

The Assembly met at 2 p.m.

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Neudorf: — Thank you, Mr. Speaker. Pursuant to other petitions that we have handed in, we have a couple of thousand more names added to the chiropractors. And for the expediency of time I will only read the prayer itself, Mr. Speaker:

Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to cause the government to reverse its decision to eliminate full coverage and universal access to chiropractic treatment and that your Honourable Assembly withhold consent from any government proposal to discriminate against chiropractic patients by charging them fees not assessed for any other medical treatment.

Mr. Speaker, the first sheet is mostly from Saskatoon. I notice that this one has another 40, 50 names at the back also mostly from Saskatoon, but certainly from Turtleford, Sonningdale, Prud'homme, Warman and other areas.

And I could go through again the entire list, Mr. Speaker, but needless to say these do represent areas from all across the province. And it pleases me now to table these for the Assembly.

And while I'm on my feet, Mr. Speaker, I have another petition brought in and this is one that is a new one here, so I will read so that the other people can understand what this petition is about:

That Saskatchewan producers are undergoing extremely trying financial times due to drought, grain prices and international trade wars, and that they are being pressed further financially by the NDP government's decision to eliminate the Farm Fuel Rebate Program and its coloured fuel policy; and, that to implement the government's fuel policy will cost Co-op and small independent fuel service stations thousands of dollars, leading to the loss of jobs and businesses in rural Saskatchewan.

Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to cause the Government to reverse its decision to eliminate the Farm Fuel Rebate Program and that they cancel the coloured fuel program.

Mr. Speaker, this petition comes from Hoosier, Loverna, Smiley, Marengo, Flaxcombe, Major, and so on. So it pleases me, Mr. Speaker, to present this petition on behalf of these people at this time.

Mr. Muirhead: — Thank you, Mr. Speaker. I too have the same petition so I won't repeat and read it off now. I'll just say where they're from — this concerning of course the rebate. They're from the same towns as my colleague, pretty well, from Marengo, Hoosier, Loverna, Smiley, and

both petitions are covering the same town. So I hereby have the pleasure to table these petitions.

And while I'm on my feet, Mr. Speaker, I have a whole handful here of more pertaining to the chiropractor request . . . for chiropractor treatments, not to have to pay a fee. So I won't read through it today. I'll just read the prayer:

Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to cause the government to reverse its decision to eliminate full coverage and universal access to chiropractic treatment and that your Honourable Assembly withhold consent from any government proposal to discriminate against chiropractic patients by charging them fees not assessed for any other medical treatment.

These are, Mr. Speaker, from Moose Jaw, Drinkwater, Chaplin, and that surrounding area. The next one I have is from Yorkton, mostly Yorkton; Buchanan, Saskatchewan; Yorkton — those are all Yorkton that page, pretty well.

This next one, Mr. Speaker, is from Estevan, Lampman, Estevan, mostly Estevan, Carnduff, quite a few from Carnduff. The next one is Prince Albert, way up . . . These are all across the province, Mr. Speaker — Prince Albert, Porcupine Plain, Kinistino. They're mostly a lot on there from Kinistino.

And these from Regina: Grey Street in Regina. I know that's Churchill Downs. Discovery Road, Saskatoon. This page is all Saskatoon, Mr. Speaker, entirely, in its entirety. And then the next one is all Regina. Oh, there's one from Ogema. There's Regina, Regina. By the addresses, I don't think there's any on that page from Churchill Downs, Mr. Speaker.

And then at last, this other page is all Regina, Regina, Briercrest, and Regina. By the addresses, there's none from Churchill Downs on that one. I must have about 15 here, Mr. Speaker. The next one is all Regina, Lajord, Saskatchewan. The rest are all Regina. And these are all Regina.

An Hon. Member: — Churchill Downs.

Mr. Muirhead: — No, these are not Churchill Downs. The last one here that I have is all Regina also, and there is addresses here, yes. I thought we had them all from Churchill Downs, but there definitely is some more from Churchill Downs. Thank you. It's a pleasure to . . .

Mr. Swenson: — Mr. Speaker, I too have got petitions to present this afternoon. Mine are to do with chiropractic care. And I'll only read the last sentence, Mr. Speaker.

Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to cause the government to reverse its decision to eliminate full coverage and universal access to chiropractic treatment and that your Honourable Assembly withhold consent from any government proposal

to discriminate against chiropractic patients by charging them fees not assessed for any other medical treatment.

Today, Mr. Speaker, I have people from the communities of Lumsden, Earl Grey, Regina Beach, Sifton, Findlater, Moose Jaw, Craven, Regina, Aylesbury, Earl Grey, Yellow Grass, Bethune, Disley, Prince Albert, Big River, St. Brieux, Saskatoon, Yorkton, Grayson, Springside, Saltcoats, Canora, Yorkton — lots of Yorkton — Willowbrook, Melville.

Mr. Speaker, the petitions today that I present would be a road-map of Saskatchewan. Thank you.

Mr. Boyd: — Thank you, Mr. Speaker. I as well have petitions. This is a different petition than my colleagues have been presenting, so I'd like to read the petition. It's just a short last paragraph that I'll read:

Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to cause the government to reverse its decision to eliminate the farm fuel rebate program and that they cancel the coloured fuel program.

Mr. Speaker, this is a different petition. It comes from people in the Kindersley, Eaton, Saskatoon, Macklin, Kindersley, Red Deer, Alberta — we even have one from Alberta that are protesting this move, Mr. Speaker — and Kindersley area.

One name of interest, Mr. Speaker, one name of interest is a Mr. Reg Halpenny from Kindersley. I understand Mr. Halpenny . . .

The Speaker: — Order. The member knows that he cannot comment on the petition. I wish that he would get through with his petition and present it, please.

An Hon. Member: — They all know who he is anyway.

Mr. Boyd: — Yes. He sought the nomination, I think.

And the other petition is the one on the, Mr. Speaker, on the chiropractic care in the province of Saskatchewan. This petition comes from people primarily in the Saskatoon, Yorkton, Nipawin, Melfort, Porcupine Plain area, Mr. Speaker. I present those now.

Mr. Martens: — Thank you, Mr. Speaker. I too have petitions here regarding chiropractic care, and I want to just say that they are from all across Saskatchewan; places like MacNutt, Goodeve, Alida, Yorkton, Calder, Moose Jaw, P.A. (Prince Albert), Swift Current, Waldeck, Hazlet, Herbert, Ponteix, Lancer, Tompkins, and other places from across the province.

Mr. Toth: — I have some petitions here to present to the Assembly from across the province: Maidstone, Mayfair, North Battleford, Mr. Speaker; Meadow Lake, Regina, Whitewood, Wolseley, Kipling, Langbank, Yarbo, Moosomin, Stockholm, Dubuc; a number from the Saskatoon area, Mr. Speaker. And these petitioners are petitioning the government regarding chiropractic services.

I would also like to present a few petitions, Mr. Speaker, with a number of petitioners signing them from Kindersley, Plenty, Dodsland, Mr. Speaker, speaking out regarding the GRIP question.

Mr. Goohsen: — Thank you, Mr. Speaker. I am happy today to present petitions along the lines that my colleague from Kindersley has presented with regards to the farm fuel rebate program and that they cancel the coloured fuel program as well. These petitions come from Kindersley area: Flaxcombe, Hoosier, Smiley, Loverna, and all along that west side of the province, Mr. Speaker.

I also have other petitions with regard to the chiropractic issue that has been presented by many of my colleagues. I won't read the prayer. I'm sure you're all aware of what that is. These come from Springside, Yorkton, Maple Creek. I see Langenburg. We've got Saskatoon, Martensville, Warman, quite a few different locations up in that area.

Most of these on this other page are from Dalmeny and Saskatoon and Langham, as well as some more from Martensville and Prince Albert I see here as well as Debden. And I think that pretty well covers most of them, Mr. Speaker.

Mr. D'Autremont: — Thank you, Mr. Speaker. I have a petition, two petitions, to present concerning GRIP (gross revenue insurance program). And the prayer is:

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 . . .

The Speaker: — Order, order. I believe that that is not part of the prayer. The member is allowed to read the last part of the prayer but not the petition, only the prayer. If that's part of the prayer, then the member may proceed.

Mr. D'Autremont: — Thank you, Mr. Speaker. It is indeed part of the prayer.

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

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

This comes from the Dodsland-Plenty area, Mr. Speaker.

I also have a number of petitions concerning the chiropractic care. This comes from the Hague, North

Battleford, Macklin, Yorkton area — across the central part of the province, Mr. Speaker.

The Speaker: — Before we go on to the next item, I want to . . . seems to be some misconception about the presenting of petitions. I just want to remind members of the statement made by the former Speaker on April 15, 1991. And let me quote:

Once more I bring to the hon. member's attention that she may read the prayer of the petition but not the entire petition because that is encouraging and engaging in debate.

Secondly, on May 17, 1991, the former Speaker says:

Speculation on where people may live or not live is not a valid part of a presentation — again to state only the essence of the petition, which means the prayer and then you present it.

Those were statements made by the former Speaker of the legislature. And I just want to draw members' attention to that.

INTRODUCTION OF GUESTS

Ms. Murray: — Thank you, Mr. Speaker. Mr. Speaker, I'm very pleased to introduce to you and through you to other members of this Assembly, two students seated in your gallery, Lori Samco and Carol Bonard. Lori is a resident of Regina and Carol is visiting from Marseille in France. They've spent some time in the legislature this afternoon, and I've had the pleasure of meeting them personally. And I would ask all members here to give them a warm welcome. Thank you.

Hon. Members: Hear, hear!

Mr. Flavel: — Thank you, Mr. Speaker. I want to introduce to you and through you to the members of the Legislative Assembly today four seniors from Bulyea who are in with us here today — Mrs. Mae Gorrill, Mr. Phil Fink, Mrs. Irma Fink, and Mrs. Linda Johnson. I want to welcome them to the Legislative Assembly and ask the members to also join in welcoming them.

Hon. Members: Hear, hear!

Mr. Upshall: — Thank you, Mr. Speaker. Mr. Speaker, today I would like to introduce to you and through you to the members of the legislature one of my constituents who I notice sitting up in the gallery, Florence Lamont from Watrous, here to take in question period today. And I would ask all members to cordially welcome her.

Hon. Members: Hear, hear!

ORAL QUESTIONS

ACS Interest Rates

Mr. Muirhead: — Thank you, Mr. Speaker. My question today is to the minister responsible for the Agricultural Credit Corporation.

The minister knows that input costs are a constant burden to farmers' potential profits, that if any one of these input costs can be reduced, producers are better off and better able to continue farming. As we all know, Mr. Minister, and Mr. Speaker, that in 1982 interest rates were as high as 18 to 22 per cent interest. And under our government, we subsidized interest rates.

My question to the minister is this: will the minister tell the farmers of the province of Saskatchewan what the Agricultural Credit Corporation's capital loan interest rates are today?

Hon. Mr. Cunningham: — Mr. Speaker, I think I'll take notice of that question.

The Speaker: — Order.

Mr. Muirhead: — Mr. Speaker, my question then will be to any minister that can answer that question. There has to be someone that can answer that question. Could someone answer that question?

The Speaker: — Order, order. The member knows the minister has taken notice. Next question.

Mr. Muirhead: — Mr. Speaker, the minister knows that input costs are unreal in this province, and it's something that ACS (Agricultural Credit Corporation of Saskatchewan) can do is control . . . that's something they can do. They could control the interest rates and set an example to this province.

My question: it seems that no review of ACS policy's ever taken place, that you're charging clients and producers of province prime plus 2 per cent. That's what I understand there. Unless they can correct me, that's what they're charging. Will the minister . . . to commit to at least keeping one of his promises on behalf of that government. Will you lower their interest rate charges for your customers which reflects the market-place?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, we are well aware that interest costs are one of the input cost to farmers, and farmers cannot afford any more costs than is absolutely necessary. I think we're certainly always looking at our policies.

But prime plus two, Mr. Speaker, is market response if it means that we are providing money at cost or less than cost to farmers. And as the prime has dropped over the past number of months, so of course has the interest rate that ACS charges.

Some Hon. Members: Hear, hear!

Mr. Muirhead: — Thank you. A new question to the same minister. It shows you that he doesn't understand what's going on in the lending world today. I have a document here that says that the Bank of Montreal are lending money at one and a quarter per cent lower than the prime rate. Now that's got to be disgraceful, Mr. Speaker, for ACS to be saying that they're in line lending to farmers 2 per cent above prime when the Bank of Montreal is

lending one and a quarter per cent lower than prime.

Why doesn't the minister try doing something that actually might help farmers for a change? Why don't you try to help? If he is not willing to take the lead in the interest rates, will you at least follow the Bank of Montreal's lending rate? Will you at least do that, Mr. Minister.

Hon. Mr. Cunningham: — Mr. Speaker, the member opposite well knows that there are different interest rates for different customers and since the Government of Saskatchewan, given the precarious credit rating that members opposite left them with, we're lucky we're able to borrow money at even that low a cost. And I think we are passing on the cost as much as we can to the farmers to keep their costs as low as we possibly can.

Some Hon. Members: Hear, hear!

Mr. Muirhead: — Mr. Speaker, to the same minister. That's got to be no excuse at all. When our government, in eight years or nine years in power, always subsidized the rates and kept them lower than what the prime was. Now this government wants to keep the rates higher than prime. Why don't they . . . what have they got against farmers?

Mr. Speaker, a new question to the minister. Since the government has already established 40 or 50 review committees, is it not time to act? Will you at least establish another review committee and see what you can do about lowering rates at ACS for farmers?

Hon. Mr. Cunningham: — Mr. Speaker, we have a board of very capable people who are constantly reviewing ACS policy and will be able to make those decisions. I'm surprised that the members opposite are again complaining because there's too many committees and then asking for another one.

I think, Mr. Speaker, that the government is acting in a business-like manner. We are trying to keep the cost to farmers down. We also are trying to act in a responsible manner, and if the members opposite may have been able to operate in a non-business-like manner . . . But I think the net result of the 10 years of government and the \$15 billion deficit speaks well for what happens when you don't operate government in a business-like manner.

