The Assembly met at 10 a.m.

Clerk: — I beg to inform the Assembly that Mr. Speaker will not be present to open today's sitting.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. D'Autremont: — Thank you. I would like to present a petition to the House. It reads:

> To the Honourable the Legislative Assembly of Saskatchewan in Legislature Assembled:
> The petition of the undersigned farmers and citizens of the Province of Saskatchewan humbly showeth:
>
> The Government of Saskatchewan entered into legally binding contracts with them to provide a Gross Revenue Insurance Program explicitly guaranteeing that the provisions of the contract would not be changed without notice being given to farmers by March 15, 1992, and that the Government has announced it's intentions before the Courts in Melville that it proposes to pass a law saying farmers received such notice when in actual fact they did not and concerned that the crisis on the farm is being made much worse by these actions.
>
> Therefore your petitioners humbly pray that your Honourable Assembly may be please to cause the government to
>
> 1.) allow the 1991 GRIP program to stand for this year:
>
> 2.) start working with the federal government and farmers to design a program that will be a true "REVENUE INSURANCE" program by the end of this calendar year, and
>
> 3.) ensure that the new revenue insurance program be set up on an individual cost-of-production to return ratio instead of risk area formula.
>
> And as in duty bound, your petitioners will ever pray.

Mr. Deputy Speaker, these petitions come from the Frontier area. I'd like to present this to the Assembly.

Mr. Goohsen: — I too have a petition to present this morning. Because the intent of the petition is the same as the one that's been presented by my colleague, I won't read the entire petition to the Assembly, but I will read the three important points, the first one being:

> That it allows the 1991 GRIP program to extend for this year. (2) Start working with the federal government and farmers to design a program that will be true revenue insurance program by the end of the calendar year. (3) To ensure that the new revenue insurance program be set up on an individual cost-of-production and return ratio instead of a risk formula.

Mr. Boyd: — Thank you, Mr. Deputy Speaker. The petition I have is a similar petition:

> Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to cause the government to
>
> 1.) Allow the 1991 GRIP program to stand for this year;
>
> 2.) (To) start working with the federal government and farmers to design a program that will be a true "revenue insurance" program by the end of this calendar year . . .
>
> 3 ensure that the new revenue insurance program be set up on an individual cost-of-production to return ratio instead of a risk area formula.

Mr. Deputy Speaker, this petition comes from primarily the south-west part of the province, but from other areas as well. Thank you.

Mr. Britton: — Thank you, Mr. Deputy Speaker. I too have a couple of petitions here I would like to table.

> Wherefore your petitioners humbly pray that your Honourable Assembly may pleased to cause the government to
>
> 1.) allow the 1991 GRIP program to stand for this year;
>
> 2.) start working with the federal government and farmers to design a program that will be a true "revenue insurance" program by the end of this calendar year, and
>
> 3.) ensure that the new revenue insurance program be set up on an individual cost-of-production to return ratio instead of risk area formula.

These petitions, Mr. Deputy Speaker, come from Climax, Eastend, Shaunavon and area.

> And as in duty bound, your petitioners (humbly) . . . pray.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I too would like to introduce some petitions. And it reads:

> Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to cause the government to
>
> 1.) allow the 1991 GRIP program to stand for this year;

2.) start working with the federal government and farmers to design a program that will be a true "revenue insurance" program by the end of this calendar year, and

3.) ensure that the new revenue insurance program be set up on an individual cost-of-production to return ratio instead of risk area formula.

And as in duty bound, your petitioners will ever pray.

And the petitions come from Eastend, Shaunavon, and Frontier.

Mr. Muirhead: — Thank you, Mr. Deputy Speaker. My colleagues in reading the petition have read the last three remarks. I'll read the one paragraph just above that, so I won't be too repetitious, Mr. Deputy Speaker.

The Government of Saskatchewan entered into legally binding contracts with them to provide a Gross Revenue Insurance Program explicitly guaranteeing that the provisions of the contract would not be changed without notice being given to farmers by March 5, 1992 and that the Government has announced its intentions before the Courts in Melville that it proposes to pass a law saying farmers received such notice when in actual fact they did not and concerned that the crisis on the farm is being made much worse by these actions.

I have two of the same, Mr. Deputy Speaker, that I . . . And these people, Mr. Speaker, are from Frontier and Climax and surrounding towns in that area.

PRESENTING REPORTS BY STANDING, SELECT AND SPECIAL COMMITTEES

Standing Committee on Private Members' Bills

Clerk: — Mr. Thompson as chair of the Standing Committee on Private Members' Bills presents the second report of the said committee which is as follows:

Your committee has considered the following Bills and has agreed to report the same without amendment:

Bill No. 01 — An Act to Provide for the incorporation of Ukrainian Catholic Parishes within Saskatchewan

Bill No. 02 — An Act to amend An Act to incorporate The Regina Agricultural and Industrial Exhibition Association, Limited

Bill No. 03 — An Act to amend An Act to amend and consolidate An Act respecting Saskatchewan Co-operative Credit Society Limited and Saskatchewan Co-operative Financial Services Limited

Your committee recommends, under the provisions of rule 60(1) that fees be remitted less the cost of printing with respect to Bill No. 01.

Mr. Thompson: — Thank you very much, Mr. Speaker. I move:

That the second report of the Standing Committee on Private Members' Bills be now concurred in.

Motion agreed to.

NOTICES OF MOTIONS AND QUESTIONS

Mr. Neudorf: — Thank you very much, Mr. Speaker. I give notice that on Tuesday next I will move the following:

That this Assembly, in view of the unprecedented action of Mr. Speaker in his direct refusal to abide by the rules of this Assembly and his subordination of the rights of the House to the will of the NDP government, resolves that it no longer has any confidence in its presiding officer.

So moved.

INTRODUCTION OF GUESTS

Mr. Calvert: — Thank you very much, Mr. Speaker. Mr. Speaker, it's my real pleasure this morning to have the opportunity to introduce 13 students from the occupational English class being offered through SIAST (Saskatchewan Institute of Applied Science and Technology) at the Alexandra campus in Moose Jaw.

Mr. Speaker, these students are learning English as a second language, which I am sure any one of us would admit is a very difficult undertaking, and I'm sure all members of this House want to wish each of these students every good wish in their course of learning English as a second language.

Mr. Speaker, the students today in the class are accompanied by Jan McArter, Jean Lajeunesse, and Chris Benson. I look forward to meeting with the class and sharing some drinks and conversation in a few moments. Mr. Speaker, would all members please join me in welcoming these students.

Hon. Members: Hear, hear!

STATEMENTS BY MEMBERS

Mr. Devine: — Yesterday I had the opportunity to be with people in Regina and Saskatoon in rural communities, and I want to say today marks day 1 since the overthrow and the demise of democracy in the Saskatchewan legislature. July 17 marks the death of over 85 years of tradition in this Assembly. It marks the first day that the NDP (New Democratic Party) government began their oppressive reign over the people of Saskatchewan. The very fabric that knits this country and this province together, the very rights and freedoms that each man, woman, and child possess have been cast aside by NDP members.

The NDP members do not believe that all people are created equal in the province of Saskatchewan, nor do these members believe that each and every person in this province has a voice and should be allowed to be heard. I'm sorry to say that NDP members will stop at nothing, nothing, to accomplish their ideological goals, even if it means forsaking hundreds of thousands of defenceless men and women and children in the province of Saskatchewan.

The official opposition in Saskatchewan no longer has the right to oppose NDP members with any tangible means, and any member . . .

The Deputy Speaker: — The member's time has elapsed. The member's time has elapsed.

Some Hon. Members: Hear, hear!

Ms. Murray: — Mr. Speaker, we all know how important it is to have clean water. I don't know how many people realize it, but Saskatchewan is leading the way in developing the technology to ensure just that. Saskatchewan has recently developed a new water quality data management system called ESQUADAT. This data base is the finest water quality monitoring system in Canada. And we can all be proud that it was designed right here in our province.

The Department of Environment and Public Safety manages ESQUADAT. The system gives staff comprehensive information at their fingertips. This information helps them monitor the quality of all Saskatchewan surface water, ground water, drinking water, and industrial and mining waste water.

The environmental protection fund was used to design and implement the system during this past year, and this coming year, more hardware and software will be acquired, providing staff with even greater capabilities. We are also planning to increase our service by expanding access to the system to outside agencies and the public.

Through ESQUADAT, our province is contributing to a new model for collecting and maintaining environmental information. Saskatchewan people should be proud that we have the best computerized data system in Canada to help us protect the vital water resources of this province. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Pringle: — Thank you very much, Mr. Speaker. Mr. Speaker, tomorrow the Saskatoon & District Labour Council is sponsoring the second annual pancake breakfast at the Saskatoon food bank.

Last year residents were very kind and generous. We all know that food banks are not the solution to poverty and unemployment. The recent budget increases to low income programs will begin to address unemployment, training, and poverty in some small way.

The government is working very hard on economic development and employment support and income strategies, and I know that all members will support these important initiatives when they are announced soon. Given the magnitude of unemployment, poverty, and the financial bankruptcy of this province, this is a huge collective challenge. But this desperate situation must, and will be turned around, Mr. Speaker, on all fronts.

In the mean time, hungry people must be fed and special thanks to the Saskatoon & District Labour Council, sisters and brothers who care about their neighbours, and to the food bank board staff and volunteers not only in Saskatoon, but all food banks across the province for their humanitarian efforts.

I know that this pancake breakfast tomorrow will be a success. And I invite anyone listening to please feel free to drop down and to contribute as they have in the past, in a very generous way. Thank you.

Ms. Lorje: — Thank you, Mr. Speaker. Just imagine 2,800 people gathering in a farmer's barn, and outside neighbours have set up food booths to cater to the crowd. Curious people driving by wondered what could possibly be happening at this neat, well-kept farm.

Well the answer, Mr. Speaker, is a unique venture — a blending of the arts and agricultural initiative. For these are the '90s. A new era is upon us, an era that restores old values of ingenuity, creativity, and co-operation.

Twenty-eight hundred people came to see *Jake and the Kid*, a production of the Barn Playhouse north of Martensville. Last year Vicky Dyck and her family moved the cows out of her barn and invited everyone to an evening of prairie entertainment and hospitality.

Because of last year's success, the Dycks built a 300-seat addition to the playhouse. To break even, they hoped to attract 1,800 people; instead, almost 3,000 turned out. The Dyck's neighbours set up food booths in the farm yard and offered home-cooked meals to the theatre-goers, at old-fashioned prices.

