

EVENING SITTING

COMMITTEE OF THE WHOLE

**Bill No. 30 — An Act respecting Victims of Domestic Violence**

**The Chair:** — Before we proceed to clause-by-clause study, I would invite the minister to introduce the officials who have joined us here this evening.

**Hon. Mr. Mitchell:** — Thank you, Mr. Chair. Seated beside me is Susan Amrud, Crown solicitor with legislative services in the Department of Justice. Behind Susan is Darcy McGovern, who is also a Crown solicitor with legislative services. And behind me is Penny Kelly, the director of victim services, also in the department.

**Clause 1**

**Mr. Toth:** — Thank you, Mr. Chairman. Welcome, Mr. Minister, and your officials, to the deliberations this evening. Mr. Minister, we had I think a pretty good opportunity to raise some concerns and to speak to this piece of legislation in second reading. And who do we blame? What I'm saying, Mr. Speaker, I think we acknowledged at that time that in principle we were quite more than agreeable with the Bill before this Assembly.

However, as you may have received, Mr. Minister . . . I'm not exactly sure if you have but certainly it came to my office — a couple of individuals who wrote letters indicating that they felt that the member from Greystone and myself, on that particular day, forgot about one group of individuals. And I'm not exactly sure, I think the minister as well was . . . a question was raised. What about the male gender? We spent a lot of time talking about the violence and the reality is, the numbers show that it's much larger as far as women and children. And that's one of the major reasons, I believe, the Bill is before the Assembly tonight, trying to bring some responsibility back into the relationships.

And in most cases, I would anticipate that domestic violence basically takes place in the home or happens amongst couples and amongst families, that at times apparently there were some individuals who felt that we should also be aware of the fact that at times the man or the male person in an assembly could face an abusive situation.

And abuse can have many forms. It can have a physical form. It can have just a psychological form. It can be silence. It can be verbal abuse. And so many forms of abuse.

And I'd just like to quote from one individual, a Mr. Montgomery, who says:

What concerns me most is that the Bill may refer only to women as the victims and men as the abusers. This would be a grave error. I'm

also concerned that even with gender neutral wording, the implementation of the Act will see police removing husbands from the scene of family violence when the wives are clearly the abusers.

This gentleman goes on to explain his particular circumstance, which is extremely unpleasant and unfortunate. And I am pleased that this gentleman and his wife are still married and attempting to resolve all of their problems.

However, again I quote:

Our marriage survives but no thanks to any community service, no thanks to the police and no thanks to the law or the legal system in general. I would like to believe that if she ever regresses back to her old behaviour, that the legal system has advanced enough to remove her from the home and not me. In general I hope that Bill 30 allows husbands who are victims of violence to remain with their children and the abusive woman removed. This would take a tremendous pressure off of abused men and remind them that they are not forgotten by their own community.

Mr. Minister, it seems to me that there are individuals out there who feel at times that the abuse, even though the numbers certainly indicate it's the spouse or the female person that receives . . . the majority of the abuse is experienced by the female partner or children, that there are some men out there who may feel at times that they are receiving and on the receiving end of abuse. And I'm wondering if you could respond and give the assurances that the Bill before us is directing all forms of abuse as I understand the Bill to be addressing.

**Hon. Mr. Mitchell:** — Mr. Chair, and to the member, I thank you for that very important question. The Bill is drafted in such a way as to be gender neutral and so if it should happen that a husband is being abused physically by his wife, the provisions of the Act are available to the husband in the same way as they're available to battered wives. So it is neutral from a gender point of view.

It also applies of course to parent-child relationships. The definitions clearly cover that. It covers abuse although I think it important to point out that it doesn't cover psychological abuse. It covers the more physical and provable kinds of abuse.

But I want to assure you, as I believe I've responded to the letter from the gentleman you refer to, that this Act protects battered spouses not just battered wives.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, a concern was brought to our attention by Mr. Doug Schmeiser, University of Saskatchewan law professor, and he stated that this law could violate several areas of Canada's Charter of Rights and Freedoms and these include the right to life and liberty, right to

presumption of innocence until a fair hearing is held, and the right to a lawyer without delay. Mr. Schmeiser argued that provincially appointed justices of the peace may be infringing on an area of law that only federally appointed judges such as Court of Queen's Bench justices can deal with.

We're wondering, Mr. Minister, has the department looked into the concerns that have been raised by Mr. Schmeiser and are you fully aware and fully confident that this legislation is not open to contestation under the Charter of Rights and Freedoms?

**Hon. Mr. Mitchell:** — We have looked carefully into all aspects of the matters raised by Professor Schmeiser.

I would point out that the Act does not create any new offence so that we don't get into the charter related issues. And so far as what we refer to as a section 96 issues, the fact that there is not a Queen's Bench judge involved but it is a justice of the peace, our law officers have researched that question as well and we feel we're on solid ground here.

I think that we've had this exchange in question period and my assurances at that time still hold. We are confident that we are on solid ground.

**Mr. Toth:** — So, Mr. Minister, what you're saying is your department and certainly officials in your department have indicated they've reviewed the legislation, drafted the legislation. We're quite well aware of the Charter of Rights and Freedoms and they're quite certain that even though we're giving justices of the peace an added power, that within the guidelines of this legislation, that they won't be challenged, or that the legislation itself won't be challenged on that basis, Mr. Minister?

**Hon. Mr. Mitchell:** — We wouldn't be surprised if it was challenged. You can't prevent that, you know. The citizen has the right to raise these issues in the court if they feel wronged. I can assure the member that the provisions were drafted with the issues in the mind that he has mentioned tonight, and drafted with some care.

I would also point out that the justices of the peace will, as the member has no doubt noticed, operate under very close supervision of the Court of Queen's Bench. The orders given by the justice of the peace are reviewed by a superior court judge within three working days of the date which the order is given.

And there is a right in the proceedings for an appeal. If the superior court judge, on reviewing the order, is not satisfied that there was evidence supporting the granting of the order, the judge shall direct a rehearing of the matter. And then the matter comes before the judge of the superior court for a rehearing. So it is the fact that the justice of the peace will be acting under close supervision.

I've also made the point that we plan to provide fairly intensive training for a group of justices of the peace in

the administration of this Act, so that when the Act goes into effect there will be a coterie of pretty well-trained JPs (justice of the peace) who will be able to deal with the kinds of issues that can be raised before them under this Act.

**Mr. Toth:** — Mr. Minister, maybe you could just fill us in as to the type of thing that may take place — and when we're talking of justices of the peace, are we . . . I would think if you're going to have someone available at any location, you'd be basically including all justices of the peace in the province of Saskatchewan — the format that would be used. And maybe you could just give us a bit of an understanding of the process that would be followed.

Should a complaint be registered with the local police force — be it city or an RCMP (Royal Canadian Mounted Police) detachment or whatever — regarding a domestic situation and the police determine that maybe they need to enter the house and they go to a justice of the peace . . . Let's say they're out in the community of Moosomin or down in Stoughton, some of these other communities, the process that would be followed.

Are we talking of all justices of the peace? Because at 2 o'clock in the morning you certainly don't want to be running 30 miles to talk to or get approval from a justice of the peace to walk into a situation and assess what's taking place.

**Hon. Mr. Mitchell:** — Mr. Chair, the member asked a number of questions. I'll try to deal with them and I hope I get them all.

We are looking forward to a proclamation date on this Act of about December. In the meantime, as I have mentioned, we will be providing training to a cadre of justices of the peace. That will not be all justices of the peace by any means but a relatively small number who will be designated as the JPs who will make orders under this Act. They will receive training, as I've said.

The member asked what kind of training and I want to try to answer that in the following terms. They will be trained with respect to the provisions of the Act and the powers that they have under the Act. They will be trained as to the kind of orders that they can make and the forms of those orders in the event that they make them.

(1915)

They will be trained in the process of dealing with an application, keeping in mind that these applications can take different forms. They can arise with someone appearing before the JP and making the application in person, but as I have mentioned before, they can also be made by telephone. And in either event the JP will receive training in the process that should be gone through, the kind of evidence that the JP should have before making the particular order, the questions that the JP should ask of the person who is making the application — and in that connection, training with

respect to the rules surrounding the kind of evidence that can be listened to, the kind of evidence that can be accepted and acted upon. There will be a manual which will be provided to the JPs for their reference and for their own personal browsing and brushing up, as it were.

