

The Assembly met at 1:30 p.m.

Prayers

### ROUTINE PROCEEDINGS

#### PRESENTING PETITIONS

**Mr. Devine:** -- Thank you, Mr. Speaker. I wish to table some petitions today with respect to underground tanks, and I'll just read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to put aside any consideration of forcing small-business owners to pay 100 per cent of the costs involved with digging up underground storage tanks and replacing them; and instead offer alternatives through abandoning regulations calling for digging up underground tanks, with the exception of those tanks which have been proven to be leaking, cost sharing or other alternatives agreed upon by all parties affected.

As in duty bound, your petitioners will ever pray.

These petitioners, Mr. Speaker, are from Saskatoon and area, Blaine Lake, Waldheim, Rosthern, Hague, several communities between Prince Albert and Saskatoon, Landis, Kayville. I do so table these.

**Mr. Neudorf:** -- Thank you, Mr. Speaker. I also have numerous petitioners on the same topic as the hon. member from Estevan just put down. And these names come from areas . . . from Springfield, Saskatchewan; Theodore, Pambrun, Preeceville, Yorkton, Saskatoon, Sturgis, Prince Albert, Invermay, etc., Mr. Speaker. And I would want to put these on the Table on behalf of these petitioners at this time.

**Mr. Martens:** -- Thank you, Mr. Speaker. I too have petitioners who want to petition the Assembly, and it deals with underground storage tanks. And they come today from Glaslyn, Regina, Chamberlain, Craik, Abernethy, Sintaluta, Balcarres, and various other places around the province. And I want to present these petitions to the Assembly today.

**Mr. Swenson:** -- Thank you, Mr. Speaker. I also have petitions today -- people joining the many thousands who've already petitioned this legislature, Mr. Speaker, on behalf of the issue of underground storage tanks and their feelings about it.

Today, Mr. Speaker I have petitions on behalf of people from communities such as Springside; Fort Qu'Appelle; Theodore; Yorkton, Saskatchewan; Insinger; Sheho -- people all over the province, Mr. Speaker, who would like this Assembly to listen to their concerns. And I would like to table these on their behalf today.

**Mr. Boyd:** -- Thank you, Mr. Speaker. I as well have petitions with respect to the underground storage tank

issue, and the costs and the concerns surrounding them. The petitioners come from the Springside, Canora, Yorkton, Moose Jaw, Sturgis areas of Saskatchewan. I'd be pleased to present them on their behalf.

**Mr. Toth:** -- Mr. Speaker, I too would like to present some petitions to the Assembly from a number of petitioners in the Rocanville, Wapella, Moosomin, Tantallon, Sturgis, Kamsack -- even people from outside the province; there's one signed here from Calgary, Alberta -- Rosthern, and Regina. Individuals who are very concerned about the government's move regarding underground storage tanks. I so present them.

**Mr. Britton:** -- Thank you, Mr. Speaker. I too have several pages of petitions from people in the Springside area. They go over to Yorkton, and Rocanville, Theodore, and places like that. And I would too, on behalf of those people, table these petitions. It's to do with the underground tank situation.

**Mr. D'Autremont:** -- Thank you Mr. Speaker. I too have a number of petitions today to present, dealing with the underground tank situation. These petitions come from Springside, Yorkton, Jedburgh area -- along the eastern side of the province, Mr. Speaker.

This makes about 6,000 of these petitions that we've presented. I'd like to thank the people who presented them to us. I'd like to lay them on the Table now.

#### INTRODUCTION OF GUESTS

**Ms. Murray:** -- Thank you, Mr. Speaker. Mr. Speaker, I am absolutely thrilled today to introduce to you and through you to my colleagues in the legislature, two very special guests seated in your gallery. And I'm going to ask them to stand, Mr. Speaker.

They are Mike Hall and his father, Larry Hall. Mike, as members will know, represented Canada in the Olympic games in Lillehammer as a speed skater and did extremely well there. And not only are we very proud of that accomplishment but we also know how much work and effort goes into just achieving that kind of status. So on behalf of all of us, I would ask all of you to join me in giving them a very, very warm welcome to Regina.

**Hon. Members:** hear, hear!

**Mr. Knezacek:** -- Thank you, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly, 40 grade 4, 5, and 6 students from MacDonald School in Stockholm. They are seated in your gallery on the west side, Mr. Speaker.

They are accompanied by the following: Ms. Sheryl Bueckert who is the intern teacher at MacDonald School, under the supervision of Ms. Laurie Johanson, and also Mr. Lloyd Tocher; this is his second trip here this spring; and also the chaperons Kathryn Brunskill,

Luella Bernath, and bus driver Don Shivak.

Accompanying Laurie is her mother, Phyllis Ecklund. And I'd just like to mention that Laurie Johanson is the director of the dinner theatre that was held in Stockholm, very successful dinner theatre entitled "Hillbilly Heaven." So she is the one that was responsible for directing these actors and actresses.

I will be meeting with the class at 2:20 for pictures and also a discussion session after. I'd like you to please welcome this class to the Assembly and wish them a safe trip home. Thank you.

**Hon. Members:** hear, hear!

**Mr. Kowalsky:** -- Mr. Speaker, it's my pleasure to introduce to you three visitors from Odessa, Ukraine, who are accompanied here by Liz Ivanochko, Regina.

These guests are seated in your gallery. They are members of a new agency of social psychological support for youth in the Odessa area. It's a non-government, non-profit group. And they are here on a mission organizing for a conference to be held . . . an international conference to be held in Odessa in May.

I want to present to you, Mr. Speaker, Larissa Ponomarenko who's an educational psychologist; she's a director for the Odessa region; Dr. Micheal Lavinski who is a child psychiatrist; and Dr. Victor Karpyak who is an adult psychiatrist and he works with the university and with the mental hospital in the Odessa region. And I want to say to them in Ukrainian:

(The hon. member spoke for a time in Ukrainian.)

Thank you, Mr. Speaker.

**Hon. Members:** hear, hear!

**Mr. Kowalsky:** -- I apologize, Mr. Speaker. I also want to present Liz Ivanochko, who is from Regina and who is their host here as well.

**Hon. Members:** hear, hear!

**Mr. Hagel:** -- Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly eight Regina Toastmasters who are seated in your gallery here today, Mr. Speaker.

If my recollection of history serves me correctly, in the early 1920s, Dr. Ralph Smedley was a good friend of Dale Carnegie and the two of them talked about ways to train communication leadership skills. Dale Carnegie went his direction and Dr. Smedley in 1924 founded the first Toastmasters organization in Santa Ana, California.

These people today, Mr. Speaker, are Regina Toastmasters who are in district 42, the part of Toastmasters organization that includes Alberta and

Saskatchewan, and they are here to celebrate the anniversary.

I'd like to introduce them to you and to ask them to stand as I introduce them: Marlene Keam is here, she's the division governor for southern Saskatchewan. She is joined as well by past district governor for southern Saskatchewan, Robert Stedwill; from the Wascana Toastmasters Club, Irene May; from the Victoria on the Park Club, Paul deMontigny; and from the Daybreakers Club that meets at 7 o'clock in the morning, Carol Sakundiak Joanne Corbett, Patricia Bourgeois, Lorraine deMontigny. And I look forward to joining with them for a visit following question period and ask all members to show them welcome here this afternoon.

**Hon. Members:** hear, hear!

## STATEMENTS BY MEMBERS

### Lieutenant Christopher Lunney

**Mr. Toth:** -- Thank you, Mr. Speaker. Mr. Speaker, I'd just like to comment on a tragedy in the former Yugoslavia that has hit very close to home. Lieutenant Christopher Lunney, a 24-year-old member of the Royal Regina Rifles, suffered a fractured leg and facial injuries when the jeep he and a colleague were travelling in hit a mine. Lieutenant Lunney is the second Royal Regina Rifle member to be injured in the peace-keeping mission in the past year.

Mr. Speaker, I would like to commend Lieutenant Lunney and all the other Canadian peace keepers and reservists who risk their lives on a daily basis in efforts to monitor the cease-fire between Croatia and rebel Serbs.

Mr. Speaker, incidents like this should make us all stop and think of those who are suffering, of those who fear for the safety of themselves and their families on a daily basis. It makes us all realize how fortunate we are to live in a country like Canada.

Mr. Speaker, 800 Canadian soldiers, including 32 from Saskatchewan, are presently serving with the United Nations in former Yugoslavia. Let us all hope and pray that their efforts and the efforts of the united forces from many other countries results in a peaceful ending of the crisis for all people in Yugoslavia at this time. Thank you.

**Some Hon. Members:** hear, hear!

### Toastmasters International

**Mrs. Bergman:** -- Mr. Speaker, I am pleased to speak today about the invaluable work done by a premier volunteer organization with a worldwide organization and reputation. I am of course referring to Toastmasters International, which is celebrating its 70th anniversary as an international organization and their 40 years in Saskatchewan this week.

There are 8,000 groups around the world with 23

active groups in Regina, with more than 350 members. Last year one group in Regina was second in the world in the toastmasters competition.

Toastmasters is a for-the-member, by-the-members organization. And I'm very proud to have been a member of the Regina Pile 'O Bones Club.

Members of toastmasters are numbered among the who's who in business, cultural organizations, service clubs and government. And all of them are grateful for the skills they've learned in their weekly meetings.

I would like to salute Toastmasters International and the Regina Toastmaster clubs for their contribution to communication skills in the world today.

**Some Hon. Members:** hear, hear!

#### **Toastmasters' Week in Saskatchewan**

**Mr. Hagel:** -- Mr. Speaker, as it's been pointed out, this week Saskatchewan formally recognizes the most successful self-improvement organization in the world. This is Toastmasters' Week in Saskatchewan and celebrating the 70th anniversary of Toastmasters International, and the 40th anniversary of district 42 which includes the 57 clubs and 1,047 active toastmasters of Saskatchewan.

Founded by Dr. L. Smedley, Toastmaster provides a forum for developing communication and leadership skills for men and women who learn by doing and offer each other constructive feedback using a very sound educational program.

Although best known for helping people develop public speaking skills, Toastmasters in fact strive to improve their listening, thinking and speaking skills, in that order.

Now many a Toastmaster first became involved, Mr. Speaker, because he or she was scared spitless by the prospect of speaking in public. And many have gone on to use their communication and leadership skills, as has been pointed out, in service of their fellow Saskatchewanians, including some members who sit in this Assembly today.

And, Mr. Speaker, I've long thought that Toastmasters' key to success is that it doesn't promise to get rid of the butterflies but rather to teach people how to get those butterflies flying in formation.

Mr. Speaker, I wish to say congratulations to all Toastmasters in Saskatchewan for their anniversary and for their individual accomplishments and I ask all members of the Assembly to join me once again.

**Some Hon. Members:** hear, hear!

#### **Vision 20/20**

**Mr. Kowalsky:** -- Mr. Speaker, for a strong community, one should get out and support his community. And that's exactly what we saw today at

the University of Regina less than one hour ago where they launched their Vision 20/20 leadership campaign to raise \$21 million for capital construction at the University of Regina.

I want to congratulate Mr. Paul Hill and his associates in business for taking the leadership on this campaign; the University of Regina, Campion College, Luther College, the Saskatchewan Indian Federated College who are forming a partnership for this particular campaign.

In particular, Mr. Speaker, I want to congratulate the students' union and the faculty and staff who have contributed a large amount of money of the \$7 million that has already been raised, the largest per capita contribution ever in Canada by a faculty and staff.

You may wonder, Mr. Speaker, why somebody from Prince Albert is making this announcement. I'll tell you, Mr. Speaker, that with a program like Vision 20/20 leadership you can see all the way to Prince Albert.

**Some Hon. Members:** hear, hear!

#### **Regina Pat Canadians Win Air Canada Cup**

**Mr. Trew:** -- Thank you, Mr. Speaker. It's my pleasure today to report on the latest reason that we in Regina have every reason to be proud of ourselves. Of course I'm referring to the Regina Pat Canadians under their head coach Kal Parenteau and assistants Dave Dunn and Drew Callander, who last evening won the Canadian midget AAA hockey championship symbolized by the Air Canada Cup.

Mr. Speaker, the Regina Pat Canadians are the second team in history to have completed a hat trick or have won the Air Canada Cup three times since its inception. The win last evening was at the 10-minute mark of double overtime in a very exciting game. The Regina Pat Canadians defeated the Red Deer Optimist Chiefs.

Mr. Speaker, I very much look forward to the Regina Pat Canadians, perhaps as early as next year, winning title no. 4.

I want to conclude by congratulating the players, coaches, parents, fans, and all who have been involved with the Regina Pat Canadians over the years. I want to congratulate them all on a very fine year of hockey. And again congratulations on winning the Canadian midget AAA championship.

**Some Hon. Members:** hear, hear!

#### **Northern Business Directory**

**Mr. Jess:** -- Thank you, Mr. Speaker. Over the past several years there's been a great deal of talk about northern Saskatchewan resource companies and northern employment. Sometimes there's been more talk than practice.

Lately however there has been a concentrated effort to increase the participation of Northerners at northern mines as well as with on-site contractors. And that effort is starting to pay off. Now the participation rate is more than 40 per cent Northerners. Nearly 600 residents are working either in the mines or in spin-off industries. That's not enough but it is progress.

Now, Mr. Speaker, a new development will help to increase the participation of northern business in the resource industry. A business directory has just been published that lists the capabilities, products and services of 500 northern businesses. This directory will be updated on a regular basis.

Mining and other companies will be encouraged to use this directory when looking for goods and services in the North. This directory is one concrete way to help the people who live in northern Saskatchewan profit from the economic activity taking place in their home. The resource companies, local businesses, and local workers all will benefit from this development.

**Some Hon. Members:** hear, hear!

## ORAL QUESTIONS

### Saskatchewan Government Insurance Advertising

**Mr. D'Autremont:** -- Thank you, Mr. Speaker. Again today we have questions sent in to us by constituents and people across the province. My question to the Premier today is from a gentleman by the name of Ron from Regina, who writes in: Why is SGI (Saskatchewan Government Insurance) wasting tax money advertising no-fault insurance? Why does the government have to advertise a law they know they're going to pass anyways? Why should my money go to promote legislation that I don't agree with? Why exactly does SGI have to advertise what it does? They're a monopoly so they'll just do what they like anyways.

**Some Hon. Members:** hear, hear!

**Hon. Mr. Goulet:** -- Mr. Speaker, in response to that question, democracy requires a lot of public education and public input. We have a 1-800 number, Mr. Speaker, as well we do have advertising so that people will know something about the program and respond to it on a constructive, critical basis.

Mr. Speaker, there are such things as saying yes to people that we have consulted before. For example, we have consulted with the Paraplegic Association, Mr. Speaker, and we have raised, for example, the rehabilitation money from \$10,000 to \$500,000. Mr. Speaker, that consultation, you know, has paid off in a good program that was concerning, you know, the Head Injury Association.

We have also said yes to people who are concerned on the right to sue, Mr. Speaker. We have kept that as part of the program, so the right to sue is there, Mr. Speaker. There are people who have also . . .

concerned with us in regards to the issue of an independent appeal. Mr. Speaker, you can appeal to the Court of Queen's Bench, etc.

So, Mr. Speaker, the consultation is required for public education and advertising is required for public education as well.

**Some Hon. Members:** hear, hear!

### Police Policy on NSF Cheques

**Mr. Swenson:** -- Thank you, Mr. Speaker. My question today comes from Carol Buhari of Regina, and her question is: Mr. Premier, I am a business owner and I have recently been stung by NSF (not sufficient funds) cheques. The police say that they won't look into it unless it is over \$500 or unless there is a pattern. If you get a judgement from Small Claims Court you have to enforce it yourself. Why is it that a little crime is not a crime in the eyes of the police? How can a small-business owner get justice in this system?

**Some Hon. Members:** hear, hear!

**Hon. Mr. Mitchell:** -- I must say I'm not aware that the police are following such a procedure. The member, or the questioner is quite correct, that a crime is a crime regardless of the amount involved.

