you indicated that you have talked, without filing the material, you have talked to the Chief Justice in respect to setting the date. Is that what you're saying? And if you're saying that, Mr. Minister, I want to ask you what commitment you got from the court in respect to when this matter can be heard.

Hon. Mr. Lane: — No, I very, very carefully said that the Chief Justice has indicated in any event that it would be late summer, early fall. And I also indicated that we are preparing the term of reference and the background material. And that's being prepared.

Mr. Koskie: — And your understanding of early fall, would you indicate what that terminology indicates to you. Because we have a real suspicion here is that there's a political motive behind this, that you want to have a legitimate excuse for not going to the people. And a good legitimate excuse is to say, well we've referenced this before the Court of Appeal and so we might as well wait until that's decided before we go on the new gerrymandered boundaries.

And the other question too, Mr. Minister. You all of a sudden become self-righteous in this, but it's been a year that we've had this legislation passed. One time you had total confidence. What changed your mind that now at this late date when you should be calling an election — your four years are fast rapidly going — at this late date that you decide to go to the Court of Appeal?

Hon. Mr. Lane: — The only politics is, with respect, is the hon. member having some dissatisfaction with the legislation. Is he saying that a reference is something that shouldn't be done? He would disagree with the NDP lawyers in Saskatoon who say it should be done; and so if he's disagreeing with them, saying that the reference is not the appropriate course of action, I'm surprised. I would have thought that you would have been quite supportive of this.

Mr. Koskie: — Mr. Minister, there's two reasons for you proceeding. One is that a group of citizens were proceeding with a legal action, and you know that. And the second reason . . . that's true, they were proceeding or intended to proceed . . . (inaudible interjection) . . . Well the question then, Mr. Minister, if you wanted it to be authoritatively decided, why did you wait for a year in order to take it to the Court of Appeal?

Hon. Mr. Lane: — Don't think we have any doubt as to the constitutional validity of the legislation. We have a lot of confidence. And don't say that the NDP lawyers in Saskatoon were going to take this to court. They threatened in February, they threatened in January, and I think they threatened in March, and nothing ever happened. So the threats were made on numerous occasions, but nothing ever happened.

Mr. Koskie: — Can you name the NDP lawyers that you're referring to in your political statement? There was a group of citizens that wanted to challenge the massive gerrymander. And I mean, when you were a Liberal, Mr. Minister, when you were a Liberal back in those good old days with the late Ross Thatcher, you'll remember gerrymandering in those days don't you? Boy you put together a dandy, that one, didn't you?

But you got smashed in the election and that's what's going to happen in this one too. You can't gerrymander yourself into a victory. Why did you ill advise them to do it again? People of Saskatchewan are sick and tired of political parties that can't sustain power and therefore have to take devious methods of gerrymanders.

You know you talk about rural representation and then you go to southern Saskatchewan and you have a little seat like, not Thunder Creek, the other . . . Morse — 7,500 voters or 7,600 voters. And then you go into another rural seat like Humboldt — 12,200; or you go into Cut Knife-Lloyd and it's 12,500. Great equity in rural vote against rural vote in those circumstances.

In a way, Mr. Minister, you didn't answer the question. You indicate that you're absolutely sure. Something initiated you to decide to go to the Court of Appeal. But why did you wait one year in order to do it? If it's simply to get confirmation from the Court of Appeal in respect to it, why did you wait a year?

Hon. Mr. Lane: — Well the only concern that the hon. member has is whether it would be done in time, and we're quite comfortable that it will be done in time.

Secondly, I can remind the hon. member, having gone through an election, I think '75, '78 where the urban part of my riding was the second-largest urban riding in the province, the rural part was the largest rural riding in the province — twice as many voters as any other riding in the history of the province, every subdivision in the city of Regina, including Glencairn, University Park, Uplands, north-west part of Regina. I can go on and on and on about some of the boundaries that I face from time to time. So I don't take the hon. member's statements other than his enjoyment of the political debate in the House.

Mr. Koskie: — Mr. Minister, why did you wait one year to proceed?

Hon. Mr. Lane: — I've just indicated to you that the decision will be one that the court will render, I'm quite comfortable, in more than adequate time.

Mr. Koskie: — Well, Mr. Minister, adequate time? The people are growing impatient. They'd like to take you on, even on your gerrymander, but now you have it as an excuse not to call an election. And that's clearly it. You got it before the courts and we've got to get the legal authority before we can go, and so therefore we can justify not going this fall until next year. And that's the truth of the matter.