An important element of this is that the JPs only act in the event of the kind of emergency that is contemplated by the Act, and that they have powers which are limited by the Act and exercisable only in those emergency circumstances.

Now if the JP needs advice on any of the matters that I've just mentioned, the kinds of orders they can make, the forms of the orders, the rules of evidence, or any related matter, the JPs will be instructed to contact the administrative court judge who is the Chief Judge of the Provincial Court, and that will be their . . . I hesitate to use the word supervisor, but that is in effect what the administrative judge is. It's Chief Judge Carey, and he will be available to them in the event that they need any quick advice.

The police are not necessarily involved, although as a practical matter one would suspect they would be, but it can work either way. Other people may be involved in the event. Let's say that the victim has called a relative or called some support agency and someone has come over to the house to provide support to the victim. But the police, I would guess, would be involved in the majority of circumstances. They also will be training themselves up to provide the kind of services that they might be called upon to provide or assist in under this Act.

And that, I think, Mr. Chair, takes care of all the questions that the member raised in that intervention of his.

**Mr. Toth:** — Thank you, Mr. Minister, and Mr. Chair. Mr. Minister, you indicated that it would be a certain number of justices of the peace. In a situation that you've got a certain number . . . you're in a rural community, possibly even 20 or 30 miles away from the nearest police detachment. You mentioned you could call if it's a call to a family member about a problem they're facing. It would seem to me a lot of times a family member would probably go over and in most cases can generally talk to other family members to arrive at some consensus and maybe settle down a situation; but if indeed it's a situation that goes beyond just a family member or neighbour trying to settle down an individual who's become abusive and they find they would feel that they might need some outside help — say from the police or from someone else to assist and help — who do they contact if they don't have a justice of the peace close enough? Who would they deal or work through at the time?

**Hon. Mr. Mitchell:** — We plan to start with 8 to 10 justices of the peace located around the province. We will know in short order whether that's enough, whether we need more, and if we need more we'll train more. Their names and telephone numbers and addresses will be available broadly to the whole

system.

And in addition to that, we will have 1-800 numbers that will also be publicized so that people can reach the JPs over the telephone. We want to avoid a situation if we can where the JP would know the people involved and therefore might have a view one way or the other, so that in a town such as the member's home town it would likely be that that JP would not be one of those who are specially trained and that the calls that might arise in your neighbourhood, although I can't imagine such a thing, might go to Regina or to some other centre and be dealt with over the telephone.

**Mr. Toth:** — So what you're saying then, Mr. Minister, it would be a call through the phone and a verbal approval that would be given should a request come in.

Mr. Minister, what types of action would constitute a request to have an eviction notice handed to one of the parties? And I'm going to use the term "one of the parties" so we don't leave the impression that it's only, say, one group, like say the female or the male gender would be requested to be removed from the home. What types of circumstances would constitute that type of eviction notice?

**Hon. Mr. Mitchell:** — The relevant sections are section 3(1) and (2), and with that must be read the definition of domestic violence. As the member will notice, an order may be granted by the JP where the JP determines that domestic violence has occurred, and that is a defined term.

And the justice of the peace must also determine that:

by reason of seriousness or urgency, the order should be made without waiting for the next available sitting of a judge of the court in order to ensure the immediate protection of the victim.

So the evidence has to be such that the JP is satisfied that those conditions exist, that there is domestic violence, and that they just can't wait. Then if you move on to subsection (2) there are a number of factors set out for consideration by the JP, and it is mandatory The justice of the peace shall consider the following factors:

- (a) the nature of the domestic violence;
- (b) the history of domestic violence . . . ;
- (c) the existence of immediate danger to persons or property;

And this is important:

- (d) the best interests of the victim and any child of the victim or any child who is in the care and custody of the victim.

So those are the things that the JP should have to take

into account. And finally let me point out that while the Act is mandatory, that the JP shall consider those factors, the JP is not limited to those factors. It may consider other factors as well and that is spelled out in the subsection (2).

**Mr. Toth:** — Mr. Minister, what takes place or what transpires after an individual is removed if the abusive situation appears to be abusive and warrants the removal of an individual? What takes place? Because, Mr. Minister, it could so happen that a person is asked to leave the home, may be escorted out of the home, and where do they go?

And if they're not observed, or if they're not taken . . . they're removed far enough away and at least observation overnight, there's nothing to say if they're just asked to leave the home and then the parties that took an interest and were involved go home and basically back to their own roles, and say to bed, and this individual is kind of left on the street. There's nothing to say that that individual wouldn't go back into the home.

What process is followed to guarantee or to ensure that at least until the following day when there's some opportunity to really take a serious look at the matter, that that individual or individuals will indeed not be allowed to enter that home in the immediate future?

**Hon. Mr. Mitchell:** — This is a very delicate area of course and potentially quite dangerous.

The first thing that will happen of course is that the police will, in our hypothetical situation where the order has been obtained over the telephone, is that the police will — or whoever's there — will write out the order and hand it to the abuser. Let's say for our example that it is the police. They then escort this person out of the house. The police will have to make an independent decision about whether or not they're going to lay any charges in respect of the conduct. That depends on a number of factors and they will be making that judgement themselves. This Act doesn't address that question.

Then the next question is the really interesting one: what happens after that? How is the person kept away? And this will be of great concern to the police. The first thing I would say is that the order that is made over the telephone and handed to the abuser is an order in every sense of the term and it is enforceable as an order. And if the abuser were to breach that order and go back into the house later that night, that is a criminal offence and the police would be entitled to treat it as such.

The police are, as we understand it, making arrangements to enter these orders on their systems, their CPIC (Canadian Police Information Centre) system, so that it will be a matter of record immediately. And of course in a city that can be extremely important with a number of police on duty in an evening and a number of cars out on the street. So that that information, that there is such an order, and the substance of it, is a matter of record

immediately accessible to the police in the event that they have some cause to follow it up. And at the end of the day, it will be a matter for the police to try to determine what level of protection they're going to have to provide in that situation.

I think I put it fairly. It's going to be up to the police to decide what follow-up action is necessary: what kind of a person are they dealing with here, and what is the history of this? Will it require close supervision through the night and into the next day? That is to say, will they have to check the house out often? Or is it a situation where the abuser has been removed, and there probably is no cause for concern, in which event their level of follow-up activity would be much lighter. That will be up to them to determine, and they're the people with the experience and the expertise in those matters, and I think we can be content to leave it to their discretion what kind of follow-up action they provide.

(1930)

So far as where the abuser goes, they have a lot of experience in that too because people have been leaving these kinds of homes on an emergency basis often in the middle of the night for a long time. The police will assist in finding a place if necessary. They know where such places are, and they will provide advice and assistance to the person as to where that person may spend the night.

In the final analysis, the social services are available to assist in such circumstances, so who knows how that will work in any particular case. It will depend upon the circumstances, where the offence is . . . or where the situation arises, and will depend upon a lot of personal factors too, such as does the person have friends or family that they can go to in those circumstances.

**Mr. Toth:** — Thank you, Mr. Minister. I can understand the delicacy of trying to bring out the format that may be followed.

But as I indicated earlier, when you're talking about a situation like this, and I think when you face a situation where you may be asking an individual to leave the home or — not just asking — ordering an individual to leave the home, there must be something that basically indicates that you have an idea where the person that you're going to assist . . . and make sure the person not only leaves the home but is put in an environment where they're at least able to sit back for a while and assess what has transpired.

Because I would suggest, Mr. Minister, that I think if we took a look at a number of the situations that come up and possibly a large number of the abusive situations, especially of physical violence, seems to be some of the temperament that arises. It may arise. It rises in the middle of the night, possibly after there's been some alcohol involved. People become irrational. They become angry.

And even if they've received an order not to go back in

the home, if a person isn't really in total control of their senses and has become very irrational, and then they've been asked by another individual or another person, be they the police or Social Services or someone of that nature, to leave the home, I think we can imagine what kind of abusive situation the police or the individuals trying to enforce that order are going to find themselves in.

They may even find themselves in some matter where people are going to be coming after them physically for having infringed and come into their own personal place of residence. And I think the home is considered by most, even if people are irrational, it's considered their own little kingdom and they really don't like to have a lot of people interfere in it.