Mr. Speaker, this is just another example of how in Saskatchewan we can prosper by using ingenuity, creativity, and co-operation. I congratulate all the people involved in this artistic initiative.

Some Hon. Members: Hear, hear!

Mr. Sonntag: — Thank you, Mr. Speaker. I would like to commend the minister and the people in the Tourism branch for the excellent job they have done in promoting Saskatchewan as a great place to visit.

Coming from the constituency of Meadow Lake, Mr. Speaker, with what I think has one of the finest provincial parks in the province, I can attest to the fact that we have wonderful parks, historic sites, and recreational areas. We do not fabricate, Mr. Speaker, glossy or sensational gimmicks to get people's attention. All we have to do is make sure the people find out all about the interesting things we offer. In that respect, Tourism people have done an excellent job.

I myself have learned about the many areas of the

province that I would like to visit. The Plains Cree encampment at Fort Carlton and the Wanuskewin Heritage Park are but two examples. Hats off to Tourism and the people involved for their great work.

The business people that I know are more than willing to be competitive in their prices. But before we go elsewhere, let's make sure that Saskatchewan people have been given a fair opportunity to serve our needs. I encourage all members and residents of Saskatchewan to do their part to ensure that local small businesses stay viable. Travel Saskatchewan. And while travelling through Saskatchewan please stop in Meadow Lake. Thank you very much.

Some Hon. Members: Hear, hear!

Mr. Carlson: — Thank you, Mr. Speaker. Today I'd like to congratulate the farmers' union district local No. 1 for housing the regional sixth annual convention at Kenosee Lake this past Tuesday and Wednesday. In particular, Mr. Speaker, I'd like to congratulate Betty Gordon, district director for district 1, and her committee for the time and energy spent in organizing this two-day event.

I spent Wednesday afternoon at the meetings listening to over 100 delegates and visitors talking about and debating issues pertaining not only to agriculture, but also issues that affect Saskatchewan in general.

Mr. Speaker, farm organizations in this province have always played an important role in developing and highlighting agricultural issues. The National Farmers Union has always been one of the most consistent and forward-thinking of many of the farm organizations we are so fortunate to have in Saskatchewan.

They, along with many of their counterparts, make agriculture industry a force to be reckoned with now and for the future.

In fact, Mr. Speaker, when I think of the future, I see in terms of how it will be shaped by such organizations as the NFU (National Farmers Union).

The future also reminds me of a quote of George Burns: I look to the future because that's where I'm going to spend the rest of my life. I believe there's some truth from that observation, for the future of agriculture is indeed the future of this province.

The Deputy Speaker: — The member's time has elapsed.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Changes to GRIP

Mr. Neudorf: — Thank you very much, Mr. Speaker. I pose my first question to the Leader of the NDP. Yesterday you completed a process that drew all power from the Assembly unto yourself and your staff. Indeed the examples you used yesterday to show the institution could survive your tyrant's hand are proof of your own contradictions and lack of respect.

There was no closure used in the great medicare debate; no closure used in potash nationalization; no closure used in almost every one of the debates you speak so highly about. But you have not only eliminated the opposition's ability to stop your abuse of the courts, you have signalled a willingness to close all debates in a mere five days.

Are you prepared to direct your representatives to seek in the Rules Committee an immediate remedy to the imbalance that you have created in this Assembly?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I thank the hon. member for his question. I would say however, Mr. Speaker, that as Premier of the province of Saskatchewan, the position that this government takes is that this Legislative Assembly's rules are as generous — in fact more generous — than most of the Legislative Assembly rules with respect to debate and to procedure.

The members opposite have a whole range of options open to them with respect to length of debate and petitions and all of that which is accepted in every jurisdiction. And from our point of view the . . . we would like to discuss with the members of the opposition any rules which can improve the proceedings of the House further, but I don't accept the basic proposition or assumption behind the question.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Thank you, Mr. Deputy Speaker. A further question to the NDP leader. As much as the people dislike bell-ringing, they demand public input into this Assembly, not to some hand-picked committee of the NDP, but to a committee of this Assembly.

We have a Standing Committee on Agriculture that has representation from both sides of this House. And given that we have two weeks to save the situation, will you refer the retroactive, law-breaking parts of your GRIP (gross revenue insurance program) Bill to the Standing Committee on Agriculture and allow it to hold public hearings? Will you do that?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, as NDP leader, on this particular point I have no particular observation to make. As Premier of the province of Saskatchewan, however, and responsible therefore to answer questions of the government, I do have an observation to make.

The observation is that in due course the Bill will be tabled and debated, and the members of the opposition, if they're doing their job, will of course bring to the attention of the government, as they have been endeavouring to do, their various suggestions for improvement of the Bill, corrections of the Bill. This is the most public forum that there can be with television proceedings and debate, and it is a forum which permits a good exchange of ideas. And we're prepared to look at the suggestions that the opposition makes for us. I would

hope however that the opposition would make sure that the suggestions that they make reflect the best interest of the farming community and limit their political objectives.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Mr. Deputy Speaker, another question along the same line to the same member. And I say to you, sir, that the opposition did not call for unlimited bell-ringing, and it does not call for that now. While we demand that public access be increased and that the government be forced to allow public hearings into Bills of high controversy, will you tell us what is the basis, what is the basis, sir, of your opposition to a process that would trigger public hearings on a Bill of high controversy? Why are you so opposed to the public debate that you pretend to admire?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Well, Mr. Speaker, the question of public hearings is something which the government will have to make a decision on with respect to each and every Bill. In the case of the particular GRIP legislation which we had been intending to introduce and debate, but for all of these weeks has been blocked by probably one of the highest acts of irresponsibility of any opposition in the Commonwealth, we've been denied the chance to get the kind of public input from you and your members. We see there are some petitions being tabled, and we think that's a very adequate and appropriate response to take to this Assembly.

I say to the member what I said earlier: in the course of the second reading of the Bill and the Committee of the Whole there will be time for protracted observations and, no doubt, debate about this, and we welcome the members' positions in this regard. That's about as far as I can go at this stage in the game, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Thank you, Mr. Deputy Speaker. I say to the member that you are so full of contradictions, and quite frankly, phoney sincerity, that you have no position of substance to offer this morning. I ask you simple questions and you're totally unwilling to give a reasonable response.

You have stolen this Assembly from the people of Saskatchewan and Her Majesty's Loyal Opposition, and we have very little left that we can do to win that back. But I caution you, sir, that we will try.

We are actively considering — and your responses are going to be important — we're actively considering that until there is a public-hearing mechanism in place, every second reading will receive a three-day hoist and every vote will be a recorded vote.

Yesterday's ruling may have given you everything that you want, but I ask you once more, I ask you once more, will you agree, will you agree, sir, to immediately refer the GRIP Bill to the Standing Committee on Agriculture for public hearings?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I thank the hon. member for the question. I will tell the hon. member and the former premier that the threats that he has issued to a duly elected government of a Saskatchewan province, the threat of obstructionism, the irresponsible threat to bring the proceedings of this legislature yet to a further halt, I find to be, if I may say so, very irresponsible. And I'm hoping that the hon. member had a slip of the tongue in doing so. But if he chooses that course, that is for him and for his leader to decide and to pay the price for doing so.

But I can tell you this, sir: you may not like it, but the people of the province of Saskatchewan elected us eight months ago. And we are going to govern until the people decide otherwise in the normal and democratic fashion. And the last thing that we will do is succumb to threats by a dispirited, revengeful band of dissidents who simply refused to accept the will of the people in October of 1991.

Some Hon. Members: Hear, hear!

Mr. Devine: — My question is to the NDP leader.

The Deputy Speaker: — Order, order. The member should be aware by now that you can put questions to ministers or to the Premier but not to any one other person or to the leader of any political party. You must address your question to a minister or to the Premier.

Mr. Devine: — My question is to the NDP member from Riversdale. Mr. Member, you just talked about the fact that you were elected in October. I want to raise with you the simple question. You didn't campaign on retroactivity in October. In fact, from my recollection in this Legislative Assembly you've always talked against that. And as a member who will stand up there and say that you were against retroactivity, I ask the question my hon. colleague had.

On something as controversial as retroactively changing the lives of tens of thousands of families in rural Saskatchewan, why won't you allow them to voice their opinion in an agriculture committee, a standing committee, so that we can talk about the retroactive consequences on tens of thousands of families in the province of Saskatchewan, particularly when you never campaigned on retroactively changing their life?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, the question put forward by the member from Estevan is a question based on retroactivity and he is correct, we did not campaign on retroactivity.

He fails to mention that we did campaign on change for GRIP. Why we did not campaign on retroactivity is because we did not anticipate that his friend and colleague, the Minister of Agriculture of Canada, in the negotiations of the GRIP matter . . .

The Deputy Speaker: — Order, order. I'd like the members to give the Premier the courtesy of listening to his response, and I don't want any more interruptions from the member for Wilkie.

Hon. Mr. Romanow: — Thank you . . .

The Deputy Speaker: — Order, order. I ask the member for Wilkie to observe some courtesy in this House and not to interrupt members while they're speaking. If the member has a question, he should put his questions. In the meantime, the Premier.

Hon. Mr. Romanow: — Thank you, Mr. Speaker. I was about to say, I will simply close off by saying that the former administration didn't campaign on retroactivity either, and enacted many Bills on retroactivity — many.

Some Hon. Members: Hear, hear!

Mr. Devine: — A final question to the same member. With your experience in this Legislative Assembly and in politics in Saskatchewan, Mr. Minister and Mr. Premier, you know, you know, you know that tens of thousands of people have signed a contract that affects their finances and their life — affects their life. And how can you callously say that you can just wipe them aside without giving them a hearing? Honestly let them tell you and explain to you how they can't change their contracts retroactively with their bankers, their credit unions, their implement dealers, their neighbours.

What do they do retroactively when you go in and change their life like this?

That's what we're asking. Why can't you let the Standing Committee on Agriculture, with members from both sides, go out and talk to people about this retroactive piece of damaging legislation? Why are you afraid to let that committee go to the people?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Thank you, Mr. Speaker, to the Leader of the Official Opposition, my answer to him is the same as I gave to the member from Rosthern.

There can't be a more public hearing forum than the Legislative Assembly for a debate of the legislation which is involved. And this forum permits debate — as much debate as is necessary. This debate forum is a debate which is in public view. This debate forum requires questions and answers as we're seeing today in question period.

And with respect to the GRIP Bill, I have no doubt that all the members opposite will want to say as much as they want to say about it and other issues, which we have not heard very much from them this session. But none the less, they have every opportunity and forum to do so. And we welcome their suggestions and comments.