Some Hon. Members: Hear, hear!

Mr. Muirhead: — Mr. Speaker, the minister knows quite well that our problem . . . your problem is because we took over your three and a half billion dollar debt. You know that quite well.

Mr. Speaker, to the minister, if I may, I'll just read out a paragraph from the letter that came out from the Bank of Montreal . . .

The Speaker: — Order., order.

Mr. Muirhead: — Thank you, Mr. Speaker. And I can understand when they hear the truth about the three and a half billion dollar debt, I can understand why.

If I could, Mr. Speaker, just read one short paragraph for a prelude to my next question:

Combining the benefit of our Prime Rate reduction leadership and the enhancement as at July 1, 1992 the Bank of Montreal . . . Lending Rate is now set at 5.75 per cent (barring any changes of the prime rate in the interim).

Now, Mr. Speaker, if they can do this for the business people and farmers of Saskatchewan, will you not look at a 5 per cent interest rate at ACS for farmers?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, we now provide interest to farmers at our cost plus 1 per cent, which is probably better than any lending institution does in the province. And so I think we are subsidizing farmers to some extent. And I think we will do our best and hopefully the interest rates will stay down and farmers will be able to make their payments.

But again I point out, Mr. Speaker, that we must operate in a somewhat business-like fashion. We must recover at least our cost of funds to farmers. And I think the interest rates, as the member opposite pointed down, have gone down considerably in the last few months. And that will in itself be a big help to farmers.

Some Hon. Members: Hear, hear!

Mr. Muirhead: — Mr. Speaker, the minister stands to his feet and says let's hope that the interest rates stay low. Well we all hope that for the sake of the people that are paying interest.

What have you got against farmers? You've gutted pretty near every program they have — their GRIP program, the feed program, and now you're gouging them in ACS and interest rates.

Will you, Mr. Minister, recommend to your cabinet that you have a 5 per cent interest rate across the board for capital loans for Agricultural Credit Corporation.

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, it's amazing that the members opposite brag about their record. I don't believe they had 5 per cent loans for ACS. And again I point out, Mr. Speaker, that we are lending funds to farmers at 1 per cent above our cost, which is a very efficient way of costing money. And I think it's beneficial to farmers. And we will continue to act in a responsible manner, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Muirhead: — Mr. Speaker, last question to the minister. When we were subsidizing rates at 8 and 9 per cent, interest rates in this province were 18 to 22. Now you talk about when interest rates are prime, you're going to charge prime plus 2.

Now if the Bank of Montreal can go one and a quarter per cent prime, can you tell me that if you have any use for farmers and for the economy of this province, why can't you charge 5 per cent and be in the line with the lending institutions of this province?

Hon. Mr. Cunningham: — Mr. Speaker, I would be interested to know how many farmers are getting money from the Bank of Montreal at one and a half per cent below prime. I suspect very few are, Mr. Speaker. And as the members opposite well know, the banks in this province are being very tight with credit to farmers. And, Mr. Speaker, farm credit rates to farmers right now for 10 years are 10 and one-eighth per cent. So I think ACS is doing very good, very well at lending to farmers, in relation to other lending institutions. And we will continue to do . . . We will continue to provide funds to farmers at low cost and in a responsible manner.

Some Hon. Members: Hear, hear!

Changes to FeedGAP

Mr. Martens: — Mr. Speaker, I have another question here to the Minister of Agriculture. And I want to make an observation about the news release that we got today. And it indicates that after we have talked to the livestock industry, and as we have discussed it in this question period time after time, today you are announcing that you're going to change the feed grain assistance program, and it's called the red meat PEP program — production equalization program.

Some Hon. Members: Hear, hear!

Mr. Martens: — Can the minister now confirm that thousands of head of cattle were on the move to Alberta and that barley on the west side of the province was moving to Alberta and that this is the reason why you have flip-flopped on this issue?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, what the Minister of Agriculture announced today was the interim red meat production equalization program. It is an economic incentive program to keep cattle and livestock in the province. Mr. Speaker, there was no new money in this. This is agriculture development fund money which we felt was put into the best possible use upon consulting with the farmers.

It's an interim program as we study the effect of these programs and the programs in neighbouring provinces; and we move towards an integrated and rational agricultural program in the province.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Minister, the feed grain assistance program could cost about \$10 million. Your budget in ag development fund is \$14 million. Can you explain to me where you're going to get the extra money from in order to do that?

Because you didn't put it in the budget in the first place,

now you're going to have to curtail some of the options in the ag development fund in order to deliver this program. Can you tell us what you're doing?

Hon. Mr. Cunningham: — Mr. Speaker, I'm a little confused. I thought the members opposite were calling for this. I think they were calling for this program and now they seem to be opposed to it, now that we're doing it.

I think, Mr. Speaker, the reason that we're having to do these programs are caused by the fact that this former government did away with the beef stabilization program and went to a Tripartite program which was not as effective in keeping cattle in Saskatchewan. We lost huge numbers of livestock. This FeedGAP (feed grain adjustment measures) measure was a poorly thought out stopgap measure to stop the flow.

We're into an interim measure of looking at some rational programs which will build a solid and viable livestock feeding industry in this province.

Some Hon. Members: Hear, hear!

Mr. Martens: — Can the minister tell me whether he is going to have a \$100 or a \$200 or a \$300 limit on the appointments he's going to make to the committee that you're going to set up to review the study? Are you going to have the NDP (New Democratic Party) contributions stack up to deliver the kind of committee that you're supposed to have? Or are you going to allow the industry to have input in a reasonable fashion through the livestock feeders association, through the stock growers and the hog board? Are you going to allow that to happen?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Yes, Mr. Speaker, we will have input into this study from the various farm groups and the livestock feeders and the stock growers and others.

Some Hon. Members: Hear, hear!

Mr. Martens: — Well we know, Mr. Minister, the Wheat Pool will have their influence because they already have a secondment on the staff.

Will the minister tell us why he changed the hog levy? Why the payment to the hog producers is less?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, this same program was drawn up in consultation with the various farm groups, with economists, and with others, and the rates were set. Again, we're investing . . . This is the most economically viable place to put money. The best place to put our economic development dollars is our ADF (administrative development fund) dollars which are for agriculture development. And that's the reason that the money was put where it was and the rates were set where they were because we believe that's the best bang for our dollar in terms of economic development.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, and Mr. Minister, did that study analysis show that the beef could stay the same and the hogs would be reduced?

Hon. Mr. Cunningham: — Mr. Speaker, again I repeat, this program was an interim program while we study the livestock industry and make . . . try to develop a rational industry in the province. Those rates were set as again where we thought we would get the best economic bang for our buck. We want to get economic development in the province and this is the formulas that we determined were the best. This was going to cost, not as the member opposite has said — \$10 million, but about 2.8 for the balance of this fiscal year.

Some Hon. Members: Hear, hear!

Mr. Martens: — Can the minister tell me why you didn't do what you should have done in the first place, and gone out and asked the hog board what impact you would have had by changing the process and the funding in the feed grains assistance program?

Why didn't you go ask the hog board? They'd easily have told you, I think, sir.

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, we did consult with farmers and we did consult with groups. And we had some tough decisions to make when we made the budget decisions and those were the decisions that we made. This is an interim measure. We haven't changed our budget figures. This is a redirection of funds from the ADF fund.

Some Hon. Members: Hear, hear!

Mr. Martens: — Well, Mr. Minister, I believe that what we have seen here today is just another gravel road, pavement program, reinstated by the Minister of Agriculture.

Can you tell us what the intention of the study will be? Can you tell us what the study is going to cost, too?

Hon. Mr. Cunningham: — Mr. Speaker, again the opposition is saying that we shouldn't be listening to people. First they say we're not consulting enough. And when we consult with people and come up with programs that people suggest and make changes that people suggest and we can make within our budget without spending more money, then they're criticizing us for making changes. I think a little less negativity here would help considerably.

Some Hon. Members: Hear, hear!

Wildlife Habitat Legislation

Mr. Goohsen: — Thank you, Mr. Speaker. My question today is to the Minister of Parks and Renewable Resources.

Now, Mr. Minister, as other ministers are being forced to

make changes in a desperate attempt at some kind of political damage control in this province as a result of public pressure and pressure from this opposition . . . now we've seen this happen, Mr. Minister, in the area of the pension plan programs, the highways to gravel program, and now the reintroduction of the FeedGAP program. Will the minister now change his mind on the critical wildlife habitat protection program as well?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, The Critical Wildlife Habitat Protection Act is an ongoing program. As I pointed out before in the House, it was introduced in 1984. The land was all chosen as being critical by the previous administration in 1984. We are carrying through with the completion of this very helpful program that will be beneficial to the province in the future, in the near-term future and in the long-term future.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — My question is to the same minister, Mr. Speaker. Mr. Minister, in view of the fact that many of your own back-benchers now have recognized that there is a need to support amendments to your proposed Act or to change The Critical Wildlife Habitat Protection Bill, will you now go out and consult with the wildlife people, the cattle men of the province, the RMs (rural municipality) within the province, and department officials, all within the same meetings and within the same structure, and listen to them?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, I have met with a good number of farmers and ranchers and people who are involved in critical wildlife. The problems that they point out to me have little to do or nothing to do with the Act which is barely taking land that has been treated as critical wildlife Act land for the past eight years and putting it formally under the Act. It's a formal designation. That's all that the Act entails.

The problems that they have pointed out to me have to do with the regulations and how we allow them to farm and how agriculture best dovetails with the critical wildlife that are there. We are at this moment holding meetings across the province to talk about land use. We're talking about community pastures and lease rates, and oil and gas revenue, and we're also talking about critical wildlife at those meetings.

So we are in the very process right now of consulting with farmers and ranchers and lessees of this land to see how we can accommodate any changes that they would like to see in the way that we manage this land.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — My question, Mr. Speaker, to the same minister. Mr. Minister, as you have indicated that you are now going to start to have some meetings around the province — and we are happy to hear that you are going to do that — and as it has been indicated that there is considerable disagreement with the amendments that

you are planning to put into the Act in this session, and as there has been a lot of correspondence with us to indicate that discontentment — such things as the ability to roll land over to family members in the future and be able to hold ranch units together, those kinds of concerns are real, Mr. Minister — will you commit that you will accept input from the cattle men, the wildlife people, and the RMs throughout this province?

And will you commit to putting those things into amendments and bringing them into the Act? And will you commit to pulling the Act off of the order paper and out of this session of the legislation until those concerns can be truly met?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, again in this House before I have told the member that I have a legal opinion that says there is no problem with this Act in terms of the amendments that show that there is no problem with transferring of land, that there will be no influence and no effect whatsoever on the rancher's ability or the farmer's ability to transfer that land to the next generation or indeed to whomever he chooses to transfer it to.

The Bill will be in the House in Committee of the Whole very shortly. If the members opposite have amendments that they think will clarify the Act in any way or address concerns, we certainly would be prepared to look at it if the members opposite are prepared to help us and look at some legitimate concerns. If their view is only obstructionist, which it seems to be most times, then of course we can't accommodate them. But if there are legitimate changes, we're always prepared to look at amendments to Bills.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Minister, we're happy to hear that you are willing to take a look at this situation because, as you know and I think the world around us now knows, the ranchers and cattle men throughout the province are joining forces with all of their friends and neighbours in a massive attempt to show this government that they will not be railroaded and run over. They are going to bar hunting from all of the lands in south-west Saskatchewan that are critical to hunters.

In view of that fact, would you consider the rewording of the Act in such a way as to comply with their needs, in the sense that you say that there is a different interpretation from your point of view than there is from other people's point of view on roll-overs? Could you take those words out and word them with words that the cattle men can understand, that their lawyers believe in? They don't agree with your lawyers. If you have that, would you now . . .

The Speaker: — Order, order, order. Order. I think the member knows that it's quite all right to talk in general terms about a Bill, but you can't get to clauses of the Bill in question period. That's for . . . really not in keeping with question period. Now if the member has a general question, certainly direct it to the minister.

Mr. Goohsen: — Thank you, Mr. Speaker. Because this won't be a simple matter as it sounds perhaps, would the minister then pull this Bill and bring it back in the next session to allow the time necessary for these people to have their input seriously and realistically considered?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, I repeat that in talking to the lessees, their concerns — and they have some genuine concerns — have little or nothing to do with the amendments to the Bill. They have to do with the regulations. And we are right now out doing meetings, talking to them. And we will continue to look at those regulations. And I see no need to delay the Bill which does not deal with the regulations, which is where the problem seems to be that ranchers have with the particular critical wildlife habitat.

Some Hon. Members: Hear, hear!

Government Board Appointments

Mr. Swenson: — Thank you, Mr. Speaker. My question today is to the minister in charge of controlling patronage, the Minister of Justice in the NDP government. Mr. Minister, revelations in the last short while have revealed that a board appointment to the Liquor Board looks like about \$100-plus; Crop Insurance board is in the \$200 range. Senior bureaucrats is running around 300. And now the Minister of Energy has told us last night that the Oil and Gas Conservation Board comes in at 608.

Now, Mr. Minister, we've seen a definite, more business-like approach to this because everybody's getting a little more for these board appointments. But considering your election promises, Mr. Minister, would you assure this House now that that process is not going to happen any more, that any future board appointments won't have this sort of up-scale dollar list attached to it? Would you do that, Mr. Minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Speaker, what I want to indicate to the members opposite, that when we came into power in November of last year, there were literally thousands of board members on all sorts of boards that were appointed at the political level by the previous government. We made a commitment . . . first of all, we made a commitment to reduce the number of board members on boards in Saskatchewan, and we've done that to the tune of about 25 per cent.

Today there are 25 per cent, about, fewer people on boards than there were at this time a year ago. That is very, very significant. Secondly we have made a very, very sincere attempt to hire and to appoint high quality people in consultation with local groups. I want to say as well that the bureaucrats at the highest level in our Crown corporations have had their salaries considerably reduced, i.e., Mr. Hill, who was earning over \$400,000 per annum, had set aside 1.3 million for his early retirement or severance. We have changed all that.