The best I can do, Mr. Speaker, is to look into the matter and report back to the Leader of the Opposition so that he can write to the person posing the question and advise as to the situation.

**Some Hon. Members:** hear, hear!

### Rentalsman Procedures

**Mr. Britton:** -- Thank you, Mr. Speaker. Mr. Speaker, my question to the Premier comes from a Mr. Kitzul from Regina. And he's asking, Mr. Premier: Why has the appeal process for the Rentalsman been changed so that instead of going to an appeal board you have to spend money to go to court? Also, why does a Rentalsman's office not have any inspectors any more?

**Hon. Mr. Mitchell:** -- The Kitzul matter is a matter that I'm familiar with. There were actually three separate applications that came before the Rentalsman.

The procedures are procedures that were laid down by this legislature just within the last short while, and it has worked in all cases so far without any great degree of complaint at all. They are an efficient procedure and I think overall quite satisfactory.

Although I realize that Mr. Kitzul did not accomplish all that he set out to accomplish when he made his applications to the Rentalsman.

**Some Hon. Members:** hear, hear!

### Automobile Insurance

**Mr. D'Autremont:** -- Thank you, Mr. Speaker. My question to the Premier comes from Paul Noubarian of Regina:

One of the fundamental principles of democracy is that citizens have the right to make responsible choices. We exercise that right when voting, purchasing food, house insurance, etc.

With respect to auto insurance, I choose to insure with a reputable, fiscally prudent, private insurer. Why have you denied me the right to choose a private insurer for basic auto coverage? What are you going to do to restore that right and when are you going to do it?

**Hon. Mr. Goulet:** -- Mr. Speaker, in the history of the province when the first public insurance system came in here though Tommy Douglas in 1946, 88 per cent of the people were not insured. And through the process, we have had more or less universal coverage in regards to the insurance because of the private . . . because of the public insurance system that we have established in this province.

Mr. Speaker, I think that going back to mainly a privatization that these members went through -- that did not solve anything in this province and yet ended up in the tremendous debt of \$15 billion -- is not the solution, Mr. Speaker.

**Some Hon. Members:** hear, hear!

### SaskPower Tendering Policy

**Mr. Devine:** -- Thank you, Mr. Speaker. My question will be to the Minister of SaskPower, to the Minister of Labour, and the question comes from the owner of H K Plumbing and Heating in Estevan:

When bidding jobs at SaskPower Boundary dam, why is it that the lowest tender is not accepted because we are not union, and jobs are awarded to union contractors at a higher price? This indicates that union people have more priority than local people.

If non-union people don't count, then why do we have to pay taxes? Why don't they just collect from the unions for taxes?

**Hon. Mr. Anguish:** -- I thank the hon. member for his question. As the hon. member would know, the policy at our thermal stations is that the contracts will be awarded with a preference to union bidders, and that was the same as it was under the previous administration in Saskatchewan.

I don't know the specifics of the case that you ask me about of the independent contractor in Estevan, but there are many independent contractors that get work with SaskPower. I don't know the size of the contract or the specific instance you're talking about, but I'd be more than happy to get back in touch with the contractor with the answer to the concerns that he's

raised to you here today.

**Some Hon. Members:** hear, hear!

### Provincial Court Commission Expenses

**Mr. Toth:** -- Thank you, Mr. Speaker. My question today comes from a William from Regina, and the question reads as such: if the commission that was established to set judges' salaries is now going to be abolished through retroactive legislation, does that mean that the commission members will be required to repay all expense money and fees paid to them? If the members are not required to pay back the money, why not?

**Hon. Mr. Mitchell:** -- Well I don't think there's any basis on which we can do that, Mr. Speaker. They served in good faith. They served pursuant to a nomination procedure which this House approved. One of the members was nominated by the judges, one nominated by the government; together they agreed upon a third. They discharged their duties in good faith, according to their own consciences and their own sense of the situation.

We don't agree with the award. We're moving to do what we have to do in order to render it ineffective, but we can hardly penalize them by asking them to refund their fees and expenses.

**Some Hon. Members:** hear, hear!

### Board of Internal Economy Powers

**Mr. Swenson:** -- Thank you, Mr. Speaker. My question is to the minister responsible for the Board of Internal Economy. Mr. Minister, as reported in Saturday's paper, there is now a second instance of an MLA (Member of the Legislative Assembly) using his communications allowance to send out unacceptable material. Still you and other government members from the Board of Internal Economy continue to drag your feet in dealing with this very serious matter.

Mr. Minister, why the delay, and when can we expect to see these rules clarified so that we have a standard and workable procedure for dealing with such matters?

**Hon. Mr. Lautermilch:** -- Thank you, Mr. Speaker, and I thank the member for his question. Difficult to answer in terms of the process that the Board of Internal Economy has established and the fact that we are in fact awaiting information that will be put together by the Clerk of the Legislative Assembly so that we can determine, based on the information brought to the Board of Internal Economy, and make a long-term decision with respect to amending this particular directive, if that be necessary.

So I want to say to the member that he knows full well that we are awaiting that information. When that information is brought to members of the board and we are informed that the information is available, we will request, as I'm sure you will, that a Board of

Internal Economy meeting be held so that we can deal with this issue in the appropriate fashion.

**Mr. Swenson:** -- Thank you, Mr. Speaker. I would point out to the minister, Mr. Speaker, that the government has the majority on the Board of Internal Economy, and obviously, with the majority, have the ability to determine when that particular committee meets.

Now, Mr. Minister, issues such as that have been raised in the House, and we're told that it wasn't appropriate to deal with them in the House. Those issues have been raised at the Board of Internal Economy, and we were told that the board lacked the authority to deal with these.

Now, Mr. Minister, as you know full well, there's even been a Bill tabled in the House here to deal with these issues. And as yet, at every step it seems that the issue is blocked from going forward to some type of a reasonable conclusion.

Now, Mr. Minister, what we're asking you is when are the roadblocks going to be removed? When is the Board of Internal Economy going to have a meeting to deal with the issues? And I think it would be incumbent, Mr. Minister, that before another one of these issues hits the media, that we would want to sit down as an all-party committee and deal with those issues. Can you give us some assurance today that that board will meet very soon, Mr. Minister?

**Hon. Mr. Lautermilch:** -- Thank you, Mr. Speaker. To answer the member's question, I think he knows full well the process and he knows the type of information that the board has requested from an officer of this legislature. The officer of this legislature has indicated quite clearly that her ability to put this information together is based on the workload of the Legislative Assembly Office.

And I think he will also understand that while we're in session, there is a great degree of work that is put on that particular arm of government. And I'm sure he will also agree with me that there is no sense meeting to discuss the issue when the information that has been requested is not before the board so that we can make a rational . . . and a decision based on information.

Now if the member can expedite and speed up that process and has a method by which that information can be gathered sooner than we are told by an officer of this Assembly it can be made available, then perhaps he could explain to members, government members of the Board of Internal Economy, how in fact he might put that information together. And when he does, we're more than willing to sit down and discuss it based on information that we have requested.

**Some Hon. Members:** hear, hear!

**Mr. Swenson:** -- Thank you, Mr. Speaker. Mr. Minister, if you would like to relinquish the

chairmanship and pass that on to one of the opposition members on the board, I'm sure, Mr. Minister, that . . . Mr. Minister, there are issues that can be discussed including a current piece of legislation before this House.

Mr. Minister, you may not agree with the legislation but the simple fact is that it is there and it would be a good starting point. And, Mr. Minister, I think the members of the public who watch this institution and who are watching these issues raised in the newspapers would want us to sit down in full view of the public and discuss the issue before it happens again.

Mr. Minister, it is incumbent that these issues be dealt with for the good of all members and for the good of the House. Mr. Minister, would you commit to call a Board of Internal Economy meeting this week? Would you do that, sir?

**Some Hon. Members:** hear, hear!

**Hon. Mr. Lautermilch:** -- Mr. Speaker, perhaps before I answer I may clarify for the member who in fact chairs the Board of Internal Economy. And, Mr. Speaker, I'm sure the member who has been around here for a number of years will recognize the fact that it is the Speaker who chairs the Board of Internal Economy. And if he doesn't, perhaps he should acquaint himself with the board.

Secondly, I want to say with respect to legislation that has been introduced before this House, I think the member will also recognize the fact that when legislation is introduced we have a process in this legislative Chamber whereby we debate legislation. Now if he is aware of some rules that may have in fact changed where we would debate legislation perhaps he could share that with us also.

I want to say, Mr. Speaker, that the member is being silly. He knows the process. And instead of political grandstanding, if he would work with this government to reform the directives and to reform the way those directives are developed, it would be much appreciated by government members on this side.

**Some Hon. Members:** hear, hear!

### Trade Union Act Amendments

**Ms. Haverstock:** -- Thank you, Mr. Speaker. My question is to the Minister of Labour today.

Your proposed amendments to The Trade Union Act have major implications for people who are doing business in Saskatchewan and people contemplating doing business here. One of those changes will have a direct impact on the sale of businesses from one owner to another particularly where a national firm is being sold to local interests.

Can you tell me whether new owners, under the proposed amendments, would inherit the collective bargaining agreements of the businesses that they

purchase?

**Hon. Mr. Shillington:** -- I would say to the member opposite that detailed questions of that sort I think are best left for the Committee of the Whole where we can give you very precise answers. You're asking a very detailed question.

If the hon. member wanted to expand on the reasons why she voted against The Labour Standards Act on first reading, we might be prepared to get into that sort of a more general issue. But the more specific issues I think are best left for Committee of the Whole.

**Some Hon. Members:** hear, hear!

**Ms. Haverstock:** -- I find it rather amazing, Mr. Minister, that you can't answer such a simple question as whether or not changes to this agreement would result in someone having to inherit the collective bargaining agreements of the previous owners. Surely you know the answer to that. It would be either a yes or no, Mr. Minister.

Rail lines are being abandoned in Saskatchewan. And to keep their jobs and a much-needed service many people, including employees, have been looking at forming smaller companies to buy and operate these small rail lines. They think that there's a good chance of success, Mr. Minister, if they don't have the expenses of collective agreements and the overhead of the big companies that they're purchasing from.

Will The Trade Union Act amendments force new owners to inherit existing collective agreements in the case of short-line railways?

**Hon. Mr. Shillington:** -- I say to the member opposite that these are very complex issues. The member looks so surprised to find that this is a complex issue. The member is referring . . . I think the member is referring to the short-line railways. It's a very complex issue. We have entered into discussions and I believe the legislation which will be passed by this House will permit the . . . will protect the rights of all concerned including those who want to form short-line railways. But it's a very complex issue.

There's nothing new about successorship rights. That's a part of every decent . . . that is a part of virtually every trade union Act; that's not new. There is some refinement in the Bill and it is complex, and I would invite the member to attend Committee of the Whole and we may assist you in understanding some of the nuances of this.

**Some Hon. Members:** hear, hear!

**Ms. Haverstock:** -- Thank you, Mr. Speaker. I have been at Committee of the Whole, and besides which, Mr. Minister, if indeed I didn't have to meet with dozens and dozens of people who are concerned about your Trade Union Act and The Labour Standards Act, I'd be in here more often.

Perhaps if the Premier himself would have even

consulted his Premier's advisory committee on the economy prior to all of these proposed amendments, people in this province, the employers in particular, and the employees that are concerned, wouldn't have the kinds of concerns they have today; he would have had more wisdom than to allow you to bring these forward.

The people with the greatest potential for buying up short-line railways in this province are railway employees, Mr. Minister, and these are the people who are threatened with losing their jobs. This is very similar to Great Western breweries where the employees bought the brewery from Carling's and made a very successful company out of it. Officials involved in the employee take-over say that they would never have been able to turn their company around and save their jobs if the Trade Union Act amendments you propose had been in place -- that's what they're saying, Mr. Minister.

If the rail-line workers are prepared to let go of their collective agreements . . .

**The Speaker:** -- Order. Does the member have a question? Order. I want the member to put her question.

**Ms. Haverstock:** -- If they're willing to forfeit these things so that they could employ themselves and potentially create more jobs, Mr. Minister, how does your Trade Union Act protect the interests of employees in this situation?

**Hon. Mr. Shillington:** -- I say again to the member opposite, if you are able to attend Committee of the Whole when this is discussed in detail, I think you will find that the problem with . . . the problem that the short-line railways propose, if they emerge . . . (inaudible interjection) . . . Yes, if you can tear yourself away from your hectic schedule and attend the . . .

**The Speaker:** -- Order, order. Order. I think the member knows full well he is not to refer to members' presence or absence in the House and I wish he'd -- order, order -- I wish he'd answer the question.

**Hon. Mr. Shillington:** -- When the member attends the Committee of the Whole, as I'm now sure she will, the member will know . . . the member will then find out that this legislation does in fact, does in fact enable the parties to proceed. The legislation does not . . . I do not think will pose a problem to them.

**Some Hon. Members:** hear, hear!

**Ms. Haverstock:** -- People will be delighted that you finally answered a question, Mr. Minister, because C-40, Bill C-40 in Ontario brought forward by the New Democrats there in fact in 1992 forced companies to inherit existing union contracts. And that legislation, sir, very much affected rail lines in that province.

In fact what it meant was prior to 1992 there were several small rail lines purchased, including by

employees, that have proven to be very successful. Since the implementation of Bill C-40 in Ontario by the New Democratic government, none of the existing short lines have been able to be purchased. That has resulted, Mr. Minister, in rail line abandonment.

So do I have a confirmation, Mr. Minister, that your government is ensuring today that there will be no loss of service to rural Saskatchewan in their rail lines as a result of the trade union legislation?

**Hon. Mr. Shillington:** -- I must say, Mr. Speaker, when I see the member rise, I do indeed see the ghost of Ross Thatcher here, blindly reacting to any suggestion that anything should be done to improve the lives of working people, dredging up every conceivable scare tactic from far provinces to suggest that civilization is going to come to an end.

There is however, Mr. Speaker, one difference between the present Liberal leader and Ross Thatcher. As a general rule, it was my experience Ross Thatcher knew what he was talking about. No one has accused the present Liberal member of that.

**Some Hon. Members:** hear, hear!

#### SaskPower Employees Conference Attendance

**Hon. Mr. Anguish:** -- Thank you, Mr. Speaker. I want to answer a question that was taken notice of by the Minister of Labour, posed by the member from Kindersley on Friday, April 22.

I would want to confirm, Mr. Speaker, that 32 employees of SaskPower did in fact attend the Canadian Electrical Association conference in Toronto this year. And that's where the accuracy of the member opposite ends.

Of the five questions he asked, I'll go through these answers: 12 of the 32 SaskPower people were either chairing or delivering papers to the conference. According to the Canadian Electrical Association, Manitoba had 23 delegates attending the conference, not the four that the member from Kindersley spoke of. British Columbia had 38 delegates attending; Nova Scotia, 34; Hydro-Québec, 58; Ontario Hydro, 84 -- all of those sent more than the 32 delegates from SaskPower.

The combined total from the province of Alberta's utilities, Mr. Speaker, was 35 delegates. Again, higher than SaskPower's attendance.

In terms of the cost of the conference, Mr. Speaker, the total cost of the conference was \$53,595.22. That's about seven one-hundredths of one per cent of the total revenue at SaskPower.

The conference, in terms of its content, Mr. Speaker, the conference is the largest technical conference and exposition in the Canadian electrical industry. It is the most comprehensive utility conference, with over 800 delegates from Canada, the United States and abroad.

This was advertised as the only conference that dealt with all aspects of the electrical utility, from power production to end use.

It was a full week of technical papers, sessions, presentations and panels discussing related electric power systems. The conference focused on the changing direction of the industry at both the technology level as well as the operating level. The conference also offered opportunities to make contacts with suppliers of new, innovative products and technologies.

Finally, Mr. Speaker, I want to chastise the opposition . . .