Some Hon. Members: Hear, hear!

Mr. Devine: — Question to the same member. You say, sir, that this is the most public forum, and yet you have over a dozen committees of this legislature travelling around talking about all kinds of things from municipal law, the environment, and others. Why don't you think this retroactive piece of legislation is as important as all of the other committees that you have travelling all over?

And if you think this is a very good forum for all of these other things — something as potent and powerful as retroactively changing people's lives — why doesn't it qualify to give people access to the members of this legislature? Why doesn't it rank with the others that you have agreed and decided to go out and talk to people all across the province?

It's the oldest standing committee in Saskatchewan's legislature, the Agriculture Committee. Why won't you let it rank like other committees and let people have access to all members of the House on this controversial Bill?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, when the member was the premier of the province of Saskatchewan, the Agriculture Committee, standing committee of this legislature, was never convened once. Never.

And during that period of nine years when the member from Estevan was the premier, he introduced GRIP, as flawed as it was . . . Mr. Speaker, will the member . . .

The Deputy Speaker: — I must ask the member from Estevan, the Leader of the Opposition . . . he's had an opportunity to put his question. He should now listen to the answer, and then he'll have another opportunity to ask further questions. In the mean time, let's listen to the answer.

Hon. Mr. Romanow: — Well, Mr. Speaker, I'll just simply very quickly say that the history of the deeds of the former premier belie the words of the premier this morning. That committee was never convened, notwithstanding the fact that there were requests, numerous, on major agricultural programs. That was his judgement, his government's judgement. I can only assume that his judgement was based on the same reasoning that I advanced to him this morning. The Legislative Assembly is the forum; we have an adequate forum. We welcome the suggestions of the members and others during the course of the period of the debate of GRIP and other legislation.

Some Hon. Members: Hear, hear!

Mr. Devine: — Let me make the point that when we were dealing with designing GRIP legislation, we had seven ministers travelling across Saskatchewan and met with in the neighbourhood of 40 to 50,000 farmers. That's on the record.

Secondly, I remind the House that we did not retroactively change contracts for farmers. We have a precedent here where the House rules have been changed so that it makes it more difficult to get public access and the opposition to have the capacity to debate it.

And we're asking, we're asking all members of this Legislative Assembly, why couldn't we take this controversial retroactive legislation that affects tens of thousands of families and take it out to the public, take it out to the public so they can participate in this? Why are you hiding in this Legislative Assembly, that you've now changed the rules to muffle the opposition? Don't you see that people want to know that there is democracy alive and well in the province of Saskatchewan and this would give them a chance to believe in it once more.

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, the hon. member's statements about democracy in Saskatchewan being alive and well ring hollow and are so exaggerated as to be frankly ludicrous.

I repeat again to the hon. member in his plea today about retroactive legislation, what he did in the 1982-1983 session. Mr. Speaker, when that member was the premier of the province of Saskatchewan, he brought in a Bill to repeal the land bank and to make certain temporary provisions for lessees. There was a contractual situation with actual leases that his government broke retroactively, without a hearing — without a hearing.

And they say today that what we should do is not what they did but what they say they should have done. I say, Mr. Speaker, that the hon. member has to be consistent. That's why he's seated over there with such a small band of opposition people because his argument is riddled with total inconsistencies and inaccuracies.

Mr. Speaker, I repeat again to the people of the province of Saskatchewan, we welcome the opposition's suggested changes to GRIP. We'll see what the amendments may or may not be. This forum is the area for public discussion and until further notice that's exactly how we intend to proceed.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, Mr. Premier, I want to tell you, first of all, that I was here when that legislation was put in place; you were not. If you read the whole thing it protected the individuals who were on that lease land, precisely. And that is a fact, Mr. Premier, and read it before you start talking about it.

The point I want to make — yesterday your House Leader, your Deputy House Leader, made a statement in this House that he was going to give an opportunity in the next week for compromise in this Assembly, compromise on the GRIP Bill in this Assembly. What, Mr. Premier, are your observations about the changes that you're going to make to this GRIP Bill that are going to allow this House to deal with the compromise you're proposing to make?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I have in front of me the land bank repeal Act. I have section 13 which says:

> Notwithstanding anything to the contrary in this Act or in any agreement or lease that exists on the day this section comes into force respecting Crown lands, the rent or amount payable pursuant to such agreements or leases is determined in accordance with the regulations.

And the regulations cancel the contracts by changing the terms of reference of those rents. And I know that because I was engaged at that time, being out of politics, on behalf of farmers who saw this Bill retroactively affect real contracts. That's what you did, sir. And that's what this Bill did.

So I say to the hon. members opposite they ought to be very consistent with respect to GRIP. My position remains and the government's position remains. This Bill is occasioned as a result of the necessary changes to GRIP. This Bill is occasioned by the financial implications where you and your government off-loaded hundreds of millions of dollars onto us, the taxpayers of Saskatchewan on GRIP. It is occasioned by that. And I say the province of Saskatchewan, we'll listen to your suggestions.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Premier, why don't you go to the next Act that enhances the opportunity to protect those people to their rights. That's what was there. It had to be done. And, Mr. Speaker, I want to ask the Premier of this province this question. When are you going to provide to this Assembly the documents that are going to show that the compromise is there in the retroactive parts of your legislation on GRIP? When are you going to do that?

Hon. Mr. Romanow: — Frankly, Mr. Speaker, I don't understand what the hon. member is talking about. Perhaps he can clarify some of the questions for the . . .

Mr. Martens: — Mr. Premier, yesterday your Deputy House Leader said that there was an opportunity for compromise in the next two weeks and, Mr. Premier, that is what we're asking about. What is that compromise going to consist of on the retroactivity and breaking the contract of the farmers of the province of Saskatchewan? That's what we're asking.

Hon. Mr. Romanow: — Mr. Speaker, all I can say to the official opposition is, judging by their so-called compromises on the bell-ringing, which amounted to zero, there is absolutely no, no dealing with this opposition on this issue — none. So don't talk to us about compromises because you offered none and you will offer none throughout the whole piece.

So all I'm saying to the members opposite is this. The Bill will be there; debate it. Don't get your shirts in a knot-tail. Take your time, advance your arguments, and do it in the proper way. The people of the province of Saskatchewan want you to get down to work.

The Deputy Speaker: — Order. Order. I'm having difficulty hearing the member's answer. And the members may not like the answers, and other members may not like questions — that's not the point. The point is, in this House that we observe courtesy and we allow members to ask questions and we allow members to provide the answers and we allow them the courtesy of

doing so.

Hon. Mr. Romanow: — Thank you, Mr. Speaker. I just simply want to close off the answer by saying, I say to the official opposition over there, look let's get down to work. That's what the taxpayers of the province of Saskatchewan want. The rules have been changed. They're welcomed by the people of the province, even welcomed by you people as you say. Let's get down to work. Let's deal with the Bill. Let's hear what suggestions you've got to make and we'll consider any honest legitimate suggestion at that time. Thank you.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Premier, you promised in the election that you were going to provide access to this government. You walked into this Assembly as the Premier of the NDP Party in the province of Saskatchewan and said you would provide access in this building to people coming in and yet you have frozen access by your ministers all over the province. Will you at this time allow the committee on agriculture to travel through the province and see what they say?

You know what, Mr. Premier, you're afraid to do it. You're afraid to do it because you know that the same reaction that the minister from Crop Insurance got in Shaunavon would be the reaction you would get across this province and you haven't the courage to do it. When will you call the committee of agriculture together and allow them to travel through this province to deliver the message that they want to have to deliver to you?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I tell you, we're just shaking in our boots as a result of this official opposition's stiff opposition, just shaking in our boots. The hon. member's questions are absolutely so contradictory. On the one hand, he says that . . .

The Deputy Speaker: — Order, order. Again I'm having difficulty hearing the member. I think the members have had an opportunity to ask the question. They should now wait for the answer.

Hon. Mr. Romanow: — Mr. Speaker, thank you very much. My answer is to the hon. member that the changes to GRIP that we introduced were occasioned as a result of an advisory committee of the farmers and farm organizations. In fact it was basically the same advisory group that advised the former premier, the former minister of Agriculture, of the few changes. And they made these changes, and the changes were implemented. The retroactivity aspects of this will be debated or discussed once the Bill is tabled in the House and the debate takes place on it.

The Minister of Agriculture and members of the agriculture caucus of the government side have travelled with the people of the province of Saskatchewan on this over the last several weeks. They have not been frozen. They're going out and meeting the people. They'll continue to do so. I invite you to leave the Legislative Chamber and listen to the people as well, and then you'll be better occasioned in order to come here to present your points of views to the province of Saskatchewan.

Some Hon. Members: Hear, hear!

ORDERS OF THE DAY

WRITTEN QUESTIONS

Hon. Mr. Shillington: — Thank you very much, Mr. Speaker. As it relates to questions put by members, question 43, I'm pleased to provide the Assembly with what is a relatively extensive answer.

Some Hon. Members: Hear, hear!

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 51

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Shillington that **Bill No. 51 — An Act to repeal The Heritage Fund (Saskatchewan) Act, to provide for the Winding-up of the Saskatchewan Heritage Fund and the Farm Purchase Program Fund and to enact Consequential Amendments to Certain Acts and Regulations resulting from the repeal of that Act and the Winding-up of those Funds** be now read a second time.

Mr. Goohsen: — Thank you, Mr. Deputy Speaker. The implications of this Act were discussed briefly the other day. And I think it's important that the people of Saskatchewan have an opportunity, through a little bit more debate, to discover exactly what this Act is going to do to them.

Most of the older folks in our province, I'm quite sure, Mr. Deputy Speaker, aren't aware that there is a sunset clause associated with this Bill. And that sunset clause, Mr. Deputy Speaker, means, quite frankly, exactly what the term implies, and that is that the fund will be ended. That occurrence will take place at the end of this year which means, of course, that another excellent social program brought into the province during the past administration is being axed by this administration.

And axing an old approach to assistance is not necessarily in itself bad if there is something to take its place. Unfortunately for those people on fixed incomes and especially our seniors, there is a need for some assistance at times. And this particular Bill taking away those dollars that people have become used to getting does not provide for any replacement of those funds. It will be extremely difficult, in my opinion, for a lot of people to now start to balance their budgets in order to come up with the extra cash that they need to replace these funds that are being taken away from them.

I don't know what the answers are to our social programs and how we're going to solve all of the problems that we have with poverty. But certainly if you take income away

from people that they are used to getting, it creates a tremendous amount of problem for them to try to find ways to replace that income, especially in a recession. It is my opinion that if you're going to correct these kind of things, we must in fact do that.