And I say to the members opposite they are hardly the ones to stand in their place sanctimoniously and tell us how to run the government.

Some Hon. Members: Hear, hear!

INTRODUCTION OF BILLS

Bill No. 90 — An Act respecting Security Interests in Personal Property and making Consequential and Related Amendments to Certain Other Acts

Hon. Mr. Mitchell: — Mr. Speaker, I move first reading of a Bill respecting security interests in personal property and making consequential and related amendments to certain other acts.

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

STATEMENT BY THE SPEAKER

Ruling on a Point of Order

The Speaker: — Before orders of the day, yesterday the member of Rosthern raised a point of order to object to the ministerial statement made by the Associate Minister of Finance. The member claimed that the minister's remarks contravened the long established guidelines for ministerial statements in that it did not properly relate to government policy or administration and was political rhetoric only.

Following an intervention by the Government House Leader, I indicated that I would reserve my decision until I had an opportunity to review *Hansard*, as well as rulings made by previous Speakers. Having done this, I have concluded that the statement related to new developments regarding a matter of government policy and was therefore in order.

It was also brief, as ministerial statements should be. I am concerned, however, that some of the language was unnecessarily provocative which led to debate in reply.

I would urge members to review the guidelines provided in Beauchesne's 6th Edition, citation 348 and 350 on page 107 where one will read that statements should constitute a statement or announcement of government policy. The purpose of these statements is to convey information. The statement must be short and factual. It is not intended to incite debate, which would be clearly out of order, as there is no motion before the House.

There are many rulings by Speakers of this Assembly that outline these principles. I refer members to some of these precedents in the *Journals of the Legislative Assembly* of Saskatchewan, on March 22, 1967; November 28, 1975; April 4, 1979; June 10, 1988; March 20, 1989; and May 17, 1990.

I ask ministers in future when offering ministerial statements and members who reply to them, stay strictly to the information being announced and resist the temptation to add opinions that more properly constitute debate.

(1445)

ORDERS OF THE DAY

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

Bill No. 63 — An Act to amend The Ombudsman Act

The Chair: — I would ask the minister to please introduce his officials.

Hon. Mr. Mitchell: — Mr. Chairman, I have Ms. Andrea Seale, a Crown solicitor with the Department of Justice, assisting me today.

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. I wonder if the minister could give us the reasons for this Bill that is presented before the House today, the reasons that we have the Act before us.

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, the amendments to this Act will, generally speaking, bring our legislation in line with the legislation respecting this office in other jurisdictions.

It will remove the requirement that the Ombudsman be a Canadian citizen. It will remove the requirement that the Ombudsman receive Lieutenant Governor in Council approval before delegating authority. It will remove the requirement that persons complaining to the Ombudsman be provincial residents. It will remove the requirement that persons must complain within one year of the event giving rise to the complaint, the time limitation. And it will remove some of the restrictions on the Ombudsman's jurisdiction.

Mr. Toth: — Mr. Minister, when you mentioned that it removes the requirement that the Lieutenant Governor has to give approval, who gives the approval and makes the appointment?

Hon. Mr. Mitchell: — Mr. Speaker, and to the member, under section 11 of the present Act, the Ombudsman has to have the prior approval of the Lieutenant Governor in Council, which is for practical purposes the . . . well it's the same people as are in cabinet. In the practical sense it is the cabinet.

The Ombudsman requires the prior approval before he can delegate to any members of his staff any of his powers under the staff . . . under the Act rather. So that in here, wherever it says the Ombudsman may do so and so, the Ombudsman of course has a staff who do that work for him, go out and do the investigations, make the inquiries, and come back to him. That's a bit anachronistic. The Ombudsman ought to be able to operate . . . the Ombudsman reports to this Chamber, and ought to be able to operate and perform his duties including the delegating of authority without having to get prior cabinet approval. It just removes that requirement.

Mr. Toth: — What you're saying: The appointment is

made by Executive Council or is the appointment made by the Legislative Assembly?

Hon. Mr. Mitchell: — We may be talking about different things, Mr. Chairman. I thought the member's question was addressed to the requirement that the Ombudsman receive advance approval from the Lieutenant Governor in Council to delegate certain authorities that he has.

It may be that the member's question rather was addressed to the appointment of the Ombudsman as such. And of course the appointment of the Ombudsman is something that is done by this Chamber, by this Assembly, and that's not being changed.

It is rather the delegation of some of the Ombudsman's duties and responsibilities which I was referring to when I gave the long answer that I gave just previously.

Mr. Toth: — Thank you, Mr. Minister and Mr. Chairman. That is the question I guess we have. And I believe my colleague, the member from Thunder Creek, raised a question the other day regarding the office of the Ombudsman — who the Ombudsman reports to, where the funding comes from.

I understand to date that the funding comes under Treasury Board. And in light of the restrictions that maybe Treasury Board may be facing, Mr. Speaker, we're wondering if that's going to mean that the role and the reason and the purpose for the Ombudsman is going to be decreased, and if it wouldn't be more appropriate to place the role of the Ombudsman under or accountable to the Legislative Assembly, rather than just to Treasury Board.

Hon. Mr. Mitchell: — Mr. Chairman, I recall very clearly the suggestions made by the member from Thunder Creek. And we had a very interesting discussion in this committee, I think it was some two or three weeks ago, about that very subject.

And I say it was a good discussion because I was agreeing that there was a considerable amount of merit in the idea that he was putting forward. That idea was the one that the hon. member has just put forward, namely that it may make sense to have the budget of the Ombudsman set by this Chamber rather than through the Treasury Board and budget approval processes of the government.

After that debate . . . at the conclusion of that debate, I told the member from Thunder Creek that I would take the matter away, and indeed we adjourned the committee's consideration of this Bill on that point.

I subsequently discussed the matter with my cabinet colleagues and with the full caucus, and we had quite a good discussion. We had before us the draft House amendment that had been provided to me by the member from Thunder Creek and I also had a longer version of the same point — that is a draft prepared by the Department of Justice that was to the same effect but was a more complete picture of how the process might work.

I told the member from Thunder Creek during our discussion here some two or three weeks ago, that we had

in government been considering this very question in relation to the Ombudsman. The Provincial Auditor's budget is already set here through the Board of Internal Economy and then through that board by this legislature.

And we were reviewing that experience and thinking how the Ombudsman might fit in there and also thinking how, if we proceed with amendments to the Human Rights Code as we had indicated in the throne speech, how perhaps that budget could also be set by this legislature.

And we simply arrived at the point where we are not comfortable making that decision at this point. For the time being, I say to the hon. member that for the time being, we have decided to continue to set the budget of the Ombudsman as it has in the past.

But I want to say to the hon. member and to his colleagues that we think the point is a good one. We intend to continue to give it really careful study. And I'm not just certain how to state this . . . There's quite a strong possibility — let me put it that way — quite a strong possibility that we will accept the member's suggestion in the future and come back to this House at a later point with amendments to that effect. Now I'm not saying to the member that we will do it, but there is a lot of support for that idea and I would like to leave it on that basis today.

So that if I can just summarize to the hon. member, our position is that we are not prepared to accept the House amendment suggested by the hon. member from Thunder Creek at this point. But we will continue to actively study the question. And if we decide to proceed — and I indicated there is a strong possibility of that — we will be back to the House with amendments to this Act in the future.

Mr. Swenson: — Thank you, Mr. Speaker. Well, Mr. Minister, I did not anticipate entering this debate again on this particular issue because I thought after our discussion the other day that, and given your own party's sort of stand on this issue, that we wouldn't have to deal with this in any other way but accepting the amendment and moving on. And I quite frankly am shocked at the Minister of Justice, on a reasonable, very reasonable, amendment that is probably backed by 90 per cent of his own political party and a good portion of everybody else in the province, would renege on this.

And I can only surmise from the minister's comments that the Minister of Finance in his ultimate wisdom, with this minister as he has with other ministers, is allowing absolutely no deviation from sort of the set pattern. And I can appreciate the pressure he's under, but I say to the Minister of Justice: this is another one of those items that was talked about at length in this Assembly for a couple years.

There were many statements made in here that I'm sure at some point or another influenced somebody watching the TV, that influenced those people to vote New Democrat rather than vote Tory in the last election. And his own party is 100 per cent behind, or darn near — 90 — and so we've gone out . . . Here's another one of these sort of truth in advertising things. I'm sure I can go back

and find quotes from '89 and '90 and '91 where the New Democrats said that the Ombudsman, as the other officers of this Assembly, should have their budget set in here by members, not by cabinet, not by Executive Council.

(1500)

And now we get the opportunity to put into action the words so eloquently spoken and we get a promise of some point in the future. And, Mr. Chairman, that simply isn't good enough. At some point you've got to live up to something. And I think the minister could have set a precedent here — because he is an honourable man — that would have influenced this government down the road, that other issues dealing with the auditor, dealing with other officers of this Assembly, would, sort of, get us into the '90s and we would be on a pattern that no one would dare mess with in the future.

And I'm just saddened to say, Mr. Chairman, that that isn't the case and I . . . Well I guess all we've got left over here is to take the minister at his word. Not that the words of New Democrats appear to be worth a whole lot these days, but we'll take him at his word.

Hon. Mr. Mitchell: — Well I thank the member for the statement that he would take me at my word. I want to say that his surmise is quite wrong, that the situation is exactly as I described it to the House. We did spend a good deal of time considering the suggestions of the hon. member. There's a great deal of force and merit to his argument. I've said that before and I say it again.

We are just not quite clear as to the mechanisms that ought to be followed by this House in setting such a budget. This House does not have long experience in setting these budgets. And I think I said to the member in our previous discussion that we would be prepared to consult with his group with respect to this question with a view to seeing what progress could be made.

But I thank the member for accepting that we will be approaching it in this spirit and that we will work towards a resolution of this problem.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

Mr. Swenson: — Mr. Chairman, I move, seconded by the member from Moosomin . . . oh, by the member from Morse, sorry:

That section 3(2) be amended as following:

"Estimates for the sums required for the purposes of the administration of this Act shall be approved by, and are subject only to approval by, the Legislative Assembly of Saskatchewan or any Board or Committee thereof as may be charged by the Assembly with the responsibility for their review."

Hon. Mr. Mitchell: — Mr. Chairman, as I have indicated in my previous two or three interventions this afternoon, the government has decided that at least for the time being we're not prepared to accept this amendment to the Act.

The Chair: — If I might make a statement here. I've received the amendment and I find that the amendment is out of order. It is beyond the scope of this Bill and the clause which it seeks to amend. The amendment addresses clause 3, which deals with the appointment of the Ombudsman. This amendment, however, deals with the administration of this Act and the review of estimates, a subject that is quite distinct from the appointment of the Ombudsman and more properly relates to section 6 of the parent Act.

In this regard I refer members to citation 698 on page 207 of Beauchesne's *Parliamentary Rules and Forms*, 6th Edition, subsections (1) and (8)(b) as follows:

(1) An amendment is out of order if it is irrelevant to the bill, beyond its scope or governed by or dependent upon amendments already negatived.

(8)(b) An amendment may not amend sections from the original Act unless they are specifically being amended in a clause of the bill before the committee. *Debates*. December 15, 1997. p. 1909.

So therefore I find the amendment is not in order.

Clause 3 agreed to.

Clauses 4 to 9 inclusive agreed to.

The committee agreed to report the Bill.

Hon. Mr. Mitchell: — Mr. Chairman, I would like to thank Ms. Seale from the Department of Justice for coming and assisting the committee in its work today.

Mr. Toth: — I'd like to express my appreciation and thanks as well for the member.

Bill No. 73 — An Act respecting Certain Services with respect to Co-operatives, Credit Unions and Names of Homes

Clauses 1 to 5 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 74 — An Act to amend The Land Titles Act (No. 2)

The Chair: — Would the minister please introduce his officials.

Hon. Mr. Mitchell: — Yes, Mr. Chairman. Beside me is Mr. Ray Petrich who is the master of titles. And behind Mr. Petrich is Brent Prenevost, a Crown solicitor with the Department of Justice.

Clause 1

Mr. Toth: — Mr. Chairman, I noticed on opening comments . . . and I believe the member from Regina Churchill Downs did introduce the Bill. But he made a number of comments on behalf of his colleague and indicated that there are a number of changes. And the changes specifically in this Bill have to do more with the legal profession and the banking community.

And I'm wondering if the minister could give us a bit of a summary of the changes that were being made or are being made in the Bill? Mr. Minister, I realize that there are a number of clauses to the Bill, but probably all of them may be dealing in one form or another with different aspects affecting the legal and the banking profession.

And as well, Mr. Minister, if you can just give us an idea of the consultation that took place, and if indeed, where the pressure or the push is coming from for this Bill.

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, I'll just summarize what some of the matters that are addressed in this amendment. First of all, the Bill provides for a summary form of mortgage registration. That is an idea that's been around for some time and is advanced by lawyers who are active in real estate, and has actually been the subject of resolutions from the Law Society.

Secondly, it clarifies the legal priority of mortgages securing revolving lines of credit, a technical aspect of commercial law. That clarification has been requested often over the years from lawyers acting for banks and credit unions who are of course interested in finding effective ways to secure lines of credit.

The third thing that the Bill does is to provide for easier removal of building restriction caveats from titles, again a technical matter. And that again is requested by the legal community and is of particular interest, for example, to the railways who have a lot of old caveats lying around or clouding their titles. And this will streamline the system for . . . that will lead to a removal of caveats that are no longer serving any purpose.

(1515)

Fourth, it . . . and the fourth item is budget driven. It eliminates the idea of duplicate certificate of title from the land titles system. And that is budget driven as I have mentioned.

Finally the amendment substitutes the Consolidated Fund of the province for the assurance fund under The Land Titles Act. It does not affect the function of the fund, that is, standing behind the title that is granted pursuant to the Act and providing security to people who are involved in the system, that indeed the fund remains behind the documents of the Land Titles Office where the Act specifies that such is the case. That idea is an administrative change in the interests of efficiency but does not affect the rights of any people.