So I guess what we're looking for, Mr. Minister, is a way that guarantees that the police do not go beyond the powers that are allowed to them or whoever the agent may be, be it Social Services or whoever that's called in, but at least have some resources to work with so that at the end of the day they are not accused of having stepped into a situation and maybe, let's say two or three days down the road when the parties get together and they try to determine whether there was a real matter of physical urgency or urgency to order a person out of the home . . .

And I think it's happened on many occasions before, where police have gone into a domestic situation and all of a sudden the couple have decided no, these individuals are infringing on our rights, and they turn against the person that's stepping in to try and help them out through the problem they're facing.

So what I'm just wondering, Mr. Minister, is you're saying the Act really doesn't lay it out because it's almost, I guess, quite difficult to perceive all the different situations and formats you might be involved in. But we want to know that people will indeed be put in an environment, or at least offered a place to be in an environment that would help them through the evening or through the next day to come to a rational census of what has transpired, and at least get some help so that the police as well, or whoever's involved, is not going to find themselves accused by the abusive person that they've already just ordered to leave the home.

**Hon. Mr. Mitchell:** — Mr. Chair, I would imagine that in many of these cases there will be criminal charges involved because the domestic violence will, in many cases, take the form of some kind of assault. And so the abuser probably doesn't have to worry about a place to stay that night. That decision will probably be made for the abuser.

About half of these cases are alcohol-related but the other half aren't. The other half are just the lack of life skills, or the lack of self-control, or whatever it is that drives people to beat the ones that they love most of all. And the police have great experience dealing with these people and are able to make judgements about who is dangerous and who is not.

So far as the actions of the police are concerned, I must say I'm not especially worried. I think that there are safeguards in the system. Some would argue more than adequate safeguards to protect a people from the actions of the police. They're responsible in the criminal courts for their actions should they transgress the criminal law. They are responsible in the civil courts should they cause damage to somebody. So I'm not so worried about that.

Now I take the member's point that a raging person who is escorted out of the family home will behave differently depending upon what happens to the person after that.

But I don't have any answer. There are no homes in existence now especially dedicated to the care of abusers. There is all kinds of supports in the community to help the abuser cure the problem that led to the violence in the first place, by way of self-help groups and support groups and that sort of thing. But there is just simply no board and lodging available for people with that particular problem. As I said earlier, the police will assist, and have some experience in assisting people to find a place to stay. They know where you can go, and where you can get a night's . . . get a room for the night. And that's about the best, I think, that the system will be able to furnish.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, as I was raising the last question I'm mindful of the fact that I think even our police forces are becoming a little bit disillusioned with our whole judicial system and the process that is involved.

And I'm not just talking of the abusive situation we're dealing with here in the victims of violence legislation, but so many other circumstances where they take time and effort, and they get to court and find out that through a technicality someone gets off. And I think some individuals who have committed themselves to peace-keeping or law-keeping duties must become very frustrated at times.

So I was just wondering if there was something that would be laid out. And I take it from an earlier answer that the police departments throughout the province will get an update on the legislation so they have good knowledge of what the legislation intends and the area that they can work in.

Mr. Minister, when an emergency or intervention order is reviewed, is a lawyer necessary for that review?

**Hon. Mr. Mitchell:** — I'll take those two points in order. We consulted extensively with the police in the preparation of this legislation, and the police forces in this province strongly support this legislation. That's the first thing.

The second thing that the member asked was the question of whether a lawyer had to be present on the review, and the answer is no. The judge will review the file within three working days, and how that will work in the court setting is that the registrar of the

court, the local registrar, will bring the file to the judge as a matter of course for review. There will be no lawyers present at all.

**Mr. Toth:** — What kind of cost do you anticipate will be associated with the review of individuals evicted?

**Hon. Mr. Mitchell:** — Mr. Chair, we don't attach any costs at all to the process. The judge is there anyway earning a judge's salary and the court officials are there working a full day anyway. And this is extra work, but it's not work that will require the expenditure of public funds.

**Mr. Toth:** — Thank you, Mr. Minister. Another major concern that has been raised with us — a number of my colleagues . . . we've discussed as well — is what happens in a situation where an individual is evicted from the home and it just so happens their home is, let's say, a business? Where their place of business happens to be their home? Or the situation of a farm and let's say the person evicted is the husband, the farmer? And they've got to get back. They're in a livestock operation and they've got chores to do the next day.

What kinds of . . . or what has the department looked at as to ways in which they can deal with these types of situations so that a person's livelihood isn't disrupted while we go through the process of the eviction notice?

**Hon. Mr. Mitchell:** — Mr. Chair, the Act will actually give the system more flexibility to deal with the kinds of situations that the member has raised than is presently the case. Now with the kinds of orders that you get — the peace bonds, the restraining orders that you get — it just keeps the person right away. Whereas under this process, the orders can be made subject to any terms that the JP considers appropriate.

And so in the two situations where the residence is a place of business or where the residence is on a farm, the order can make allowances for that and allow the abuser to return to the property for certain specified purposes.

**Mr. Toth:** — Mr. Minister, as you've indicated, this Bill gives Saskatchewan courts new powers to order abusers to compensate their victims for expenses like legal costs and temporary accommodation. It grants victims temporary possession of property such as a car or children's clothing and restrains the abuser from contacting the victim, their family members, or associates.

And you indicated that you've talked to the police. I believe when the legislation was introduced in the House, Regina Police Chief Ernie Reimer endorsed the proposed legislation, saying it's a major step in law enforcement because it focuses on assisting victims instead of punishing offenders.

Now when you talk about ordering abusers to compensate their victims for expenses like legal costs, exactly what would that involve, Mr. Minister?

(1945)

**Hon. Mr. Mitchell:** — Mr. Chair, this is not a totally new concept in the sense that those matters could still be sued for in the civil courts by a separate action with a statement of the claim, and if necessary a trial in the civil courts for most of those same expenses or damages. This simplifies the whole process and gives to the victim an opportunity to have the courts deal with this matter within the context of the domestic violence and the processes set out in the Act.

These powers are in section 7 as you will have seen. And as I say, there's nothing radically new there but it is a quicker and more efficient and probably much more effective way for victims to be compensated for their loss.

**Mr. Toth:** — Well thank you, Mr. Minister. I think that I've raised the questions that basically were being related to us. Certainly we trust that at the end of the day this piece of legislation will not just be a means of protecting individuals but will be able to work out programs and come up with ideas that can become solutions to a problem that may arise. And I know we've got the mediation services now available for individuals who are seeking separation through the courts, were in a divorce settlement.

Mr. Minister, I guess maybe what I would like to know is, after a person has been given an eviction notice and been removed from a home, you indicated that there are a number of programs right now that people can seek some help in to get some help in finding ways to overcome their abusive ways. Should a situation arise where . . . let's say it's in a situation of a couple where they decide that basically they've come to the point of they've had enough. Will the mediation services also be available to them and maybe kind of mediate some kind of a mutual agreement and understanding, Mr. Minister?

**Hon. Mr. Mitchell:** — The mediation services won't be attached directly to this Act, but under the family law division provisions that we'll be considering a little later tonight, there is a mediation process. And the member will recall that the first step of that process will be an orientation and an assessment as to whether or not mediation is appropriate in the circumstances. If it is, then we have high hope that it will do a lot of good in these family situations.

I know the member is intensely interested in saving as many of those situations as possible, in having the system set up in such a way that those problems can be worked out in the maximum number of cases, and the partners to the marriage are reunited to live happily ever after. That's my view too.

And I think some of the reforms that we're making will contribute to that. I guess at the end of the day if people don't want to live together, they won't. And if they're not prepared to try and if they both can't make the adjustments necessary to make it work, then it's not going to work. But I think that the system ought to

be set up in such a way that we try as hard as we can to maintain relationships between married people.

Clause 1 agreed to.

Clauses 2 to 17 inclusive agreed to.

The committee agreed to report the Bill.

**Hon. Mr. Mitchell:** — Before they leave, and on behalf of my colleagues, I'd like to thank my officials for coming to assist the committee in its work tonight.

**Mr. Toth:** — Thank you, Mr. Chairman. I too would join with the minister in thanking the officials for giving us their time this evening. Thank you.

**Bill No. 39 — An Act to amend The Queen's Bench Act to create a Family Law Division and to enact Consequential Amendments arising from the enactment of this Act**

**The Chair:** — Before we proceed to clause-by-clause, I would invite the minister to introduce the officials who have joined us for the consideration of this Bill.