My colleagues have pointed out that the Heritage Fund, consolidation fund . . . is going to a Consolidated Fund. And in fact I'm one Bill ahead of myself, which I think probably one or two members opposite might even have noticed if they'd have been awake this morning.

And so, I'm going to allow my colleague to make a few comments on this, I think, and I'll get on to the right one in a minute.

Some Hon. Members: Hear, hear!

Mr. Martens: — Thank you, Mr. Deputy Speaker. I'm just going to make a couple of observations about the Act in this case and deal with it, and then we'll allow it to go to committee.

However I want to point out that the observations that we have made in dealing with the Heritage Fund have some significance, I believe, in the fact . . .

The Deputy Speaker: — Order, order. Order, order! I'm having some difficulty in hearing the member. If other members wish to converse, they should do so quietly or leave the Chamber.

Mr. Martens: — Mr. Speaker, Mr. Deputy Speaker, when the Heritage Fund was set up in the middle '70s, it was set up as a political tool for the government at that time to be something what they would call similar to Alberta. Only in the case of the Heritage Fund, it was a negative asset; in the case of Alberta, it was a positive asset.

In the case of Saskatchewan what they did is they put items like the Weyerhaeuser pulp mill, or the PAPCO (Prince Albert Pulp Company) at the time, they put that into there. They put all of these funds into that . . . or took all these funds out of the Heritage Fund and said we have a significant Heritage Fund here. It's built in assets. And what in fact it was, it was a liability to the province of Saskatchewan. And how the Minister of Finance has taken and changed the role of the Consolidated Fund is a significant change and we'll be asking some very significant questions.

Yesterday, Mr. Minister, we asked questions on Sask Water on how the change and your view of the structuring of the debt load in Sask Water was related to this. We asked questions; the auditor has some significant questions that he raised in relation to the kinds of things that you have done in transferring debt and transferring other items to the Consolidated Fund and other funds.

And, Mr. Minister of Finance, those are the kinds of questions we're going to be asking in Committee of the Whole. And therefore, Mr. Deputy Speaker, I'm going to allow this to move on. But that's what we're going to be talking about very significantly.

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

Bill No. 52

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. MacKinnon that **Bill No. 52 — An Act to amend The Senior Citizens' Heritage Program Act** be now read a second time.

Mr. Goohsen: — Thank you, Mr. Deputy Speaker. Now that we're on the Bill that I thought we should have been on before, I will endeavour to give the government heck for not doing what should be done here. Because in fact what they're saying here is that they're going to amend an Act and it has a sunset clause in it that in fact ends the money to people. And that is, in my opinion, unfair to the seniors of our province who are on fixed incomes and who don't have the ability to go out and find a way to replace funds that suddenly come out of their budgets.

It seems to me that a new government will probably cancel old programs and put new names on some other kind of a form of assistance in order to take the credit for helping folks. And that's sort of a given in our democratic system with the party system that we live under.

But unfortunately, we don't see any place where this government is attempting to replace these dollars to those people. If in fact what they're doing with this sunset clause is ending this program in order to bring one in with a new name or a new formula for getting these dollars there, just to make sure that they have their day in the sun, to be getting the credit for running the province and doing good things, fine and dandy, but let's see what they're going to do.

I say to them, show us that you're going to give this money back to those old folks, not to appease me, not to make me happy, but to alleviate the fears that old folks have got out there that suddenly they're going to find themselves short of dollars in their budget — dollars that they need to have in order to have a decent and respectable living and life-style.

It's not for me; it's for them. And older folks have a tendency to worry about money — more than they should, I believe. But that's the way it is. When you get older, you worry a little bit about how you're going to pay your bills, how you're going to provide for yourself, and it's a natural worry. It's a natural concern, because as you grow older you can't just jump up and go out and get another job or pick up something on the side in order to earn a few extra dollars.

So I want the government to take into consideration very seriously those fears that they are imposing on older people in our province. It's not fair to create undue stress for the people who have worked their entire lives to build the province and the country. It's not fair to them. And I suggest to the government that if you treat other people that way, remember, you're going to get old too. How would you like it when somebody treats you this way when you get older? How will you like it if you're the one on the receiving end rather than the giving end?

So I want to appeal to the government that if you have

plans to provide some assistance to these folks, let them know so they don't have to spend the rest of this year worrying about the sunset clause ending for next year this amount of funds.

I know that there are ministers over on the other side that would stand up in this House and say, well it's not a whole bunch of money; it doesn't seem to matter because it's just a little bit. But what's a little bit to these folks on the other side in government is a lot of money to some of our senior citizens. It's very important money.

Any amount of dollars that you're short in your budget of being able to pay your way is a serious matter, especially to people who are older, because they have a sense of responsibility, they have a sense of dedication to paying their bills. Older folks live with a very high moral standard and they don't want to have to say to the grocery store owner, I can't pay my bill this month. That hurts them more than anything else. And it embarrasses them and it gives them stress. And quite frankly, I think it's unnecessary for us to do that.

I think it's important, Mr. Deputy Speaker, that this government inform the people that there is some kind of a program to replace the one that they are taking away from them now. That concludes my remarks.

(1100)

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, before I move this Bill to committee, I would like to as well . . .

The Deputy Speaker: — I must remind the member that I'm informed that the member has already spoken in debate and therefore is precluded from speaking again.

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

COMMITTEE OF THE WHOLE

Bill No. 25 — An Act to amend The Real Estate Brokers Act, 1987

The Chair: — I'll ask the minister to first of all to introduce his officials.

Hon. Mr. Mitchell: — Thank you, Mr. Chairman. I have with me today Brent Prenevost, Department of Justice; Mary Ellen Wellsch who is the Public Trustee; and Madeleine Robertson of the Department of Justice.

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, as I peruse the number of Bills that we have before the Assembly this morning I can only compliment the minister, as I know just from some of the experience, having been on the Regulations Committee, a number of these Bills are more housekeeping, and therefore we will not be taking a lot of time. And in light of the debate that has taken place in this Assembly over the past number of days, I guess the government can be commended for bringing Bills of such nature forward, allowing this House to work, although it would have been appropriate to have tackled them even two or three weeks ago. And we would have been more willing to do that.

But in saying that, I just want to bring out a couple of points and ask a couple of questions — I don't have a lot of demanding questions. Certainly the minister has a lot more expertise in the area when it comes to some of the legal arguments that may be made here.

But I think on the Bill regarding The Real Estate Brokers Amendment Act, and as we discussed the other day, it's something that the real estate brokers, I believe, have been asking for. I understand the Act is being introduced at the request of the real estate brokers, and maybe the minister could just fill us in on that portion of the Act and if indeed the real estate brokers have contacted his office and what they have required of the government.

Hon. Mr. Mitchell: — I thank the member for the introductory remarks and I certainly know what he is saying to me. And it's nice to get back down to business.

The member is correct: the need for these amendments to The Real Estate Brokers Act, that's come from the industry, comes from the commission. In the main it is as a result of a court decision which made it clear that we were going to have to be more specific about what was meant by a trade in real estate because so much of the protection of the Act depends upon the definition of the term "trade". So that we have expanded the definition in the way that appears in the Bill so that it now includes "'. . . an offer to purchase, lease, exchange, option or rent real estate'".

The second aspect of the Bill is the limitation which the member will know is not a new provision, but it was contained in the regulations and this moves it into the Act, which is where it belongs.

So the member is quite right, Mr. Chairman, it is as a result of a request from the industry that these amendments are before the House.

Mr. Toth: — So I understand then, Mr. Minister, that indeed the industry did approach government and I'm just interested in knowing what consultation process was taken prior to the final drafting of the Bill, and if indeed the industry is satisfied with the final drafting we have here today, Mr. Minister.

Hon. Mr. Mitchell: — Mr. Chairman, to the member, the request as I indicated, came from the commission. The real estate industry is now a self-regulating industry through the agency of their commission which is made up of industry representatives.

This problem was brought to our attention by the commission and our consultations have been with them. They have not been wider. But we regard the commission as being representative of the industry, particularly as regards the operation of this Act and the responsibilities of the commission under the Act. And we are responding to their concerns with this Bill.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 19 — An Act to amend The Contributory Negligence Act

Clause 1

Mr. Toth: — Under this Bill, a couple of questions, Mr. Minister. Number one, does this Bill restrict an individual from claiming damages for more than one lawsuit, even if all cases are claims against the same injury?

Hon. Mr. Mitchell: — Mr. Chairman, to the member, this . . . I think I'll be able to answer your question, but I have to go into some background first. This covers a situation where a person has been injured, or in the typical case, will have been injured in probably some kind of an accident, as a result of which that person has a claim against two or more people — let's say two people. That can often happen in a car accident. And the member can easily imagine circumstances where such a claim may arise where there are two defendants, two people are alleged to have been responsible for the accident.

And the difficulty that the law is having is that in those circumstances if you settle your claim with one of those persons, then your action is deemed to have been settled totally. You can't settle with one and proceed against the other. When you've settled with one, then your action is over. And this is as a result of old, common-law rules that have been in existence for generations — I really . . . I may be exaggerating a bit, but centuries. It is an old, old part of the common law.

And what we seek to do in this Bill is to allow such a plaintiff, such a person in this situation to settle with one defendant and continue the action as against the other.

Let me give you a simple illustration of that where a plaintiff is alleging that two defendants are equally responsible for the injury that the plaintiff has suffered — 50 per cent responsibility to each. And one of the two defendants says, I acknowledge that I'm 50 per cent responsible and I'd like to pay up — typically that would be the insurance company speaking — but we'd like to pay up and we'd like to talk about the measure of damages. And they do that and they come to an agreement as to what that 50 per cent share would consist of. And that's very, very common to be able to make those calculations and do those negotiations and arrive at that settlement.

What we're proposing is that that plaintiff would be able to do that in spite of the fact that the other defendant may be hanging tough and saying, I'm not responsible at all, or I won't agree to discuss damages; take me to court; you're going to have to take me to the Supreme Court of Canada before I'm going to pay this thing. Then that would permit that second part of the action to take its normal course, but allow the plaintiff to recover from the defendant who is prepared to pay up.

Now this is a reform of the law. It has already been implemented in Alberta, Manitoba, British Columbia, and Ontario and we're following their lead in this respect.

Now that's the circumstance that this Bill is intended to apply to, and I think that covers the case that you put in your question, and the Bill has no wider scope than the kind of situation that I have just referred you to.

I draw to your attention subsection (1) of the proposed new section. It says:

> Where two or more persons are jointly and severally liable with respect to the same loss or (the same) damage, a judgement, discontinuance, settlement or release with respect to one of them does not preclude judgment against any other in the same (action) or a separate action.