Generally with respect to this Act we have consulted broadly. We have sent copies of it to everyone who we think could have an interest in it. We have met with the real estate section of the Canadian Bar Association, the

Saskatchewan section, and we have generally tried to make everyone aware that these amendments are before the House and have consulted with anyone who has any comment to make with respect to any of these provisions.

Mr. Toth: — Thank you, Mr. Minister. Mr. Chairman, if I heard you right . . . First of all, two things, Mr. Minister. Regarding the consultation, I understand the former minister had a practice of sending out copies of the Bills and information following third reading. And as I was listening to you, did you indicate that you've already taken and informed or sent out copies so if there are any questions, say, to be brought forward by anyone in the legal community or business can maybe get back to you, Mr. Minister? And . . . Well maybe I'd better let you respond to that first.

Hon. Mr. Mitchell: — Mr. Chairman, I want to say to the member that the . . . we didn't send out copies of the Bill after it was introduced for first reading, and if I said that earlier, I shouldn't have put it that way. We told everybody what we were doing as it would affect them, you know, and that . . . it was in effect we were sending out our drafting instructions. That was the basis for the communication, you know, how the drafting instructions that go from the government to the Department of Justice to prepare a Bill and setting out the policy.

So it's a complete description of the policy and that was the information that was disseminated to the community and that was the basis on which the discussions took place. The Bill itself has been shared with members of the legal community who have a special interest in these matters. And I apologize to the member if I expressed it more broadly in my earlier answer.

Mr. Toth: — Thank you, Mr. Minister. I guess the reason I raise the question was just to . . . as had been indicated that consultation had taken place, and possibly by laying out or putting the Bill out there, but having put the draft Bill out there, information would certainly give the community a chance to voice any concerns they may have with the Bill as it was being drafted. And I appreciate that.

You made a comment about summary form mortgages. Do I take that, Mr. Minister, to mean or indicate that you're summarizing or actually making the forms a lot simpler to understand or cutting down on the forms? Is that what the purpose is of that summary form mortgage?

Hon. Mr. Mitchell: — Yes, Mr. Chairman, the member is correct. The summary form that will be registered in the Land Titles Office is just a simple one-page document . . . two-page document actually. I have it in my hand here. It's very, very simple.

There will be a full mortgage backing this up, but it won't be registered as such. There will be two ways in which you as a member of the public looking at that land title could get at the full terms of the mortgage, and one would be to contact the lender, the mortgagee, and you would have access to the document.

And the alternative is, there will be in the Land Titles Office a copy of the standard mortgage document, of

which this is a summary, so that it will greatly simplify the file and with very little inconvenience still make the entire mortgage document available to interested members of the public.

Mr. Toth: — Thank you, Mr. Minister. One other question, Mr. Minister, before we just allow it to go clause by clause.

A comment was made regarding duplicate certificates of title and the fact that certainly the farm community uses these, as indicated, more exclusive than any other area for the sake of financial institutions accepting duplicate certificates of title in order to give out mortgages. And a comment was made, that the minister made the other day, that they wouldn't get into detail, that talked about alternate arrangements being made regarding . . . or being provided regarding certificate of title.

And I'm just wondering what was meant by that comment about not getting into detail about these alternative arrangements, or what you mean by alternative arrangements to uses of certificate of title.

Hon. Mr. Mitchell: — Well, Mr. Speaker, this is a concern of course because there is such a widespread practice of hypothecation of the duplicate certificate of title. Under the Act as it is before this amendment, it was effective because you couldn't deal with the title to land without the duplicate. So if the duplicate was in the local credit union, it couldn't be sold or otherwise disposed of.

The system will have to change in response to these amendments, but I'm suggesting to the Assembly that — and to the member — that the change is not dramatic. Because as it is now, when the duplicate is hypothecated with the bank or credit union, a form is produced and blanks are filled in and signatures are taken in the form of a hypothecation.

There now will not be duplicate as such to hypothecate. There will be certified copies of the title so that all of the information will be there. But rather than sign a hypothecation form, the customer will have to sign a mortgage, which the same blanks will be filled in in a similar manner, and that transaction can then be protected, either by the summary form of document that I've just waved in my hand a moment ago, or by a caveat which would protect the mortgage. Either means of registration would be effective to give notice to the world that that title was security for the transaction that we're talking about.

But it is a change, and it will require adjustment in the system, but it is a . . . as I mentioned to the member earlier, it is budget driven. It's expensive to issue duplicate certificates of title. It's expensive to replace them when they're lost and they're lost often.

And the member will know under the Land Titles Office system if a title is lost, there has to be advertising in the newspapers and affidavits . . . it's lawyer work, if I can use such a term. It is not insignificant and so it has features on both sides.

But it is clearly time that we moved away from the

duplicate certificate of title system into a more efficient way of dealing with it. And I think we have done it. We can do it in such a way that the lenders are secure with out any great cost to the borrowers.

And the Bill is submitted against that background.

Mr. Toth: — Thank you, Mr. Minister. Does that then . . . what you've just indicated and said to the House as far as speeding up the process of applying for and looking to, is the lender then, able to approach the Land Titles Office?

Let's say a person, a farmer goes in and would like to purchase some land, would like to borrow against that land, doesn't have title. The process you're talking of is that process then the original way. What a person does now is searches for the title, goes to the Land Titles Office, usually gets a duplicate certificate, takes it with him to show that he's made the purchase to the lender so that the lender can indeed forward the money.

What you're saying now with the simplified form, does that mean that the lender as well can just work directly through, versus the process we follow through right now? Or can we still follow the same format? Does it speed it up at all, I guess is what I'm trying to say.

(1530)

Hon. Mr. Mitchell: — Mr. Chairman, I don't think it will have much effect. Things will have to be done a little differently, but I think at the end of the day, all things weighed up, it's probably going to consume about the same amount of time. And can be handled in a simple manner, a different manner but a simple one. And I think it's workable.

Clause 1 agreed to.

Clauses 2 to 57 inclusive agreed to.

The committee agreed to report the Bill.

Hon. Mr. Mitchell: — Mr. Chairman, I'd like to, on behalf of the Assembly, thank my officials, Mr. Petrich and Mr. Prenevost, for being here today, helping the committee.

Mr. Toth: — Thank you, Mr. Chairman. I also extend my thanks to the officials as well for being here.

Bill No. 75 — An Act to repeal The Bulk Sales Act

Hon. Mr. Mitchell: — Mr. Chairman, I've already introduced Brent Prenevost, and he'll be with me on this Bill.

Clauses 1 to 4 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 27 — An Act to amend The Rural Municipality Act, 1989

The Chair: — Would the Minister of Rural Development please introduce his officials.

Hon. Mr. Cunningham: — Mr. Speaker, I have with me today Mr. Ken Engel.

Clause 1

Mr. Goohsen: — Thank you, Mr. Chairman. I think we discussed earlier in the first and second reading stages the fact that this Bill had generally been agreed to by the people involved with rural municipalities; more specifically, the Saskatchewan Association of Rural Municipalities and its directorship. The indication from the minister at that time and throughout the process has been that there was consultation going back as far as a couple of years back through department people and the SARM (Saskatchewan Association of Rural Municipalities).

I have contacted people within the SARM structure and am satisfied for the most part that this is true. There are a couple of areas that we have some concern with, and we will be introducing amendments as we get to those proper clauses where they will take effect. And I will make my arguments at that time as to why we feel the government might seriously consider these amendments, and pass them and put them into this Act. It will not change very much of the Act. Just a small part of it.

And the rest of it that we feel that all parties concerned have had adequate consultation on and have agreed on, we will allow to continue without any further adieu.

Clause 1 agreed to.

The Chair: — Before I proceed any further, can I have the agreement of the members to proceed through the Bill, after a point, on a page-by-page basis? I know that there are some amendments to, I believe, either 4 or 5 and we'll do clause by clause until then and then page by page after that point. Is that agreed? Okay.

Clauses 2 and 3 agreed to.

Clause 4

Mr. Goohsen: — Thank you, Mr. Chairman. I will at this time read the amendment that we wish to propose, and give a small explanation just to bring the rest of the Assembly up to speed on what we are looking at here.

It's called Bill No. 27 of 1992, An Act to amend The Rural Municipality Act, 1989 — proposed House amendment by myself, clause 4 of the printed Bill:

amend clause 4(1)(c) of the printed Bill, by deleting clause 10(1)(e) as being enacted therein and substituting therefore the following:

“(e) may, but only after a majority vote in favour thereof by the people affected, amalgamate municipalities by combining two or more municipalities into a single municipality.”

Dated August 14, 1992.

Mr. Chairman, I think that it should be obvious to the minister in charge, if not to the whole Assembly, that what

we are saying here is that having the blanket ability by a minister to be able to amalgamate municipalities in this Act has stirred a lot of fears throughout rural Saskatchewan that the government may in fact bring about a form of a county system, similar to that in either Ontario or Alberta.

There's an awful lot of opposition in rural Saskatchewan to that. And because the minister and some of his colleagues have suggested that in fact this wasn't their intention, we're saying quite simply here that if it wasn't your intention to take that kind of power and you have no intention of using it, then why are you taking it? We might just as well word it so that we take the fears that the people have out of the Act.

And this does in fact take those fears out because it says then that you will not arbitrarily change the boundaries of municipalities, but you would only do it upon request to do so after you've held a vote of the people concerned in those areas.

And we think that it is eminently important that if people are going to amalgamate their municipalities that they themselves have a chance to vote on this and express their views as to whether or not they want to have a bigger municipality or stay in the size that they are.

This amendment does not seem to be . . . to affect things like changing perhaps the boundary from one division to another division and those kinds of things. This has to do with the greater issue of the whole municipality. And I think it's important that the people of Saskatchewan have their fears laid aside and that we change the wording on this to suit not only your needs but their needs.

Thank you, Mr. Chairman.

Hon. Mr. Cunningham: — Mr. Chairman, again I want to point out to the member opposite, there's no sinister plot to amalgamate the RMs. I have here in my possession a letter from Mr. Bernard Kirwan from the SARM who was sent out to all of the rural municipalities. I'd like to quote a little from that letter. It says:

Amendments to The Rural Municipality Act, 1989 have been ongoing since the new Act came into effect January 1, 1990. The Minister of Rural Development at the time, Neal Hardy promised the S.A.R.M. and member municipalities, that the Department of Rural Development would make every effort to change the Act, as it became apparent that changes were needed. The amendment to Section 10 was one of these changes.

So that's the amendment that the member refers to.

(1545)

And another quote:

On December 6, 1990 Department of Rural Development met with S.A.R.M. Board of Directors to review proposed amendments to the Act. The proposed amendment to Section 10 was

one of these amendments. The amendments as explained to the Board, was to help overcome problems municipalities would face, if they chose to amalgamate. The Board agreed that such a change should be made. These proposed amendments were to be brought forward in the 1991 Spring Sitting of the Legislature. However, due to the Legislature being prorogued early they did not go through at that time.

And he goes on to say that he's met with the present Minister of Rural Development and made their views known, and they're satisfied with the amendment.

So I think in view of the fact that these amendments are supported by SARM, were asked for by the councillors themselves, I think the amendment which we have just seen for the first time now would make this clause inconsistent with the other clause following it, where it says that the minister may disorganize a municipality or may annex a municipality.

This clause was just one that the municipalities asked to be added, was that they may amalgamate two RMs who ask for it. So I think that in view of the fact that this clause would make it inconsistent with . . . or this amendment would make this clause inconsistent with the other clauses in the Bill, that I don't think we can accept this amendment.

Mr. Goohsen: — Thank you, Mr. Chairman. Well, Mr. Minister, it truly saddens me to hear a person who has had no municipal experience such as yourself make this kind of a sweeping statement. It's disgusting actually, and it's ridiculous in absolute terms. And I can't help but find myself feeling a bit of rage at your kind of an approach here.

You say that this Bill entirely was checked out by SARM and that somebody else ahead of you did it. Well I tell you, my friend, I've talked to a lot of municipalities and a lot of people connected with SARM and they do not agree with you that this wording was what they wanted.

There may be an intention that there needs to be some accommodation in these areas, but it certainly was never intended that the minister in charge should have an absolute, dictatorial control of declaring municipalities to become larger without any consultation and without any votes or anybody else being involved at any future date. That was not their intention when they agreed to having the Bills changed and having things updated.

I absolutely, totally and completely disagree with your interpretation of what their intentions were because it has not been related to me by one councillor or one reeve or one person from SARM that their intention was ever to allow any minister the right to arbitrarily declare that we would have larger municipalities, either one or fifty or any other number in the province of Saskatchewan. That was not their intention.

And if you can't do it by changing the wording in this clause because it doesn't work out with the next clause, then change the next clause as well. And I guess short of that I say to you that you are being less than honest with

the people of Saskatchewan in your interpretation of the way this Bill was presented. And you're being less than honest with yourself if you say that the people of Saskatchewan want this.

And I suggest that you reconsider that point because we intend on making it an issue in this province whether you like it or not. You are going to be held responsible for what you're doing here. You're not going to blame it on past administrations and other people that came before you or might come after you. You're doing this. You're doing it today. And we're telling you you're wrong, and we're going to tell the people of Saskatchewan that you're wrong and that you had the opportunity to change your mind here today. So I suggest that you do that, sir.

Hon. Mr. Cunningham: — Mr. Speaker, in view of the fact that I have a letter from the president of the SARM saying that they indeed did ask for this amendment, I think that speaks for itself. I think there is no sinister plot, I repeat again.

This amendment was proposed as a result of a problem of two RMs, I believe Mervin and Greenfield, who voluntarily wanted to amalgamate. And the Department of Justice suggested that the Act was unclear in the authority of the minister to carry out their wishes. And that was the reason for this amendment being put forward by SARM.

Mr. Goohsen: — Thank you, Mr. Chairman. Mr. Minister, there's presently come to my attention that there is a questionnaire being circulated to municipalities throughout this province. That questionnaire has several questions that ask about a lot of things with regards to where programs are being doubled up on and where programs are being worked together with other municipalities. And there is a somewhat sinister appearance to this questionnaire that would relate it to a justification for amalgamating certain jurisdictions. Is that your interpretation of this questionnaire, Mr. Minister?