**The Speaker:** -- Order. Next question.

**Some Hon. Members:** hear, hear!

#### SaskPower Consultant Hiring

**Mr. Boyd:** -- Thank you, Mr. Speaker. I direct my question to the minister for SaskPower. Mr. Speaker, he seems to take great delight in giving the answer to a question that his colleague took notice of. Maybe he'd also like to give the answer to this question that he took notice of back on March 11.

On a number of occasions during this session members of your government have taken notice on questions. This one was given to you, Mr. Minister, SaskPower minister, on March 11. No answer has been provided with respect to David Dombowsky's salary.

The minister said, and I quote:

I don't have the exact dollar amount, but I'd be happy to provide that . . . (member with the answer). I'll take notice to that portion of the question and respond to the House as soon as I have the information.

Well maybe you could give us that information today, Mr. Minister. Six weeks, six weeks seems like adequate time for you to have come up with an answer to the question, Mr. Minister. Could you tell us today, Mr. Minister, how much is David Dombowsky being paid by SaskPower?

**Some Hon. Members:** hear, hear!

**Hon. Mr. Anguish:** -- It is interesting, Mr. Speaker, to see how fast the member opposite wants to get off of the conference he thought was so controversial on Friday.

**Some Hon. Members:** hear, hear!

**Hon. Mr. Anguish:** -- I point out that where the hon. members opposite get their information from is sometimes suspect. The information on the electrical conference -- Reg Downs, who I understand is the press secretary to the Acting Leader of the Opposition, passed himself off as an energy of Saskatchewan

Environment and Resource Management to get information about SaskPower employees attending the conference. Instead of identifying himself as being from the official opposition office, he misrepresented himself to Mr. Frank Bradley of the Canadian Electrical Association. And that's what I wanted to chastise the members opposite for, is misrepresentation, not only in this case, but of the facts.

David Dombowsky gets \$500 a day for a day's work.

**Some Hon. Members:** hear, hear!

## MINISTERIAL STATEMENTS

### Canada-Saskatchewan Infrastructure Works Program Initiative

**Hon. Mr. Tchorzewski:** -- Thank you, Mr. Speaker. It's my pleasure to report to you and through you to hon. members, about an important Canada-Saskatchewan infrastructure works program initiative which was announced this morning by the provincial government, the federal government, and the Saskatchewan Association of Rural Municipalities.

This announcement of a major rural road project is an important commitment to rural Saskatchewan. Over the next two years the program will allocate up to \$30 million to upgrade an additional 650 kilometres of Saskatchewan's municipal rural road network. This will effectively double the municipal road activity undertaken in the last fiscal year.

A total of \$13.2 million will be allocated for the rural road project in this year. This is very good news for Saskatchewan, Mr. Speaker. Over 250 RMs (rural municipality) will be participating in this project this fiscal year and this means that the rural road project will create hundreds of important jobs for Saskatchewan people all across this province.

It is estimated that the rural road project will create approximately 500 direct and indirect jobs over the next two years. Because of the nature of the work involved in road construction, this translates into many more additional work opportunities for Saskatchewan people in road construction, technical and professional areas.

Mr. Speaker, today's announcement represents only the beginning of the infrastructure renewal and activity and job creation that will result from the Canada-Saskatchewan infrastructure works program. All Saskatchewan municipalities have now received their application packages and are reviewing their community infrastructure priorities to determine how they can best use their program allocations.

A total of \$85.7 million of program dollars will be directed to infrastructure renewal and development projects in Saskatchewan's urban and rural municipalities. Altogether, infrastructure works projects undertaken in Saskatchewan over the new

two years will total \$173 million. This activity is expected to generate over 3,400 direct and indirect jobs over the next two years, depending on the type of infrastructure projects that are approved for funding.

It will provide business opportunities for Saskatchewan firms, revitalize local communities and rural Saskatchewan, and stimulate the whole economy of the province.

Mr. Speaker, because of the cooperative efforts of the federal, provincial, and municipal governments, the rural road project announced today and other projects that will be announced in the days ahead will help fuel Saskatchewan economic recovery, create jobs, and improve the quality of life for all Saskatchewan people.

**Some Hon. Members:** hear, hear!

**Mr. Swenson:** -- Thank you, Mr. Speaker. I'd like to thank the minister for sending his statement over. I'd like to commend the minister for finally getting this undertaking under way. It is important that rural Saskatchewan finally receive something from this government in the way of assistance. After two and a half years of downloading, Mr. Minister, I'm sure that rural people will appreciate some of their hard-earned tax dollars coming back to them.

Mr. Minister, we'll be watching very closely to see that these projections on employment do in fact come through. Because any projections that you have made in the last two years, as far as employment, simply have been a non-starter. And the fact that 81,000 of our population are now on social services and that you've lost 12,000 jobs since taking office means that you now only have 11,500 to go in making up the deficit you created, sir.

So good luck with what you've started, but we'll watch very closely to make sure you keep your word to Saskatchewan rural people.

**Ms. Haverstock:** -- Thank you, Mr. Speaker. I too would like to make comment on the minister's statement this afternoon. And I am pleased that he did send his statement to me.

I find it most interesting, Mr. Speaker, the comments that are being made across the floor, especially that all delays are the result of problems at the federal government level.

I will make sure, as I have been over the last few weeks, that the members of the federal government do receive the comments of the members opposite -- the fact that all problems do lie at the federal level and that they are completely and totally unappreciative of the initiatives undertaken by the federal government. I find that rather surprising, given that without the initiative at the federal level, that this would not have been really taken up at all.

I do hope that the 3,400 jobs that are expected to be generated both directly and indirectly over the next

two years do happen. The people of our province desperately need employment -- what has not taken place as a result of **Partnership for Renewal** -- primarily because this government has refused to really forge partnerships with the business community in any real and meaningful way. We should be thankful that this kind of initiative has been undertaken.

I can only hope, and along with the Liberal caucus, that this proves to be highly successful. Heavens knows that the people of Saskatchewan deserve it.

## ORDERS OF THE DAY

### GOVERNMENT ORDERS

### ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 54

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Shillington that Bill No. 54 -- An Act to amend The Trade Union Act be now read a second time.

**Mr. Boyd:** -- Thank you, Mr. Speaker. Mr. Speaker, this Bill represents, I believe, an unwarranted intrusion by the government into the collective bargaining process.

These amendments will significantly enhance the ability of unions to organize workers, obtain and expand certification orders and bargaining rights, and secure first collective agreements, Mr. Speaker. And this is an important problem that businesses believe to be given to the unions by the government opposite in payback time, as some of them have referred to it as.

Some of the specific areas that the business community are concerned with -- an employer's ability to unilaterally impose changes to terms and conditions of employment once bargaining has reached an impasse, has been eliminated by removing the right of either party to terminate the collective agreement under the Act.

Employers facing economic restructuring in competitive markets will have no alternative but to lock out their employees and suffer disruption of business in order to convince an unyielding or non-believing union executive of the merits of its economic situation.

Another section provides for the continuation of a certification order, bargaining rights and collective agreements after the sale or acquisition of a business. This section has been broadened considerably so as to apply in a much wider variety of circumstances.

It will now be virtually impossible to spin off pieces of existing businesses by creating separate business units to perform that work at lower labour costs as non-union. The Act creates a new power of Labour

Relations Board to deem that a sale of the purposes of successorship has occurred if contracted services, cafeteria or food services, janitorial or cleaning services, or security services provided by a unionized contractor are let to another contractor.

The Act also gives the Labour Relations Board the ability to treat businesses, undertakings or other activities which operate under common control or direction as though they are one employer for the purpose of the Act. There is a very dangerous provision which would result in businesses which become related after this section takes effect, having one certification order and one collective agreement. This amendment would make it very difficult to avoid related business units from becoming unionized.

Another section created a requirement for an employer who has insufficient work as a result of the labour dispute, to provide workers who are laid off as a result, with notice or pay in lieu of notice in accordance with The Labour Standards Act.

This will be costly and will provide employees who have disrupted a business with a windfall. Businesses who have experienced a labour dispute will incur unreasonable expense during a period of no revenue. And I think this is something that businesses all over Saskatchewan are very, very concerned about, Mr. Speaker.

The reason is simple. Should they be paying benefits to employees when those employees are out on strike? And I think, generally speaking, across the province, business groups and employers all across the province are saying to us that they don't believe that if people aren't willing to work for them during a period of a strike, that they most certainly shouldn't be expecting benefits during that period.

The Act has broadened considerably and will now require employers to negotiate workplace adjustment. While employers will be required to negotiate once they have reached an impasse in negotiations with the union, they are able to unilaterally implement any change. Also if your collective agreement makes similar provisions you will be exempt from this section.

The Labour Relations Board is also given wide discretion to automatically grant certification or decertification without a vote by affected employees. And that's a very significant and unfortunate provision that the government has seen fit to put together.

Unions should not be exempt from the same rules and same things that everyone else works under in a democracy, Mr. Speaker, and that's the one-vote, one-person concept, and as well the holding of secret votes, Mr. Speaker, secret ballot type votes. That's an important consideration in the formation of a sound democracy, Mr. Speaker.

The Act also provides that a union may tender payments normally made by employees to provide benefits to employees on strike or if they're locked

out.

Mr. Speaker, these are just a few of the concerns that Saskatchewan businesses have from all across our province. And we're seeing now, Mr. Speaker, that people all over the province are speaking out. We've received numerous letters from business groups and employers all over the province. I've received a number from my constituency, specifically raising the concerns of certification votes and how a union is certified or decertified and the reasons that this type of legislation is not necessary.

(1430)

And columns all over the province are also condemning this labour legislation, Mr. Speaker. And I'd just like to quote from this column by Bruce Johnstone of the **Leader-Post** of April 16, 1994. I think he has some very good points that the government should keep in mind when it's bringing this legislation forward and hopefully bringing amendments forward to change this legislation to make it something that people in the province of Saskatchewan can live with. And Mr. Johnstone says:

. . . it should be said that the current Trade Union Act is essentially the same bill the Devine government inherited from the previous NDP government in 1982. It contains some of the most liberal rules for organizing unions in the country.

(In Saskatchewan, only 50 per cent of employees, plus one, must sign union cards to certify a union. No secret ballot is required.

And the Premier last week, Mr. Speaker, went into some length of a defence of that type of concern, that no secret ballot is required. And he says that it isn't necessary. But I believe, Mr. Speaker, that people all across Saskatchewan believes that secret ballots are indeed the proper way to hold an election in every respect, and unions notwithstanding.

That compares with a minimum of 55 per cent in Ontario and B.C., and 60 per cent in Manitoba and New Brunswick. Several provinces require a secret ballot. Arguably, only Quebec has a lower threshold, but in some instances a secret vote is required.)

Why should Saskatchewan feel that they would want to reduce the number of people required to certify a union? Mr. Speaker, that's an interesting question that I'm sure the government will take the time to answer.

What's wrong with voting by secret ballot? It seems to be OK for elections. Why not for unions?

And I think that goes to the very heart of the question when you look at a union vote, Mr. Speaker, and how important people feel a secret ballot is and why that unions should be exempted from that same provision that the very MLAs that occupy this House operate

under.

What's more, under the new act, the Labour Relations Board can unionize a business, even if the majority of its employees haven't signed union cards. If the board finds the employer interfered with an organizing drive, it can "judge" whether the interference caused the organizing drive to fail. If it does, then . . . the union is automatically certified (Mr. Speaker).

And I think that's a significant concern that Mr. Johnstone has raised here. When you look at the powers that will be given to that Labour Relations Board, they're extremely significant and strong powers that people I think across the province, once they become familiar with them, will realize that it's way too much power to be put in the hands of government appointees, the Labour Relations Board.

Once the union is certified, the new act says that there must be a first agreement. If the two sides can't reach an agreement and 120 days of conciliation fail, the Labor Relations Board can impose a settlement.

So we can see circumstances, Mr. Speaker, arising from that where the union and the newly formed certified union as well as the employer can't reach an agreement, and then after 120 days, the Labour Relations Board would step in, Mr. Speaker, and impose a settlement. And I can't help but think that that isn't going to be what business they'll be concerned about, Mr. Speaker.

When you have an independent -- supposedly independent board, but it will be made up of political appointees, Mr. Speaker -- coming in and saying to an employer what they're going to have to pay their employees, both in terms of salary and benefits and everything else, Mr. Speaker, what that settlement is going to be will be an extremely difficult thing for employers all over this province to deal with and to manage, Mr. Speaker.

Why would any union, or employer for that matter, make reasonable demands when they can make unreasonable ones and still end up with a contract?

So of course you can see that might be a concern, Mr. Speaker. When the union . . . if a union, or an employer for that matter, decides that they don't want this collective bargaining agreement, they'll make a whole bunch of very, very unreasonable demands, the 120-day conciliation period will elapse, and then we're into a situation, Mr. Speaker, where the Labour Relations Board will impose a settlement. And I don't think that's in the interests of the business or the employees in that respect.

In the event of a strike, the new act will force employers to pay all benefits and guarantee jobs to all unionized employees once the strike is over. If there's not enough work (and there frequently isn't after a strike), the employers

must give notice of layoff or pay in lieu of notice.

Mr. Minister, I think that's a significant concern as well that people all over this province, and businesses, groups, particularly, have -- that they'll be paying benefits and guarantee jobs to unionized employees, even though they're on strike, Mr. Speaker. So you could be looking at a significant period of time.

You look at circumstances like the packing plant out in Moose Jaw where they've been off work for something in the range of two years plus, Mr. Speaker, and the employer would still be responsible for paying benefits during that time period. And it's simply a provision that is unwarranted and an extremely expensive provision, Mr. Speaker.

Since benefits can make up as much as 40 per cent of employees' total remuneration, the cost of the provision would be substantial.

Perhaps the most objectionable section (of this) bill deals with contracting out.

The new Act states that contracting out services amounts to the sale of a business to which the union retains exclusive bargaining rights.

So even after an employer has sold a business, that same business will have to . . . the new owners, whoever they are, would have to retain the bargaining agreements that were under . . . the previous owners were faced with.

This section effectively prevents provincial and municipal governments, hospitals, universities, even mining camps from contracting out cleaning, security and cafeteria services. It even prevents the contracting out of "any other services that are designated by the board."

So once again we see the Labour Relations Board with very significant powers, Mr. Speaker, with respect to deeming of what services should be under this provision.

This government, which has offloaded hundreds of millions of dollars of spending cuts onto third parties, like municipalities and hospital boards, is now preventing those same third parties from cutting their own costs by contracting services out to more effective private sector companies (Mr. Speaker).

Given the one-sided nature of this legislation, one has to ask the following question: why is the government doing this?

Bruce Johnstone, and I quote, says:

Shillington has stated that he's merely "centring the pendulum" that has swung too far to the right under the Devine administration.

In reality, he's pushed the pendulum so far to the left that it will destabilize labour management relations for years to come.

Mr. Speaker, and I think that sums up the concerns that business groups all over this province has, as well as employees all over this province. It will destabilize labour relations for years to come, Mr. Speaker. And that's an important thing that the government, I think, has overlooked, that they have swung way too far to the left on this very significant concern, and the people all over the province are reacting to that.

We see business groups, Saskatchewan business groups, taking out full-page ads in newspapers all over Saskatchewan, outlining the concerns that they have and outlining the reasons why they believe everyone should be concerned, Mr. Speaker. And I'd just like to quote from this advertisement that they have taken out:

Everyone should be concerned!!

-- non-union employees should be concerned about new laws that could force them into a union and to pay dues from their wages to that union . . . when no employee has been taken or even if the majority of employees reject unionization.

-- newly unionized employers should be concerned about new laws allowing the Labour Relations Board to impose a first union agreement

-- employers with existing union contracts should be concerned about new laws which will strengthen the union's hand in refusing to negotiate changes to a non-competitive agreement

-- taxpayers should be concerned about new laws that will prohibit Crown Corporations and governments at all levels, including municipalities, hospitals, and school boards, from ever lowering costs by contracting out services.

That means higher taxes, Mr. Speaker.

-- all citizens should be concerned about massive changes to the labour standards through bureaucratic regulation . . . than through the scrutiny of democratically elected legislature.