I want to turn quickly, Mr. Minister, and wind this down, although I've got a lot more to do. I want to talk a little bit, just briefly on the general budget. And particularly, I guess in respect to the corrections and if one takes a look at it, Mr. Minister, we find that throughout the budget . . . I'll just run through some of the aspects of concern: the Pine Grove Correctional Centre in Prince Albert, that funding is down to 1.3 per cent; provincial correctional centre in Prince Albert is down 5 per cent; the provincial correctional centre in Regina, down minus 4.6 per cent; provincial correctional centre in Saskatoon, down 2.8 per cent; and northern corrections is down 1 per cent, roughly, .9. And there's a very significant and massive cut in funding to the corrections. My figures are correct. I think there's a total budget cut in respect to the correctional facilities of about \$1.2 million. And my figures add up that there were cuts of some 23.9 in personnel.

And, Mr. Minister, if you take a look at what is happening in corrections — and I had intended to go in great detail into the correctional centres and what is happening and the amount of problems that you've had with understaffing. I just want to ask you, Mr. Minister, how do you justify such a very significant cut in staff in the correctional centres and at the same time such a massive cut in the budgetary items in respect to the correctional centres?

(1600)

Hon. Mr. Lane: — There's no, I'm advised no reduction in staffing ratios. In fact the anticipated correctional centres counts didn't materialize in the last year so that there is reduced inmate count.

Secondly we also have some new programs which will reduce the inmate count further, including the intensive probation supervision, electronic monitoring program, which as I say, will reduce the count. Those two programs are expected to reduce the demand by an average of 75 per day.

Mr. Koskie: — Well good luck because I think that's not going to happen. And you know it isn't. And what you have is adopted a policy here of minimal staffing. And you have had instances in which in Prince Albert, for instance, they brought notices under The Occupational Health and Safety Act, and indeed your own buddy, the ex-minister, yes, the ex-minister from North Battleford

that was defeated in the last election and picked up a Tory job again, is in charge of occupational health, and his indication is that the staffing wasn't . . . indeed inadequate. In Prince Albert, the staffing was inadequate; in Saskatoon, and I believe his finding in his investigations there in February or March, that he found otherwise in respect to Regina.

I have some statistics in respect to it, and I don't know . . . this is as of March 1, 1990, the information in that area. Provincial correctional centre, Prince Albert — 391 inmates, 19 staff, double-posted; provincial correctional centre, Regina — 506 inmates, 11 staff, single-posted; provincial correctional centre, Saskatoon — 264 inmates, 13 staff, double-posted. And I don't think those are low numbers.

And the thing is that what you have been doing is cutting back. And you know what you want to do . . . I mean, this is a stress area for the guards, and the policy that you're working towards, if you can believe it, it will be important for the division to deal with some of the inappropriate and poorly drafted provisions of The Occupational Health and Safety Act by persuading the government to amend The Corrections Act to override and exclude correctional posts, and staffing, or other areas in its purview. That's what you're actually heading for. The corrections are forced into that position by the massiveness of the cuts.

Mr. Minister, is it not true that \$1.2 million has been cut from the expenditures to the essential correction centres in Saskatchewan? And is it not in fact correct that the staff has been cut by some 23.9? Are those figures correct, Mr. Minister?

Hon. Mr. Lane: — As I indicated, with respect, there's no cut in staff ratios. In fact we do have projection . . . reduced inmate counts. So for example, last year prison counts were expected to go up higher. They rose by an average of only five inmates over the previous year, a very, very small increase.

We also have brought in some new programs. If the hon. member is saying that everybody has to be locked up, we disagree with that. We've brought in the camps; we brought in other supervision programs. And I've indicated two new programs — the intensive probation supervision and the electronic monitoring program. They are working and working well. And these two new programs alone are expected to reduce the demand on prison beds by an average of 75 per day.

So we are taking and bringing in programs that are alternatives to incarceration, and I would hope that your argument is that we should stop that because that in my view would be a wrong way to go.

Mr. Koskie: — Mr. Minister, what is your projection in respect to inmate population this year over last year? What is the projection?