Hon. Mr. Cunningham: — Mr. Speaker, that is not a questionnaire of our department and is totally unrelated to the matters at hand.

Mr. Goohsen: — Again I feel nothing but absolute disgust and frustration with that kind of an answer. You've got a list of things in there that are absolutely concurrent with the operations of municipalities — everything from fire protection to maintenance agreements between municipalities. And you say this is not related to the possibility of merging municipalities. How can you hand us such a statement, Mr. Minister?

Hon. Mr. Cunningham: — Mr. Speaker, the member opposite doesn't want us to impose our will on the municipalities and then complains because we send out questionnaires asking them what they think about issues. And again it's nothing . . . This is an amendment that was called for for the purpose of handling RMs who voluntarily choose to amalgamate. And this was just to clarify the Act to make that legally possible.

Mr. Goohsen: — Well, Mr. Minister, if you had absolutely no intention whatsoever of ever amalgamating

municipalities, why did you say that you were going to do it at the SARM convention last March? In your words, you said it, and you said whether municipalities like it or not.

Hon. Mr. Cunningham: — Mr. Speaker, what I was said was that in all likelihood there will be amalgamations of municipalities whether they like it or not because they will be forced to choose to do so likely in the future. And we have asked RMs to look at how they can operate more efficiently and to do things as efficiently as they can. And they will be totally in control of what structure they choose to operate under in the future.

Mr. Goohsen: — My question, Mr. Minister, is simply this: who are they going to be forced by? You?

Hon. Mr. Cunningham: — I think, Mr. Speaker, that the RMs will, if they are forced to make changes, will be forced by dwindling populations and changing social values and those sorts of social pressures that will come on RMs to adjust to the '90s . . . (inaudible) . . .

Mr. Goohsen: — Mr. Speaker, this questionnaire that you're passing around throughout the province, does it ask for people's opinion on how they want things run, or does it ask them to state how things are now and in that sort of direction?

Hon. Mr. Cunningham: — Mr. Speaker, again, I point out that is not a questionnaire that went out from this department, and I am not familiar with the questions on it.

Mr. Goohsen: — I suggest that you get a copy of it and study it then, before you make a blanket statement saying that it has no effect on the people of Saskatchewan or the Act that you are presently putting in. You made a statement here today in this Assembly saying that this questionnaire has absolutely nothing to do with the issue at hand. And now you stand up before us and tell us you don't know what's on the questionnaire. How can you say that it has nothing to do with it if you don't know what's on it? Absolutely ridiculous.

Mr. Minister, you say you have a letter from the president of SARM indicating his support for your Bill. Would you table that letter in this Assembly?

Hon. Mr. Cunningham: — Yes, Mr. Speaker, I will.

Mr. Goohsen: — Mr. Minister, if this questionnaire that you have no knowledge of happens to indicate that ag boards and Save Our Soils programs are being duplicated between municipalities, will you be abandoning those programs?

Hon. Mr. Cunningham: — Mr. Chairman, again the business at hand is the amendment to the RM Act which, as I stated out . . . particularly the clause which we are now debating is a clause which allows the amalgamation of RMs in cases where they voluntarily choose to do so. The overall municipal structure of the province will be determined by the municipalities and by the people in the communities.

Mr. Martens: — Mr. Chairman, a point of order. I believe that it's customary that when a minister says he's going to

table it that he does table it, and we'd like to have that please.

The Chair: — Just on the member's point, I understand the material is going to be tabled. Should we proceed?

Mr. Goohsen: — Mr. Minister, in view of the fact that you stated that you won't change the wording of your Bill to accommodate the fears of most of the rural Saskatchewan people in this matter, is it in your interpretation that this wording does give you the power to amalgamate municipalities without consultation?

Hon. Mr. Cunningham: — Mr. Speaker, the old Bill gave the minister power to disorganize municipalities, to annex municipalities, to eliminate or create more divisions in municipalities, to alter boundaries of municipalities. And this addition of "amalgamate" was simply an amendment that clarifies the Act in the case of two RMs who are seeking amalgamation.

Mr. Goohsen: — Mr. Minister, that was not my question. My question was, does this in your opinion give you the power to amalgamate municipalities?

Hon. Mr. Cunningham: — Mr. Speaker, I don't believe this gives the power. I think the minister has had the power for quite some time.

Mr. Goohsen: — Mr. Minister, I'm not interested in what the minister had before in the old Act. I'm asking you today what powers do you interpret that this Bill now gives you as amended?

Hon. Mr. Cunningham: — The amendment that we're making to this Bill gives in essence no new power.

Mr. Goohsen: — I don't care if it gives you new power or old power. Does it give you the power? Does it give you the power to introduce amalgamations of municipalities without consultation or without any other input?

Hon. Mr. Cunningham: — Mr. Speaker, I repeat it does not give new powers. It's the powers that were always there.

Mr. Goohsen: — Mr. Minister, I didn't ask you if it gives you new powers. I asked you does it give you the power to amalgamate municipalities in the province of Saskatchewan?

Hon. Mr. Cunningham: — The amendment does not give that power.

Mr. Goohsen: — Mr. Minister, I'll read you a paragraph into the record:

The S.A.R.M. Board of Directors was made aware that these amendments would once again go forward to the Legislature. With the undercurrents of change to the municipal system being as they are, the Board had some hesitancy in seeing this amendment go through. (I should have my glasses on.) The letter was sent to the Minister of Rural Development, Darrel Cunningham, expressing our apprehension. The letter stated that while we

agreed that the amendment, as is currently read was needed, the S.A.R.M. Board did not want to see this new power abused in any way.

So, obviously, Mr. Minister, they see the potential for abuse in this Bill. And we're asking you today to answer our question: do you interpret this Bill as giving you the power to amalgamate municipalities?

Hon. Mr. Cunningham: — Mr. Speaker, again, that is not the way we would interpret that. I would like to go on to read the following paragraph to the one the member opposite just said. It says:

On July 16, Minister Cunningham and Deputy Minister Reader met with myself and presented me with a letter which states: "With respect to the amalgamation of municipalities, I wish to assure you that my government has no plans to impose amalgamation on any municipality. We have enclosed a copy of this letter for your records. The S.A.R.M. believes that the amendment, as it now stands, should remain.

And I guess we allayed the fears of the SARM and I think those fears only arose out of the fearmongering of the member and the misinterpretation of the member opposite to begin with.

Mr. Martens: — Mr. Minister, will you table that letter that you sent to the director of SARM so that we could have it in this Assembly, please?

(1600)

Hon. Mr. Cunningham: — Yes, Mr. Speaker, or Mr. Chairman, I've tabled the letter that I sent to Mr. Kirwan that he forwarded on to all the RMs.

Mr. Martens: — Mr. Minister, did I understand that correctly that the letter that you sent to the director, or the president of SARM, is that the letter you're going to table? Because that's the one I want.

Hon. Mr. Cunningham: — The letter that I've just tabled.

Mr. Goohsen: — Mr. Chairman, Mr. Minister, I think that having read this little bit in this letter which I've never seen before but . . . I would say that it is very vaguely worded in effect to be misconstrued as any kind of an endorsement for what you're doing today. And misconstrued is all it could possibly be. I think what you did was, you blackmailed the SARM into accepting your interpretation in order to get to much-needed changes to the rest of the Act to bring it up to date.

I believe that you have, I believe that you have suggested to them, that unless they co-operate, in private, that you would use the heavy hand of your dictatorship to bring about, to bring about the county system in Saskatchewan. This is what I believe that you've done. And this is what I believe that you are doing.

And I believe that you did not have the agreement and complicity of SARM; otherwise they wouldn't have gone to such lengths to vaguely word this letter as they have. I

happen to know most of the people that work around SARM and I know that they're quite capable of saying, we do agree or we do not agree, without all of this kind of preamble, unless they have a feeling that they need to show people that they were not totally in agreement with what's going on.

They saw a need for some of the changes to happen, but they didn't like your wording. And that's what I'm telling you today. They have a need to have the Act. They have a need to have the Act work properly, but they do not need to have words that are as strong as the ones that you have used in this section.

They need to have the ability to have municipalities change their boundaries in some cases, but they don't want that to be a dictatorial, arbitrary decision by the minister. What they have said to you, and I'm going to say to you now as a reeve and as a person that pays taxes in a rural municipality, what they need is the ability to occasionally change lines because of changing economic conditions or perhaps because of geographical distortions that have occurred in our country long before the lines were ever drawn up. And those lines somehow have taken into account particular areas by size and not areas by geographical disturbance as a result of the things like rivers or hills or that sort of thing cutting through them.

There is a need there for from time to time for municipalities to want to change the lines of their municipalities. At no time — at absolutely no time — has SARM or anybody affiliated with it ever asked for the minister to have the power to bring in larger municipalities or to be able to amalgamate municipalities.

What they have said is that where we need changes and ask you for them, we want you to write into the Bill the power to have those changes made after we ask for them. And I am saying to you that that can only come in fairness in a democracy after the people that are involved have had the opportunity to vote on it, if you're going to talk about something as big as changing the boundaries of municipalities and incorporating municipalities.

They may not need the ability to vote, Mr. Minister, on issues of changing a particular line some place if it's only going to be moved a few miles over, one direction or another, in order to accommodate some geographical difference. However when you're talking about this particular Bill and this particular line that we're talking about, we're talking about the full, sweeping power of a minister to amalgamate total municipalities, not just move a few lines around a little bit in the province to accommodate the needs of people.

And that power is too great, and I absolutely refute your contention that you have an endorsement from rural municipalities of any kind, any place, to take this kind of unilateral, dictatorial power. You don't have that; you haven't been given it; and there's no use me repeating myself any further on this matter.

I will ask you and your colleagues though to once again reconsider our amendment because it does take you off

the hook if you truly are not trying to be a dictator and trying to take over the municipal system. You can be off the hook on this one simply by passing this amendment.

Thank you, Mr. Chairman.

Amendment negated on division.

Clause 4 agreed to.

Clause 5

Mr. Goohsen: — Thank you, Mr. Chairman. I'll read a . . . I plan on introducing another amendment to this particular thing here, and I have a copy of it here so I'll read it. Proposed House amendment moved by . . . that'll be by myself.

Clause 5 of the printed Bill:

Amend subclause 5(2) of the printed Bill by adding immediately after clause 15(7)(g) as being enacted therein the following clause:

“(g.1) requiring the minister to seek advice and provide a reasonable opportunity for receiving advance public consultation and recommendations on any proposed regulation or any proposed amendment to a regulation made under clause (d), (e), (f) or (g).”

August 10 . . . or this will be the 14th now of 1992.

Now, Mr. Chairman, Mr. Minister, I am suggesting in this amendment, just as it says in its wording, that we believe that there should be consultation before changes are made to municipalities or to any regulation that affects municipalities. There should be consultation.

We don't believe that it is a great hardship for that to be written into the Bill. If in fact, as this government has been trying to tell us over the past few days, that they're willing to consult with people, if they're planning on being open and consultative, as they've said they are going to be, then they shouldn't have any objection to writing into the Bill the fact that before they make changes they will in fact go out and consult with the people.

I think it's a very simple, small, word change that again takes the minister off the hook. If he's saying that he's willing to do these things, then let's change the wording that makes it say that he's going to do it. Otherwise we seriously have to doubt his sincerity. And the people of this province are saying that we are doubting your sincerity. We want you to put it in words that we can understand in the Bill so that in fact it will happen.

Thank you, Mr. Chairman.

Hon. Mr. Cunningham: — Mr. Chairman, the amendment is to clarify the present practice. The amendment we made to this section just clarifies that the grants are to be held by the municipality and not by the hamlet board. That's the present practice, has been for many years. The Act was unclear as to the wording and so it was changed to make the present practice clear to

everybody concerned. Therefore I think the amendment has no relevance.

Mr. Goohsen: — Mr. Minister, this may come as a shock to you because you probably don't consult very much with your other colleagues, but the Minister of Environment has indicated to us that she is willing to have this particular clause put into her Bill, and she sees the rationale and reasonableness of this request. We would suggest, therefore, that you reconsider the remark you just made and the fact that you considered that the wording of the old Act was not clear, was ambiguous. We're saying to you that you have still done that in this Act; you haven't cleared up anything. And our amendment would help you to do that. It would also alleviate the concerns of the people of our province as would be indicated through the Minister of Environment's actions.

Amendment negated on division.

Clause 5 agreed to.

Clauses 6 and 7 agreed to.

Pages 4 to 22 inclusive agreed to.

The committee agreed to report the Bill.

(1615)

Hon. Mr. Cunningham: — Mr. Chairman, I would like to thank my official for coming in and helping with the Bill.

Mr. Goohsen: — Thank you, Mr. Chairman. I would like also to thank the officials for coming in and assisting us with the questions and answers on this particular issue. Thank you.

Bill No. 36 — An Act to amend The Parks Act

The Chair: — Would the Minister of Natural Resources please introduce his officials.

Hon. Mr. Cunningham: — Mr. Chairman, I have with me Dick Bailey, the assistant deputy minister; Bruce Martin, who is a park planner; and Dale Beck, who's a solicitor from the Department of Justice.

Clause 1

Mr. Martens: — Mr. Chairman, I have no problem with dealing till item number 4. If you want to go through it till there, I want to visit about that then.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4

Mr. Martens: — Mr. Chairman, and Mr. Minister, I read in here certain parts of this as it relates to a tuning fork and measuring the speed of a vehicle. Can you give me an idea of what this is supposed to do in relation to the main Bill?

Hon. Mr. Cunningham: — Mr. Chairman, this is a provision that's found in The Highway Traffic Act which allows highway traffic officers to file prosecutions on the basis of a declaration and not having to call witnesses and so on to prove the speed at which people were travelling. And this merely extends that provision to provide the same conditions within provincial parks that are now provided for under The Highway Traffic Act.