And that's the intent behind this section, and I trust that answers the member's inquiry.

(1115)

Mr. Toth: — So then what you're saying, Mr. Minister, a victim such as the scenario you laid out being involved in an accident, would if they're able to arrive . . . or one of the parties — if there's two parties involved — is willing to offer a settlement, the victim isn't then restricted, that they can indeed follow through with a lawsuit or whatever measures are needed to state claim against the second party.

I guess in light of that, Mr. Minister, I think you . . . from your comments you acknowledge the fact that sometimes these lawsuits can extend over a fair period of time which can become very . . . and be somewhat costly to the victim, the time process, have an emotional effect on an individual. I'm wondering, Mr. Minister, if there is any form of maybe setting some restrictions whereby some of these circumstances could be restricted, maybe the process speeded up.

And I know in many cases the process in courts, it's maybe just trying to get the time before the court because of the backlog that may be faced and I think it would be appropriate to at least have, maybe a bit of a restriction, if you will, of at least a period of time that you feel would be reasonable that would cause the process to work so that a victim wouldn't be say, maybe waiting two, three years before final . . . or even five years before a final decision is reached. Would that be, that be possible?

Hon. Mr. Mitchell: — Mr. Chairman, that is a useful, a very useful and pertinent comment from the member.

This certainly clears up one small aspect of personal injury law and will have the effect of relieving the pressure on plaintiffs, injured plaintiffs, in the sense that they will be able to take a settlement which is offered to them against one defendant without having to compromise their claims against other defendants.

But the interesting part of the member's intervention was the more general comment with respect to the progress of these cases through the courts. And I think that all of us know, and certainly all lawyers and judges would agree, that the system has been notoriously slow. And there have

been a number of reasons for this.

I might say first of all in defence of the system that its slowness is often an asset. Its slowness often turns out to be a good idea because it allows emotions to cool, allows passions to cool, and allows a more calm and tranquil setting for these questions to be sorted out. Because by the time they get to trial the accident has happened perhaps two, perhaps three, perhaps five — as the member suggested — years previous. And the outrage that follows from the accident, from the traumatic experience, have often calmed a bit and people can present their evidence in a less emotional setting and stick to the facts more than to their feelings.

But that aside, I agree with the member that these cases have historically taken too long. And there have been a number of attempts over the years to shorten that time, and some of those attempts have made a real contribution.

In this province we have, for example, in the Court of Queen's Bench established a pre-trial hearing so that all actions that are headed for the court room, headed for trial, have to go through a pre-trial proceeding before a judge who will discuss the case with lawyers for each of the parties, and the parties themselves are there — the plaintiff's there, the defendant's there — and it fulfils a number of functions like sorting out which facts are in dispute and which facts are agreed upon, and the agreed-upon facts are then signed off on, if you know what I mean.

So that when you get to trial you've got the issues limited to the bare essentials and therefore the trial doesn't take so long. So instead of it taking weeks, it may only take days or even hours.

But also an important part of that mechanism has been that so many cases are being settled at that level. And some of the judges have developed a real expertise in mediating the dispute at that level, saying, come on you guys; let's be reasonable here. Obviously the accident happened because, Mr. Defendant, you were not watching the road. And what we should be talking about here is the amount of damages.

And that's been a remarkable improvement to the law because some very high percentage — and I could get the number for the member if the member's interested — some very high percentage of these cases are being settled at these pre-trial conferences with the judge. Now the judge at the pre-trial conference is not the same judge as is going to hear the trial in the event that the matter has to go to trial. And some of the judges have become very expert at achieving settlements at these pre-trial hearings.

That's one example of an improvement to the system which is making a positive contribution. Actually it is working and it is solving some of the problems the member has referred to.

But that doesn't solve all the problem. And we are alert, as is the chief justices of the courts, to ways in which the system could be made more efficient. And we watch particularly developments in other provinces and in the United States and Australia and England where they have similar court systems, similar to ours, for improvements to the system that will result in these cases being determined in less time, so that justice is quicker, is less delayed.

And I think that's desirable in spite of what I said earlier when I defended the system by saying a certain amount of delay is often a good thing. But the system generally could use some speeding up, as probably can the answer that I'm now giving to the member.

But I thought that you should hear the full load because it was a very good question.

Mr. Toth: — Well thank you, Mr. Minister. I'm just going to make a comment or two here in light of the response given by the minister. And I appreciate the fact, and I would think and would specifically request, Mr. Minister, that if you have some of the numbers regarding the number of cases that have proceeded to court, and at earlier pre-trial that have been solved, that would be just nice for my own information to have it.

And I'm glad to hear that there are cases where the judicial system, where the judge, has taken a very serious look and negotiated and worked through the process with the parties. Maybe it's much to the chagrin of the legal community, as maybe a little longer . . . as the case drags out a little longer, it might be a little more lucrative but I think it is more appropriate that we try to solve our differences as quickly as possible.

Because we all know that, regardless of what individual, it seems that most individuals, in a situation where they come before the legal system where they feel they have a legal argument, may feel themselves that if they've been wrongfully abused or misused or whatever, that there should be some monetary settlement. And I think a lot of times people seem to get a high expectation.

So I think the more we can bring things down to reality so a victim realizes that, yes, they have certain rights and the system . . . the accused has certain rights but responsibilities, I think our system would work a lot easier.

Just one more question, Mr. Minister. Was there any specific group or reasons for the request coming forward? If there were, could you just make them known to the House?

Hon. Mr. Mitchell: — Mr. Chairman, to the member, the matter has been on the agenda of the Department of Justice for some time. There were a couple of cases in the mid-'80s which were classic examples of the problem that I related to the member earlier, and the lawyers involved in those cases had made representations to the government to reform the law in this respect.

The Law Reform Commission looked at this problem in the context of contract claims. The project involved was limited to contracts but the logic behind the reform is equally applicable to the kind of damage claims that I was talking about earlier, where the claim would typically arise from a car accident.

In addition, as I told the member, the law has, in this respect, has already been reformed in all of the other western provinces including Ontario, if you call Ontario — I should never call Ontario a western province . . . but west of Quebec. Quebec has a different situation because they have a civil law system that applies there that is much different than the common-law system in effect in the other provinces.

So this is one of those things where we haven't exactly had the door being beaten down by people who've got this problem, but it arises periodically and it has been drawn to our attention in the past and I think it is quite a logical reform to the law.

I might also mention before I sit down, Mr. Chairman, that the previous point that the member made with respect to the pre-trial conferences, and I'll be glad to get the information for the member from the Chief Justice of the court, Chief Justice MacPherson.

It has not been a disappointment to the lawyers, to the bar. The bar is happy with it because it . . . One of the important functions it fulfils was the one that the member mentioned where you have litigants with big expectations, huge expectations from a claim. And the lawyer knows that the expectations are too high but is not able to scale them down because the client just thinks that the litigant . . . the person feels that it must be worth more than that, and their cousin mentioned that they knew somebody in Ontario that got a lot more.

And they sort of get expectations in their minds — very often they do — on the basis of gossip and anecdotes that they hear along the way. And the lawyer isn't able to manage it. Now I've had that experience personally many, many times where the client just isn't accepting of my assessment of the value of the claim.

You get into one of these pre-trial conferences and have a judge with all of the prestige of that office look the litigant in the eye and say, sir, your claim is not worth more than $25,000; I don't know why you're in here trying to get half a million. There has never been a case in Canada where anyone has received more than $25,000 for that type of injury.

Now that works. I mean that has an impact. And it reduces expectations just like that and often leads to settlements where settlements would not be possible without that kind of an intervention.

Mr. Toth: — I just thought I'd make one more comment in light of the fact that . . . and I appreciate the Minister of Justice's comments, but it sounds to me that there's a lot of people with the Eric Lindros syndrome out in the world. Thank you.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

(1130)

Bill No. 23 — An Act to amend The Summary Offences Procedure Act, 1990

Clause 1

Mr. Toth: — Thank you, Mr. Deputy Chairman. Mr. Minister, just having perused this Bill somewhat and not being a legal individual or having a lot of legal knowledge, there's a number of things in the Bill that I find personally, as a lay person, somewhat hard to understand. And I think maybe many people themselves would find it hard to understand. I understand, and just going back a little bit to review over the last couple of years, there's basic elements regarding the fine options program and increases in fines to individuals.

And I'm just wondering if for the record of the House of the Assembly, if you can please provide us with the summary of the changes being made to the Bill, the reason for the changes, and at whose request the changes would have been made.

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, I can certainly appreciate the puzzlement with some of the provisions, because they are technical. They are in many respects quite technical, and I will take the member through it sort of point by point here.

The first item is addressed in section 3 of the Bill, and it has to do with your plain, ordinary, garden-variety parking ticket. I'm talking about section 3 of the Bill having to do with parking tickets. All it says is that the information that is . . . the document that is left on your windshield doesn't have to be sworn under oath. And of course that's the case with tickets that you may get when you speed on the highway — not that the member would speed, but when a citizen speeds on the highway. This is a similar provision, and it's just technical in that sense. It's not anything very substantial.

The second point in the Bill is found in section 5. And this is also . . . it's a procedural change. I was going to call it technical; it's more than that, but it is certainly difficult to understand on a quick reading of it.

Since January 1990 a person who has received a ticket or has been charged with an offence, a traffic type offence — that would be the typical situation — has had an option to pay the fine voluntarily without going to court, simply by sending a cheque in, or indicating that he or she wished to plead not guilty in which case the trial date is set in the ticket, the date in which the person has to appear in court; or thirdly, to plead guilty to the charge and elect to enter the fine option program.

Now this has resulted in a . . . It was put in there because the law is often seen to be unfair in the way that it fines people, imposes a monetary penalty for an offence. And the impact of that penalty is different for different people. If the offender has a lot of money, then the fine is not any big deal. But if the offender is someone who doesn't have money, then that fine is maybe a big, big problem. So that there are two citizens who are being treated equally in the eyes of the law but for whom the impact of the penalty is much, much different.

And that was why the reform was made in 1990. And it was a good idea. It was intended to give an option to people who didn't feel able to pay the fine to work it off under the fine option program.

But it hasn't worked. It hasn't worked at all like the government and the department thought it should, or hoped it would, I should say. First of all, we just can't handle the number of people who are electing the fine option program. We don't have enough things for them to do.

Another problem that has arisen is that some of them have been assigned the option, and then they may show up at the appointed place once, and then they don't show up any more. And there are so many of them, and the amounts involved are so small and the option period is so small that we don't have any way of following up on it. So they're just putting in a token appearance and then never to be seen again.