Hon. Mr. Lane: — The prison counts in 1989-90 rose by only an average of five inmates — 1,317 to 1,322 — from the previous year. We've projected the normal increase of 6 per cent less the bed space savings from the two new community programs that I've already mentioned of 75.

The resource count therefore is 1,248 inmates.

Mr. Koskie: — And what you've done, and you haven't answered and you haven't denied, is that the total cut in staff is 23.9 and the total budget cut is 1.3 million.

I got a couple of questions that I want to ask just as we go through two or three of the subvotes, and I'm prepared to close on that then, Mr. Minister.

Hon. Mr. Lane: — I would just like to mention the hon. member, if he would go to subvote 23, community corrections, you'll see increase in both numbers of staff and dollars. So the figures that you were given earlier are not correct when you bring in community corrections. So if you would again . . . we are looking at alternatives to incarceration, and I believe they'll work.

Item 1 agreed to.

Items 2 to 5 inclusive agreed to.

Item 6 — Statutory.

Item 7

Mr. Koskie: — Just in respect to no. 7, Mr. Minister, public prosecutions, there is a decrease from 86.6 to 82.6. What is the loss there? What is happening?

Hon. Mr. Lane: — They were simply positions set aside for the victims' legislation. We haven't made the decision; we haven't got the federal legislation on that. When that's resolved I'm sure we'll have to put them back.

Item 7 agreed to.

Items 8 to 12 inclusive agreed to.

Item 13

Mr. Koskie: — On the Saskatchewan Human Rights Commission, they have been having quite a lot of problems in respect to funding. And I look at it and there's a modest, really a very, very modest increase in the amount. Are you satisfied that this is sufficient in order for the Saskatchewan Human Rights Commission to carry out their full work?

Hon. Mr. Lane: — Well I think they make a good case for more funds. I wish we had more funds available to supply them. I could compare that Saskatchewan funding compared to our two neighbouring provinces is 93 cents per capita; Manitoba is \$1.06 per capita; and Alberta is 53 cents per capita. So yes, they make a good case in my view for more money. I wish we had more to give them.

Item 13 agreed to.

Items 14 to 29 inclusive agreed to.

Item 30

Mr. Koskie: — Item 30, Mr. Chairman. Saskatchewan Securities Commission, Mr. Minister, other expenses

there are reduced from 477,700 to 177,000, and I was wondering, how do you account for that decrease?

Hon. Mr. Lane: — That decrease last year was for one-time automation funding and it's now in place.

Item 30 agreed to.

Item 31 agreed to.

Items 32 and 33 — statutory.

Items 34 to 37 inclusive agreed to.

Item 38 — statutory.

Vote 3 agreed to.

Supplementary Estimates 1990 Consolidated Fund Budgetary Expenditure Justice Ordinary Expenditure — Vote 3

Items 1 and 2 — Statutory.

Mr. Chairman: — That concludes the estimates on Justice. I'd like to thank the minister and his officials.

Hon. Mr. Lane: — Thank you, Mr. Chairman. It's always a pleasure for me to thank the officials in Justice. I enjoy working with them and I enjoy their professionalism and appreciate their efforts, both on my behalf and the government's half and the people of this province. Thank you.

Mr. Koskie: — Thank you, Mr. Chairman. I too appreciate the efforts of the members of the staff and also the minister. And I just want to say that this may be his last estimates before he takes his appointment. If that's the case, I want to wish him the best.

(1615)

Consolidated Fund Budgetary Expenditure Provincial Secretary Ordinary Expenditure — Vote 30

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

Hon. Mr. Lane: — Thank you, Mr. Chairman. I would introduce to the committee Bill Clarke, who is the deputy provincial secretary, and Bill Hoover, who's director of financial services. He's with Department of Finance and acts as director of the administration for the Provincial Secretary.

Item 1

Mr. Trew: — Thank you, Mr. Chairman. Welcome, Minister, welcome, officials, to the Provincial Secretary estimates.

Minister, this Provincial Secretary department is the keeper of the great seal of Saskatchewan and issues all letters patent, commissions, and other documents

requiring the seal.

It also issues provincial certificates authenticating the appointments and signatures of notaries public and certain other officials, and prepares proclamations bringing Acts into force, grants permission for organizations to use the province's coat of arms, great seal, and floral emblem.

Can you tell me, Minister, what were your responsibilities and the three major accomplishments that you have enjoyed since assuming the office of minister responsible for the Provincial Secretary?