Mr. Martens: — Mr. Minister, has this already been passed in The Highway Traffic Act already?

Hon. Mr. Cunningham: — Yes. This is identical to section 37 of The Highway Traffic Act . . . that was section 97.

Mr. Martens: — So what we have is just a change in boundaries in all of the rest of the Bill. Is that correct? On parks. And there's one name change, I believe, in the one park.

Hon. Mr. Cunningham: — Basically, there's some boundary changes. The big news in the Act, I guess, is the foundation of the Athabasca Sand Dunes as a wilderness park and some minor name changes. I think the Nipawin Regional Park name change.

Clause 4 agreed to.

Clauses 5 to 9 inclusive agreed to.

The Committee agreed to report the Bill.

Hon. Mr. Cunningham: — Mr. Chairman, I'd just like to thank my officials for coming in for helping with the Bill.

Bill No. 3 — An Act to amend The Environmental Management and Protection Act

The Chair: — Would the Minister of the Environment please introduce her officials.

Hon. Ms. Carson: — Thank you, Mr. Chairman. Today I have to my right, David Beckwermer the director of policy and legislation branch of the Department of Environment. To my left is Leanne Schwann from the Crown solicitor's office, Department of Justice. Behind me is Perry Erhardt, the legislative officer. And Larry Lechner is a director of air and land branch of the Department of Environment.

The Chair: — Just inform the House that clauses 1 to 3 were previously agreed to, so we're on clause 4.

Clause 4

Mr. D'Autremont: — Thank you, Mr. Chairman. This is the clause in which we deal with entry without a warrant. I'd like to just read to the minister a letter I just received from the municipality of Prairiedale. At their regular council meeting they discussed this proposed Bill. And the last paragraph is they feel that this kind of power should not be given to members of the government and that they should be required to have a warrant and the consent of the owners before them or any government employee may enter upon private property.

Because of our concerns and because of the concerns of various people around the province, I have discussed this with the minister. And we have an amendment to propose on this legislation to help with that entry without a warrant, to try and tighten it up a little bit, while still giving the minister the right to enter under those circumstances.

I have, I believe, three amendments to this clause. I'd like to read the first one. This is an amendment to clause 4 of the printed Bill:

Amend clause 4 of the printed Bill by deleting subsection 2.3(2) as being enacted therein and substitute therefor the following:

(2) where the minister, the environment officer, or designated person may, without warrant, enter on any land or into any building pursuant to subsection 1;

- (a) he or she may collect data or samples;
- (b) make any inspection, study, or investigation;
- (c) examine books, records, and documents;
- (d) require the production of documents and property for the purpose of examination or making copies relating to the hazardous substance, waste dangerous good, hazardous waste, or other material referred to in clause 1(a) or the activity referred to in clause 1(b).

I so move, Mr. Chairman.

Hon. Ms. Carson: — Mr. Chairman, I thank the member opposite. And we accept that amendment.

Amendment agreed to.

Mr. D'Autremont: — I have a further amendment to clause 4. It's basically the same wording as the previous amendment, it just deals with subsection 2.3(9). It adds on the same wording that the previous amendment did. I'm not sure, Mr. Speaker, whether I should read out the entire amendment or not.

The Chair: — I have another amendment in clause 2.3(8)(c). I wonder shall we deal with that first, and then we'll move to . . . That amendment is by the minister, and I wonder if the minister would then move that amendment.

Hon. Ms. Carson: — Yes, I move the amendment. Do you want me to read it out, Mr. Chair?

To amend section 4 of the Bill, clause 2.3(8)(c) to read where:

- (c) there is data or information respecting pollutants or pollution of the environment on the land or in the building.

Mr. D'Autremont: — Thank you, Mr. Chairman. The minister and I have discussed this one, and this was the initial amendment that we started working on to make changes to the Bill, and I'm prepared to accept this amendment.

Amendment agreed to.

Mr. D'Autremont: — Thank you, Mr. Chairman. I have an amendment to make to subsection 2.3(9) of this clause. As I mentioned earlier, it deals exactly with the same thing as 2.3(2). I move the clause read:

Amend clause 4 of the printed Bill by deleting subsection 2.3(9) as being enacted therein and substitute therefor the following:

(9) A warrant issued pursuant to this section authorizes the person named in the warrant to enter the place named in the warrant and any premises connected with that place to:

- (a) examine the place and connected premises;
- (b) carry out the activities described in subsection 2; and
- (c) search for and seize and take possession of any books, records, documents and property;

that relates to the hazardous substance, waste dangerous goods, hazardous waste or other material referred to in clause (1)(a) or the activity referred to in clause (1)(b), as identified in the warrant.

I so move, Mr. Chairman.

Hon. Ms. Carson: — Thank you, Mr. Chair. Once again we accept that amendment and we thank the member opposite.

Amendment agreed to.

Clause 4 as amended agreed to.

Clause 5 agreed to.

(1630)

Clause 6

Mr. D'Autremont: — Thank you, Mr. Chairman. Again, I have an amendment to make to this clause. I'll read out the amendment first and then if I have any words to add, I'll put them in.

Amend clause 6 of the printed Bill by adding the following section after section 35.1 as being enacted therein:

“Investigation

35.2(1) On receipt of an application under section 35.1, the minister shall acknowledge receipt of the application and investigate all matters that the minister considers necessary for a determination of the facts relating to the alleged offence.

- (1.1) In making a decision pursuant to subsection (1), the Minister shall consider:

- (a) whether the application is vexatious or frivolous; and
- (b) whether the applicant has presented sufficient evidence to present a case that

the activity being complained of is or is likely to result in an environmental offence.

(2) Within 90 days after receiving an application under section 35.1, the minister shall report to the applicants on the progress of the investigation and the action, if any, that the minister proposes to take.

(3) The minister may discontinue an investigation where the minister is of the opinion that the alleged offence does not require further investigation.

(4) Where an investigation is discontinued, the minister shall:

- (a) prepare a written report describing the information obtained during the investigation and stating the reasons for its discontinuation; and
- (b) send a copy of the report to the applicants and to any person whose conduct was investigated”.

The minister and I have also discussed this one. And the minister may have some words to make on this; I'm not sure. But I would like to move it at this present time, Mr. Chairman.

Hon. Ms. Carson: — We don't have the entire text of the amendment that the member opposite just read out. I wonder if we could have the entire text. There is a clause in it that we hadn't agreed to, and we would like to examine that clause.

Mr. Chair, in regards to (1.1) of the amendment suggested by the member opposite.

We have problems with (a) and (b) section under that in so far it's very unquantifiable. What is happening here is a very subjective process. And the department and the officials would take into consideration whether it's vexatious or frivolous anyhow. And in regard to the fact that they should have sufficient evidence, that is why the officials are entering the property in the first place. So we could not agree to (a) and (b) of clause (1.1); but the other amendments following that, we would agree to.

Mr. D'Autremont: — Thank you, Mr. Chairman. On section (a) where it deals with the application as vexatious or frivolous, your department will already be, as you said, looking at that to make that determination. We felt it was important that that be a part of the consideration when you do determine whether or not to investigate an application.

On part (b) where the applicant has presented sufficient evidence, the applicant who comes in, Mr. Chairman, Madam Minister, should not just be able to say, well I think you should be out there investigating Joe Blow. They have to have some reason why they feel that that person or that corporation should be investigated.

And that's why we wanted to include this into this part of

the amendment, is that the applicants do present you with some evidence to make it worthwhile for your department to indeed investigate. And we believe that that is important that that be in there, Madam Minister, that they do have something worthwhile to bring to you to ask for an investigation, rather than just coming forward and saying, we believe you should investigate A, without any evidence to support that kind of an application.

Hon. Ms. Carson: — Mr. Chair, the purpose of this new environmental protection and management Act amendment is to try to keep equivalency with the federal Act. The clauses that are printed, with the deletion of the one that we take exception to, are identical to the Canadian Environmental Protection Act. And that is where we strive to have equivalency.

So I would state again that because a Canadian Act states these terms that we have agreed to, the province of Saskatchewan, in order to maintain the standards and the regulations that are set down under the Canadian Act, we want to continue to make our Act as compatible as possible to the federal Act.

So therefore we will not agree to your argument of putting them in, although we think it is implied anyway in 35.1. As we set out this Act, it is under section 6. It is already implied there that there will not be a vexatious or frivolous nature to the investigation. So we feel that there is adequate provision already within the Act to take care of the circumstances that you might be talking about.

And secondly, we do desire to keep this Act as closely similar to the Canadian Act as possible. So we have taken from the Canadian Environmental Protection Act those same words and we put them in our Act and we would say that we would want to keep that very tight.

Mr. D'Autremont: — Well, Madam Minister, thank you. I can understand your desire to keep it close to the current national legislation.

Although we would like to see this in there, if we could have your assurance, and I guess your assurance takes in your whole department, that applications will be rejected if they are vexatious or frivolous, and that the applicants will have to present you with some sort of evidence before you actually go out and do an investigation on somebody. I guess I can say we would be prepared to accept a subamendment removing those two portions from the amendment.

Hon. Ms. Carson: — I can give assurance to the member opposite, Mr. Chair, that the department will act responsibly before they investigate or take upon themselves any of the actions provided in this Act. And they will of course be mindful of the fact that they are entering property and it will be the requirement not to enter it on a vexatious or a frivolous nature.

The Chair: — If the members are agreed that 1.1 should be deleted, then the minister or someone should move — and not the member for Souris Cannington — that the amendment be further amended by deleting all of (1.1).

Hon. Ms. Carson: — Thank you, Mr. Chair. I make

amendment to that amendment to delete all of (1.1).

Subamendment agreed to.

Amendment as amended agreed to.

Clause 6 as amended agreed to.

Clause 7

Mr. D'Autremont: — Thank you, Mr. Chairman. The minister and I have also discussed this amendment and I'd like to read the amendment:

Clause 7 of the printed Bill is amended:

(a) by renumbering the clause as subclause 7(1); and

(b) by adding the following subclause thereto:

“(2) Section 38 is further amended by adding a new subsection (1.1) thereto as follows:

“(1.1) Except in circumstances considered by the Lieutenant Governor in Council to be an emergency, the Lieutenant Governor in Council shall give advance notice, seek advice and provide a reasonable opportunity for public consultations on any proposed regulations or any proposed amendment to a regulation under this Act.”

I believe it's fairly self-explanatory. It means that the government will consult with the public when changes are to be made to the Act.

(1645)

Hon. Ms. Carson: — Mr. Chair, we don't have the verbatim text that the member opposite just read out and we would like to examine it before we agree to it.

Mr. Chair, the amendment that we have for that is a preferred one to the one the member opposite just quoted. Because we find that the one opposite leaves it open to interpretation and difficulty may arise if a minor amendment like changing a phone number or some very small part of it has to be done, then it means we have to have public consultations. And we're not quite sure what that means.

And in order to facilitate a reasonable degree of public awareness, we feel that the amendment put forward by the government is a little tighter and a little clearer than the one proposed by the member opposite. And we would recommend deleting some of the words that are in the amendment the member opposite read, and go back to the House amendment proposed by the government.

Mr. D'Autremont: — Thank you, Mr. Chairman. When I compare the two amendments, although they appear to be fairly close in terminology, I have some concerns. The amendment as proposed by the minister says that:

... the Lieutenant Governor in Council shall seek advice and recommendations from the public on any proposed regulation ...

The differences in our amendment deal with that the minister shall give advance notice of those meetings, in the first part, so that people will have the opportunity to know that they're coming up, and provide a reasonable opportunity for public consultations. Whereas in the minister's, it says, "shall seek advice and recommendations from the public ..."

I think there is perhaps a difference in the terminology here that we're dealing with, Madam Minister, where in yours, you can seek advice and recommendations, perhaps from individual groups or individual persons within the society, whereas in our amendment it allows you to call the general public and seek some advice from them. And I believe, Madam Minister, that would be the preferable route to go.

The committee reported progress.

THIRD READINGS

Bill No. 63 — An Act to amend The Ombudsman Act

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

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

Bill No. 73 — An Act respecting Certain Services with respect to Co-operatives, Credit Unions and Names of Homes

Hon. Mr. Mitchell: — Mr. Speaker, I move that 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. 74 — An Act to amend The Land Titles Act (No. 2)

Hon. Mr. Mitchell: — Mr. Speaker, I move that 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. 75 — An Act to repeal The Bulk Sales Act

Hon. Mr. Mitchell: — Mr. Speaker, I move that 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. 27 — An Act to amend The Rural Municipality Act, 1989

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

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

Bill No. 36 — An Act to amend The Parks Act

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

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

(1700)

COMMITTEE OF FINANCE

Consolidated Fund Expenditure Justice Vote 3

The Chair: — Would the minister please introduce his officials?

Hon. Mr. Mitchell: — Mr. Chairman, I'd like to introduce Brent Cotter, the deputy minister of Justice; Doug Moen, the co-ordinator of the legislative research branch; Betty Ann Pottruff, the director of policy planning and evaluation branch; Lisa Ann Wood, the director of the communications branch; Keith Laxdal, associate deputy minister, finance and administration division; and Gerald Tegart, the Crown solicitor in the civil law division.

Item 1

Mr. Muirhead: — Thank you, Mr. Speaker. All seriousness, my first question, Mr. Speaker, is about cemeteries. I think that somebody thought I was fooling, but it isn't, and I'm going to do it very quickly, in the essence of time, Mr. Chairman, Mr. Minister.

I have a whole file here that I received from a fine gentleman who lives in Regina and it's over a cemetery problem out in the Chamberlain-Holdfast area. They've been writing letters back and forth to the Department of Justice and the RM of Sarnia and the people in the town of Chamberlain. There's a problem, who's taking care of this cemetery and the legal rights at the cemetery. This man has really done his homework. He's got the cemetery Acts; he's searched the titles, and nobody's taking care of the cemetery. And it's under the ... RM owns it.