**Hon. Mr. Mitchell:** — Thank you, Mr. Chair. Beside me is Brent Cotter, the deputy minister of the Department of Justice; behind Brent is Susan Amrud, who I introduced to the legislature a few moments ago; behind me is Ron Hewitt, the assistant deputy minister of registry services; and to my right is Doug Moen, the executive director of public law and policy.

**Clause 1**

**Mr. Toth:** — Mr. Chairman, Mr. Minister, and welcome to the officials that have just joined him. Mr. Minister, I understand that this Bill enhances the Unified Family Court, which has actually operated as a pilot project in Saskatoon since 1978. A couple of questions, Mr. Minister. What was the cost to operate the pilot project last year, and what is the estimated cost to operate the enhanced Unified Family Court?

**Hon. Mr. Mitchell:** — Mr. Chair, the cost of operating the Unified Family Court, we will have in a few minutes. We prepared that material for estimates and the people with that information are outside the Chamber right now, but we'll bring that in in a few moments.

The estimated increased costs for expanding the court, from the province's point of view, will be \$191,000.

**Mr. Toth:** — Thank you, Mr. Minister. I take it then that this expansion is something that's already been allocated in the budget and provisions have been made for that.

I understand, Mr. Minister, that we will have specialized judges working within this court. And, Mr. Minister, I just received a copy of an amendment. I take it that . . . Will these be existing judges or will the government be hiring new judges to accommodate

the court? And from the amendment, is it this proposal, this amendment you've brought forward that really is going to put in place the judges for this process?

**Hon. Mr. Mitchell:** — This question of the number of judges in the family law division and how it would work were the subject of a great deal of negotiation with the court and with the federal government.

These are all federal judges that are involved here. And the figure of six dedicated judges was eventually settled upon, with some flexibility for the Chief Justice to put additional people in there as he may consider necessary for short periods of time, and to assign these judges out in certain circumstances for short periods of time. So the Chief Justice has a bit of flexibility.

There are two judges in the Unified Family Court now and they will move over to the family law division, and there will be four new judges appointed. It is my understanding, the arrangement that has been agreed to by Mr. Rock, that there will be four new appointments to flesh out the family law division to its complement of six judges. They will not be judges who are now sitting in the court but will be new appointments.

**Mr. Toth:** — Thank you, Mr. Minister. So I take it from that, Mr. Minister, that these judges then are actually Federal Court judges or Queen's Bench judges.

Mr. Minister, you indicated through your second reading speech that you have high hopes in terms of goals for the unified family law. I wonder if you could outline for us and for this Assembly how you hope to see the court operating in the near future. Referring to the enhanced services — for example, mediation, custody and access investigation services, supervised access service, counselling in the case of family breakdown, and self-help kits. How many of these services are currently available and how many are left to be initiated?

(2000)

**Hon. Mr. Mitchell:** — At present, the only one of these services that the minister mentioned that is being offered are the custody and access investigations by the Unified Family Court. There is a certain amount of mediation that can take place in those cases that are provided, as I understand it, by outside agencies now.

The other services — the supervised access, the counselling, the various educational services — will be new services that will be provided within the framework of the family law division on a province-wide basis. These . . . I call them new services. They were services at one time offered in the Unified Family Court but over the years successive budget cuts have reduced them to their present state, and we think it important to offer them again because we think they perform a valuable service.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, earlier on you indicated that there's an additional

\$191,000 for this court. Does that include the bringing into effect and upgrading the services, the extra, the additional services that will now be brought into force, Mr. Minister? And I'm wondering, Mr. Minister, when do you anticipate that all of the services will be available? Are we going to be looking at a drawn-out process in implementing the different services that were going to be included in this Act? Could you give us a timetable for that, Mr. Minister?

**Hon. Mr. Mitchell:** — The figure of 191,000 that I gave to the member earlier, Mr. Chair, covers all of the services that we've been talking about except for mediation. Mediation is provided for in the other Bill that we'll be considering later tonight.

These other services are available in Regina, Saskatoon. They will be available in Prince Albert and they will be made available across the entire province. Some of them will be available only in — at least initially — only in Regina and Saskatoon, such as group education sessions. Self-help kits and other printed material will be available throughout the province, and so on, but the \$191,000 figure covers all of those services.

**Mr. Toth:** — Thank you, Mr. Minister. Just from the work that has taken place over the last few years in this project — the pilot project instituted in Saskatoon — once this Unified Court is enhanced, Unified Family Court is up and running, Mr. Minister, how many families do you anticipate will be assisted through this process? And as well, Mr. Minister, what other areas does this piece of legislation cover other than the Unified Family Court? Are there any other areas that it covers besides Unified Family Court or is it strictly related to that form?

**Hon. Mr. Mitchell:** — We don't know how many families will be assisted by this legislation or affected by it.

The Unified Family Court in Saskatoon is in my experience a busy court. It handles cases that arise in Saskatoon and area, and some litigants come from quite a ways out of Saskatoon in order to take advantage of the existence of the court.

The member will know that the family law division is taking over a number of pieces of legislation formerly administered by the Provincial Court so that it probably wouldn't be accurate just to count the number of divorce actions commenced. You would also have to take into account the maintenance processes and adoptions, and applications under The Child and Family Services Act, and those sorts of things. I don't think we could come with a reasonable guess as to how many families might be affected.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

**Clause 5**

**Hon. Mr. Mitchell:** — Yes, Mr. Chair. I move that we:

Strike out section 5 of the printed Bill and substitute the following:

“5 The following subsections are added after subsection 7(4):

‘(5) The Chief Justice of the Queen’s Bench shall assign six judges of the court to act as judges of the Family Law Division.

‘(6) The Chief Justice of the Queen’s Bench may assign a judge mentioned in subsection (5) to hear causes or matters outside the Family Law Division, but only if the assignment does not prevent that judge from spending the substantial majority of that judge’s time hearing causes or matters in the Family Law Division.

‘(7) In addition to the six judges of the Family Law Division, the Chief Justice of the Queen’s Bench may assign, from time to time, any judge of the court to act as a judge of the Family Law Division.

‘(8) Every judge of the court, including the Chief Justice of the Queen’s Bench and every judge of the Family Law Division, has jurisdiction to hear and determine any cause or matter in the court, including causes or matters in the Family Law Division’”.

Amendment agreed to.

Clause 5 as amended agreed to.

Clauses 6 to 32 inclusive agreed to.

The committee agreed to report the Bill as amended.

**Mr. Toth:** — Mr. Chairman, I would like to thank the minister and his officials, the ones that have joined him for this Bill and the discussion. I thank them for coming in.

I was just sitting here thinking for a minute as I was watching you conversing with your officials, Mr. Minister. I was wondering if maybe we shouldn't institute some of the program that we've put forward in Crown Corporations where we allow the officials to speak out a little more open and save the process of trying to relay all that information, especially when it can get to be fairly extensive.

Anyway, I want to thank you and your officials for your time and efforts. Thank you.

**Hon. Mr. Mitchell:** — Mr. Chair, that's not a bad idea. These intensive education processes that the officials go through to equip a minister to stand up and answer some of the questions is interesting and stress-filled.

I'd like to thank the officials for coming today, Mr. Chair, or tonight, to assist the committee in its

consideration of this legislation.

**Bill No. 58 — An Act respecting Representation in the Legislative Assembly**

**The Chair:** — I would ask the Minister of Justice to introduce the officials who have joined us for this Bill.

**Hon. Mr. Mitchell:** — Mr. Chair, I have previously introduced to the Assembly Darcy McGovern of legislative services in the Department of Justice. Behind Darcy is Tom Irvine of the constitutional branch in the department. And behind me is Jan Baker who is the assistant chief electoral officer of the province.

**Clause 1**

**Mr. Martens:** — Thank you, Mr. Chairman. Mr. Minister, I'd like to ask a number of questions. I guess the first one I'd like to ask is: can you give me the rationale for the changes that you've made in the decision on boundary changes and then why it was changed to population? Would you give me the rationale for the decision to change it to a population base?

**Mr. Cline:** — With leave, Mr. Chairman, I'd like to introduce guests.

Leave granted.

**INTRODUCTION OF GUESTS**

**Mr. Cline:** — While we're waiting, Mr. Chairman, I'd like to introduce to you and through you, to the other members of the Assembly present, two inspectors from the Saskatoon Fire Department, Mr. Brian Bentley and Mr. Dave Bykowsky, and they are in Regina to attend a fire investigation course put on by the Saskatchewan Fire Commissioner's office.