Hon. Mr. Lane: — Well I don't want anyone to minimize the responsibility of being the keeper of the great seal of the province of Saskatchewan, that this office . . . and the honour has been a long-standing one and has had a great tradition in the British parliamentary system.

Now just for the advice of the hon. members, the great seal is not kept specifically in my office. It is kept elsewhere and is utilized for the appropriate official documentation. Certainly I do consider the need to stand when Her Honour is standing in front of the Chair, when her Honour attends, is certainly ceremonial. I fully recognize that and I know that all hon. members would appreciate, that although not an onerous task, certainly a very important and a significant symbol of the British monarchy in our province.

Mr. Trew: — Perhaps I missed it, Minister. From what your answer . . . I heard you've lost the great seal and occasionally stand with the Lieutenant Governor. That being the case, Minister, what in the world do you need a program advisory branch for at a cost, 1990-91, of some \$254,600 and five person-years? What is the program advisory branch? Who are the staff? What are the responsibilities and who in the world are they advising and on what issues?

Hon. Mr. Lane: — The department has . . . the program advisory branch has involvement with the SCN (Saskatchewan Communications Network) corporation preparing the new professions policy that's had some debate through the development of a professions Act. For example, 46 of these groups were consulted regarding the legislation. The government inquiry centre, the preparation of the establishment of the French language co-ordination office, and responsibility for the Legislative Building space planning as well.

Mr. Trew: — Minister, I'm very interested in knowing why it would be that the Provincial Secretary would be involved in SCN. That has, I thought, been handled under the auspices of SaskTel or some other department. How did you arrive at Provincial Secretary being responsible for SCN?

Hon. Mr. Lane: — It's not. I said involvement with SCN. Provincial Secretary was very heavily involved in accessing WDI, Western Diversification Initiative, funding to SCN. And as I indicated, an official of the Provincial Secretary's office was involved in that funding, that funding development with the federal government.

Mr. Trew: — How does the great seal tie in with federal funding, although one of my colleagues suggests the great seal actually resides in Ottawa? I'm really at a loss, Minister, to understand why the Provincial Secretary would be even remotely involved with SCN, the television network, the educational network, supposedly, for Saskatchewan.

Why is it that the Provincial Secretary got involved? Certainly there are other departments that discuss with Ottawa funding. I mean it's not simply a case of only the Provincial Secretary can access funding from Ottawa, so why is it that there is that involvement?

Hon. Mr. Lane: — The previous Provincial Secretary had involvement, amongst other things, with liaising with western development initiative, Western Diversification Initiative, and as I indicated, the Provincial Secretary was responsible for, one, accessing WDI (Western Diversification Initiative) funding for SCN, as I indicated earlier.

Mr. Van Mulligen: — Thank you, Mr. Chairman. Mr. Minister, can you tell us what expenditures in this coming year will be used for research purposes and particularly for Tanka Research?

An Hon. Member: — I'm sorry. What was the question?

Mr. Van Mulligen: — What expenditures do you anticipate this year for any research and specifically for Tanka Research?

Hon. Mr. Lane: — Nil.

Mr. Van Mulligen: — Could the minister explain to us then why it was that the Provincial Secretary would have expended \$23,500 last year for opinion surveys? Would this be to get some sense of opinion from the Saskatchewan public as to how they perceive the great seal or what was the score?

Hon. Mr. Lane: — You asked the question, what was the expenditure set out in this year's budget, and I indicated nil. I gather there was some involvement . . . was that '88-89, I think, was on the matter of the possibility of gambling casino and what not in Moose Jaw.

Mr. Van Mulligen: — Mr. Minister, what possible relationship could there be between the Provincial Secretary and gambling and gaming commissions in Moose Jaw? What's the relationship there? Why wouldn't the Minister of Culture, Recreation or the Executive Council undertake those kinds of activities?

Hon. Mr. Lane: — The previous office holder was the Deputy Premier of the province, and quite proper for him to look at those issues on behalf of the government.

Mr. Van Mulligen: — Well, Mr. Chairman, Mr. Minister, I don't disagree with you that it might have been appropriate for the Deputy Premier of the province to be looking into those kinds of things and to be expending money that way. The question I have: why are those expenditures undertaken under the Provincial Secretary's department? Why wasn't that done in the Executive

Council? If he's doing work on behalf of all the government, Executive Council work, why weren't the expenditures noted there? Why wasn't it done there?