So all I wanted to ask you here ... I've got these things here. This is ... (inaudible) ... order. It's the names of the churches that have owned it through the years. It's passed through ownerships from 1912 until 1972 till now it's been owned by an RM. And this person, this elderly gentleman is quite concerned, along with many other people that have come back to the province, can't find where their people are buried and want ... They're even trying to want to bury loved ones, and they can't find where other graves are in the cemetery.

So the letters going back from Justice are not coinciding with the fact, but it's not their fault. And I have the complete file, Mr. Minister. And for the essence of time here tonight, and we're trying to accommodate you for time, all I want is a commitment from you that if I ... I'll take a photocopy after supper, table it or have it sent to

your office, and if you could get someone that would sit down with me and we'll go through the whole problem here. Then we don't have to waste the time in the Assembly.

Hon. Mr. Mitchell: — Yes, yes, Mr. Chairman. We'll be glad to work with the hon. member and try and sort this thing out. We'll be glad to do that.

Mr. Muirhead: — Thank you very much. And I just have one more question. Are you still . . . you're still responsible — and I should know this — for the Farm Land Security Board mediation services?

Hon. Mr. Mitchell: — Yes we are, Mr. Chairman.

Mr. Muirhead: — I'm sure you would. And have you got your officials here to answer questions on that this evening?

Hon. Mr. Mitchell: — I think we can. We may not be able to provide detailed information to the member, but we can certainly deal with broad policy questions.

Mr. Toth: — Mr. Chairman, an issue that has been continually cropped up and been cropping up over the last little while, and certainly as the Justice critic I've had inquiries regarding it . . . And we continue to go back to the David Milgaard case and the fact that the provincial government has taken a position of not having a public inquiry or not coming up with compensation. And there are a number of people in the province who feel that maybe Mr. Milgaard does have a case, and there are others who feel that maybe Mr. Milgaard certainly doesn't. And it's a judgemental question on the part of individuals and based solely on what people get in the media.

But I think there are many people out there that feel that in light of the decision that was made, the decision by the Supreme Court, it would have been only fair to have some kind of an inquiry to clarify the circumstances . . . and I'm certain even the family of Gail Miller would . . . there's a lot of questions they may have as well. And the question out there is why the government or why the Justice Department will not take a serious look at some kind of compensation or public inquiry, Mr. Minister.

Hon. Mr. Mitchell: — Well, Mr. Chairman, and to the member, this of course is a . . . this is a question that has received a lot of publicity over the last few months, and indeed years, and has been a difficult case for all of the people involved: for the Milgaard family, for the Miller family, for the Justice Department, for the police officers, for this Assembly for obvious reasons.

It led, in due course, to the federal government ordering the Supreme Court of Canada to conduct a review. That was not the first review of this matter that had been conducted in this sense, that the federal minister had in the past commissioned reviews of the file for determining whether or not the inquiry should be ordered. So this is a file that has been worked over quite extensively. And it culminated in the review of this matter conducted by the Supreme Court of Canada.

That was an extraordinary process, Mr. Chairman, that has . . . almost without precedence in this country. One goes back many, many years to find any such review being undertaken by the Supreme Court.

It was here and it was under terms of reference which were quite broad. The Supreme Court provided great latitude to all of the people involved in the hearing, all of the — I use the word parties because that's a term that we use in hearings and in trials and in actions to describe the people who are there before the Court with an interest in the matter that is at issue. And all of the people there, including the counsel for Milgaard, were perfectly entitled to call evidence that they wished to call respecting the matters in issue.

The position of the Milgaard family was, or the Milgaard counsel was, that David Milgaard was innocent. And the Supreme Court of Canada was pressed to make that finding. And the hearing went on for some long period of time before the Supreme Court of Canada. And I just can't find in my notes how many days it was, but the member will know that it went on with great national publicity for some long period of time.

As I have said, everyone had the opportunity to call witnesses that they might want to call in order to review what evidence there was against Milgaard. And indeed many witnesses were called and examined and cross-examined. And looking at the whole situation, we came to the conclusion that there just wasn't anything left to inquire in to — nothing left to inquire in to.

The federal Department of Justice had complete access to all of our files, had had for years, continued right through the time of the hearing to have it. We ourselves provided, I think, 25 volumes of material, including everything on our file that was relevant in any way. And the hearing, I'm just reminded, extended over 14 sitting days in the Supreme Court of Canada — most extraordinary proceeding. As I was just saying, we concluded that, looking back on what had happened at the Supreme Court, that there just wasn't anything left to inquire in to.

The matter of Fisher has been raised. Fisher had, you'll recall, Mr. Chairman, confessed to having committed rapes, sexual assaults in the city of Saskatoon during that period of time. Fisher was a witness at the hearing before the Supreme Court and gave his evidence.

We looked at all that situation. And our best advice, based on very experienced prosecutors within the department, that there is no evidence, no admissible evidence that we could produce in respect of Fisher as regards the murder of Gail Miller — no admissible evidence at all. I say to the hon. member, that it is not admissible evidence that Fisher committed other crimes in the area at that time. That simply wouldn't be allowed to be put into evidence in the court.

So we look at the whole situation and ask ourself, what is there left to inquire in to? And we came to the conclusion — and I take responsibility for the conclusion — that there's simply nothing left to inquire in to. And so we are not prepared to order an inquiry. We take the position that the inquiry has already been held. Now I can say to

the member — and I probably have said as much as you expected me to say when you asked the question — but I can say to the member that you know we understand that it is a frustrating circumstance, particularly for the Miller family, to have this matter left unresolved.

And all we can say in response to that is that we're not able to resolve it for them. We have done what we can. We prosecuted David Milgaard back in 1969 and took the case before a jury and the jury produced a certain result. And all of our evidence in that respect was called at the time and all of that evidence has been rehashed in the hearing at the Supreme Court of Canada. And we don't have any more evidence. That's all there is. And we can't resolve this problem for the Miller family in that respect.

Finally — and I'll sit down after I say this — with respect to the status of Milgaard, all I can say is that the Supreme Court said that they could not find him innocent upon the criminal law test of proof beyond a reasonable doubt. They could not find him innocent in using that yardstick of measurement. They also went on to say that they could not find him innocent upon a balance of probabilities, which is the civil test for determining issues.

So if the Supreme Court, after hearing 14 days of evidence, are not able to pronounce on his innocence, then of course I can't pronounce on his innocence. And a further inquiry in my view would not contribute anything towards that end. There just isn't anything left to look at that could lead to any conclusion with respect to the question of innocence or guilt.

We just have to leave the matter where it is, I'm afraid, and encourage the people involved to try and put that behind them and get on with their lives. And in the case of David Milgaard, to get on with what's left for him after having served so many years in jail.

Mr. Toth: — Thank you, Mr. Minister. I know that your response is certainly not the response that a number of people were expecting or were hoping to hear. And of course I realize the difficulty that the department is facing. And when a person looks at someone being incarcerated for 23 years and feeling very strongly or saying . . . you know, standing on the basis of being his innocence rather than maybe confessing and being paroled after a period of time, you'd almost think that there would be some kind of compensation for having spent that time. And I appreciate . . . And certainly the Supreme Court left the door fairly broad. And I think that's the predicament most people face themselves in right now . . . rather than just prolonging the debate here because certainly it appears it's not going to change the question all that much.

I have another question, regarding the constitutional debate that's taking place. And certainly the minister's aware of a committee that's been struck in this Assembly and the ongoing discussions that are taking place at the present time. And it seems that we've come to a bit of a deadlock on the constitutional issue and hopefully next week as first ministers meet, and their officials, that something may be arrived at that all of Canada can agree with, or the larger percentage.

But I have some concerns regarding the committee. I

believe originally when the committee was established, Mr. Minister, it was established under the basis of getting some input from individuals. And I'm beginning to wonder myself if indeed that committee still has that basis of operating or if that's the intent of the committee or if the committee may now be just a spokes-committee for this legislature or if it's indeed a spokes-group for the government on the constitutional question. I wonder if you can respond to that.

Hon. Mr. Mitchell: — That's an important subject. The government wants the committee to function, and there are terms of reference that have been laid down. While I don't have them in front of me, let me say that we want the committee to fulfil a broad role with respect to constitutional questions, and of course the agenda of the committee now is driven by the constitutional discussions that are taking place.

We want the committee to relate to the public. I have mentioned to the member before the great difficulties involved in getting a public response to the various parts of this package that have been discussed over these many months and will be discussed again next week. I believe very strongly, and I know the member does, that the people of Canada and the people of this province should have a voice in deciding what goes into their constitution.

It is, after all, the people's constitution. They have a direct stake in it. It's their country and it defines the basis on which their country operates. And anything that we can do to involve them directly and provide to them information as to what it is that we're about, what are the issues and what are the arguments, we have to do that. So we want the committee to fulfil that role to the greatest extent possible.

(1715)

So let me also say to the member, Mr. Chairman, that I think this Assembly sees that committee as being the master of its own processes within the framework of the terms of reference that were laid down when the committee was established. And so the committee is in charge of itself and makes its own decisions with respect to who it calls, who it invites before it, who it talks to, what advice it receives, and in connection with this process, what it does in relation to communicating with the public on the contents of that package and obtaining the opinions of the Saskatchewan public concerning the various issues that are involved in either approving or rejecting whatever package is agreed upon at the end of the day.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, when the committee was struck and the parameters were drawn up, and one of the main concerns that was raised at that time by the opposition, and the question was posed — the government certainly was non-committal; I'm not sure exactly where you stand as the minister — but we're aware of the plebiscite that indicated many people, in fact I think it was in the neighbourhood of some 65 or 70 per cent of the people that responded through the plebiscite wanted to have a voice and wanted to at least even have a vote when some final agreement was drawn. And it's my feeling, my understanding that people still want that.

I'm not sure through the committee — maybe, as you say, by the operations of the committee we can lay out some of what has transpired over the last past number of months regarding the constitution and regarding a constitutional agreement. Will the minister commit himself to at least giving the public every opportunity and the ability to indeed voice their concerns and even through possibly the use of a plebiscite in this Assembly.

And also another question before the minister stands up. Another suggestion has been proposed regarding the use of the SCAN (Saskatchewan Communications Advanced Network) network, the telecommunications network, to maybe create a broader base of input, opportunity for input, as well as to become a savings factor for this committee.

I wonder if the minister could respond on that.

Hon. Mr. Mitchell: — Mr. Chairman, we are acutely conscious of the plebiscite result that the member refers to. It has impressed us as it has impressed the opposition and everyone that the people were so adamant about . . . so overwhelmingly in favour of having a direct voice. And we very much want that to happen.

There are a number of possible scenarios here which make the question difficult to answer. One of them is that it remains a distinct possibility that the federal government will have a national referendum. We keep hearing that out of Ottawa and it keeps being referred to in the press, and that would not surprise us at all.

And if the federal government is going to have a referendum, then I think we in Saskatchewan wouldn't have to consider it. We wouldn't have to consider having the same referendum covering the same package as the federal government. So that would be one scenario.

The other question that I have raised publicly and with the committee just the other day was what kind of a referendum can we have; what question can we ask. I jokingly said to the committee that we couldn't append — or could we? — append this document. And I had in my hand the record of the decisions made at the multilateral ministers' conferences. We couldn't append this to each ballot so people going in to vote on it would get the whole package in their hand. And the question was, do you favour the attached proposal?

There are so many issues in that proposal. You know, there's the Quebec items, the Quebec minimum requirements which are referred to as the Meech items, and the matter of the organization of the Senate, and aboriginal self-government.

And then a host of minor issues after that: section 121, the economic union clause and the social union clause and so on. And how can we have a plebiscite? How can we design a plebiscite? So there's the practical problems.

But let me say immediately again — and I'm repeating myself here — that we respect the result of that plebiscite that was run last fall. I mean, we have to respond to it. And all of us remember the Meech Lake aftermath with the

protests about the constitution having been written by 11 men in suits behind closed doors without any real public input at all.

We don't want to repeat those mistakes at all. We want the public to know about what's being considered for inclusion in their constitution and have a way to say, yes, I like that, or ask questions about it, or say no, I don't like it.

So let me just sum it up by saying it this way. It's an open question as far as we're concerned. And I asked the committee — and I hope it was fair — the last time I was there to give that some thought and make some recommendations to the legislature, if recommendations come out of the committee's work, as to what we should do in that connection.

I'm very concerned about it. I think this is going to be a very difficult package to communicate to the public and very difficult for the public to respond. And I'll say to the member, that the government wants to do everything it can in order to overcome those problems and to make this process work.

Mr. Toth: — Well, Mr. Minister, I guess that's one of the major concerns I have as well, and specifically being a member of the committee. And in light of the parameters and the idea of the committee being a sounding board for Saskatchewan people to give them a chance for input, and the thing that I guess frightens me a little bit is the fact that if we or if the committee proceeds to hold some hearings around the province, and should the first ministers come to some kind of a consensus next month, that many people are going to perceive that they really didn't have that public input — that indeed all the committee's doing out there is now trying to sell a package.

And I think that will create a problem certainly for us as opposition members as well. And just going to sell a package when we talked . . . we talked about it during the election campaign. The Leader of the Opposition did. I believe the Premier did. And I think that's one of the major concerns right now, is specifically in light of the concerns people have with regards to fiscal restraint.

And it doesn't matter how you cut the dice, for a committee to operate it's going to have some financial implications as well. And that's the concern I have regarding the committee, the operations of the committee and the purpose and the role of the committee.

Mr. Minister, another one of my colleagues has some other questions, but while I'm on my feet, I just want to get your commitment to . . . I handed you over just earlier in the afternoon a few questions we felt weren't quite answered as fully as we felt or would appreciate them to be answered. You did give a commitment at that time that they would be and sent over to us. If it wasn't possible this afternoon, then I'd just like to ask the minister for that further commitment publicly, and also thank the minister for the answers that were provided to the broad general global questions that we did ask of the minister and his department.

Hon. Mr. Mitchell: — Mr. Chairman, I want to confirm

that I'm going to respond to the member's memo that he gave me earlier as fully as I can, as soon as I can.