As we all know, fire fighting is becoming much more specialized in terms of protecting all of us in the inspection and investigation fields, and I know all members want to wish them well in their course and welcome them here to the legislature today.

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

(2015)

**COMMITTEE OF THE WHOLE**

**Bill No. 58  
(continued)**

**Clause 1**

**Hon. Mr. Mitchell:** — Mr. Chair, I thank the member for the question. I think I've answered this question before about a year ago now during the debate and committee consideration of the Bill that led to the redistribution that has finally found its way into The Representation Act that we're now considering.

My memory is that . . . well I know it to be the fact that the principle is that members of this legislature

represent all people, not just people who are on the voters' list or people who are eligible to vote, but they represent all people including children and including non-citizens. This is of course a familiar concept in democratic systems.

I think if I'm not mistaken that all of the elections in the United States for example are conducted on the basis of . . . at least all of the House elections in the United States are conducted on the basis of population, and the constituencies in Congress — at least in the House of Representatives — are divided on the basis of population. So it's hardly a new idea.

**Mr. Martens:** — Well, Mr. Minister, in the United States they also have two Houses in most of the states. One is representation by population, and the other one is representation by area. And the two are there because of a decision made a long time ago by two people who didn't agree. And they . . . one said it had to be representation by state, and the other one said it had to be representation by one person, one vote — representation by population.

And they couldn't agree, so the United States set up a two-tier governing system. And that is there as a counterbalance. And I would say that I'm not a great proponent of the U.S. (United States) system; however, there is a democracy that has existed for over 200 years because of a balance and counterbalance on those two conflicting points of view.

The decision by individuals to appeal to the Court of Appeal in 1991 on the decision by this Assembly to bring forward a Bill that had a distinction between urban and rural constituencies was challenged by the Court of Appeal, and the Court of Appeal said it's wrong to do it that way. On appeal to the Supreme Court, things began to change. And one of the things that they suggested as a thing that has to be decided on is that, not only do you have to have equal representation, you have to have effective representation.

And I'll just use as an example — the constituency that I will be living in is going to be Thunder Creek. And I live on the very west boundary; it's a quarter mile from the western boundary. The eastern boundary is just outside of Regina here. Very significant distance, and very significant time is going to be taken for individuals to provide effective representation. Now you can say the telephone is there, and fax machines, and all of that.

The question I have is, you took into consideration effective representation when you deal with one part of the province, and that is the North, where you don't have equal representation. And in the South you say no, it doesn't matter there; we're going to have equal representation, not effective representation.

I think the people of the province need to probably have you tell us why in one part of the province, and how you can justify having on one side of the boundary from the northern part of this province to the

southern part of the province, you can have one area that says we're going to have effective representation along with equality, and a qualification to the equality part; and on the southern half of the province you're going to say I'm only going to do it on the basis of equal representation — one person, one vote.

Now I think you need to justify to the people of this province who have criticized you for that in a substantive way. I think you need to address that and the people of the province need to have you tell them why you have that distinction.

**Hon. Mr. Mitchell:** — It occurred to me as I was listening to the member's question that I think the federal government is also organizing its constituency boundaries on the basis of population and not on the basis of registered voters. They work off the last census figures. So we don't feel out of step at all on that one. Probably doesn't make a lot of difference at the end of the day, but in theory it is I think correct that we all represent in this Assembly, everybody who lives within our constituency regardless of their age, and regardless of their citizenship.

The seat that the member mentions, Thunder Creek, is certainly a long, narrow seat if you look at the map, and you're tempted to ask, isn't it possible that that could have been compacted in such a way that it didn't cover such a long, long distance. We left those questions to the commission, this Assembly did, and it immediately passed out of our hands, and all we could do after that was make representations after the interim report was down and I believe that the member did that.

We encouraged the commission in the legislation passed by this House to consider special communities of interests or diversity of interests, of persons, when drawing these constituency lines and beyond that there wasn't much you could do. You just had to leave it up to these people who had a good deal of knowledge about Saskatchewan and particularly the chair who was a former Leader of the Opposition in this Assembly who knows every part of Saskatchewan and understands it as well as any of us. And we left it to him to draw the lines, and he drew the lines, and we have to live with that result.

The member has already mentioned that with modern communications part of the problem goes away or at least it's not as severe. We have telephones. We not only have them in our homes and offices, but we have them in our cars and we carry them around on the streets with us, and we can get in touch with a lot of our constituents by telephone quite easily. That wasn't the case 40 years ago or 30 years ago.

I like to tell the story of my wife at Christmas time, just six or seven years ago, going out shopping for me for a portable telephone for Christmas. That's what I wanted. That's what I asked her for — a portable telephone. She came back about two weeks later to tell me that she couldn't find one that worked.

Her and a friend of hers who knows a lot about these things had gone out to buy me a portable telephone and there wasn't one. Well now the situation is that portable telephones are everywhere. Little kids are taking them to school and on to the playgrounds of this city and communications have improved radically as a result. In addition we have fax machines and now we're getting e-mail and a whole lot of other things that are happening in the communication field that is going to make it easier and easier for us to get in touch with our constituents.

Now before I sit down I have to address the member's concerns about northern Saskatchewan. You just have to look at a map to see the plight of the two members of this legislature who are representing the constituencies of Cumberland and Athabasca. They represent huge areas. Together they represent, I think, more than half of Saskatchewan geographically in number of acres and their populations in both cases are far-flung. You can't drive from Buffalo Narrows to Stony Rapids. You can't drive from Buffalo Narrows to Uranium City except in the wintertime. And you can't drive from La Ronge to Wollaston post. And the distances involved are huge and we just couldn't imagine creating a piece of legislation that would result in those constituencies getting even bigger.

They're probably too big geographically the way they are right now. But rather we could hardly make them smaller. We just froze them and said this is enough; this is the maximum size for those constituencies. So we took those out of the mix and left them the way they were. That was our thinking, and I think it was valid.

**Mr. Martens:** — Well in a matter of course, you make my argument on the basis that in one area you deal with effective representation, and the other areas of Saskatchewan you deal with equal representation. And I think the two need to be addressed equally across this province, not only in the northern part.

I just want to point out in 1982, Senator Gerald Beaudoin considered the possible impact of the democratic rights enshrined in section 3 of the Canadian Charter of Rights and Freedoms and he made some observations concerning the way Canada and its provinces were divided into constituencies for the purposes of conducting elections.

I believe that Saskatchewan was given special status, received 14 seats. The province of Prince Edward Island was given special status as a part of the Constitution of Canada because it had its own uniqueness. It has a reasonable access for all the same reasons that you just talked about to the rest of Canada, but a decision was made on the part of the constitution and the people working in the constitution that they would have four seats, just like Saskatchewan has 14.

The whole of the Northwest Territories, if you went by your reasoning for having equal representation, probably would only have one seat. And that is both irresponsible on the part of legislators to consider that.

It is also in my view, something that needs to be considered.

Now Senator Beaudoin also indicated that what we are going to probably have is people moving more to the American system, in one person, one vote. And we have that counteracted, in my view, from the aspect of the way the representation takes place. For example, we have the senators who represent . . . two senators from every state and we have the House of Representatives, representation by population.

And he said about that, it was unfortunate, he said, that section 3 of the charter does not refer to equal suffrage. That's what he said — equal suffrage. And that means effective, equal opportunities in dealing with this matter in a way that's going to assist people in performing their duties as elected individuals. At the time in the United States, the courts had mandated equal representation for equal numbers of people — one person, one vote. And it was expected that our courts will eventually get that way too.

He went on to predict that one vote, one person principle in Canada will be Canadianized to a certain extent under section 1 as a result of our particular situation. And that deals with the distances that we have in the country of Canada. That particular situation was characterized by sparse population and great distances, two factors which make it extremely difficult if not impossible to attain equality between ridings — very difficult to assess.

In dealing with the issue, the Supreme Court of Canada had that very same view of what it is as it relates to a Canadianization, doing it the Canadian way rather than the American way — which is what we have here, the American way being one person, one vote — and doing it the Canadian way which says, we will have effective representation and equal suffrage, which means that there is a Canadianization of the principle of one person, one vote.