(1630)

Hon. Mr. Lane: — You could make the same argument, why it wasn't done under Consumer Affairs, why it wasn't done under the gaming authority. I mean he was the Deputy Premier and was Provincial Secretary and carried out those functions.

Mr. Van Mulligen: — Well, Mr. Minister, it sounds to me just as one more way to hide Executive Council expenditures in other departments so as to make sure that the Premier's department, even though it's ever expanding and spending more money, that it doesn't show up in the accounts and that it's hidden elsewhere. That's what it looks like to me.

Can you tell me what is the job description of one Ken Azzopardi? We note in the telephone directory that Mr. Azzopardi is listed as a ministerial assistant for the Provincial Secretary. What does he do? Does he sort of keep an eye on the great seal for you, or what does Mr. Azzopardi do?

Hon. Mr. Lane: — He's not with the department.

Mr. Van Mulligen: — Well why is Mr. Azzopardi then listed as a ministerial assistant for the Provincial Secretary in the most recent telephone directory?

Hon. Mr. Lane: — Well he was ministerial assistant to the previous Provincial Secretary and he's no longer with the department.

Mr. Van Mulligen: — Well is this the same Mr. Azzopardi who is basically the Premier's bodyguard and chauffeur? And if he was doing all that work for the Premier, why would the expenditure have come out of the Provincial Secretary?

Hon. Mr. Lane: — He was the chief of staff for the Provincial Secretary, the Deputy Premier.

Mr. Van Mulligen: — Well he sure wasn't spending much time on that job. He seemed to be spending a lot of time chauffeuring the Premier around Saskatchewan. Seen everywhere, I would suspect, but at the Provincial Secretary's office at 1919 Saskatchewan Drive.

But again I think the point of this whole exercise is just to show that not all of the Premier's expenditures are exactly accounted for in the Executive Council office, and that the Premier, who with great fanfare decried any waste and pointed out a few years ago that he was trimming in his own Executive Council — yes, he was trimming there but moving the expenditures elsewhere; the functions keep going on. Let's make that clear for the people of Saskatchewan.

Mr. Minister, can I just ask you what expenditures you will be contemplating this year for one Wilma Staff?

Hon. Mr. Lane: — There's no change in her contract.

Mr. Van Mulligen: — Can you tell us what her contract is? Is she the keeper of the floral emblem, or what is her function?

Hon. Mr. Lane: — She is employed in the office to provide service and advice as required by the Provincial Secretary and/or deputy provincial secretary at the rate of \$2,500 per month.

Mr. Van Mulligen: — I wonder, Mr. Minister, I know that you're not the modest type and I wonder if you care to be a little bit more specific as to her functions.

Hon. Mr. Lane: — Such duties as are assigned by the Provincial Secretary and/or the deputy provincial secretary.

Mr. Van Mulligen: — Mr. Minister, I wonder could you just give us an inkling of any duties that might have been assigned, say, in the last year so that we can judge for ourselves whether this kind of expenditure should in fact be voted for this year.

Hon. Mr. Lane: — She was involved in the development and what not of the Future Corporation.

Mr. Van Mulligen: — Mr. Minister, I just want to confirm now, this Wilma Staff — is this the same Wilma Staff that represented the Progressive Conservative Party in a by-election, I believe, in 1985 in Regina North East, the former alderwoman, the former councillor of Regina city council who made a great to-do about moving to take advantages of opportunities in the private sector shortly after that by-election. Is this the same Wilma Staff?

Hon. Mr. Lane: — I think this is the one that the hon. member had such a high regard for when she served the people of Regina in the capacity as councillor.

Mr. Van Mulligen: — Well I certainly had a high regard for Mrs. Staff in her capacity as a councillor, Mr. Minister. I just wasn't certain as to, at least from what I knew about her background, what might have prepared her to do all this extensive work on the Future Corporation. Could you apprise us as to what aspects of her background suggested to you that she'd be employed in this capacity?

Hon. Mr. Lane: — Well obviously had served in public service in the city of Regina. The hon. member knows that. And I think it fair to say served the people of Regina well.

Mr. Van Mulligen: — Mr. Minister, may I inquire, does she keep an office somewhere? Does she work like at 1919 Saskatchewan Drive? Or would she work out of her car with a cellular phone? Where exactly would she work out of in this capacity?