But it's something that is so trivial we don't follow up on it because our resources have more important things to do; our policing resources have more important things to do.

So we want to . . . In addition to that I might mention, it costs the state . . . it costs the government $20 for each of these circumstances in which an option is selected.

The final point I may note for the member is that the people who are electing the fine option program are not the people that we expected would be electing it. It's being elected to by all sorts of people who we thought would continue to pay the fines, and who are well able to pay the fines indeed, but who elect the fine option program because it is an inexpensive route and it doesn't have a lot of implications for them. And as I said earlier, many of them just don't show up after an initial appearance.

And looking at that whole situation, we are proposing here that the option of the fine option program be removed. And that is the thrust of the second point in the Bill.

I should clarify for the member that the fine option program is still available. If the court has levied the fine, then the access to the fine option program would be available at that point as it is in all the other programs to which the fine option program applies. So that's the second thing.

The third is section 7 of the Bill. And when we come to that we will be introducing a House amendment, and I think the member had some notice of that. This has to do with the issue of a warrant. And I think the section is clear there.

If the certificate of offence referred to in section 20 is complete and regular on its face . . . and this is for defendants that don't show up, as the member will know, and that the judge believes that if the defendant was there in the court room the defendant could raise a possible defence, may not be guilty of this crime, then the court can issue a warrant to require the defendant to come to court and in effect arrest the defendant and bring them there.

It's a serious business, you know, to be charged with an offence and summoned before the court and then not show up. That in itself is an offence under the Criminal Code, and that's how these people are dealt with now.

This would enable us to not have to proceed under the code but to proceed in a less formal way to haul the defendant into court without charging them with a separate offence under the Criminal Code and opening up the possibility of them being found guilty of a Criminal Code offence and have to carry that record from then on. Now that code procedure would still be available, but this would enable our courts to proceed less formally and simply issue a warrant for the arrest of the defendant.

And I remind the member before I leave that point that this is where the defendant has been charged, has not shown up, the court hears the circumstances and thinks, I can't convict, thinks the judge or says the judge, I shouldn't convict because it seems to me that that defendant may have a defence, may not be guilty of this offence, and in those circumstances, can issue a warrant rather than see the person charged under the Criminal Code for failing to appear. So I think that that is an improvement to the law, and at least allows some flexibility at the level of the court room to handle the situation in an appropriate way.

Now the section 9 of the Bill, which is an amendment to section 24, is directly connected to the information that I've just given to the member which provides a fine for non-appearing defendants or where they have been arrested under the previous provision or where they have been brought in under the Criminal Code provision where it is an offence to fail to appear in those circumstances.

And finally, on the third page of the Bill, section 11 . . . actually section 10, I guess, is the one that I should mention next, which provides for an extension of time to pay. And I think the provision of that will be clear to the member.

And then finally the section 11, as I said earlier, where a decision has been made in the provincial court and the unsuccessful party appeals, files a notice of appeal but then doesn't do anything further, just leaves it there, doesn't take any steps to have the matter put on the agenda, as it were, of the Court of Appeal, doesn't do anything to perfect the appeal.

And that gives the Court of Appeal, or the appellate court, I should say — in some cases that's the Court of Appeal, in some cases it's the Court of Queen's Bench — the power to deal with these appeals, the ones I've just mentioned, and to dismiss the appeal if it has not been proceeded with.

So those are all the things that are included in this Bill. Some of them are substantial and some of them are what I would classify as technical.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, coming back to clause no. 7, you made a reference to the

issuance of a warrant. When a person has been charged with an offence and, as you indicated, I would assume that if the court would feel — the defendant hasn't shown up in court — if the judge, the judicial system, would feel that there is reason to believe that the defendant has a defence here and yet hasn't shown up, it's probably the same thing the defendant has thought, that it's such a trivial matter that they really can defend it.

Is there a process or notice given to indicate to any person, should they be handed a summons, or not a summons but issued a ticket or fine, whatever, that they must appear — even if they feel that they have the defence, they must appear — so that you don't run into this situation where the person hasn't appeared in court, or at least giving notice to the court if the time isn't appropriate for the court to address the question, so that they indeed can be well informed, will take the time to be there, will contact the court if unavailable, so that the court then isn't left with the process then of issuing the warrant?

Because then that becomes another cost to the court and is something that I think most people, if they were well aware of the circumstances, would take the time to follow through with.

(1145)

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, these questions arise where a person who has been charged with an offence is not prepared to plead guilty, is pleading not guilty, and is therefore electing to appear in court on the date that is set out in the ticket. And in those cases the court system then sends to the defendant a confirmation as to where the trial is going to be held and when it will be held, and also it gives a lot of information there as to what will happen if you don't appear. And I just would go through that with the member.

If this Bill is passed there will be four things that can happen. There are four things now that can happen. If the defendant does not show up, one thing is that the judge may elect to adjourn the trial and further notify the defendant of the adjourned date.

The second thing is that the court has the power to proceed with the trial, even in the absence of the defendant, and allow the Crown to prove the offence and to dispose of the case on the basis of that evidence.

The third possibility is that the court may dismiss the charge — say if the documents are not in order, there's some defect in the charge.

And the fourth alternative is the one that we've talking about today where the non-appearing defendant has committed an offence under the criminal code by not appearing and now, if this amendment is made to the law, that it can stop short of that by arresting the defendant.

And those options are made clear to the defendant before the defendant encounters the date for the appearance. So the defendant will know what the options are. I say defendant — I should say the accused or the alleged offender, knows what the options are before he or she decides whether or not to actually go to court on that day or whether to do something else.

Mr. Toth: — Thank you, Mr. Minister. I think that's appropriate and it's . . . regardless of how we look at it, certainly one of the privileges we have in this country is the fact that we are innocent until proven guilty. And I think we strive to or should strive to take every precaution necessary. And sometimes a person begins to wonder whether you should in light the circumstances you may face. But I think it's appropriate and I appreciate that.

Coming back just to the fine options program for a minute. If I understand correctly, Mr. Minister, you indicated that the fine options, or option, is not available when you're directly handed a ticket, but it may be available by the court. And in light of the comments that were made . . . and I believe the fine options program gives a defendant or an accused the ability to work off their fine if they don't have the ability to pay.

Does it have, if the person . . . like I think was also indicated in a number of cases because some of the requirements have been so minimal, people have refused or just haven't taken time to follow through with the fine options program. Is there another aspect available that gives a person the ability to pay within reasons of their ability versus just say, a fine is — well I'll throw it out — a $500 fine is normal for a certain circumstance. And yet a person on a lower, fixed income would not be able to pay that whereas a person with a very high income, $500 is basically a slap on the wrist. Is there another way a judge can address this requirement out there to help or give the person the ability to respond to the fine that's been levied against them, either by giving them a lesser amount that would fit into their abilities versus asking them to do a very minimal amount of community work? Is that option available, Mr. Minister, or can we address the fine options program in that aspect?

Hon. Mr. Mitchell: — This question is important, Mr. Chairman, and member, because of the point that we were discussing earlier about the ability to pay depending, you know, having so much to do with the impact of a fine. And the provision in 1990 was intended to deal with that and was a sensible provision. I recall it, and I voted for it and support it. And I still do in a theoretical way. It's just practically, it hasn't worked.

There are several aspects to the situation that the member puts forward. First of all, you have usually about 30 days to pay the fine just with the ticket. The ticket says send such and such an amount to this address by such and such a date, and that's usually about a month down the road. So that gives the defendant a month to get the money together to pay the fine, and that's the start of it.

If that still turns out to be the problem, a problem for the offender, alleged offender, then the courts are very responsive to this kind of situation. They will . . . if an alleged offender appears in front of a judge and says I can't pay the fine — I intend to, I want to, but I need a month to do it — then our courts have consistently and for years been quite prepared to extend the time for payment.

Similarly if an accused wants to pay the fine in

instalments, there've been many situations in which that's been permitted.

And of course there is, as I've mentioned to the member, the fine option program available after a fine has been assessed by the courts. That is still available.

The only circumstance that we're proposing it not be available in is with respect to voluntary payment, where the voluntary not-guilty plea . . . That has simply overloaded our system and it just is not working at all in the way in which we intended.

Ms. Haverstock: — Thank you, Mr. Chairman. Actually my first question was very much like the member from Moosomin's. I do have some interest in understanding clause 5 a little more. I heard you earlier say that what the changes will actually result in in clause 5 is that individuals will go through a longer and more difficult process which is destined primarily to discourage people from entering the program when they indeed have the ability to pay. Do I have the correct understanding?

Hon. Mr. Mitchell: — Mr. Chairman, to the member, there were three entry points to the fine option program. There are today three entry points. At the time that the ticket is in the hands of the individual, and at the present that person can elect to go into the program right away. Secondly, after the individual has been fined in court, that's the second entry point. And there's even a third entry point, and that is where the individual has elected to plead not guilty and doesn't show up and is convicted by default, then the individual can go back to the court and go into the fine option program. And the one that we're proposing to take away is the first one.

Ms. Haverstock: — Thank you, Mr. Minister. You outlined some of the potential abuses of the program — really abuses that regarding those who could pay their tickets unnecessarily using the fine option program to the point where, I think one could use the term, abusing the system. How many abuses were really taking place? Do you know the kind of number that we were dealing with on an annual basis, and did this warrant the kind of change that you're proposing today?

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, that's a very interesting question. We have some statistics that are broad statistics. And like a lot of statistics, they don't pretend to answer all the questions. But since this provision, the numbers of people wanting to get into the fine option program has doubled. And of the, I think about 22,000, nearly 22,000 tickets where people entered, I plead guilty, either paying the fine or electing to go into option, about a third of them opted for the fine option program. The exact numbers are 21,906 fines registered in the last fiscal year, and 6,697 opted for the fine option program, and frankly we don't have anything to do with them. I mean, we can't respond to this idea or to this demand for the service.

And particularly in Regina and Saskatoon, a slice of the public have obviously caught on to how this works and they frankly are abusing the system. And we just have to find other ways of addressing the real problem that is there that I've mentioned a couple of times, where fines fall disproportionately on people, depending upon their means. We have to find other ways of addressing that. And I remind the House again that ultimately the fine option program is available, and that option is explained to people who really have a problem paying a fine.