Mr. Speaker, all of those are the types of concerns that we're hearing from groups all over the province of Saskatchewan -- the reasons why they believe that the government has gone too far with this piece of legislation, Mr. Speaker.

And there's lots of groups from all over the province that have had input into the discussion so far, Mr. Speaker. It's important that we can hear from as many

as possible. We have heard from a lot of groups across the province. Unfortunately the government as well has heard from those groups and yet they still have decided to proceed with this very important piece of legislation, and a piece of legislation, Mr. Speaker, that I don't believe is necessary. And I'm hopeful that the government will see that as well and decide to back off from this labour relations as well as The Trade Union Act, Mr. Speaker.

So at this time I take my place and allow other members to enter the debate with respect to this.

**Mr. Devine:** -- Thank you, Mr. Speaker. I want to join with my colleague in speaking to these amendments to The Trade Union Act and Bill No. 54. Mr. Speaker, many of the comments that we have made in the legislature are similar to the concerns that we have raised with respect to other pieces of legislation that is before us. The Labour Standards Act, Bill No. 32, is now before us as well.

And it seems like the government is pushing both of these very, very hard at the same time. And we've got to ask ourselves why this might be the case. And if we look at the objective of the government we are finding as we talk to the general public, that they, the general public, can't seem to follow the justification for pushing these two pieces of legislation through the House.

Let me give you some examples as we've seen in other jurisdictions and now in the province of Saskatchewan. When I raised this with the Minister of Labour, I asked him, Mr. Speaker: will this do anything to create economic activity and jobs in Saskatchewan? And he says, that's not what it's about. I said: will it do anything to make it more difficult to create economic activity? What will the business community think about that? And he says, oh this is just to correct past wrongs that have been there for some time.

I asked the minister: isn't it the business community that creates most of the jobs, and particularly small business? He was reluctant to acknowledge that, although the Premier's acknowledged that, the Minister of Energy, and the Minister of Economic Diversification have acknowledged that.

Well if it is small business in towns and villages and cities that create most of the work and they don't like this legislation and they say it's going to hurt the relationship between business and labour and it's going to discourage money from coming into the province -- and those are facts; those are true; that's the case -- then why are they introducing these two Bills at the same time that will discourage investment and make it more difficult for small business to carry on successful and profitable operations here in the province?

Now the government hasn't answered those. No minister has stood in his place

and said, this is what it's going to do to business and economic activity and justify it. And no minister has now stood in his place and said, but this will improve economic activity and create jobs. None have defended it on that basis.

And, Mr. Speaker, the reason that the public are concerned, your constituents and mine and several others with respect to these Bills, is the fact that we have 81,000 people on welfare in Saskatchewan. The numbers on welfare are growing and growing under an NDP (New Democratic Party) administration. Under a socialist, left-wing administration, the numbers on welfare are growing leaps and bounds.

And the business community across North America will tell you, whether it's in Ontario or B.C. (British Columbia) or any place else, that if you get a socialist government in, the business community sort of just sits; minds its p's and q's; hopefully they won't bring in some strange legislation, and kind of cope until they're gone.

Well we have 81,000 people on welfare and no new jobs and no new businesses talking in an excited way about Saskatchewan. And on top of that, Mr. Speaker, we have 31 or 34,000 people unemployed. Now that's over 110,000 people in Saskatchewan that either are on welfare or unemployed. And they're saying, what about me?

So it's not just the business community, and it's not just those that could invest. It's all those people that are unemployed are saying, well it's fine to talk about a longer lunch hour break or some other benefits if you're working, but what about all the people that are not working in Saskatchewan? If it's over a hundred thousand people, Mr. Speaker, that's 9 out of the 12 cities in the province of Saskatchewan are unemployed. It's all of the city of Yorkton, all the city of Estevan, Weyburn, Swift Current, the Battlefords, Prince Albert -- nine of the major cities in the province of Saskatchewan are unemployed. And the government brings in legislation and amendments to legislation to make it more difficult to create jobs and put people to work.

(1445)

And none of them, not one in this legislature, can stand up and tell us why they're doing this. Is it for their children, the unemployed, those on welfare? Clearly not. Is it for the business community, to invest here? Clearly not. Is it for better relations between the business community and labour? Clearly not, although the minister says this will make it a lot more comfortable . . . (inaudible interjection) . . . No, it wasn't.

What he really admitted was the pendulum swung on the side of labour and organized labour, so if you are organized you have more power, and if you're not organized it's easier to get organized so you can have that kind of power and put management in its place. That's what he said; the pendulum has now shifted over to union leaders.

Well in good conscience, Mr. Speaker, why in the

world would a government who cares about people, who say they care about people -- that's the terrible part of this -- socialists who say, I really care about low income people, I care about the unemployed, I care about those in food banks, I care about those that are on welfare, if they really cared, why would they do this at a time when we have the highest numbers on welfare, the highest numbers in the food bank, and the highest number of unemployed that we've had maybe ever in the province of Saskatchewan's history?

And the NDP bring in legislation to make it more difficult to employ people -- country, cities, farms, businesses, agriculture, oil, manufacturing, pulp, paper, timber -- and they bring in changes to The Trade Union Act and changes to The Labour Standards Act that absolutely change the balance and the scales of economic justice to put much, much more power in the hands of union leaders.

Now, Mr. Speaker, I ask that because all the public are asking. And then if you give them the answer, as we know in this House, Mr. Speaker -- you've been around long enough and certainly the government members have, some of them -- when you really get to the real answer of why they're introducing it, is that they have a priority. And that priority is just a little different than the people. That priority is not the 81,000 on welfare; that priority is not the 30-some-thousand unemployed; that priority is not the small-business entrepreneur, man and woman, who are putting together these companies; that priority is not creating economic activity and growth in the province of Saskatchewan. Well if it isn't any of those, what could this . . . what justification could they come up with?

Now if you say to the public, well really this legislation, changes to The Trade Union Act and changes to The Labour Standards Act, is here for one reason only, and they say, well what's that? Why would they do this to the people of Saskatchewan? Well they hope that it will muster support among labour so that the NDP can get re-elected.

And the general public that's unemployed or the small business or others who thought that the NDP might be reasonable would say, ah, they'd never do that; are you serious? And they said no, they couldn't be that cynical, that unfair, that uncaring. These so-called socialists, these people who are the mother's milk of the political spectrum, were there for the little guy; how could they ever do this? They'd never do it.

And we say, well fair enough; if you don't think that's the reason, tell us what it will do for you if you're on welfare; tell us what this legislation will do if you're unemployed. Find a business person who endorses it; find a middle-of-the-road or NDPer who's in business, who says, yeah, I guess they have to do it, I guess they must do it to kind of get their political support up, but I don't like it. That's what they'll tell you.

Find businesses, investors, and if you talk to politicians across the country, they'll say, well it looks like the old sort of NDP strategy -- I'll one-up you no

matter what jurisdiction you're in, or from -- is now alive and well in Saskatchewan. And this administration which stemmed from the Blakeney administration that lost so badly, says, we're going to keep ahead of Bob Rae; we're going to keep ahead of Bob Rae.

Bob Rae's introduced legislation that have made him so unpopular that there are people in Ontario, if you survey with them, or survey them, they'll say, I'm not only not going to vote NDP this time, I will never vote NDP again -- ever in my life. Why? Because they've introduced legislation that has brought that great industrial heartland, Ontario, to its knees. People have left Ontario -- that's why Crown Life, in part, said the atmosphere in Ontario is terrible.

And the NDP in the province of Saskatchewan are now copying that. For what, Mr. Speaker? Did the legislation introduced in Ontario help the Ontario economy? No. Why was it introduced? Well people are still shaking their head, Mr. Speaker. And then to see an administration, a new government in the province of Saskatchewan, copy Bob Rae, copy NDP Bob Rae, who may be just one of the most unpopular premiers in Canada, and bring in legislation that puts more people out of work at a time of crisis in terms of those on welfare and those on unemployment, is unbelievable.

So we go back to the public, Mr. Speaker. And the public says, but the NDP wouldn't just do that, just to get re-elected or just to try to get re-elected and to shore up union support. And we said, well yes they would. They've broken the legislation; they've broken their word. With great respect, Mr. Speaker, we could go on here at length of how they've broken their word. They said no new taxes and they said no PST (provincial sales tax), and they said we will change legislation and we will eliminate food banks and we will help farmers with the cost of production. We will do all these things -- and they didn't do them, Mr. Speaker.

And they found out that governing is just a little bit more difficult than they might have thought, or certainly more difficult than they campaigned as. And what do they do? Well we don't have much to give our union friends that were responsible in good part to get us elected and certainly will be responsible for getting us re-elected, so I'll tell you what we'll do, we will give them power -- that's what it's about.

This legislation, amendments to the Act and The Labour Standards Act, are about power -- they're about the NDP government having the ability to get re-elected and stay in power. And the way they're going to do that is give power to union leaders so that they have power over management and power over the business community, and then the two of them can have power over Saskatchewan people.

That's what it's all about. Not about helping Saskatchewan grow; not about entrepreneurial economic activity -- it's shameful. I don't know how members over there can look at their families and look

at their communities and say this is good for Nipawin or this is good for Melfort or this is good for Regina or this is good for anything in Saskatchewan -- because it's not. And the members can chirp from their seat because they don't like to hear it but it is the absolute truth. This does not create work; it puts people out of work, and it destroys Saskatchewan's reputation as being a professional, middle-of-the-road political place to be. It's taken us way back to the left.

As a result of that, Mr. Speaker, you know what it will do in the province of Saskatchewan. Well what this really is, Mr. Speaker, is the behaviour of an NDP government that's in trouble -- in big trouble, not only in rural ridings all across Saskatchewan but, as we saw in Regina North West, in urban ridings.

The member from Shaunavon didn't just cross the floor because he was worried about . . . this was prior to labour legislation. He says what the NDP are doing not only in legislation, but in health care and agriculture, is awful. And here's the former NDPer who crossed the floor and said, away with you; you don't care -- you talk with a forked tongue. And that's in a rural seat.

And in an urban environment, Mr. Speaker, what do we see? An NDP stronghold goes down. They fail because they're in trouble. They didn't tell it to the people.

They campaigned -- just imagine, Mr. Speaker -- they campaigned on the big debt and they all promised tax cuts at the same time, as if that's responsible. And when they do win and they can't do it all and obviously have to break their promises, guess what's happened? They start to lose.

Well, Mr. Speaker, the nub of this is clearly as a result of the NDP trying to shore up the centre of their support in downtown urban Saskatchewan. No more, no less. If urban Saskatchewan would continue to vote as they did in the by-election, that is to say to heck with these socialists, I'm going to vote Liberal or I'm going to vote Tory or I'm going to vote something else, then the NDP are in trouble.

Well, Mr. Speaker, clearly this is the result of a government that has a great deal of worry about its success. It's a one-term government as a result of the things that they have done. And they said, we have to shore ourselves up provincially, right here in the city of Regina and the city of Saskatoon, particularly. Because they look at Shaunavon, they look at Regina North West, and they know they're in big, big trouble.

So what should they do? They run the risk, Mr. Speaker, of putting more people onto unemployed -- and there's 30-some unemployed; putting more people on welfare -- 81,000 on welfare; upsetting the business community and the investment community if they can only save their hide in downtown urban Saskatchewan. And that's what this is about.

Who speaks for this legislation? Barb Byers, union leaders. That's it. How many jobs have union leaders created? Could you give me a list? How many jobs have union leaders

created anywhere? That's not their responsibility. They don't create jobs.

And if we're in an economy where we have a lack of jobs, why turn more power over to somebody who has never created any? Not one. Maybe for themselves. Not one. There is no historic evidence that union leaders anywhere, have you ever created work. Once you've got some work, then they'll tell you how to look after the employees, but they do not create economic activity.

So now we have in the province of Saskatchewan under these despicable conditions of 80-some thousand people on welfare and 30-some thousand out of employed, 9 out of the 10 cities of Saskatchewan -- 9 of the 12 cities of Saskatchewan -- totally unemployed or on welfare. Imagine that. Entire cities out of work and you're bringing this in. And why? To give more power to the union leaders.

Well you're in trouble. But the jig's up because people know why you're doing it. They'll know all over Regina, they'll know all over Saskatoon, and they'll know every place else that you've put all these people out of work. You've now been in government a couple years. All this is yours.

You're adding to the debt every day. You don't talk about the debt any more, we don't hear you talk about the debt. It's about your little deficit plan. But you've added to the debt, added to the debt, added to the unemployed, added to welfare, and you have no economic activity and you're introducing legislation to put more people out of work which will add to the debt.

What do they tell you in caucus? How do they justify this? How do they justify it? Who's this good for? Riding after riding after riding must stand up and just say well, if I just be quiet we'll get it through this session and then it will be done and then all those labour leaders and organizers will be out there in my riding to help me get it done. Well believe me, the public will see through it.

If this Act, changes to The Trade Union Act, are the result of a government in trouble, this behaviour alone is reason enough for this Assembly to defeat this Bill. And in good conscience every single member of this Legislative Assembly, if you cared about unemployed or jobs or economic activity, should defeat this Bill. Don't just vote the party line, don't just vote because someone in caucus said well we better do this because we're losing support.

You've lost support in by-elections, you've lost support, rural and urban, and you've got big trouble. And your predecessors in Ontario and in British Columbia are paving the way for you to go to oblivion. One-term government -- one term and people will say well, you know, good riddance.

What did they do? They retroactively changed the law. They broke their own laws. They didn't create

any jobs. They gave a lot more power to union organizers and managers to try to stay in power and set the province back 10, 15 years in terms of reputation again. You might as well have gone out and nationalized some more potash mines.

Why didn't you just buy up a bunch of farms or take over a bunch of companies and tell the rest of the world how good you are in Saskatchewan? It took us decades to get over those silly moves of the Blakeney administration -- decades.

And they laugh at the public, Mr. Speaker. Imagine, they laugh at people who are unemployed.

**An Hon. Member:** -- You're not the public.

(1500)

**Mr. Devine:** -- Well the member says I'm not the public. Go listen to the public. Go to the public in Regina North West say. What did the public in Shaunavon say? Try another by-election anywhere, try some by-elections.

They chirp, Mr. Speaker, because they know in their conscience they should defeat this Bill and the changes to this legislation because the public out there is saying what is the NDP doing for me? -- diddly. That's what they're doing. Nothing.

So now they are going to pay off. They said no patronage. You know what this Bill is about, Mr. Speaker? This is about pure, unadulterated, political patronage. Pay-off to those who helped them win an election. That's what it is because there's no other justification.

Mr. Speaker, no Bill conceived in such an atmosphere of bad faith can possibly hope to achieve a public consensus that such a major piece of legislation requires in today's legislature.

The NDP government loves to typify the approach of anybody that speaks out against them as to divide and conquer. If we speak out against this legislation, or anybody else does, they say oh, but you're just splitting management against labour. You don't care.

Well that won't wash any longer. We care, and the public cares, about creating jobs. The truth is it's the NDP government that are trying to divide and conquer, as they did in Ontario and it didn't work and as they're trying to do here and it won't work.

Enhanced powers of arbitrators and mediators that reduce direct communication between workers and management -- what will that do? Nothing but divide and conquer. Split the different between management and labour. That's the plan. It doesn't make it more cooperative, more productive. And they are the ones that are doing it. It's their divide-and-conquer strategy. They will have outlawed communication from employers while not addressing problems of threatening communication from unions. So one side can communicate and the other side can't

communicate. Well isn't that nice.

How's that fair? What does that do for Saskatchewan's reputation? Well if you're in management, you can't communicate to the employees, but if you're a union leader, you can. Is that fair? Is that fair in Kelvington? Is it fair in The Battlefords? Is it fair in Swift Current? It's not fair in the Soviet Union for Heaven's sake, or what was left of it. It's not fair anywhere. At a time particularly when we got all these people on welfare and unemployed, why would you introduce something like that and stick your head up and say, well this is really going to make it nicer for everybody.