Hon. Mr. Lane: — The office.

Mr. Van Mulligen: — Which office would that be?

Hon. Mr. Lane: — What is that? 1919 Saskatchewan Drive.

Mr. Trew: — Thank you, Mr. Chairman. Minister, earlier on you said the program and advisory branch was advising about the Provincial Inquiry Centre. And I note the other expenses are listed at \$300,000 for the year, the same as for last year. Why don't those categories identify action, divisional of personal and other services? Why isn't there a greater breakdown in that budget?

Hon. Mr. Lane: — It's part of the contract with the federal government. As you know they have a contract now to supply the information on the various programs, federal and provincial.

Mr. Trew: — Thank you, Minister. I want to return to the previous line of questioning. Wilma Staff received some \$2,500 a month. You said she did some work on the Future Corporation. It's fairly common knowledge the Future Corporation has wound down its operation. What exactly do you pay Wilma Staff \$2,500 a month for? Is it to do ongoing work in a now defunct Future Corporation, or is it in fact to take the fish and feed the great seal? I mean what exactly are you paying this person \$2,500 a month for?

Hon. Mr. Lane: — The corporation of course is not ended, but her duties are as assigned from time to time.

Mr. Trew: — What other duties will she be assigned, Minister? What's on the horizon for \$2,500 a month? You know, there's unemployment running nearly 10 per cent in Regina alone. I spoke with a constituent who is desperately unemployed this very day, and I can tell you that this long-time resident of Saskatchewan who is now contemplating having to move up to the Peace River district in Alberta for employment would dearly love to have a job for \$2,500 a month keeping fish for the great seal. What other duties are you going to be assigning?

Hon. Mr. Lane: — Those are presently under review.

Mr. Trew: — Is this a full-time job, Minister, or is it part time?

Hon. Mr. Lane: — As I indicated, it was contractual and it's under review.

Mr. Trew: — Is the salary under review and does she have an automobile as well?

Hon. Mr. Lane: — It's a contract, I've now said three times, and that there's no change in that contract and there's no automobile involved.

Mr. Trew: — Well what we've been able to ascertain, Minister, is this is pure and simple a political pay-out for a former candidate. You have given virtually nothing. You have said virtually nothing of the job. It performs duties that we're contemplating right now. We're not sure what those duties would be. The point is made about what those services are.

I'm going to move, Minister, to the Saskatoon office. Moving to the Saskatoon office, Minister, what's the budget of the Saskatoon office of the Provincial Secretary? What are the breakdowns for salaries and other expenses? And what are the specific responsibilities carried out at

the Saskatoon office that cannot be carried out at 1919 Saskatchewan Drive here in Regina?

Hon. Mr. Lane: — That's what is called the Premier's office in Saskatoon, which is used for whatever purposes.

Mr. Trew: — So it's used for whatever purposes. Would you tell me, Minister, how much money is spent on the Saskatoon office for whatever purposes, and how much money is spent in the Prince Albert office, again I assume for whatever purposes, and how much money is spent at the Regina office?

Hon. Mr. Lane: — We'll have to pull all of those for you and submit them to you if that's okay.

Mr. Trew: — Thank you, Minister. Moving to the Saskatchewan Property Management Corporation. I note that you're paying a million and a half dollars, a little more than that to the Saskatchewan Property Management Corporation, and I'm wondering why the amount is so large, when you look at this department has one-fifth the staff that, for instance, the Public Service Commission has, and it pays a very similar amount to the Saskatchewan Property Management Corporation. So on the surface, it certainly looks like the Provincial Secretary is paying five times as much for what presumably would be less space and fewer services. Can you tell us why there's such a discrepancy?

Hon. Mr. Lane: — Well the department handles the payment for the Legislative Building, including your offices and the opposition offices, except for the space of Executive Council. Includes operation and maintenance costs for the Legislative Building, Legislative Library storage, Legislative Library satellite office in the Walter Scott Building, office of the Lieutenant Governor, residence of the Lieutenant Governor.

So these are where these particular items are handled, as well as the other offices that we refer to. So that's why it's rather costly to operate this building.

Mr. Trew: — And that includes the Premier's office in Saskatoon as well, I would assume? Yes, I see the minister nodding yes.