(1200)

Ms. Haverstock: — The type of change that you are wanting to bring through on clause 5, is that going to result in any burdens on the justice system, be that financial or otherwise? What I'm really hearing you say is that in a way — and correct me if I'm wrong — that it's not just a question perhaps of people being unable to be placed, of those 6,000 or whatever, because that really brings to me the question of perhaps we should start redefining what fine options can mean, broadening the base and becoming more creative in ways in which these individuals can in fact be involved in an options program.

But financially are we actually having less monies coming to the coffer — and that's one consideration — as well in conjunction with not having enough for people to do? And on the other hand my question then addresses, is there some way that there could be more burden placed on the system because of not having a fine option program?

Hon. Mr. Mitchell: — It probably will mean more fines are paid, obviously. That's not the driving factor but it's there, and no question about that. We don't see it as more of a burden to the system. Accessing people to the fine options program requires a paper flow, and not inconsiderable, so that if fewer people are entering that program there's a lightening of the administrative burden there, while at the same time the handling of the money and dealing with the fines has probably a corresponding burden. So that probably, that balances out.

But I want to thank the member for the remarks with respect to the fine options program and assure her, Mr. Chairman, that we are very interested in the subject of the fine options program and being creative about that program. Because it is theoretically and practically a very, very good idea. And in proper cases it can have wonderful results. And it gets away from the old idea of you pay your money or you get locked up. And if you don't have the money, who cares; the law is blind.

The law doesn't care whether you're a millionaire or a pauper, you're going to be treated the same way. Equality before the law, and it's not equality. It's a different law for rich people than it is for poor people. And I see the fine options program, and I think the member does, as being a creative alternative to that old, blind system, and a good idea. And we are thinking hard in the department about ways to enrich the program, enrich the possibilities.

And there have been some very, very almost dramatic cases of opportunities under the fine options program which has rendered an enormous service to the place in which the service is being carried out, while dealing with an offender in a way that's appropriate for that offender, not just the old lock-up system — pay up or get locked up. So I wanted to pick up on that part of the member's question and respond to it because I thought it was such a

good remark.

Mr. Swenson: — Thank you, Mr. Vice-Chairman. Mr. Minister, as I recollect, when the fine option was introduced one of the reasons was because of the disproportionate number of native people that were being implicated with the old process, and the want by native leaders, particularly with some of our larger reserves, to have people dealt with in a different way than the traditional justice system. And could you tell me if the problems that were occurring with the system were verifying that fact, and that this is still a significant problem? Or if in fact that the native leaders were able, by using the fine option system, to work for community betterment? How is that shaping out after this two-year period of time?

Hon. Mr. Mitchell: — Mr. Chairman, to the member, the question is difficult to answer except in very general terms, and I'll do it. The situation in reserve communities and in northern Saskatchewan is just not different under the program than it was before. Where the difference has occurred is in Regina and Saskatoon for the most part.

In reserve communities and in northern Saskatchewan the interest in the fine option program or the cases in which that option was selected has remained the same. Only the procedure changed. So instead of going to court with the ticket in order to get access to the program, the accused person just had to mark the form in the right . . . or mark the ticket in the right way and send it in and got access to the program.

And with this amendment, they would just simply go back to the former way. It can be handled in a similar way, really quite informally. And the documentation that passes between the department and the accused makes clear how you get into the fine option program, and that will continue to be the case. Where the abuse has occurred has been in the cities and in the non-aboriginal population, to the best that you can tell these things. I mean, how can you? But that is, in a sort of a general sense, the way that we see the situation as having developed.

Mr. Swenson: — I know this may be off the Bill specifically, Mr. Minister, but in your other duties as the minister of Indian and Native Affairs — obviously as we move into native self-government, native policing, changes that may occur in the Criminal Code of Canada to allow certain things to take place — is it your view that this option, in regards to particularly the enhanced reserve status that may occur because of TLE (treaty land entitlements) and some other things, is this option viewed by the native leaders, at least in discussion with your department, as being one that is positive, that it has removed people sort of out of the justice system?

Hon. Mr. Mitchell: — Mr. Chairman, the answer is definitely yes, definitely yes.

Clause 1 agreed to.

Clauses 2 to 6 inclusive agreed to.

Clause 7

The Chair: — There is a House amendment which the minister has moved and has been provided to the members of the opposition. Will the House take it as read?

Amendment agreed to.

Clause 7 as amended agreed to.

Clauses 8 to 13 inclusive agreed to.

The committee agreed to report the Bill as amended.

Bill No. 24 — An Act to amend The Queen's Printer Act

Clause 1

Mr. Toth: — Okay, Mr. Deputy Chairman, this Act deals specifically with charging for publishing notices, disbursements, and documents in the . . . or advertisements and documents in the *Gazette*. I'm wondering what the rationale is behind the Act. Well maybe I'll just ask that first. What is the rationale for the changing of the fee structure, Mr. Minister?

Hon. Mr. Mitchell: — There are notices that are required by law to be published in the *Gazette*, and there is of course a cost to doing that. These notices are typically printed on behalf of persons, of corporations, depending upon the circumstances. And it is, in this day and age of limited revenues, an attempt to control costs. It is considered appropriate that these notices which, as I say, are on behalf of individuals or corporations, be paid for by those individuals or corporation.

So that if you were incorporating a business corporation for your own purposes — whether it's a farm or what it is — and notice of that is required as part of your incorporation to be published in the *Saskatchewan Gazette*, that you be charged with the cost of inserting that notice rather than all the taxpayers in the province having to pay for notice of the fact that you have incorporated a company. That's the rationale. It's an attempt to place the burden of the costs where it more appropriately belongs.

(1215)

Mr. Toth: — So what you're saying then, Mr. Minister, prior to the Bill before this Assembly, the taxpayers, if you will, were paying for all the notices that were laid in the *Gazette*: new businesses, new corporations. And now you're going to be charging those corporations for those notices.

And I can appreciate the fact that it must add up to a few dollars with the number of gazettes a person gets. And certainly the changes that appear in the *Gazette*, it must take some time to print that material.

What is the fee structure that you've arrived at and will this fee structure . . . is the fee structure intended to cover the costs or to make some money in printing the *Gazette*? Mr. Minister, I wonder if you could give the Assembly a run-down on the fee structure and whether the costs are

going to be recovered or if indeed there will be some money made on the side as well.

Hon. Mr. Mitchell: — Mr. Chairman, there will not be any money made on the side. It will not be a revenue-generating exercise.

The charges that we have in mind range from 5 to $10 per insertion, depending upon the size of the notice and the amount of information in the notice. We expect that the total amount of money that will be raised will be approximately $70,000 per year. Raised is not the right term, but the amount of money involved.

This is the approximate amount that we have been experiencing in paying for printing costs for these notices and that is about the amount that we seek to recover. So ideally we'd be able to balance it out so that the net effect would be no cost to the government but no increase in revenue either in the sense that we're not going to be making any money on it.

Mr. Toth: — So what you're saying then, Mr. Minister, is that at the end of the day the intended purpose is to at least cover the cost of printing the *Gazette* so that there isn't a reflection of the added burden placed on the taxpayer.

Hon. Mr. Mitchell: — That's right, Mr. Chairman.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

Bill No. 33 — An Act to amend The Land Titles Act

Clause 1

Mr. Toth: — Mr. Chairman, just a couple questions. First of all, what is the purpose of the Bill and was there any specific request for the changes that are being brought forward in the Bill from any group or organization or . . . who would have requested the changes?

Hon. Mr. Mitchell: — The way in which the system has operated and in fact today does operate is that an estate requires a certificate that there are no infants interested in the estate for purposes of dealing with the land titles system. And under the present law that certificate is obtained from the Public Trustee. It is a . . . well frankly it's a waste of money.

It's an obvious thing whether there are infants involved or not. I mean everybody involved knows — the executor making the application for letters of probate knows, the family knows. The application for letters probate is made to the Court of Queen's Bench — actually the Surrogate Court, but those functions are performed by judges of the Court of Queen's Bench — and they know from the sworn material before them whether there are infants involved or not.

Under the present system they don't deal with that question though. A separate application then has to be made by the estate to the Public Trustee, satisfying the Public Trustee that there are no infants involved. So it's been proven twice in different places. And the certificate now comes from the Public Trustee. It's an expense for the estates, and it's an administration expense for executors and for solicitors handling the estate. And it's an unnecessary duplication.

It is our view that those certificates could be issued by the court at the time that the application for letters probate is being dealt with, so that the grant of letters probate by the court could be accompanied by a certificate that there are no infants interested in the estate. And then that certificate is used for the various purposes that it serves under the Land Titles Office system.

So it is a saving for the administration by the government. It's a saving for the government. It's also a saving for the estates, for the surviving people who are attempting to wind up the estate of the deceased person. That is the extent of the amendment that's before the House today.

Mr. Toth: — Thank you, Mr. Minister. When you started speaking a minute ago, I had difficulty hearing you. And I was just wondering if that's because of the nature you and I share. We're not really the dogmatic, boisterous, loud-speaking individuals, and can speak diplomatically to each other.

But in light of that, from what I'm understanding you're saying, what you're doing is simplifying the process, and just doing away with one form of contacting the courts regarding an estate. So it makes it simpler and no doubt any estate or any person dealing with an estate, even family members, would find the process at that stage in their lives probably traumatic. And to simplify it, probably would indeed, I think, make it much simpler. And I commend you for that.

One other question I would ask. Would it be possible for the minister to give the House a status report on the Land Titles Office in Humboldt? Would that be appropriate at this time?

Hon. Mr. Mitchell: — It's probably not, but I'll do it anyway. I met earlier this week with representatives from the town of Humboldt and the district. And they made a presentation to me, suggested a couple of alternatives to their situation, and I promised them that I would review those alternatives and review the entire situation and get back to them.

We have not yet made a decision with respect to the presentation, but we have remained in touch with them to tell them of our progress and assuring them that we're going to deal with their representations quickly.

So in short, Mr. Chairman, we have it under active consideration, and we're going to be giving them a decision very quickly.

Mr. Toth: — Thank you, Mr. Minister. And I certainly appreciate the fact that you have been taking the time to meet with the representatives. I'm sure that any rural community that has any government agency . . . And certainly we discussed . . . The question arose yesterday regarding education and health as well. Any community

that would lose a service really would feel the loss.

And so I would just thank you for taking the time and hopefully . . . We will understand as you are simplifying the process here that we certainly take a very serious look at offering the services and making them as available to people and that indeed the Humboldt argument — I'm sure they have a very strong argument — will be listened to and adhered to. And I thank you.

Mr. D'Autremont: — Thank you, Mr. Chairman. Mr. Minister, in your deliberations concerning the changes to The Land Titles Act, did you give any consideration or were there any representations made to you concerning any changes to the caveats as they affect land titles?