How in the world did you get it by caucus? Were you asleep at the switch? Did they say, oh we're bringing in the Bill? Don't you have a legislative review committee in the NDP caucus to go over all this stuff? What were you doing? Where are all these back-benchers that got some heart and soul? This may be your only time in this legislature; you got two years left; are you going to go down and say, well I'll just follow along; our claim to fame was that we brought in changes to The Labour Standards Act and The Trade Union Act.

Well I'd say you'd better go back and read it. You have an executive meeting at home; you go talk to your constituents and see what they say about this legislation. They'll tell you, what are you smoking; why didn't you bring this up earlier; we can't defend this. No honest-to-goodness working man, woman, family, person . . . How about your children -- they want jobs, they want work. How does this help them? You can't say to your wife, your kids, your husband, anybody, that this is a good idea.

They've outlawed communication from employers while not addressing problems of threatening communication from unions. This is an affront to rights of free speech. In the workplace, you don't have free speech. I know you've muffled it in here. You've even voted without the opposition in the legislature -- first time in Saskatchewan's history. Didn't seem to bother you. You did it on GRIP (gross revenue insurance program); you'll do it again on judges; you'll do it on whatever you like -- real authoritarian dictatorship. But now you can't have free speech in the workforce, as if that's good for somebody.

Again I say, Mr. Speaker, this legislation is divide and conquer. Any communication regarding the individual worker's rights in labour negotiations must now be referred to the bureaucracy, which is not well known for supplying clear, helpful, or timely information. So if you do want to communicate, you got to go through bureaucrats now; you can't do it face to face, except under the conditions laid down by the NDP, who were in power and giving the union leaders this power to stay in power, and that's the people you've got to communicate to if you want to talk to somebody else.

Mr. Speaker, they have created new areas of potential resentment between employers and employees; for example, in requiring management to supply benefits

to striking workers. If the business offers day care, the employer will have to benefit the workers' kids while they walk the picket line. This is hardly helpful in creating an atmosphere of harmony.

They have just turned a blind eye to common sense. They are going to make it so difficult to get along between management and labour that it will . . . You could just give a barn burner of a speech on this legislation and amendments to this legislation any place in North America and they'd shake their head. It takes you right back to the crazy days of the NDP when they were full of power and they said, well we'll just do whatever we like. And they lost miserably. This is just reminiscent of those days.

We heard in question period today, SGI, Mr. Speaker -- and you'll recall this -- is advertising again what a nice monopoly it is. Mr. Speaker, I'm sure you and I and others in this House can remember going to movies when SGI advertised -- before you could watch the movie -- how good they were, and people booed it from here to La Ronge. What in the world is the government doing? They have a monopoly, they're the only people in town, and they're spending government money to tell us how good the monopoly is.

And the minister got up in question period today -- and I couldn't believe it -- he says, well the government, in a democracy, has the obligation to inform the public and therefore monopolies can advertise. At random, with no constraints? That's why you got into trouble before. People said, never, come on.

Well, Mr. Speaker, they have set up Draconian penalties for unfair labour practices that can be based on nothing more than hearsay which have no avenue for appeal. The government is also undermining the competitive business atmosphere in many, many ways, slowing down needed technological change by throwing up time constraints on how quickly they can be implemented.

Now imagine that. Technology is changing very, very rapidly and ever more quickly, and under this legislation you can slow up technological change in the business community in the province of Saskatchewan. So if you're not unionized and you run a high-tech company and you're changing very rapidly, they can bring in a union to make sure you are organized, and then they can slow up your speed of technological change. Doesn't make any sense, but they got it in here just to give more and more and more power to labour leaders.

They also have hampered the ability of business, Mr. Speaker, to achieve cost savings by restricting the ability of unionized businesses to tender out services. So now they're going to manage the tendering business. The Minister of Labour swears that this is not happening, but given the undue speed with which this legislation is being pushed, we certainly haven't had anything from him to clarify it. All the more reason that this legislation should be pulled until the issue

can be studied and looked at very clearly, and clarified by the members. They're just pushing these two pieces of legislation as fast as possible.

The legislation not only fails to address the ongoing problems with workplace democracy, especially regarding the availability of secret ballots, it actually makes these problems worse. Certification and decertification have now become even more undemocratic. So here it is, the New Democratic government bringing in undemocratic law and principles to govern yourselves in management-labour situations; you are introducing undemocratic principles and standing in here and voting for it.

Can you imagine what you're doing and the atmosphere you're creating for the next administration that comes in here? They are going to say well, we're only here for a little while, we'll just do all this stuff as rapidly as we can. We don't care about the consequences; we'll just get it in. Hopefully, we'll make it one more term and the devil take the hindmost

Well the problem is you've poisoned the atmosphere and the reputation of the province. You've put people out of work for years, you disheartened the business community, you put more people on welfare, you add to the debt, and the combination of all those just makes Saskatchewan stick out like a sore thumb, blessed with resources but stuck with an administration that is so politically hidebound by its political philosophy they have to do this anyway, and it makes no sense.

Mr. Speaker, I want to make one more comment and beg leave to adjourn debate. A business can be certified if a related company anywhere in Canada has been certified. A decertification vote can be annulled if a small minority of workers claim that unfair labour practices have been followed. In both cases, the wishes of the majority of workers in the businesses are ignored.

It is hard to see, Mr. Speaker, how this will serve to build a consensus and goodwill between management and labour.

If you look through the entire provisions of these two pieces of legislation, and today The Trade Union Act, there is over and over and over and over again amendments to those Acts, and this Act particularly, that will make it more difficult to communicate, more difficult to cooperate, therefore more difficult to have new business come in.

And remember, Mr. Speaker, unions don't create new businesses or jobs. Everybody agrees it's small business that creates two out of three jobs. So if it's more and more difficult for people to get along, then they won't create the work.

So what do we have here? A small number and smaller number of unionized businesses in Saskatchewan, and we'll have a shrinking, as the media says, a shrinking and shrinking and shrinking economy

despite the bountiful resources that the good Lord gave us.

Well, Mr. Speaker, we are certainly going to encourage people to defeat this legislation, and similar kinds of legislation. And we have a great deal more to say about it, but I beg leave to adjourn debate, Mr. Speaker.

Debate adjourned.

### Bill No. 6

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Lingenfelter that Bill No. 6 -- An Act to amend The Community Bonds Act be now read a second time.

**Mr. Swenson:** -- Thank you, Mr. Speaker. Mr. Speaker, I'm going to make a few brief comments on Bill 6, and then we'll move that this Bill go to committee, because I think that's where we need to properly deal with it.

Certainly the issue of community bonds is one that isn't new to the province of Saskatchewan. It was an initiative of the former administration and one, I think, that was fairly wholeheartedly endorsed, Mr. Speaker.

I remember the comments that came out in the media during that period in time in 1990 when the concept was developed. And I think, by and large, it was recognized as a potentially very valuable tool, especially for the smaller communities, the rural areas of the province, which traditionally have had trouble accessing capital for projects and new business concerns.

It has been an ongoing problem in this province, Mr. Speaker, to get lending institutions to back initiatives in communities that don't have large infrastructure -- areas where you don't have a lot of collateral, for instance, to put up to obtain new loans.

And certainly, we've seen over the last number of years with the economic situation as it's been in Canada, particularly when the high interest rates were a problem, that people did have a great deal of problem in accessing capital.

The concept in community bond, as we all know, Mr. Speaker, is so that local citizens can put up some risk capital, have the understanding that there's some backing there from government and from local municipal jurisdictions, and use that capital then to entice businesses, factories, value added concerns primarily, some tourism potential, into those areas. And I think Saskatchewan communities have wholeheartedly adopted that principle.

(1515)

What we are seeing today in this particular piece of legislation is to allow the regional economic development authorities, the REDAs, to incorporate as community bond corporations. And REDAs I think

are being endorsed in the province; we've seen three of them up and running now, Mr. Speaker, that weren't there previously. They took another initiative of the former government and have basically expanded it out to a larger area.

And I think ultimately, Mr. Speaker, the strength of rural Saskatchewan will be that as we see consolidation -- we're seeing it in health care. I think we'll see it somewhat in education. We'll see it in municipal government -- that people have the tools at hand to do what is necessary.

This Bill also has an exemption of the Securities Commission process included, and that's one that will certainly need some discussion in here in Committee of the Whole, because I think we all have to be very clear on how that process is going to work. Obviously if you're going to invest your hard-earned money in something like this, you want the assurances that the proper checks and balances and due process are there, and also there's some other housekeeping amendments that we think we'd like to discuss there, Mr. Speaker.

It's interesting that as one looks around the piece in Canada, that other jurisdictions are beginning to look at adopting this format. I recently obtained an economic blueprint from the province of Ontario, as put forward by the Progressive Conservative Party in Ontario, and it appears that the community bond program is going to be a major plank in their election platform there, in the election that is expected quite soon.

They have similar problems in Ontario as to what we've faced here. The government there has initiated a number of programs which have resulted in very high unemployment, large welfare rolls, have tinkered with the labour legislation to such an extent that rural Ontario in particular is finding a crying need for investment capital and some way to start re-employing people. And it appears that the issue of community bonds will be one that will be hotly debated in the province of Ontario during the next provincial election campaign there.

One thing that we must be aware of, Mr. Speaker, is that the same process that community bond corporations have gone through in the past have to be done as far as the REDA initiative. And instead of having one town in a municipality or a couple of municipalities now involved in selling shares, you're going to have much larger districts involved. And I think you will have some overlap.

And I think it's very important as this legislation proceeds, that people in these larger areas who may not necessarily know the individuals involved with the prospectus or the initiative because they're in a much larger economic unit, have that sense of security that is necessary for people to put up their money, and also that government have the security. Because as we all know, Mr. Speaker, community bonds have got the backing of the provincial taxpayer.

And certainly that will be an issue, as has been the question of what happens when bonds come to maturity in some of the existing community bonds corporations.

Those are issues that I think any potential investor needs to clearly understand, and clearly needs to understand sort of the direction that the government's taking because once that bond comes to maturity, obviously the corporation has to be able to either pick up the slack as far as that investor goes or be prepared to issue shares, do those things that are necessary to maintain confidence in the initiative.

And it was a criticism that was levelled by the past opposition in this House, about what's going to happen when these things comes to fruition. And not very many of them, Mr. Speaker, have actually been in place long enough for that to happen.

Those are the kind of questions I think people want answered and they probably are dealt with better in committee than in general conversation in this House. So, Mr. Speaker, I would move that the Bill then proceed to committee.

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

#### Bill No. 5

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lingenfelter that Bill No. 5 -- An Act to establish the Tourism Authority be now read a second time.

**Mr. Swenson:** -- Thank you, Mr. Speaker. Mr. Speaker, this particular piece of legislation obviously encompasses a much larger area than the topic which I just previously addressed. This is a fairly dramatic change in the way that the province of Saskatchewan delivers and works with people in the tourism industry.

As those of us who live here know, Mr. Speaker, this province has got a lot to offer in the way of tourism. We have a very large province with a very small population. We have a lot of area in this province, Mr. Speaker, that would be considered by many in North America to be fairly pristine and in its natural state, compared to many other areas of this continent and certainly around the globe, Mr. Speaker.

We have not probably been the best at marketing. I look around at jurisdictions on either side of us and certainly to the south of us, and the job that they've done as far as selling themselves to outsiders, I think is one that we should look on with some envy.

I noticed yesterday in my mailbox in Moose Jaw, a flyer that came from the state of South Dakota. And South Dakota was busy marketing all of the attributes that they have. And I must say, Mr. Speaker, that it was an impressive piece of work. Certainly the people in South Dakota know that tourism is a big part of what

they do in that state.

And I think the province to the west of us, Alberta, have also done a remarkable job in telling outsiders about the things that they have there to offer to people. Certainly Alberta has mountains which we don't have, and a few other things, but I don't think we've really explored in this province all of the avenues that are available to us. And one of the reasons I think that that hasn't occurred is that we have had a very bureaucratic approach, Mr. Speaker, to solving some of these issues here.

What the government is proposing here is that we have a major decentralization of the tourism initiatives in this province. That there will be a tourism authority established; it'll be a general council, at present made up of 39 members, 6 appointed by the government, and roughly three each from a variety of interest groups. This council, this tourism council, then would be charged with meeting at least twice a year, Mr. Speaker.

And I think it's a good concept. It's a starting point that is absolutely necessary to put some of the initiative and some of the responsibility in the hands of those who are directly involved. Approximately a third of the council would serve as the board. The day-by-day, if you will, administration, Mr. Speaker, of the council then would be in the hands of a segment of the council.

This particular board then would also have the ability to hire employees and they would be able to set certain policy parameters. I would expect, Mr. Speaker, that this board would encompass people from the aboriginal community, people from existing organizations like TISASK (Tourism Industry Association of Saskatchewan), perhaps our northern outfitters. Certainly the larger cities have fairly extensive tourism-related departments within the city administrations to deal with.

Among other things that the Bill would achieve, Mr. Speaker, according to the government, is that it would allow groups that are directly concerned and have the most experience in policy areas to actively formulate their own affairs.

It also would make groups partly responsible for financing their own initiatives and coming up with their own solutions as far as money goes, therefore breaking the mentality and the dependency on taxpayers' dollars.

It potentially is supposed to reduce the size of government bureaucracy, Mr. Speaker. It is supposed to depoliticize the process surrounding tourism in the province of Saskatchewan.

We hope, Mr. Speaker, that with this initiative that we're not reinventing the wheel. And there has been some concern that . . . And I'll outlay how that concern comes about, Mr. Speaker, as far as reinventing the wheel. Because the last thing we need to do, I think, is rehash some of the previous marketing

strategies, public awareness strategies that have been employed in the past, in the fact that the tourism industry should develop those things on their own.

It also lays out, Mr. Speaker, the fact that the minister is not directly answerable to the decisions of the Authority. And I think that's one that is going to necessitate further questioning in Committee of the Whole. Because at some point here, with any expenditure of public dollars, you have to have accountability.

And as we've discovered with the issue of health, Mr. Speaker, where we've gone to the third-party groups, we now are involved in an ongoing discussion with the auditor who is having trouble discerning what is his role in auditing these independent or quasi-independent groups according to provincial legislation and what the government's view is of that audit.

And I think that we will find some of the same issues here, Mr. Speaker, as we're finding in health, where there are direct public dollars going in, even though it is removed, at arm's length. You are going to see the need for accountability because the minister, by order in council, has the ability to appoint people to the board.

And because there is that direct involvement of appointment by the minister, I think the issue of accountability will have to be addressed. And in my reading of the Bill so far, Mr. Speaker, I see nowhere does it clearly define what will be the accounting procedures and who ultimately will be responsible for answering for those dollars expended.

We hope, Mr. Speaker, that like municipal government and health boards, that we will not see this as simply another way of offloading. As I pointed out earlier, a number of the municipal jurisdictions in the province already have significant money, time, and people involved in promotional activities surrounding tourism in their communities. And if this is simply a method to offload more provincial government responsibility in those areas, then I don't think it's going to be appreciated.

There are a number of issues, Mr. Speaker, that are around this that I think are going to have to be addressed, and I'm not sure the government has thought out all the answers.

One thing that the Bill suggests is that the new group, the tourism council of Saskatchewan, is going to be responsible for all of the employees which currently work for the provincial department, i.e., anyone that is there currently will have to -- they and their current salary, Mr. Speaker, and their current arrangements -- will have to be picked up by the new Authority.

And I think the feedback I'm getting is, Mr. Speaker, that people would have liked a little more latitude because there is a fairly high cost associated with that type of a lateral transfer. I'm not sure that people involved in the tourism business in this province want

some of the employees that previously they didn't agree with as far as policy directions.

And I'm wondering, Mr. Speaker, if this wasn't a caving in by the government to people within the public service unions who were demanding that before this be allowed to proceed to this House that there would be some quid pro quos in place that would mean that there would be no effect on the membership of that particular public service union.