(2030)

Now I still don't understand why you would consider the cities the same as the rural. I don't understand that. I probably never will. In fact, when I made representation to the former Justice Culliton in this area, he told me that, he said, you know, people in the urban centres don't understand this. They will never understand it. He said, I represented a rural seat and when I came to sit in this Assembly they didn't understand that we had distances to travel. And urban people do not understand it. Urban people who represent urban people don't understand the rural context of what you're talking about. So you got to have this great distances that drives these people into less effective representation than you have in an urban centre.

And I haven't gotten from you one reason yet that you would indicate to make me believe otherwise. You just state that one person, one vote. But you haven't laid out the arguments, I believe, in confirming that to the people of Saskatchewan, saying that effective

representation is going to take a back seat, it's going to move to the back of the train in this whole business, even though Canadianization of the principle of effective representation says that Saskatchewan gets a special status in the Constitution of Canada.

And that gets 14 seats in Canada. It's the way it's going to be. And that, Mr. Minister, is where effective representation overlays equal representation, and it becomes a part of equal suffrage for individuals within the framework of Canada.

I'd like to have you tell the people of the province of Saskatchewan what your view of effective representation is in light of that.

**Hon. Mr. Mitchell:** — Well, Mr. Chair, and to the member, we debated these questions at great length a year ago when we adopted the legislation that we adopted. I don't mind at all debating them over again except that we could probably just both stand here and adopt the positions that we took 12 months ago and save ourself time tonight.

The member must concede that representation by population is a principle consistent with all of the notions of democracy. The member I think must also concede that representation by population includes representation according to the numbers of people who live in the constituencies that are drawn on an electoral map.

I will concede on my part that representation by population is also consistent with a map drawn on the basis of numbers of voters. You could go either way, one way or the other. Some jurisdictions go one way, some the other.

As the member pointed out, in the United States they compromised such an argument in the way that they did to result in a different way of electing members to the House of Representatives as compared to the Senate. In Saskatchewan we have done it both ways, and across Canada it is done both ways. And we can argue for a long time, I suppose, about which is the most democratic of the approaches to take. We elected to go on the basis of total population according to the last census figures.

Effective representation is a very interesting question. It is obviously easier for me to represent the people who live in my constituency, on the west end of Saskatoon where the population is condensed into a relatively small area, than it is for the member to represent his constituency as it now exists, the constituency of Morse, because of the miles involved. So if you're going to see all the people, it is going to take a lot more driving.

Now apart from driving around to see people, I think our problems are about the same. We both make long-distance telephone calls to our constituency; we make most of our contacts, I think, by telephone. We mail out to addresses that we have available to us in our offices, and generally we use the same techniques in representing our people, except in your case you

have to drive more than I.

And I concede that that is a problem for you. To see the people in the flesh, you're going to have to drive more. And it's one of the things that you encounter when you have a big province like we have, with a sparse population as we have, scattered over a very broad area, as is the case here.

And I know the member recognizes that our population is scattered. You compare what we have here to the population in Manitoba, the distribution in Manitoba, or even the distribution in Ontario, you get a much different picture. One of the results is that we in Saskatchewan have far more miles of road than you have in Ontario — in very large Ontario, serving a population of 10 million. We've got more roads in little Saskatchewan because of the distribution of our population. So it raises problems and I recognize that.

But at the end of the day you ask yourself: how best can this place work? And we spend a lot of time and a lot of worry about how to do that in a way that would reflect the things that we believe in. We believe in representation by population. We believe in one member, one vote. We also believe in effective representation. And we try to balance those things out.

You may not agree with the way in which we've balanced it, but we've balanced it in a way which I think was defensible. I and other members defended it in this House and elsewhere. And it will be for people to judge whether we've done it right or not. But we certainly did it in accordance with established democratic principle.

The member from Cumberland represents a huge area, as I mentioned a few minutes ago. His voting population was, he tells me, larger than at least four of the rural constituencies in southern Saskatchewan, which would include the member's own constituency of Morse, which I think had the smallest voting population in the province of Saskatchewan.

Now we could have made it bigger. We could have made it smaller, you know. But he does represent an enormous area for 8,000 voters. An enormous area. And we just simply couldn't see expanding that seat any bigger than it once was.

Now the member detects an inconsistency in that explanation and I acknowledge it. But my point is simply this. You can represent the constituency of Morse, large though it is, much easier than can the member from Cumberland represent his constituency. Because while I can look at the member and say, you have to drive farther than I do to represent your constituents, imagine what the member from Cumberland has to do to go out and press the flesh in his constituency. I mean it's an enormous job and we didn't want to make that any harder.

**Mr. Martens:** — Well I think the minister has to come to the point where he has to acknowledge that there is

a difference between effective and equal representation. And I think that the combination has to be delivered as an option to an independent agency to make that decision. And I don't believe that you've provided that option to the commission.

I believe, for example, when they were doing their work, they had an interesting situation around the city of Swift Current where they didn't even consider any of the way the people work out the system there. At the beginning they said, okay, we'll have this unit of the StatsCanada. We'll put that into the centre around Swift Current. We'll decide that that is what that population base is.

And people who lived right adjacent to the town of Gull Lake, which is situated inside now the Cypress constituency, those people would have to go to Swift Current when their whole service centre was connected to movement west. And that same thing applied to the area north of the city which was supposed to go into an area that was represented by individuals from way down south at Consul. A huge, huge distance separated these two people.

And I'm not saying to you that there shouldn't be larger constituencies or reduced members in this Assembly. I didn't say that at all. In fact we've brought forward those kinds of references and would have been prepared to make some substantive contribution to the discussion if we were allowed to become involved.

But effective representation is in my view exemplified by what you did in the North. I think that that is effective representation. And effective representation means that you've got to take the time that is given to you in an annual basis and provide that representation for those individuals in those communities.

And I believe that you did that, and I'm saying that you didn't do it in other parts of the province. That's what I'm saying to you. And I don't think that you have indicated to us that I should change my mind on that or given me arguments that would say that the Supreme Court had . . . decision that they made on that basis, that individual constituencies should be represented also by an effective representation. And that, Mr. Minister, is what this argument is all about.

In fact when the people were making representation to the Supreme Court, there were . . . I believe the Government of Canada was making representation to defend the position of Saskatchewan people, to defend the position of the people in Prince Edward Island, to defend the position of effective representation for the people of the Northwest Territories, for the people in the Yukon. And that, Mr. Minister, is what we're talking about.

In dealing with effective representation for Canada, it's good for us that they don't do it the way you did it just in this Bill that we have before the Assembly. For effective representation I am pleased that the Canadian people said no, we will continue to have 14 people represent the people of the province of

Saskatchewan. Why? Because of distance to be travelled. And effective representation means just that, and I believe that that's fair.

One of the major discussions that took place in the constitutional debate as it related to the Charlottetown accord was that different provinces with different volumes of senators would have to have those adjusted. And it became extremely difficult for the province of Ontario to give up any senators, so that other provinces . . . or we could have more equal representation in the Senate, in the upper House. And that, Mr. Minister, was based on discussions on how this thing would evolve.

They were given more seats in the House of representatives, which is the House of Commons, and in the Senate side they were given fewer. Why? To have effective balance in representation and how that representation is made. If you would put another House into the province of Saskatchewan, and I don't agree with that, but if you would put another House in, you would have to put it in on the basis that it represented, not by population but by area, to give a balance to it.

So you put those two things together, representation by population — one person, one vote — and you overlay that with a effective representation, and what have you got, Mr. Minister? You've got a Canadianization of an opportunity. Parliament is a whole lot different than the Americans do their business. Canadian parliament is based on a completely different dynamic and it's a parliamentary system versus a congressional system. And the two are completely different.

And what we're having placed on the people of Saskatchewan, in the southern part, is an Americanization of the parliamentary system; and in the northern part, we're having a Canadianization of a parliamentary system. And that, Mr. Minister, is the focus of where we're at. And we in this side of the House said no, you can't do it that way. You shouldn't do it that way.

(2045)

One of the Supreme Court judges, Justice McLachlin, reiterated the position she had taken, that the strict principle of one person, one vote was neither appropriate for Canada nor part of its experience, and there was no evidence that the framers of the charter had contemplated the reading of such a principle into the provisions of that document. That was what Justice McLachlin said about the principle of one person, one vote. And that, Mr. Minister, is the rationalization behind this.

They see Canada as being unique. They see Canada as having an opportunity to represent itself in a unique fashion. They don't have an upper House, so then they have to say, we have to deal with it in a different fashion than the United States does. And that's very significant, and I don't think you have taken that into consideration in this province.