Minister, you talked also . . . it including the expense of the Lieutenant Governor, and yet I notice listed under the subvote 6, Lieutenant Governor, there is other expenses and there's some \$35,000 or 34.4 per cent increase this year over last. Can you tell us why there is that large increase in subvote 6? and, well, give us that information please.

Hon. Mr. Lane: — Well we've got two different items. One, we've got the operation and maintenance of the residence, and then the office of the Lieutenant, which is Government House, that's under the SPMC (Saskatchewan Property Management Corporation). So I'm a little unsure of the particular question.

Then you have the operation of the Lieutenant Governor, which is item . . . provide for the expenses of the office. One deals with the physical building, the other deals with the expenses of the office, including support staff, office

space and equipment, automobile, in-province air travel, etc. So they're two different expenditures.

(1645)

Mr. Van Mulligen: — Thank you, Mr. Chairman. Mr. Minister, I don't think there is one citizen of Saskatchewan who could quite understand why it is that expenses related to the Premier's office in Saskatoon, and I assume Prince Albert, would have to be paid for through the Provincial Secretary's office when that should have been paid for through the Executive Council office, and was up until a few years ago, traditionally, an expenditure of the Executive Council office, that is, the Premier's office. It's more than passing strange that the Premier's office can see his rent paid for through some other office. Unless, of course, it's simply another way by the Premier to hide and bury expenditures of the Executive Council so as to give some false impression to the people of Saskatchewan that his spending is in fact something that's being held in line. Isn't that the real story here, Mr. Minister?

Hon. Mr. Lane: — This payment's been going on for several years.

Mr. Van Mulligen: — Several years since the Premier said that I'm going to be watching the expenditures in the Premier's office. This is something . . . up until a few years ago, that expenditure always came out of the Executive Council. Isn't that really the case here? — the Premier trying to bury expenditures, trying to pull the wool over the eyes of the people of Saskatchewan?

Hon. Mr. Lane: — Not in the least.

Mr. Van Mulligen: — Well we have a disagreement on that, Mr. Minister. Let it be said for all the people of Saskatchewan that the Premier of Saskatchewan, when he said that I'm going watch the expenditures in my own shop, in my own office, couldn't do it. And what he's been doing is burying his expenditures elsewhere. His bloated, political bureaucracy continues to grow and to grow and to grow. He talks about ending waste, but it continues to grow. But he's burying it very, very successfully, but not that successfully because it's clear now to the people of Saskatchewan just what he's been doing.

Item 1 agreed to.

Items 2 to 5 inclusive agreed to.

Item 6 — Statutory.

Vote 30 agreed to.

**Supplementary Estimates 1990
Consolidated Fund Budgetary Expenditure
Provincial Secretary
Ordinary Expenditure — Vote 30**

Item 1 agreed to.

Vote 30 agreed to.

Mr. Chairman: — That concludes estimates on the Provincial Secretary. I'd like to thank the minister and his officials.

Hon. Mr. Lane: — Mr. Chairman, I'd like to thank both Bill Clarke and Bill Hoover for their assistance and support.

**Consolidated Fund Budgetary Expenditure
Department of Telephones
Ordinary Expenditure — Vote 38**

Items 1 to 3 inclusive agreed to.

Item 4 — Statutory.

Vote 38 agreed to.

Hon. Mr. Lane: — I want to thank Randy Stephanson who's general manager, operation south of SaskTel; Dave Schultz, controller at SaskTel; and Doug Smith who is the deputy minister of Telephones. And let me say on a personal note that Doug has been invaluable to the government and I believe the people in our dispute with the CRTC (Canadian Radio-television and Telecommunications Commission) and with the establishment of SCN, and he's done an admirable job for the people of this province, and I wanted to thank him.

**Consolidated Fund Loans, Advances and Investments
Saskatchewan Telecommunications
Vote 153**

Item 1 — Statutory

Mr. Shillington: — Mr. Chairman, we did not get this list of what was to be done today. We were informed that Department of Telephones would be on but not the estimates for SaskTel. Therefore we are in a position to do the estimates for the Department of Telephones but not the estimates — which we've just done — but the estimates for SaskTel are not . . . We may have some questions on the operation of SaskTel.

I would apologize although we take no responsibility for the misunderstanding. I would apologize to the officials who may have spent a very delightful Friday afternoon enjoying the gardens of the legislative grounds, unnecessarily perhaps.

The committee reported progress.

The Assembly adjourned at 4:54 p.m.