Mr. Speaker, a lot of the tourism industry, as we know -- and I'll get into that in a minute -- is delivered by students, by people who are part-timers, by people who don't rely on the tourism component as their main source of income. And I think when you look at some of the people involved in here like the hoteliers and others who do employ large numbers of people either at minimum wage or close to minimum wage, who do rely on a lot of part-time and seasonal help, you can understand their concern where they would agree to buy into this new council and be told that they have to take all of these full-time employees, the office space that goes along with them, and they'll have to include that in their budget.

(1530)

Obviously, Mr. Speaker, and I've been told this directly by people, that there was significant pressure by the groups involved in this to remove the Authority, for instance, from the city of Regina. Not that any of them have specific concerns with the city of Regina; it's just that they felt that the delivery mechanism would be more autonomous if it was removed from the seat of government, that they would have more ability for input if that Tourism Authority existed somewhere else.

And it wasn't a case of Swift Current bidding against Saskatoon or Melfort bidding against Yorkton or anything like this; it was simply an honest desire I think, Mr. Speaker, to sort of have this Authority removed from the milieu of a government town, if you will. They felt that they would have more ability to influence and implement than if it was directly tied here. And there is some sympathy, Mr. Speaker, for that type of initiative because so much of the tourism in this province occurs obviously in some of our rural areas and outside our two major cities.

I hope that as the body is up and running -- and it's projected to be I think about October of this year -- that that autonomy will allow them to start making some of those kind of decisions, that that autonomy will allow them to seek out the lowest-cost delivery mechanisms that are available to them to make a success out of this.

Another thing that does cause concern, Mr. Speaker, in this particular legislation, as it has with the two pieces of labour legislation which we've seen, is that the various interest groups have been left out of the regulations process. So once again, we'll see a Bill proceed through this Legislative Assembly, but the regulations that will define a lot of the actual

day-by-day implementation have not been put in place yet.

And I think a lot of people involved in tourism would have been a lot more comfortable, Mr. Speaker, if they could have had those regulations brought in along with the legislation. And then there would have been a lot more comfort with what is going on and exactly what will be their requirements vis-a-vis unions and those types of things, Mr. Speaker.

And while I'm on that topic, I think something I've heard from the people in the tourism industry is that they are quite perturbed with what they've seen the government bring forward in relationship to both labour standards and The Trade Union Act.

In my speech last week, Mr. Speaker, I asked the government members how this particular piece of strategy worked in with a number of others that were ongoing. And certainly this particular Bill is no different than the initiatives in agriculture, the initiatives in industrial development, the initiatives in health, the initiatives in education and others which the government are saying are the foundation of our economic renewal in the province of Saskatchewan.

And obviously there has been a great deal of talk and consultation, I believe, on the tourism side to see how that component can be strengthened and beefed up. If that is the case, Mr. Speaker, then why would we bring in legislation that is counter-productive to that industry doing well? My information and the information I received from the groups involved in tourism is that this legislation will make us uncompetitive in competition with those areas around us. There's so many tourism dollars available in North America, in western Canada, and that our share of those tourism dollars will be influenced by the cost of delivering service.

So, Mr. Speaker, we're going to have to have a lot of private sector people involved here. Obviously government isn't going to be the engine that delivers tourism potential. If private sector people in competition with someone in Alberta or Manitoba or North Dakota or South Dakota cannot price themselves . . . they can have the best product in the world but they're going to have a great deal of difficulty in selling it, Mr. Speaker. A great deal of difficulty.

If a person or a family says that we're going to take a holiday this July or this August and we would like to go some place and we would like to do certain things, what they're going to do is they're going to look around and say, where am I going to get the best bang for my buck? The economy hasn't been that vibrant; a lot of people have cut back on holiday time. A lot of people have found other things closer to home for they and their children to do. So they're going to look around and they're going to analyse exactly what is available for them; what kind of a recreational opportunity do they want on their limited dollars.

And if the Saskatchewan entrepreneur, Saskatchewan

community, Saskatchewan city who are actively soliciting that dollar can't provide the same cost of service as someone in another jurisdiction, my guess is people are going to go where they're going to get the best bang for their buck.

And it's very clear to me, Mr. Speaker, that what the government is proposing here with the two particular pieces of labour legislation will make Saskatchewan people uncompetitive compared to other jurisdictions just by the nature of the type of people that are employed, Mr. Speaker.

And when you consider some of the benefit packages that people are looking at, with potentially having themselves certified, Mr. Speaker, when their competition in Alberta or Manitoba or in the States isn't, they obviously are going to have second thoughts about spending a great deal of money to try and expand their business opportunity.

And we can have the cleanest water, Mr. Speaker, and the clearest skies and all of those things, but we simply aren't going to draw people to this jurisdiction if you have uncompetitive labour rates, if your taxes are too high, if the things that people look for in a holiday cost more than they do anywhere else.

So I say to the government, why would you bring in legislation that is counter-productive to what obviously is a major initiative, a major initiative in a very important part of our economy? And so far, Mr. Speaker, no one has answered those questions. No one has answered those questions at all.

And it will be interesting to listen to the comments of the minister in committee when we talk about specifics, when we talk about the hoteliers, when we talk about the aboriginal groups, Mr. Speaker, in this province who obviously have a very ambitious agenda in front of them.

We see the minister of gaming talking about two major casino operations in partnership with aboriginal groups in the province. There's some pretty strong indications, Mr. Speaker, that there are going to be jurisdictional disputes. The aboriginal community are in court right now in one case, saying that we have jurisdiction over this particular entity on reserve; the government has said no, you don't. But the fact is, Mr. Speaker, these people are going to be partners with the government, and they clearly are staking out some jurisdictional ground.

Now the minister has indicated and the aboriginal groups have indicated that they want to be part and parcel of the council. But I can tell you, Mr. Speaker, that I can see problems arising when people like the hoteliers -- who so far, Mr. Speaker, have been excluded from casino gambling -- and others who have very strong vested interest in tourism in this province, run up against these jurisdictional disputes. Because those issues haven't been sorted out.

And I wonder how closely the minister responsible for gambling and liquor in this province is going to react

on his initiative to raise funds for the government if people in the tourism industry say: just hold on a minute; we're not happy with your locations, we're not happy with your partnerships, and we're not happy with the way that you're running things, because you are excluding us.

And the legislation, Mr. Speaker, clearly excludes capital projects from the legislation. In other words, we form the council and we ask them to hire all of the government employees that are currently there, and we start to ask them to take on the responsibility. But at the end of the day, they have no control over capital expenditures, i.e., major casino investment; and they don't probably have jurisdiction over a number of the things that will be defined, for instance, between aboriginal groups and the government as potential gaming sites, as casinos, or other things, Mr. Speaker, that may in fact impinge on aboriginal responsibility and aboriginal jurisdiction. And I see nothing in here that would give me the comfort, Mr. Speaker, that those things are being defined -- nothing at all.

I think the government so far has gotten people to buy into the initiative, Mr. Speaker, but there are a number of pitfalls out here that haven't been answered. And I think it is going to be very, very incumbent on the government to answer those questions and make people feel at ease. Otherwise, Mr. Speaker, there's no reason for the many stakeholders involved with this particular piece of legislation to put themselves in a position of having to haul all of the government's baggage around.

And I think, Mr. Speaker, we would be sadly mistaken as a province if we simply used this as some sort of a tool to pass off failures off onto people in third-party groups. I haven't seen any roaring successes, Mr. Speaker, from this government in the last two and a half years as far as tourism goes. None at all. If we are going to achieve what we can in this province, Mr. Speaker, then we are going to have to come up with a better system than we've had in the past.

Mr. Speaker, I think we have to come up with a clear definition for the two bureaucracies involved. I think we're going to have to understand very clearly where the demarcation limits are as far as wielding of power in this initiative. Because the provincial government, on one hand, is going to maintain some bureaucracy and the new tourism council, on the other hand, is going to have their share of the tourism bureaucracy.

I think at some point those two are going to come into conflict, Mr. Speaker. There's no question that we have to allow, in my view, the Tourism Authority to veto government capital-spending projects, because that's the only way that I think any of us are going to be assured at the end of the day that our tax dollars in this initiative are going to be protected.

If this Authority has the power to veto a proposal, for instance, by the minister of Gaming on a casino location because it doesn't fit in with what the bigger picture is trying to prove, then we will have achieved something, Mr. Speaker, that is truly beneficial to the

province of Saskatchewan because people, local people, will be able to make decisions in conjunction with a larger strategy across the province.

I know the minister is wont to say that that's what he's attempting to do here. But if that basic and fundamental right is not given to the Authority, then I'm afraid, Mr. Speaker, we will have achieved nothing except allowing the minister to offload and use pressure tactics to achieve what the government has defined as policy.

We have to have a leaner delivery mechanism in this province, Mr. Speaker, and we have to have more private sector involvement than we've had in the past. And if we do that and if we can have the government recognize that things like The Trade Union Act and labour standards do impact a great deal on things like tourism and on things like agriculture and on whole segments of our society, and back off and modify that legislation so that it does fit in with the whole, then I think we can sell our potential, Mr. Speaker, as we have never sold it before.

(1545)

I hear people all over this province talking about initiatives that are possible; many people in the farm community being prepared to sell their farming operation to outsiders as a tourism potential -- people that have been in the ranching business, people that have been in specialized endeavours for years and years and years who have been approached by others and say that you have a unique experience here; why not share others.

And there are people all over the world, Mr. Speaker, who come from very crowded, very urban, very congested situations that I think would find that very appealing -- that they can come with their children into a situation that is hospitable, that's friendly, that provides them an experience that they can't get at home.

And I think, Mr. Speaker, that when you combine that with the wonderful northern half of this province, when you combine that with friendly people in our cities and towns, that we haven't even begun to scratch the surface of what the potential is. You know you only have to walk down the streets of places like Banff and Jasper these days to realize that there's an awful lot of money from other parts of the world that likes to come and reside here.

And, Mr. Speaker, if we can design mechanisms that allow each and every one of us in this province to be part of selling that strategy, we will have accomplished something.

So, Mr. Speaker, I think it will be incumbent upon the minister during later discussion of this Bill to be prepared to answer some of those questions and to bring forth to this Assembly the third-party endorsement that is so necessary to make this work.

And certainly I've had a lot of concerns expressed to

me, Mr. Speaker, as have my colleagues and others across the piece, about the way this is going. And I think, Mr. Speaker, at this time I will allow others to enter the debate and talk about some of those concerns that others have brought to this Assembly -- so that we can clearly say to the government, yes, we like the concept -- but some of these matters are very troubling as far as the implementation goes -- of Saskatchewan becoming a tourist mecca in the province or in the western Canadian context.

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

#### COMMITTEE OF THE WHOLE

##### **Bill No. 49 -- An Act to amend The Traffic Safety Court of Saskatchewan Act, 1988/Une Loi modifiant la Loi de 1988 sur le Tribunal de la sécurité routière de la Saskatchewan**

**The Chair:** -- I would ask the minister to please introduce the official who has joined us here this afternoon.

**Hon. Mr. Mitchell:** -- Thank you, Mr. Chair. I have with me Madeleine Robertson, who is a Crown solicitor with the Department of Justice.

##### **Clause 1**

**Mr. Toth:** -- Thank you, Mr. Chairman, and Mr. Minister, and your honoured guest here today -- Madeleine.

Just a couple of comments. I believe this Bill is somewhat straightforward. It's not a lengthy Bill; it's fairly short. I understand that the present appeal section of this legislation provides that when a matter is appealed from a traffic justice, the appeal is by retrial, if I understand correctly, but before a Provincial Court judge, and then there is a further and a final appeal to the Court of Queen's Bench. And I understand that this has created some problems.

One of the problems I guess that arises is retrial, as a standard appeal provision, has been found by the Supreme Court of Canada to be unconstitutional because of the possibility of the Crown bringing in new evidence at the second trial while all other appeals in Saskatchewan are now appeals on the record of the original trial.

Now, Mr. Minister, I guess the first question I would have -- and it goes back to a concern that's been raised and a concern that probably we'll be addressing a little further on when we talk about the whole mediation process -- I guess the concern that's raised here is the fact the Crown could bring new evidence in. I'm wondering: if the Crown can do that, does the defence have the same opportunity to bring new evidence to a trial?

**Hon. Mr. Mitchell:** -- Yes.

**Mr. Toth:** -- On that basis, Mr. Minister, if in changing the legislation as we're proposing then, would it then take away the ability . . . Let's say a matter has come before the court and at the end of the day a judgement has been made and the argument could possibly arise on both sides where the Crown could maybe say no, maybe we missed something here and some evidence comes up and they feel that a possible verdict wasn't appropriate because they didn't bring in appropriate . . . or some of the evidence that they had, they didn't introduce. Whereas on the other side, say a defendant could say no, I feel that I've been dealt with unfairly by the courts because my defence lawyer, my lawyer didn't bring some of the appropriate information forward.

What happens in a situation like that? Now with us changing this court Act, it's going to take away that ability. And what redress then would an individual or the Crown have under the new circumstances or the new formula that's going to take place?

**Hon. Mr. Mitchell:** -- Mr. Chair, and to the member, the idea of an appeal by way of a new trial is one that is fast disappearing from our system. This Bill and the next Bill that this committee will consider, The Summary Offences Procedure Act, will remove this procedure from Saskatchewan law as it has been previously removed from the Criminal Code and from other provincial statutes; and indeed the laws of other provinces have pretty much gone the whole route on this.

The Supreme Court has found it to be unconstitutional because it is in effect a kind of double-jeopardy situation as far as an accused person is concerned. And as the member has noticed, it creates the possibility of the Crown bringing new evidence at the second trial. That's unusual. In my knowledge that has not been the case -- the Crown simply calls the same evidence over again and they have the same trial. But the possibility exists that the accused could be put through a double-jeopardy situation, being tried twice for the same offence and indeed new evidence being called at the second trial, and that's what brings it into conflict with the charter.

I want to say this. The courts of appeal now have the ability, have always had the ability, to listen to an application by either the Crown or the accused for a new trial on the basis that new evidence has come to light. And in such circumstances, the courts, if they're satisfied that the evidence is new evidence and could not by the exercise of reasonable diligence have been discovered in time for the original trial, will order a new trial at which the new evidence will be considered. The courts have that ability.

They also have the ability to receive evidence on appeal if they decide to go that route rather than a new trial. And as we speak, there is a case in front of the Court of Appeal for Saskatchewan where the Court of Appeal, as I understand it, has agreed to accept affidavit evidence on a new matter; that is a new piece of evidence that wasn't available or wasn't tendered at the time of the original trial.

So they still have that ability to deal with new evidence so that the situation is not . . . we're not eliminating the possibility of dealing with new evidence by making the changes that we're proposing in this Bill.

**Mr. Toth:** -- So that, Mr. Minister, the defendant would have . . . basically face the same . . . or have the same ability, if they feel that possibly their counsel may have overlooked something in the trial, that they would have the ability to have this addressed before the appeal process.

Now I understand specifically this is dealing with the traffic safety court, so that there really is not much point in getting into questions that are really ranging out of the traffic safety court.

So what you're saying is the reason for the Bill is, number one, to address the constitutionality of the original Bill in the first place. And I also . . . if I'm not mistaken, you talked about it would bring in a more uniform appeal procedure for traffic offences everywhere in the province. Is that true, Mr. Minister?

**Hon. Mr. Mitchell:** -- That's exactly the case. Right now the appeal process is different in Regina and Saskatoon than it is in Moosomin or Sturgis or Swift Current. And that's not fair and not appropriate, so we're taking care of that problem at the same time.

**Mr. Toth:** -- So you're saying, Mr. Minister, that it's possible if you went to the proper jurisdiction you could get a better hearing on your behalf?

Mr. Minister, the problems we're addressing here, are these unique to the province of Saskatchewan, or are other provinces facing the same type of problems and will be addressing them in the same manner?