Hon. Mr. Mitchell: — Mr. Chairman, there will be another . . . It is our plan to introduce a second amendment to The Land Titles Act in this session. And my memory is that there are provisions respecting caveats, but I can't remember as I stand here what they are or the effect of them. But it is our plan to introduce a Bill that covers a number of matters with respect to land titles later in this session.

If the member wants to pursue that with me privately, Mr. Chairman, I'll be glad to talk to him about it.

Mr. D'Autremont: — Mr. Chairman, I would appreciate the opportunity to discuss caveats with the minister.

Mr. Martens: — Mr. Chairman, and Mr. Minister, would that include some points that would deal with those caveats that are placed on land titles, that are not against individuals who have assets that the caveat should be placed against?

And I can think of people who have had caveats placed on their land that had the same name as the individual that should have had it placed on. And then when it comes to withdrawing them, they have to pay the fee. Somewhere else the responsibility should be placed of having to free those titles from all of those caveats, and significant problems have arisen in many locations where people have the same name. And I can think of instances, many instances in the Swift Current area, where people have the same name, and it consistently happens. Would that be included in some of the options available in your changes that you're looking at?

Hon. Mr. Mitchell: — I don't recall that it is, Mr. Chairman, but I can't remember the details of that part of the other Bill. And I'll renew my offer that I made to the other member, and I'll be glad to discuss that with the member. And certainly we'll have an opportunity of getting into that with the other Bill.

Mr. Martens: — Thank you, Mr. Minister. I'd appreciate that. I just wanted to raise it as a point to consider. And I think it's a necessary one to deal with. Thank you.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

(1230)

Bill No. 34 — An Act to amend The Mentally Disordered Persons Act

Clause 1

Mr. Toth: — Mr. Chairman, I think the Assembly and a number of people would be more than interested in knowing why the Bill is necessary and the reasons why the Bill was brought before the Assembly this morning.

Hon. Mr. Mitchell: — I apologize for the delay, Mr. Chairman, but I had a particular point that I wanted to raise with my officials. Some of these certificates of incompetence have been on hand with the Public Trustee for as much as 30 years. That's about as long as these certificates have existed. Some of them go right back to the beginning of the idea of a certificate of incompetence.

And they are issued by the chief psychiatrist of a mental health facility following the examination of a patient by a physician, and they specify that the person is not competent to manage his or her own affairs. And they're not determinant of competence for all purposes but they may be persuasive, for example, during court proceedings where the application may be made to appoint a property guardian. And that's not fair, you know, it is just not a workable approach to this question of a person's ability to manage his or her own affairs.

The fact that a doctor pronounces a person incompetent at a particular point in time does not mean that that person remains incompetent for ever as it were. That was the state of that person's competence at that time but the system just . . . the certificates continue to exist with the Public Trustee, continue to lie there, and continue to be a huge cloud over the heads of people who respond to treatment and who become competent.

Incompetence can be a very temporary thing and it is just not fair that these examinations or these certificates sit there without any re-examination, without any treatment for years and years and years. And the department has been considering for years how to deal with them. They only empower the Public Trustee. They have no other use to anybody else. We're just not satisfied that that's a fair, reasonable way of approaching the question of incompetence or allegations of . . . or suggestions of incompetence.

We are now in possession, the Public Trustee is in possession of hundreds of certificates for people who are not active clients of the Public Trustee, who are not connected to the system in any way, shape, or form. So the amendment that we propose will dramatically shorten . . . will put some life on these certificates.

All of the things that can be done and should be done with respect to the property of a person who has been determined to be incompetent, will be done within that period of a year, and it's not necessary to keep the certificates hanging out there, as it were, hanging like a cloud over the head of people.

It's also important, from the administration's point of view, because they are a cost . . . it's a costly procedure to keep them up. It will reduce our record-keeping responsibilities and our storage requirements and eliminate our Public Trustee's activity in locating people as they get to be 65 years old, for example, and eligible for pension. And we get involved in those questions because the certificates are there, even though we have had no contact with these people over many years.

But most importantly, Mr. Chairman, it removes the stigma of incompetency from a person who has never required a property guardian, who's never had any involvement with the system. It's just that at one time a physician has pronounced that that person is incompetent and then that record lives on in the files of the Public Trustee for the rest of that person's life. And we don't think that that stigma should exist. It's just not fair. So we're trying to remedy it and save some money at the same time.

Mr. Toth: — Mr. Chairman. Thank you, Mr. Minister. So I gather that I would take it that there are a number of certificates still on file, and no doubt many people may have even forgotten the fact that even a certificate was written on on their behalf at some time in their life.

I'm not sure if I caught in your statement, Mr. Minister, is there going to be a contact? Or in some cases are you just going to automatically revoke these certificates? Or what is the process right now in dealing with the certificates that are on file? Because I think it's, in some ways, it probably could be a touchy situation especially if people have forgotten or are just not even aware that there was such a certificate. To have been notified, someone may become very indignant.

And I think it would be . . . it's going to be an area where your officials are going to have to deal very delicately with people to let them know, no, you're not trying to tramp on them. But also . . . Well, maybe I'll let you respond to that first and then I've got one other question.

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, we don't intend to contact the individuals. We are however going to contact the agencies and departments in order to clarify the impact of these amendments if they're passed by the House. We have over a thousand of these certificates on our files and many of them have never been acted on and this gets rid of the old ones right away and then it will become only current certificates that will be dealt with. And, as I said to the member, all that has to happen, happens within a short time anyway and certainly within a year.

But we don't want to contact the individuals to confirm that your certificate of incompetence no longer has effect because many people just don't ever . . . don't know there ever was such a certificate issued and it's a time of their life where they don't care to be reminded that they were incompetent. And certainly they don't want the government contacting them to tell them that, yes that they are no longer considered to be incompetent at law. I mean it's not a legal question, it's a medical and personal question, and we'll try and administer this in a sensitive way if it's accepted by the legislature.

Mr. Toth: — Thank you, Mr. Minister, I appreciate that. A couple of other questions regarding the situation of incompetency, and I'm just wondering roughly how many cases may come up in a year and if, at the end of any given year, as you talk about in the legislation of revoking that certificate, is there a form that will be followed?

I'm not sure you want to just look at revoking a certificate without . . . especially in a very short time period, without at least just doing some background or in double-checking to know that in revoking the certificate certainly the person or individuals involved have overcome their difficulties, rather than just revoking a certificate to find that person is still having problems. Do you have a stopgap to make sure we double-check on recent ones, and as I indicated, roughly how many cases would the province be dealing with in a year?

Hon. Mr. Mitchell: — That's another good question, Mr. Chairman. We have usually a hundred to a hundred and twenty certificates a year. And the first thing that the Public Trustee does is to investigate whether there are any assets involved or not.

If there are assets involved, it is quite likely that a property guardian will be required. And the property guardian can be appointed under The Dependent Adults Act or the Public Trustee may become the property guardian for that person if there is no individual ready to take on the task. But in either event, if the individual owns assets, then that will be moved on in a very, very timely way and certainly well within this period of a year that I've been talking about.

If there are no assets, then the certificate just goes into the record system of the Public Trustee. Having regard to that, that's been the system for years, from the beginning. Having regard to that, we see no need to investigate the circumstances of the others, the people who had no assets. We don't want to embarrass them or be less than sensitive to their situations. So our plan is simply to regard these old certificates as being inactive, and they will just go into an inactive file. And then the same thing happens to them as happens to other inactive files, they go through an archival process of some sort or another that I don't understand. But we have no intention of conducting investigations with respect to any of them.

There are situations where a property guardian has been appointed or where the Public Trustee is the property guardian. And those files, of course, will remain open. And you'll notice in the Bill, those certificates do not lapse as a result of this Bill. They do not lapse as a result of the amendment that we're proposing. Similarly, if there is an application pending on the question of a property guardian, the certificates will not lapse.

Ms. Haverstock: — Thank you. Mr. Minister, I have a short preamble and then two very short questions. I am pleased to see that you're providing relief to the Public Trustee in clause 4 by making it possible to clear this backlog of files. And from a common sense perspective, any effort to remove unnecessary paperwork is something that should be applauded.

Despite this, I want to make certain about proper process and wish some reassurances to make sure that every certificate of incompetence issued is actually active. And this of course will have to deal with how promptly a property guardian is going to be appointed. So I have two questions. The first is: what process is in place to ensure that the property guardian is promptly appointed so that the certificates are active? And secondly, if such a process is in place, what's the nature of that process?

(1245)

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, the process is as follows. When the Public Trustee receives a certificate, we move on it immediately. There is an investigation carried out by trust officers. And there are investigators who travel the province and who interview anyone who may have knowledge of the assets and property of the individual concerned. This is done within one month of the certificate being received by the Public Trustee.

I might also add that it is the policy of the office to encourage individuals to apply to be property guardians. It is the policy of the office to encourage relatives or what have you to apply, and if that is the route chosen, if there is someone who is prepared to take on that responsibility, then we try and push it along so that their application is made in a timely way and the matter is dealt with within a period of one year.

If it is not, if that's not happening because of some delay with the lawyers or what have you, then the Public Trustee will move herself to become appointed on an interim basis pending the completion of the other application. So this process is followed in all cases.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

Hon. Mr. Mitchell: — Mr. Chairman, that having completed the committee's work with respect to the Bills for which I am responsible, I would like to thank my officials for coming today and helping me, and through me the Assembly, with respect to the consideration of these Bills.

Mr. Toth: — Mr. Chairman, I join the minister first of all, thanking the minister for his responses and also thanking his officials for their help. I certainly enjoyed working with them on Regulations Review Committee and thank them for their responses and aiding the minister at this time, as we all know he needs a little bit of help once in a while, but we really appreciate his forthrightness. Thank you.

THIRD READINGS

Bill No. 25 — An Act to amend The Real Estate Brokers Act, 1987

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

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

Bill No. 19 — An Act to amend The Contributory Negligence Act

Hon. Mr. Shillington: — I move this Bill be now read a third time and passed under its title.

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

Bill No. 23 — An Act to amend The Summary Offences Procedure Act, 1990

Hon. Mr. Shillington: — I move these amendments be now read a first and second time.

Motion agreed to.

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

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

Bill No. 24 — An Act to amend The Queen's Printer Act

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

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

Bill No. 33 — An Act to amend The Land Titles Act

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

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

Bill No. 34 — An Act to amend The Mentally Disordered Persons Act

Hon. Mr. Shillington: — I move this Bill be now read a third time and passed under its title.

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

The Assembly adjourned at 12:56 p.m.