Now you go one step further in assessing this, and you say, I am going to allow one person, one vote in the Assembly, but you have taken then to include all of the people in that constituency — all the people rather than all the voters.

Now in equality you would expect that if it was equal for me to have a constituency with Cumberland in delivery of services, then the member from Cumberland should have the same telephone services that I do, and he does. He has the equal opportunity to phone his constituents that I have. That's equal opportunity. And as much as it is, it's effective. That is supplied for equality in the province.

For reaching individuals in your constituency, as compared to mine with postal service, we don't have equality. We have a rate that's equal, but we don't have equality of opportunity because it costs me just as much . . . I'll use the city of Swift Current as an example and myself as an example in my constituency. The people in Swift Current number about 15,000; the people in my constituency about 12,000. The voters would be seven and ten, given about nine and seven and a half, but I get paid for delivering communications on a set framework according to my voters and so does the member from Swift Current, but his costs are exactly the same. Do we have equality? No we don't.

In those cases we have to take and say, is there equality, or is there effectiveness in delivery of the system? So we have to say we'll make a decision based on effectiveness. He has the same cost as the other individual; therefore, we'll pay him the same volume of dollars, which is exactly what is done in the telephone communications but not done in other places.

That's exactly what you're doing with how you're asking people to represent . . . have a representative for them in the northern part of this province and in the southern part of this province. And I say to you, Mr. Minister, that that isn't fair for those people who have greater distances to communicate with their elected representatives than other people have.

And I'm not going to belabour the point any more than that, but to say to you that I don't agree with you, and the justices of Canada don't agree with you. And I would say that the principle of effective representation is established on why you separated the North from the South, and that same principle has to be set aside for the rest of Saskatchewan. I believe that, and I will always believe that because it has to do with a Canadian perception of effective representation along with equal representation, and the Supreme Court said it's equal suffrage. In my view, it means that effectiveness is an equal component of equality of representation.

**Hon. Mr. Mitchell:** — I think, Mr. Chair, that the justices of the Supreme Court referred to by my friend would not disagree with the legislation that we've been proceeding under. They made it clear in dealing

with the other legislation that it met minimum standards but obviously left all kinds of room for improvement. And I would venture to say that those same judges would find that the principles underlying our legislation in this Assembly are an improvement.

Let me also say this, that in talking about effectiveness as opposed to equality, we provided to the commission the opportunity to vary the size of constituencies by 5 per cent, plus 5 or minus 5 from the mean, from whatever the term was in the Act, sort of from the average. And the average was 17,182.

In 45 of the 56 southern constituencies, the commission established a number that was a variance of less than plus or minus 1. So my point is that the commission didn't see fit, in spite of all of the submissions that were made to it, to use the opportunity to vary the size of the constituencies by plus or minus 5 per cent to take into account the points that were being made by the hon. member.

So whatever the validity of the arguments — and I acknowledge that they are based upon democratic principle as I think mine are — they did not impress the Malone Commission sufficiently that they would use the running room that the legislation gave them to meet his argument about effectiveness of representation.

Most of these variances are in fact less than a half of one per cent. But 45 out of the 56 constituencies are less than plus or minus 1 from the average of 17,182. The member may know that the only riding in Saskatchewan that came in exactly with the 17,182 figure was the Saskatoon constituency of Fairview. That was a coincidence, but it is interesting, and I didn't realize it until I looked at these numbers tonight.

We took encouragement from the way in which the federal Boundaries Commission had operated in Saskatchewan at the time of the last redistribution. They were directed by statute to create 14 seats in Saskatchewan and they had a possible variance of plus or minus 25 under the federal law. The Saskatchewan commission in fact came in with a distribution that was less than plus or minus 1 and that's as close to equality as you can get. And we took encouragement from the fact that if you could organize the federal boundaries in such a way in Saskatchewan to achieve that result, you should be able to do it on a provincial basis.

I think the member makes a very interesting point with respect to the structure of allowances — communication allowances for example — as it relates to the new legislation. I think that that point ought to be drawn to the attention of the Board of Internal Economy when they're structuring some of our allowances when the new legislation goes into effect because I think he makes a very, very good point and it addresses the question of equality.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

Schedule agreed to.

The committee agreed to report the Bill.

**Mr. Toth:** — Mr. Chairman, I'd like to thank the minister and his officials for having been here this evening and discussing this issue. We didn't totally agree with his responses, but we thank him for his responses.

**Hon. Mr. Mitchell:** — Mr. Chair, I'd like to also thank the officials for the work that they did in assisting the committee tonight. And while I'm on my feet, Mr. Chair, I would like to move that the committee rise and report progress and ask for leave to sit again.

**THIRD READINGS**

**Bill No. 30 — An Act respecting Victims of Domestic Violence**

**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. 39 — An Act to amend The Queen's Bench Act to create a Family Law Division and to enact Consequential Amendments arising from the enactment of this Act**

**Hon. Mr. Mitchell:** — I move that the amendments be now read the first and second time.

Motion agreed to.

**Hon. Mr. Mitchell:** — Mr. Speaker, by leave of the Assembly, I move that Bill No. 39 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. 58 — An Act respecting Representation in the Legislative Assembly**

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

The division bells rang from 9 p.m. until 9:03 p.m.

Motion agreed to on the following recorded division.

**Yeas — 21**

|              |             |
|--------------|-------------|
| Van Mulligen | Murray      |
| Anguish      | Trew        |
| Teichrob     | Whitmore    |
| Johnson      | Flavel      |
| Goulet       | Roy         |
| Atkinson     | Cline       |
| Carson       | Wormsbecker |

|             |          |
|-------------|----------|
| Mitchell    | Knezacek |
| Cunningham  | Keeping  |
| Koenker     | Jess     |
| Lautermilch |          |

Nays — 6

|               |             |
|---------------|-------------|
| Martens       | D'Autremont |
| Boyd          | Goohsen     |
| TothMcPherson |             |

The Bill read a third time and passed under its title.

COMMITTEE OF FINANCE

General Revenue Fund  
Justice  
Vote 3

**The Chair:** — It has been some time since the department was first here and I would ask at this time the minister to reintroduce the officials who have joined us here this evening.

**Hon. Mr. Mitchell:** — Thank you, Mr. Chair. Beside me is the deputy minister, Brent Cotter. To Mr. Cotter's left is Kathy Hillman-Weir, who is the executive assistant to Mr. Cotter. Behind Mr. Cotter is Twyla Meredith, who is the director of the administrative services branch. Behind me is Ron Hewitt, the assistant deputy minister of registry services. And to my right is Doug Moen, the executive director of public law and policy. Other officials are present in the Chamber and will participate as needed.

Item 1

**Mr. Toth:** — Thank you, Mr. Chairman, and again welcome to the minister and his officials. I look forward to the deliberations we'll enter into this evening.

Mr. Minister, just a couple of questions. Number one, I'm wondering if you would happen to have an extra copy of the global type of questions we had inquired about and asked to come to our office. I'd appreciate a copy if you've got one handy, please.

Another thing, Mr. Minister, it's been a while since we have been before the House and there were a couple of viewer mail questions that I just don't remember if I raised them, and just to be on the safe side, to make sure that I brought the questions to your attention. One comes from a Cicely Booth from Carnduff regarding: why are you so strict on rifles? Why not do something about knives?

And the other one from Zelma Deg from Gravelbourg: why does the Justice minister not hire investigators to look into cases before taxpayers' dollars are spent on court cases that are costly?

I have a feeling I may have asked this the last time and I just wanted to be clear whether or not I had so that . . . because I forgot to stroke it off as having already been

asked. But to make sure that I didn't leave someone's question unanswered, I just bring that to your attention.

**Hon. Mr. Mitchell:** — These questions sound familiar, Mr. Chair, so I think we've answered them. But let me answer them in any event, just in case, and let us hope . . . let's hope that my answers are similar.

So far as knives are concerned, the danger is obvious. And there have been assaults with knives, with most unfortunate results, and it is a difficult area to do anything about. There are provisions in the Criminal Code now that cover certain kinds of knives, and beyond that I'm not sure where we can go.

It isn't the kind of weapon that lends itself to the kind of controls that we have seen the federal government put on guns. As my deputy has just said, we can't require a steak knife acquisition certificate. So there's some limits to what we can do in that area. But it is of great concern and the police forces in this province do the best that they can in those circumstances.