**Hon. Mr. Mitchell:** -- We're not aware of any jurisdiction having exactly the same kind of traffic safety court as we have, but there are analogies. Most of the other provinces have already done what we're proposing to do here, so we're playing catch-up in that sense.

**Mr. Toth:** -- I guess that basically may be a response to the next question I want to raise with you, Mr. Minister. And number one, I would like to know how long has the present legislation been in effect? And why the changes you are making . . . why are they being made now? Has there been something brought before us or a problem that has arisen that has exacerbated this problem and the reason that we're addressing this issue at the present time, Mr. Minister?

(1600)

**Hon. Mr. Mitchell:** -- This is a piece of old business actually and could have been done, and probably should have been done, some five or six years ago. The decision of the Supreme Court that I refer to and that the hon. member has referred to, was decided in 1988, and it was not a . . . you know, there was no

immediate need to act on it because nobody within the system was complaining or petitioning us very hard. In setting our priorities and, indeed, the previous government in setting its priorities just didn't get to this. It's late coming, but it's a piece of unfinished business that we should tidy up and regularize.

**Mr. Toth:** -- So what you've basically indicated then is the reasons for the changes is something that's basically been coming and possibly should have been addressed a while back, but because it would seem to be so insignificant at the time I suppose possibly ministers prior to or the government didn't really take the time to bring it forward.

I'm wondering, Mr. Minister, then the fact that it's here today, was there a specific request from any individual or just a matter of the department deciding it's time to get on and get this piece of legislation cleaned up? And secondly, are there any costs associated with the legislation, and if there are, please outline to the Assembly where some of the costs may be incurred.

**Hon. Mr. Mitchell:** -- Dealing with the second part of the question first, there are no costs associated with this. Dealing with the first part of the question, this bit of law reform has been on the department's agenda for years. And as you prepare for the next legislative session, you draw the line at some point and the line has always been drawn above this one until this year; we were able to get to it this year.

But as I indicated earlier, there was no reason why this shouldn't have been done in 1988, '89, '92, whenever. You know, it ought to have been done before now and it's high time that it was amended.

**Mr. Toth:** -- Thank you, Mr. Minister. One other question. Coming back to the scenario I placed before you just a few moments ago about the fact that a Crown, through a retrial, could bring in new evidence, or the defendant could possibly introduce new evidence. When we look at changing the Act, at the end of the day what I'm just wondering, the question I would have, Mr. Minister, is, will there be any major beneficiaries through this Act? The legal community, or the general public? Is it major or is it just a matter of simplifying the process?

The concern I would have in changing it is if someone did have a position whereby they felt they weren't . . . all the evidence wasn't laid out. Now you had indicated just a moment earlier that it could go through the appeal process. But in one instance that I've been dealing with, or asked to look into, it seems that even though the person felt the proper evidence wasn't laid forward, or not all the evidence was laid out when they went through the appeal process, the understanding I had is that the appeal process looks at the original trial and indicates if the proper conduct was followed, that there is really no other avenue then for the appeal. The judiciary would just see and just take a look at whether justice was served effectively. And if there is evidence, do they indeed have another avenue of raising evidence that may have been

omitted at the original trial?

**Hon. Mr. Mitchell:** -- The approach of the appeal courts at whatever level, whether it's an appeal to the Court of Queen's Bench or to the Court of Appeal, are restrictive. The kind of new evidence that they will listen to is evidence that was not available at the trial. It just wasn't known about. If I as a defendant, I and my lawyer, decide not to call a piece of evidence -- just deliberately decide not to call it -- then the Court of Appeal will not entertain that evidence, because they will say you could have introduced that at the trial.

To put it in its technical terms, the Court of Appeal will ask the question: was the evidence available or ought it, by the exercise of due diligence, been available. In other words, is it really new evidence? And they apply that test.

Now if it is new, they will take it into account one way or another, either through a new trial or through admitting the new evidence in the form of an affidavit. But they will only do that after applying the test that I indicate.

So they'll ask: was the evidence available, or should it have been available if you had done your job properly as a defence counsel or as a defendant? So it's not an open sort of thing; it's a restricted kind of idea, has been for many, many years, and there's nothing new in that area.

The new trial procedure which was with us for many years used to be under the Criminal Code, whereby on appeal you would have a new trial all over again, would have permitted the new evidence to be called, although in practice it did not work that way, at least not so far as the Crown is concerned. The Crown called the same witnesses and gave the same evidence as they had presented in the courts below, as a matter of procedural fairness. In either case, they operated from a transcript of what had happened in the original court, and that's still the case. When you ask me about additional costs, there are no additional costs because that transcript was prepared in any event. So from a cost point of view, it's neutral.

**Mr. Toth:** -- In other words then, Mr. Minister, it's up to the client or defendant -- because the Crown prosecutor would basically have his or her information there -- it's up to the defendant to possibly make sure they've got a lawyer who's quite familiar with the circumstances they're dealing with, to make sure that all the information is laid out before the court.

One other question just before we leave this. We've got a mediation process that's coming forward in a Bill shortly, that we'll be dealing with. Would there be an area or an avenue where mediation could possibly play a role in the traffic court Act at the same time, Mr. Minister?

**Hon. Mr. Mitchell:** -- No, it's not intended that that would apply to traffic court. There is disclosure and the Crown's file in effect is open for all practical

purposes, so the defendant can see what evidence there is against him or her. And sometimes that will lead to the kind of discussions that may result in some other charge being laid or the charge withdrawn or a guilty plea entered instead of a not guilty plea or vice versa even. It has opened up the system and made it work with a lot more knowledge all the way around and therefore work better.

The system is set up -- and this refers to the first part of the member's remarks more than the second -- the system is set up in such a way that nobody gets two kicks at the can. That's very much the case on the criminal side, and it's also the case on the civil side. You've got to get your case in front of the court. And if you don't get your case in front of the court you have nobody to blame but yourself.

That's the attitude that the law has pretty much always taken with only a few rather restricted exceptions. That's very much the case here, and it is one that is practically dictated by the charter.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

**The Chair:** -- It will also be deemed that the parallel clauses in Canada's other official language will be approved.

The committee agreed to report the Bill.

#### **Bill No. 50 -- An Act to amend The Summary Offences Procedure Act, 1990**

##### **Clause 1**

**Mr. Toth:** -- Thank you, Mr. Deputy Chairperson. Number one, Mr. Minister, my question is: I'm wondering if you would outline why these amendments are being made at this time to this piece of legislation, and what the amendments are?

**Hon. Mr. Mitchell:** -- Mr. Chair, and to the members, this has been another item of business that has been on the agenda of law reform generated by the Department of Justice. It has been around for some years and is in the same category as the previous one as a piece of business that . . . this has never reached a high enough placing on the priority scale to make it to the legislative agenda before now.

So it is generated by the department and, as the member will have noticed, it addresses a number of different ideas to tidy up this particular Bill and to make it a bit more practical.

Again, as in the case of the previous Bill, we were faced with different appeal procedures for by-law offences in different parts of the province. And the parallel between this and the traffic court situation is almost exact. If your proceeding was in Regina or Saskatoon, you followed one route; and if your appeal was in Moosomin or Sturgis, you followed another route in respect to exactly the same offence. So it was

really an intolerable situation when you think about it, and ought to be cleared up.

While I'm on my feet, I just . . . The member raised a point in respect to the previous Bill that also arises under this Bill, and it is why we would do it from a public point of view. And I might take the opportunity to answer that now while I'm thinking about it.

There's been a lot of confusion about appeal procedures. I mean nobody understands this, or at least very few people do. And if they do understand it, they tend to forget it because it's so extraordinary that you would have a different appeal procedure in different cities. So this is going to eliminate a lot of confusion and give us a process that everyone will easily be able to remember and won't have to go back to the books and study the particular provisions of the statute in order to figure out how to handle what should be a very simple appeal procedure. So it does have that advantage too.

**Mr. Toth:** -- Thank you, Mr. Minister. Mr. Minister, I notice one part of this Bill authorizes police officers to . . . gives them the ability to allow or give interim release of a person who's been arrested on a bench warrant.

Now in our discussions the other day with the department in Justice estimates, I raised a concern that an individual had come across or been involved in where there was an outstanding warrant for his arrest on a charge that was laid that was never really followed up, and at the end was basically a technicality, whereas that charge should possibly have been dropped from the books. But because it had been retained, this individual certainly ended up in . . . some of the circumstances that I'm not sure.

Now maybe this Bill will address that fact where he was taken in, it was late in the evening, and was facing the fact of possibly spending the night in jail, other than they were able to find a justice of the peace who could come and at least grant bail.

Now what I am wondering, Mr. Minister, is that the section that we're dealing with here, giving that authority.

I believe what it does is it gives the police officer the ability to use some discretion to look over the warrant and to possibly, in consultation with the defendant, arrive at an agreement or discussion whereby the police officer then could grant the interim release of the person versus calling a justice of the peace -- which in rural Saskatchewan may mean your justice of the peace is maybe in a community 10 or 12 miles away -- to come over and give his signature to that release form. It would seem to me that it's appropriate as it would certainly simplify the processes and I'm not exactly sure how many situations would arise. Maybe you could inform us if this is what it would apply under and how many times it may happen where police officers would find it more convenient.

And I guess the other question that arises there too, while I'm asking, is the fact that the consultation with the police forces across the province regarding this particular piece of legislation -- the consultation that has taken place -- are they in agreement with it and are they quite well aware of the provisions the Act will allow them once it comes into effect?

**Hon. Mr. Mitchell:** -- Mr. Chair, and to the member. We have not yet sorted out the situation that the member arose the other night, so I can't speak specifically to that one. But we think it is exactly the kind of case that's contemplated in these amendments.

Clause 5 of the Bill before us deals with the situation where a defendant has been arrested under a warrant and the officer may release the defendant without calling in a justice of the peace. The defendant has to fill out a recognizance and the matter is dealt with without having to bring in a justice of the peace or a Provincial Court judge or anyone.

That applies to all warrants that fall under the summary offences Act. That power is already present in respect of Criminal Code offences. And so with these amendments the police will be able to deal with both those situations on the same basis. That is a very desirable thing. And for that reason this procedure that we're putting forward has the support of the police departments.

The exception is a warrant of committal which is on a different footing and similarly it is under the Criminal Code as well, on a different footing, because of course the warrant itself is to commit the defendant to custody and is a different sort of procedure than a warrant requiring the person to face a certain charge or to appear in court. It is therefore not any radical new idea but simply bringing our law in line with the procedures under the Criminal Code and in other provinces.

**Mr. Toth:** -- Mr. Minister, I believe you also indicated in your second reading speech that this Bill will repeal the municipal by-law appeal procedure. And I wonder if you could explain the rationale behind that and what's the reasons for changing the repeal, or repealing municipal by-law appeal procedure process.

**Hon. Mr. Mitchell:** -- The present appeal procedure for by-law offences in Regina and Saskatoon, or municipal by-law offences, allow the matter to be heard by a justice of the peace, and the appeal is then to a Provincial Court judge. And if unsatisfied there or dissatisfied there, a further and final appeal can be taken to the Court of Queen's Bench.

Now outside of Regina and Saskatoon the by-law offences are heard by Provincial Court judges and the appeal is then taken to the Court of Queen's Bench, with a further and final appeal to the Court of Appeal. The difference is quite obvious and quite dramatic, and there's no reason for it. So we are making the

amendment that the member refers to in order to regularize the appeal procedure right across Saskatchewan.

**Mr. Toth:** -- What types of offences would we be talking about here? Are they specifically related to traffic offences like parking tickets, or what other offences would be involved in this, Mr. Minister?

**Hon. Mr. Mitchell:** -- Parking would certainly be a good example. Dogs, zoning infractions, fire regulations, and the like. These are the kind of by-laws that are referred to.

**Mr. Toth:** -- When we're changing the appeal procedure, we're specifically . . . what we're doing, what you're saying is that the defendant, if a person is handed a traffic ticket and they're not happy with it, they have a process to follow where they can appeal the ticket that is handed to them. What I'm understanding is how that process will change under the new legislation that we're introducing, where that will be brought forward and passed under this Bill. What avenue does a person have to follow in appealing say a traffic violation like a parking ticket?

**Hon. Mr. Mitchell:** -- Under the procedure that will be in effect if this Assembly passes this legislation, a municipal by-law case in Regina or Saskatoon will be heard either by a justice of the peace or the Provincial Court judge, either place. Both are possible. And then the appeal goes to the Court of Queen's Bench and a further appeal may be taken to the Court of Appeal. That will be different now where all these cases are heard by a justice of the peace, and then the appeal is to the Provincial Court and then to the Court of Queen's Bench as the final level.

We will be bringing Saskatoon and Regina in line with Moosomin and Sturgis, to use the examples we've been using all afternoon.

**Mr. Toth:** -- Mr. Minister, if what you're saying then, if a person ends up with . . . and I'm just using, for example, most people understand traffic tickets and certainly parking violations. If a person receives a parking ticket and they feel they've been unjustly served that ticket, it doesn't take away from their ability to, say, go to the city hall and present their cases or their arguments as to why they should not have received this ticket. And if city hall agrees, they can come to an agreement on it. However if they feel they've been unjustly served and haven't received a resolve, then through the Act they have an appeal process to follow. Is that what we're basically facing here?

**Hon. Mr. Mitchell:** -- That's correct. That's exactly correct.

**Mr. Toth:** -- I think, Mr. Minister, we're quite well aware of the fact that both, especially the major centres, as they face a problem that arises from traffic violations, especially parking tickets, I think both Saskatoon and Regina certainly have a number of outstanding tickets and a fair bit of revenue that would be

available to them. And I'm wondering, does this legislation affect their ability to collect on that revenue?

And as well, Mr. Minister, when we're talking of revenue, regarding parking violations, do the cities that have the parking tickets available on the violations, do they receive all the revenue or does some of that come into the provincial coffers?

**Hon. Mr. Mitchell:** -- The answer to the first part of the question is, not in the slightest; and the second part of the question, the cities get all of the fine revenue.

**Mr. Toth:** -- Mr. Minister, I'm not sure if we've addressed all of the housekeeping amendments that you've raised in the Bill. And if there are any others, I was wondering if you'd just bring them to light and indicate the other areas that might be of significance which we should be discussing.

**Hon. Mr. Mitchell:** -- Mr. Chair, and to the member, there are two very minor matters that are of a very technical nature that are being made in this Bill.

The first is in section 3 of the printed Bill and it is to make clear that the information and the summons are not required to be issued by a justice of the peace. So the words "and summons" are added so that not only the information doesn't have to be signed by a JP (justice of the peace) but the summons doesn't either. And the documents are one; they are an information and a summons. So that's one of the technical things.

The second clarification is in the next section, section 4 of the Bill, which deals with the service of summons or offences. And the clarification is that the provision provides not only to the Criminal Code but to this legislation as well, so that both of these, or at least summons or offence notices issued under either the Criminal Code or this Act, are served in the same manner.

**Mr. Toth:** -- Well, Mr. Minister, when it comes to summons -- and I'm not sure if I'm totally clear, and I'm just looking over some of the explanatory notes -- it talks about delivering a summons and it can be under . . . I believe it must be section 8, the existing provision, where it talks about delivering it personally to the defendant:

(ii) if the defendant cannot conveniently be found by leaving it for the defendant at the defendant's residence with a person at that residence who appears to be at least 18 years of age;

Then at the same time it goes on to explain about delivering the summons to, if it's a municipality, it's delivered to the mayor or the reeve, or it can be delivered:

(c) in the case of a defendant that is a corporation other than a municipality:

(i) by sending it by registered mail . . .

And I think, going on, you talk about the fact that if that . . . like in the province of Saskatchewan there are major corporations, but most of the corporations have their offices outside of the province other than they have a representative. If I'm not mistaken, a summons then, under this new Act, would then be delivered to the person responsible or representing the corporation within the province rather than sending it registered mail outside of the province?