Mr. Swenson: — Thank you, Mr. Chairman. I don't anticipate being long. I'm sure because the minister's been forewarned in question period and other times that he might be asked these questions. I'm going to ask him questions pertaining to Bill 87 and the Charter of Rights and Freedoms and that type of thing.

And, Mr. Minister, now that you have all of your learned officials with you here today on this particular area, I'm wondering if there is any further enlightenment that you could give the Assembly on the questions of the constitutional validity question. I notice that there are 10 whereas's or so in front of the particular Bill. Is the minister absolutely sure today in committee that there is no possible constitutional challenge to this piece of legislation?

Hon. Mr. Mitchell: — Mr. Chairman, I don't have the Minister of Agriculture to stand in his place and answer the member's question today. So in his absence I will do the best that I can.

The Bill was drafted pursuant to drafting instructions. It was drafted by the Department of Justice. It was a new Bill rather than an amendment to an existing Bill. And the department as a matter of course considered the constitutional validity of the contents of the Bill.

When the department does that, it does it from two perspectives. First of all, is the content of the Bill within the legislative jurisdiction of the province? And secondly, does the Bill in any way offend the charter?

And I want the member and the House to know that the department did consider this during the drafting of the Bill. And their conclusion was, first of all, that the contents of the Bill is entirely within the legislative competence of the province. In other words, it is within provincial jurisdiction. Secondly the department concluded that there was no ground upon which the legislation can be attacked, can be successfully attacked as offending any of the provisions of the charter.

Now I can also tell the member that an outside law firm has reviewed that those conclusions, and has agreed that those conclusions, are correct. All of that was done last June, I believe, and before this became an issue during question period in the last few days. I think that I can't add anything more to that answer.

Mr. Swenson: — Mr. Minister, I fully realize that the policy direction did not come from the Department of Justice. You were simply charged with drafting this odious piece of legislation, and as professionals your people drafted it.

But I might say, Mr. Minister, I would think that your officials would find it a bit of a smelly task to have to put something like this together to use so many whereas's to override constitutional rights. I mean this has to be a particularly smelly piece of legislation for your professional staff to work on.

And I would like to leave some things with you, Mr. Minister, because the advice that we're receiving. And I presume you have received your advice from MacPherson Leslie on the constitutionality of the thing. We've also received some advice from various people that think there is a challenge here. And that's why we've been asking you about a referral. A referral mechanism has been in place for some 10 years. It is accepted practice in Canada today to use the high court of a province to do a referral before tying up the Supreme Court of a land with a further reference.

And I'm really perplexed, given that there is a debate as there always will be in a legal community on a question like this and one obviously that you, as the top law person in this province, must feel some weight of responsibility when the right to access the court is removed from an individual. That has to be a fairly weighty decision that one takes upon their shoulders.

Now I just want to raise a few things with you that, being a non-lawyer myself, that people have raised with me for you to think about in your response. And I'm going to refer you, Mr. Minister, to some sections in section 7 of the charter. First would be 7-70180. It's a fairly recent decision. It'd be Pearlman versus the Manitoba Law Society judicial committee. It's a new precedent, 1991, I believe, with the Supreme Court hearing.

And I just want to read this to you:

The principles of fundamental justice to which this section refers include, but are not limited to, the rules of natural justice and the duty to act fairly. They therefore include the requirement of a procedurally fair hearing before an impartial decision maker.

And of course they weren't referring to a farmer in this particular instance. But the establishment of the fact that everyone's right before an impartial decision maker seems to be something that our constitution is fairly strong on.

Another one, Mr. Minister, that I want to leave with you, and it has been pointed out to me because there is some suggestion that opposition to this particular piece of legislation have some onus on them to prove things. This would be Attorney General Manitoba versus metropolitan stores. I believe the reference for the Supreme Court is 1987. And I'll just read this to you, Mr. Minister: the suggestion that there is a presumption of constitutional validity in the sense that a legislative provision challenged on the basis of the charter must be presumed to be consistent with the charter in a full force and effect is incompatible with the innovative and evolutionary character of the charter as a constitutional instrument. That does not mean however that the onus of establishing that legislation violates the charter does not lie with those who oppose the legislation.

(1730)

And one final one, Mr. Minister, that is quite interesting because the GRIP Bill is a tripartite arrangement between the federal government and the provincial government

and the farmers of Saskatchewan. This would be the references to the Quebec Association of Protestant School Boards versus the Attorney General of Quebec.

The Government of Canada has an interest sufficient to permit it to intervene in an action for a declaration that a provincial statute is contrary to the charter, and therefore of no force or effect.

Provincial legislative authority is now limited by the rights conferred by the charter, and the question of conflict between the charter and a provincial law is not a matter solely of provincial interest.

As you can see, Mr. Chairman — and this once again coming from a layman who doesn't understand all the nuances of the law — at least in the view of some people who've presented this to me . . . tells me that there is divergent opinion. And I have many more of these that I could read into the record. And in the essence of time, I will not.

But don't you think, Mr. Minister, given that this thing is so controversial, that the ramifications are so dire to so many people, that a reference would not make some semblance of sense because of its ability to sort of freeze in place all of the animosity and the anger that is tied to this particular piece of legislation? That is, I understand, a reference. It freezes the court date in Melville. It stops everything until the reference succeeds.

And I would think, given our history here in this legislature with other contentious legislation, that a reference would be in order, in order to sort of set aside all of this animosity that has arisen over this Bill.

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, I took a moment to try and cover the many points that emerge from the member's question and certainly I understood the question, and I thought the member put the question in an appropriate way and need not apologize for any lack of ability to handle these symbols. I thought it was handled quite appropriately.

I want to say to the member as I begin the answer that if you are in a position to share with me any of the legal opinions that you referred to, I will be more than happy to look at them with my officials and see whether there is something that we have overlooked. We don't think there is.

For example, when we have looked at the charter, we have looked at section 7 first and foremost in some detail. And one of the problems that anyone would have in suggesting that section 7 of the charter, which guarantees the:

. . . life, liberty and security of the person and the right not to be deprived . . . (of those rights) except in accordance with the principles of fundamental justice.

You run into a number of recent Canadian decisions to the effect that those rights do not include contractual rights. And that's the first thing you run into but by no

means is it the last. We have examined section 7 very, very closely, and frankly we can't see the possibility of any serious charter challenge being based upon section 7.

We have also gone beyond and considered whether section 8 of the charter might have any application. And again we concluded that no argument, no reasonable argument, could be founded upon section 8.

And we looked then at section 15 of the charter, which is the equality provision of the charter, to see whether there was any principle in that section which might affect the GRIP legislation, and again came to the conclusion that there was no basis for believing that a charter challenge could be founded based upon section 15 or, of course, any combination of 7, 8 or 15.

And then we went again beyond that and looked at our own Human Rights Code to see whether there was anything in the Saskatchewan Human Rights Code that might bear on the situation — which is really stretching it a long, long way because the human rights legislation is aimed at a different aspect of society's functions — and again concluded that there was no basis for a challenge there.

And as I've said earlier, we concluded that clearly this legislation is within a provincial jurisdiction. So at the end of the day, we have the very strong, we have the very strong opinion within the department that the Bill is constitutional and cannot be challenged successfully under the charter. Now that's the opinion of the Department of Justice.

You have correctly guessed that the MacPherson, Leslie & Tyerman were the private firm who have also given us an opinion, not just confirming our opinion — which I think is the language that I used earlier — but stating independently that in their opinion the Bill is constitutional on both of those grounds. It's within the legislative competence of the province, and it is . . . it cannot be successfully challenged under the charter including sections 7, 8, and section 15.

So this is the situation that I'm in then, that I'm in as the Attorney General. I can't . . . it would be irresponsible of me to make a reference in order to relieve the political heat, or to unfreeze the situation as you have suggested. It's tempting, but it would be wrong for me to do that.

In order to refer it, I have to have a question in my mind; I have to have the opinion that there is something to refer. And that's why I invited you earlier, if you have legal opinions and you're able to share them with me, I would be grateful.

Because we don't want to be stubborn about this. We don't want to look foolish about it. We want to do it in an appropriate way. And if we've overlooked something — I would swear we have not — but we would be more than glad to review our thinking on it in the light of any other different legal analysis that there is.

(1745)

The process of referring these constitutional questions is not as quick as it sounds. It goes directly to the Court of Appeal, but it doesn't get there directly. There are steps that have to be taken.

And the Assembly should not have the view that this could be whipped off within a matter of a few weeks. It is more correct to think of it in terms of a few months. Because the questions have to be drafted. Somebody has to be put up on the other side of the question to make the argument to challenge the validity of it. The Court of Appeal has to consider the question of who should be invited to participate. The written arguments have to be filed. Facts have to be filed in advance of the hearing. And we're talking months before we could get this on the agenda of the Court of Appeal.

And in the mean time something has to happen with . . . I mean there are steps that have to be taken in connection with the administration of the GRIP program. You know that from the experience of last year and we know it from the advice we have as to administrative steps that are necessary this year in order to make the thing go along.

So it is just . . . That's another ground for it not being . . . It's just not practical to sort of suspend the GRIP Bill until the matter can be taken before the Court of Appeal, for the reasons that I've just mentioned.

So let me repeat for a third time before I sit down, if you're able to share your legal opinions with us, I'd be glad to take a fresh look at the question.

Mr. Swenson: — Thank you, Mr. Minister. And obviously I'm not the one that is doing the research on this type of thing for the House. And if it's felt appropriate I would be more than happy to encourage people to share that with you.

I guess the question . . . And I don't want to belabour this because I know the minister has things to do. But we have a situation which has arisen here . . . And I fully understand the charter in section 7 as far as contractual law and issues of financing that inhibit it.

But it would seem to me, Mr. Minister, and I made the remarks earlier today, that we have a situation which has arisen where you simply do not have redress before a judge and 12 of your peers — or six, or whatever you happen you choose — any more in this province on a particular question.

And I would find that you and your officials . . . And I don't doubt the hard work that they've done to try and make sure this thing is covered off. I've never seen a Bill that has three separate sections to cover off this problem.

You must find that very difficult to administer, that that right which is so basic to our society is now gone. I mean this will be used by others as an example. You will not be able to limit this to GRIP, in my view. You have set a precedent that will be used time and time again.

At the same time, you as the Attorney General are engaged with the Premier in another constitutional round with some of these very fundamental questions of

provincial rights, federal rights, and how the charter is amended in the future, the question of Quebec's right to amend — these things are all in there.

You have set a precedent in Saskatchewan, as far as I know from my reviewing of section 7, that goes beyond anything done anywhere else.

Now surely the other folks at the constitutional table that you're sitting down with are going to say, I look at this and I want the same type of rights guaranteed. You have effectively removed the right of redress through the courts by this interpretation, and you've worked very hard to make sure it happens.

Now how can you go to the constitutional table, Mr. Attorney General, and live with that, is what I want to know.

Hon. Mr. Mitchell: — Mr. Chairman, I of course have heard the premise for the question repeated during debate, and I want to tell the member that I plan to enter the GRIP debate on this very question of what is taken away by the legislation or what rights are affected and why. And I probably shouldn't seek to deal with that in these estimates.

I want to say to the hon. member that the issues in the constitutional discussion are enormously complex and difficult, and it is difficult in the country of Canada to get consensus on those items. And I must say that I am unable to draw the parallel between the contents of the GRIP Bill and the positions and the arguments that we will be making to the first ministers in relation to the constitution.

Now it may be that I do not have a sufficiently refined sense of propriety or appropriateness, and therefore I miss the member's point. But I want to tell the member that I'm going into these discussions with a clear conscience as far as the GRIP Bill is concerned and that it will not affect our ability to perform at the constitutional level.

I might also mention to the member that to date no other premier or first minister or minister or official of any other province or territory nor any aboriginal group have raised with us the question of the content of the GRIP Bill.

Mr. Toth: — I have a number of questions, Mr. Chairman, and they deal specifically with the legal case before the courts right now. And I'm just wondering if we can get a commitment from the minister that maybe we can get into these questions with the Minister of Agriculture and have the same . . . what we're talking about is the cost and the fact that the court asked for a \$700,000 bond and the cost of the case and all the processes of this case.

And if it's possible, if the minister could even give us a commitment that we could ask them through the Agriculture minister, we could certainly make that commitment and let the process proceed.

Hon. Mr. Mitchell: — In response, Mr. Chairman, we will provide an official in the group supporting the Minister of Agriculture during committee consideration of the GRIP Bill, so that the questions can be asked. And we'll do our best to answer them.

Item 1 agreed to.

The Assembly recessed until 7 p.m.

Items 2 to 5 inclusive agreed to.

Item 6 — Statutory.

Items 7 to 27 inclusive agreed to.

Item 28 — Statutory.

Item 29 agreed to.

Item 30 — Statutory.

Items 31 to 35 inclusive agreed to.

Vote 3 agreed to.

**Supplementary Estimates 1992
Consolidated Fund Expenditure
Justice
Ordinary Expenditure — Vote 3**

Items 1 to 43 inclusive agreed to.

Vote 3 agreed to.

**Supplementary Estimates 1991
Consolidated Fund Budgetary Expenditure
Justice
Ordinary Expenditure — Vote 3**

Items 1 to 21 inclusive agreed to.

Vote 3 agreed to.

The Chair: — That concludes consideration of the estimates for the Department of Justice. Would the minister please thank his officials? I would ask the minister to thank his officials.

Mr. Toth: — Mr. Chairman, I'd like to take this time to thank the minister and his officials. Certainly I appreciate their willingness and faithfulness and their patience in sitting and waiting and indeed responding to the questions, not only the verbal ones, but the global questions that we placed to the officials. Thank you very much.

Hon. Mr. Mitchell: — Mr. Chairman, I want to add my thanks to the officials for being here this afternoon and for having made so many trips over the last while to be at the convenience of the legislature.

I want to also thank the critic, the member from Moosomin, for the consideration that he's given, shown to me in my particular circumstances in enabling us to complete these estimates tonight. Thank you.

The committee reported progress.

COMMITTEE OF THE WHOLE

The Chair: — It now being past 5 o'clock, this committee is adjourned until 7 p.m. this evening.