(1630)

**Hon. Mr. Mitchell:** -- Thank you to the member, Mr. Chair, for that question. The municipal by-law offences follow the same procedure as under the Criminal Code, which requires service upon an officer of a corporation. The problem in Saskatchewan is what do you do if there is none. For example, in the case of Xerox for example, they would not have an officer in Saskatchewan as such, and so we permit service upon the registered office. And that will always apply . . . clear up that problem.

Clause 1 agreed to.

Clauses 2 to 8 inclusive agreed to.

The committee agreed to report the Bill.

**Hon. Mr. Mitchell:** -- Mr. Chair, at this stage I want to change officials, so I would like to thank Ms. Robertson, on behalf of the members of the Assembly, for her attendance today and her assistance.

**Mr. Toth:** -- And thank you, Mr. Chair. I'd like to extend my appreciation to the minister and Ms. Robertson for their response to the questions I've been giving, and thank you very much.

**Bill No. 40 -- An Act to amend The Queen's Bench Act to provide for Mediation**

**The Chair:** -- I'll ask the Minister of Justice to introduce the officials who have joined him for this consideration.

**Hon. Mr. Mitchell:** -- Thank you, Mr. Chair. Seated beside me is Brent Cotter, the deputy minister of the Department of Justice. Behind Brent is Ms. Barb Hookenson, who is the executive director of court services. And behind me is Ms. Susan Amrud, the Crown solicitor in the public law and policy section. And to my right, Doug Moen, who is the executive director of public law and policy.

**Clause 1**

**Mr. Toth:** -- Thank you, Mr. Deputy Chairman. Mr. Minister, I want to welcome you and your officials to the debate and the discussion we're going to have this afternoon. First of all let me begin by sending my appreciation to Doug for taking the time to come over, and your extension of your office and the department to come and take some time to sit down and discuss a

number of pieces of legislation, and in specific, the Bill that we have before us.

As we've had discussion previously, Mr. Minister, I want to indicate that mediation was something that's been on the back of my mind for the past little while. I appreciate the fact that your department is taking the time to look at the process and look at the problems that arise, namely the effect that a marital break-up can have on a family, and certainly the problems that couples can have in trying to sit down and rationalize where they are in their relationship, the fact of whether or not the relationship should be discontinued; and when they make they make that final choice, how they go about in coming to some kind of compromise in that relationship, especially when it comes to property and family members.

I think one of the major problems we have in our society today, and I think it's unfortunate, Mr. Minister, is that we have so many couples choosing . . . or to make that choice of deciding to end a relationship rather than looking at a way in which they can, as adults, look at the relationship with some responsibility to trying to build on the relationship, and even thinking of children that are involved.

Because I think, Mr. Chairman, and Mr. Minister, it doesn't speak well of our society when our families are being attacked day in and day out, and that it seems to be a lot more convenient for couples to decide to end a relationship or to terminate a relationship simply because they find it more convenient; when at the end of the day I'm sure if you talked to a lot of people who . . . and couples that have terminated a relationship, the relationship they've left and maybe the new one they've entered into down the road, they may find that what they were looking for -- the Utopia that they were possibly looking for just by walking away from one -- wasn't necessarily there. That maybe there were a lot of good points in either/or partner that possibly should have been looked at.

And I think when we're looking at mediation we're talking of how do you simplify the process? How do you get couples to sit down and rationalize their decision? How do you get them to look objectively at dividing up what they've accumulated as far as equity they have in the home or assets that have been built up? I think when we look at the process before us and look at the Bill before us, Mr. Minister, I think it's appropriate and it's fine and it's positive to be developing a mediation process.

What I'm wondering, Mr. Minister, number one, is there anything in the mediation process that would allow for and maybe encourage couples to take a look at or sit down and objectively to view their relationship as to a way and means of maybe continuing or -- could I use the word -- accepting some responsibility of looking at the alternatives; and then deciding that maybe it would be more appropriate for couples to look at continuing to build or to renew a relationship rather than look at totally disbanding that relationship?

Does the mediation process that we're talking of in this piece of legislation, sit down and work on rebuilding; or is this specifically just a means of addressing how do you divide up the assets after the final decision has been made?

**Hon. Mr. Mitchell:** -- Mr. Chair, I have had the advantage of several conversations with the member about these kinds of issues, and so I feel that both he and I are on familiar ground and we share many of the same concerns.

I have in my own experience known of situations where young people who have married, run into some of the early problems that are frequently encountered during the first months of marriage and adjusting to marriage, suddenly decide they're not made for each other and they want a divorce. And that becomes their whole focus, to get rid of this relationship and go back to being single again. Sometimes there will even be a child, or at least a pregnancy. And these are heartbreaking situations, and society is certainly not the better when they occur.

It is difficult to say a lot of good things about our society in terms of dealing with a problem like that. We don't have good mechanisms in our society, first of all to teach people about marriage before they go into it, to prepare them for marriage, to give them the opportunity to become educated in how to successfully live with another person in marriage.

Now I pause to say, Mr. Chair, that we're a lot better at it now than we were years ago. There are counselling sessions that are offered by many of the churches and by other organizations to prepare people for marriage, but on the whole, we don't do a very good job about that. Nor are we very well equipped to deal with the couple, in my earlier example, where they just simply decide after a relatively short trial at this marriage business that they should remain committed to it and should stay married. And that's one of the situations that the member is speaking of when he asks his question.

The procedure described in this Bill will introduce an element into these unhappy situations that will give them a good opportunity to review their situation and review whether or not they should actually go ahead with their plan to divorce.

Now it is important to keep in mind that when they reach the orientation and screening process in their divorce action, they have already gone through a lot of evaluations, a lot of consideration of their position, and they have . . . at least one of them has decided to commence a divorce action.

So one wishes you could catch them at an earlier stage, but we have no control over that. But at least when they have just begun the action we introduce this requirement, that they sit down with the mediator and they talk about the mediation and they talk about whether their particular situation is appropriate for mediation. Very often it isn't, as we will no doubt get into in this exchange. But they will, particularly if they

continue on with mediation, have an opportunity to review whether or not they really want to go ahead with their divorce.

And that, I think, is an improvement. We have no mechanism in the law now to deal with that. The only mechanism that we have is a pre-trial conference, and that's not bad but it's very late in the day. By that time they have already closed their pleadings, they have exchanged their documents, they've gone through an examination for discovery which can be very difficult and very disruptive, very alienating in some circumstances.

So it's better than not having a session, but it is late in the day. And one of our hopes is that by having the mediation session early on in the civil action, in the court action, in the divorce action, there will be an opportunity to have a discussion on a bit friendlier basis or less combative basis than the kind of discussions that might take place at a pre-trial hearing.

By that method, we're quite hopeful that many of these actions won't go forward; that there will be reconciliation. It is in the interests of society that situations that can be reconciled, should be reconciled; and that marriages that can be saved, should be saved. Where they can't of course, then the system should operate with the least amount of pain and with the least amount of ill feelings, with all that that involves.

(1645)

Just to close my remarks, as I've said earlier, this kind of action, divorce action and the issues that surround divorce, can be very difficult and very emotional, and these are not one-time events that once they're over are over. These are just one step along a relationship that continues after the divorce action in many, many cases -- in the majority of cases involving the custody of children and the access of children -- and they have to live together in a relationship. So the process should be as painless as possible.

Having by those remarks really gone beyond the member's question, I want to go back to the member's question and say that he and I are of one mind: if a marriage can be saved, it should be saved; if reconciliation is possible, it should be achieved. And this process that we're proposing in this Bill would, I think, be a good step in that direction.

**Mr. Toth:** -- Thank you, Mr. Minister. Mr. Minister, regarding the mediation process, is the Department of Justice now going to appoint a number of people that will form a mediation committee or commission?

**Hon. Mr. Mitchell:** -- The department now has a cadre of mediators under contract that have been providing mediation services in respect of other programs. These people will be conducting the first session. In the case of divorce actions, which is what we had been talking about, they would conduct the original orientation and screening session.

The orientation part of it is so that people will know what mediation is all about and how it would work in the context of their particular case. The screening process is extremely important particularly in family law, because in some situations mediation is just not appropriate. There are in many of those situations, such as an imbalance of power as between the husband and wife, that mediation doesn't serve any useful purpose and we shouldn't kid ourselves about it, so that the screening process up front will sort out those cases.

If the parties decide to proceed with mediation beyond that first session, it will then be up to them whether they want to involve a private sector mediator, and there are quite a few of them in this province, or whether they want to continue with the department staff. And that will be up to them. In either case, it will be on a fee-for-service basis, but the choice will be theirs.

**Mr. Toth:** -- So what you're saying then, Mr. Minister, is that you're going to utilize personnel that are already in place in a number of other areas of mediation to begin the process.

What I'm wondering, Mr. Minister, is what process then, or what format would couples use in calling the department? Is the process initiated by the department or will it be initiated by the couples involved? How we're going to inform individuals that there is a mediation process that they should possibly look into and take advantage of before they proceed even further along in their deliberations towards divorce and possible court action.

**Hon. Mr. Mitchell:** -- The mediation procedure will be initiated by officials in the court-house, and the local registrar or one of the staff will see the triggering point. They'll be familiar with this legislation of course and they'll see the triggering point, and they'll set up the original mediation. And after that it depends upon the circumstances and the choices that are made.

I might mention that this process does not prevent earlier mediation, which is not uncommon in family law situations. Mediators are often involved earlier on, and we expect that that will continue as lawyers and as parties try to sort out their differences without ever starting a divorce action. We have no control over those, nor should we, because they're a matter for private individuals. But once these actions are started, then the process will be triggered by officials of the court.

**Mr. Toth:** -- So what you're saying then, Mr. Minister, a couple can choose . . . and I take it that once the legislation is passed that the department is going to make every effort to let the public know that there is a format in place, that there is a mediation process in place, should you seek or should you want to follow recourse and seek some advice in a marital breakup.

If the couple doesn't happen to choose that and goes to the court, the court then has the ability to sit down or to indicate to the couple that maybe they feel that it

would appropriate for them to review this process of mediation before they would go further in the litigation. Is that what I understand, Mr. Minister?

**Hon. Mr. Mitchell:** -- There will be, Mr. Chair, a way to bring this legislation to the attention of the public. The exact shape of it hasn't been determined yet, but we're in consultation with the bar and with the private mediators to establish an implementation plan. But the member is quite right, we need to be able to . . . we need to tell the public that this is available and that this will be part of the process.

That leads to the second part of the question. My response is that the first session, either in family law disputes or in ordinary civil disputes, the first session is mandatory -- the parties have to come to it. If they don't come to it, as the member will have seen, the legislation is . . . you know, the process can be quite drastic. If they deliberately flout it, the court can go so far as to strike out their pleadings. And in the case of a . . . if it's a defendant that refused to come, the plaintiff wins -- the plaintiff wins his or her claim. And if it's a plaintiff who refuses to come, the claim is dismissed, and it can actually go that far. So that first attendance is required.

Now where they go from there depends on them. The system is not compulsory in the sense that they have to stay in it. If they go and they listen to it and they think, well that's not for me, then that's not for them. You can lead a horse to water but you can't make it drink. And that's the governing principle here.

It's interesting to note that the process is working already. The private mediators tell us that the mediation load is starting to pick up and it's as a result of people reading about it and hearing about it, and they're interested in seeing whether or not that can help them in their situation. So it's beginning to work already.

**Mr. Toth:** -- Thank you, Mr. Minister. I'm glad to hear that there are people actually looking at this process because I think at the end of the day it has the potential to at least create a situation where couples will at least part with amiable objectives and make it somewhat agreeable.

Does the Bill . . . one of the major concerns that arises in a separation is the determination of assets that are included and I think you would argue that it's what people bring into a relationship. Is that included in the assets, or is it assets and what's ever accumulated during the relationship that should be really addressed as far as how you would part those assets or divide those assets?

And the other thing is something that would be passed on say from a family, through a family relationship or an estate, let's say in the circumstances of a farm where maybe a mother would pass on to her son something that had been in the family for generations, and that's due to a will. Is that then all of a sudden included as part of a division in a court procedure regarding divorce settlements?

**Hon. Mr. Mitchell:** -- The member raises very important questions that I'm not able to answer as I stand here. The issue of what assets are shareable and what are not are issues that are governed by The Matrimonial Property Act and the sort of complex of law that is grown around that Act. And I don't know the answers to the . . . or I don't know the general principles that apply because I have not practised matrimonial property law, and I don't know the rules.

But I do know that those questions are the very questions that are before the courts in all kinds of cases involving matrimonial property. And that applies also to estates and what is the status of estate property. Again, that's determined by a judge in accordance with the provisions of The Matrimonial Property Act.

I can say, though, that those questions are the very kinds of questions that will be mediated under this legislation if the parties elect to proceed past the first session with mediation in order to try and unravel their various issues. It will be very much in the centre of many disputes.

**Mr. Toth:** -- Mr. Minister, I would like to thank you and your officials for the work you've put into the process of bringing forward this piece of legislation. I think it's appropriate that we've taken the initiative and brought it out in the open. Because I'm sure that at the end of the day we may find we may be able to save some relationships simply by getting people to sit down with a mediator, whether it means one or two people or three people just to sit down and converse with them. On the other hand too, I think that it's imperative that we take this time to sit down and have this discussion with individuals.

Now I know it's not going to address all the situations out there. There's no doubt there will be certain situations that would come up where mediators may just look at the end of the day, even from their first discussions may determine that it isn't in their best interests. They really don't have a lot to gain. And I'm not sure, do the mediators or the individuals or the court, can they make that decision as well, just to say to a couple: well I'm sorry, we've gone as far as we can; we're going to have to leave it up to you. Do they make that or is it just left up to the couples to determine whether or not they proceed with an extended mediation format?

**Hon. Mr. Mitchell:** -- Mediation is a very dynamic process involving the mediator, who is at the end of the day only a facilitator for communication and only someone who can encourage the resolution of issues. At the end of the day though it's up to the people involved to determine whether they're prepared to make the compromises that they have to make, and at the end of the day it's up to them to decide whether they're going to keep on.

We would expect the mediators to do everything reasonably possible to keep the process going and to achieve agreement or resolution of the issues. But at

the end of the day it's up to the people involved to either fix it or let a judge decide to either settle it or let the ordinary processes of the law take over and have a decision made to resolve the issues.

**Mr. Toth:** -- Mr. Minister, one more question before we move on, and that is, we've been discussing mediation in the process between couples in a marital breakup. Would this same process apply . . . Let's say you've got a family business and you're trying to determine how to divide and settle a business that . . . say partners want to part ways, would the same process apply there? Would there be a mediation process available under this format?

**Hon. Mr. Mitchell:** -- The provisions apply to all civil disputes. It applies to family law type disputes in a slightly different way, but it applies to all disputes. If your business issues arose between people who are not married, again they would go through the kind of mediation that's provided in the Act for ordinary civil cases. The only difference is that in a family law proceeding the first session is the orientation and screening process. Otherwise they embark upon the same process of mediation.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

**Mr. Toth:** -- Mr. Chairman, I just want to take a moment to thank the minister and his officials for having taken the time to come and address the questions we've been raising, and also thank you to the officials for their time and effort and the consultation we had even prior to the introduction of the Bill in the House. Thank you.

**Hon. Mr. Mitchell:** -- I appreciate those remarks from the hon. member, Mr. Chair, as does the department, and I would add my own thanks to my officials for coming to assist us today.

### THIRD READINGS

**Bill No. 49 -- An Act to amend The Traffic Safety Court of Saskatchewan Act, 1988/Projet de loi no. 49 -- Loi modifiant la Loi de 1988 sur le Tribunal de la sécurité routière de la Saskatchewan**

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

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

**Bill No. 50 -- An Act to amend The Summary Offences Procedure Act, 1990**

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

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

**Bill No. 40 -- An Act to amend The Queen's Bench Act to provide for Mediation**

**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.

**COMMITTEE OF FINANCE**

**The Chair:** -- Order. It now being past the hour of 5 o'clock, the Committee of Finance stands recessed until 7 o'clock p.m.

The Assembly recessed until 7 p.m.