So far as the question of investigator looking into cases before charges are laid, this is what the police forces do. They investigate crimes, and at the end of the investigation they weigh up their evidence, and decide whether or not a charge should be laid. In the ordinary course it then comes to the department for prosecution and presumably the matter has been investigated thoroughly.

Just because a case is subsequently dismissed doesn't mean that the investigation was deficient or that it ought to be criticized. The member will know that everyone in this country is presumed innocent until proven guilty beyond a reasonable doubt and the evidence is normally given verbally by people who are called as witnesses.

Sometimes that evidence holds up. Sometimes — particularly under skilled cross-examination — it doesn't hold up. And it's almost impossible to predict how it's going to come out in terms of the quality of the evidence and the integrity of the evidence. And therefore dismissals may happen in cases where the prosecutor is practically certain of obtaining a conviction. And there's no way that you can predict that in advance.

But in answer to the question that the member raised, that's what the police forces in this province are for: to conduct precisely those kind of investigations.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, a couple questions and they're relating to questions that have actually been raised in question period, and on a number of occasions, and my colleague from Rosthern as well has raised the question. It's regarding the Martensville case and you're quite well aware of it. And of course, Mr. Minister, we're aware of the fact that no one is really satisfied regarding the case. I would suggest the parents aren't happy with what's happened. The individuals who were convicted and tried aren't happy with what transpired in the case.

There's a lot of uncertainties as to whether the police did a proper and thorough investigation; whether the prosecutors handled the case well. Just so many questions that were left unanswered to the tune . . . And as I look over just some of the headlines and some of the information that has come out, I also note that in one of the arguments I think you've given for the fact that you didn't feel a review was necessary, it was we've got a substantial cost already, and to add to that cost may not necessarily answer a lot of the questions that are out there.

And I can also respect the fact that to do an inquiry and to really open up the doors, the children right now who are in a situation of having faced some very traumatic circumstances as they testified before the court regarding the incidents and the allegations that were brought forward, faced a lot of trauma and a lot of challenge in their lives. And their lives certainly were disrupted, and to have another inquiry possibly just increases that.

(2115)

But, Mr. Minister, as I indicated just at the beginning of my remarks, there are a lot of questions unanswered, a lot of questions that are still outstanding, and a lot of people that are very concerned. And I'm wondering what your department has done to try to alleviate some of the concerns; what the department has learned from this particular case as far as, should it face another similar type of circumstance. And as we're well aware, we've just passed the victims of violence legislation earlier on this evening and no doubt at the end of the day we may even see some court challenges regarding that legislation as people come forward with some of the abusive situations they've been under.

And it would seem to me that whether people are satisfied or not, there certainly are a number of questions and a number of observations that have probably been made and I'd wonder if you would just take a moment to explain to the House and to the people of the province what the Justice department has seen, what avenues they feel they could serve better. And in view of the fact that I believe the Crown was really not brought in until a little later date, or the provincial Justice department wasn't really involved right off the bat, so it makes it difficult after the fact as well. So maybe you could give us some of your observations regarding this whole scenario, Mr. Minister.

**Hon. Mr. Mitchell:** — This was, I think, the longest criminal trial in Saskatchewan's history, and a very, very difficult trial because of the age of some of the witnesses, and a very emotional trial because of the circumstances of the town of Martensville and the fact that so many people in the town knew the families of the children and knew the accused. And it created a very, very difficult situation, and I don't have to tell the member or any member of this Assembly about that because we all felt it in various ways.

These kinds of trials, where the allegation is so serious, so shocking, elicit strong reactions. That's normal, that's natural.

And the reaction is on both sides, the people who sympathize with the children, and on the other hand, the people who sympathize with the accused. And each side has strong feelings, and the member has heard from both those sides, as we all have.

And it makes for a tough situation. And it's tough if there's a conviction and there's tough if there's an acquittal. And as we have learned in the Martensville situation, it is tough when there is both a conviction and an acquittal. And we have taken the heat on that from both sides, and all of us have heard those criticisms.

It has, as is so very often the case, raised questions about the functioning of the justice system, and I understand that. These cases always seem to do that. And as in any complex and long case, ably defended as this was, there will be holes poked in the Crown's case for one reason or another, and criticisms that flow from the defects or alleged defects in the investigation or in the kind of evidence that was put forward.

And that's, and it's tough to say it, but that's normal in this kind of a case, for one side or the other to level criticisms on that basis. And in this case, doubly so because both sides are critical. There was a great outpouring of sympathy for the children; there was also a great outpouring of criticism of the system from those who felt that the charges should not have been brought.

Well, there we are. We have a system that presumes that everyone that is charged with an offence is not guilty — is innocent until they're proven guilty beyond a reasonable doubt before a jury. And that's what occurred here.

It is the obligation of our prosecutors to place before the jury, in an objective, dispassionate way, all of the evidence, and they did that. And it is the right of the accused persons to be represented by counsel, as they were, and to test that evidence by cross-examination and by calling other evidence, and they did that.

And at the end of the day it was for a jury of 12 — in this case 11 eventually — plain, ordinary folk to listen to all of that evidence and to come to a conclusion about guilt or innocence. And they in fact came to both conclusions. They came to the conclusion that one of the defendants, one of the accused was guilty on a number of counts, and the two other defendants not guilty.

Now you can look at that situation and say the system has worked as it was designed to work. The member will know when I use those terms that the system wasn't so much designed as it evolved over centuries of experience in the United Kingdom and more recently in Canada. And it has resulted in a system that by and large serves us fairly well.

But it is not a perfect system, and it's not a perfect system because at the end of the day you have to rely upon evidence that can be called into court and offered to a jury. And that's about the only way you have of dealing with these crimes. There is not a video camera working while these alleged offences are being committed, so you can't prove something in the sense that you could produce a video.

Nor are these the kind of crimes that are committed with witnesses around. So an allegation can't be normally proven by the evidence of some third person. You are left then with the evidence of little children. In this case there has been criticism of the investigation.

I don't comment on that, nor does the member, because we're both aware of the fact that the investigation itself was a major issue during this long trial, and that this same jury heard evidence day after day, week after week, practically month after month, on how the investigation was conducted. And that evidence no doubt assisted them in making the determinations that they made.

We don't know what makes a jury come to the decision it comes to because their deliberations are held in secret and there is no way that we can find out just what went on, nor should we. We are simply interested in what is the view of these 11 ordinary citizens on the basis of all of the evidence that they've heard. They're in the best position of any of us to determine whether there is guilt or whether there is innocence.

All we know about the case is what we read in the newspapers, and all we know about the case was less than normal here because of the publication ban. So in effect we didn't know what was happening in the courtroom, but the jury did, and the jury came to the conclusion that it came to. And I think that we simply must accept it. Now having said that, I think we must learn from it.

I have said before, and I say again here tonight, that our system of justice really doesn't have very much experience dealing with allegations of abuse of young children; we really don't. Notwithstanding that young children have no doubt been abused for heaven knows how long, our system does not have a great deal of experience in dealing with those crimes.

There are a number of reasons for that. It wasn't too long ago that the court just wouldn't accept the evidence of a young child without substantial corroboration of that evidence by some independent evidence that would corroborate what the child said. Well that, of course, made many of these cases impossible to prosecute, and it isn't until recently that parliament shaped up that area of the law and we now are seeing some of these cases going to trial.

We're learning — and this is most important, Mr. Chair — how to handle the evidence of children. There was a great deal of reported . . . a large number

of reports in the papers about the way in which that evidence had been handled, and we all learned from that, including officials in my own department, as to how it could be done better to ensure that the evidence of young children is not compromised, is not dealt with in such a way that later at the trial someone will poke holes in the evidence and create confusion and create doubt where there ought not to be any.

So we've learned a fair bit from the Martensville trial about how to handle the evidence of young children so that investigating officers, and indeed prosecutors, don't compromise the evidence of the children unwittingly. Just to make it clear what I'm talking about — for example, questioning a child using leading questions, or suggesting the answer in your question, or trying to lead the children's evidence into particular paths. I don't know whether that happened in this case but it certainly is one of the criticisms that I've heard since. So I think the important legacy of Martensville is that we've learned a lot.

And indeed in the child action plan announcements and the discussion in this House, I talked about the creation of a special investigation unit to deal with the evidence of young children, the creation of a children's house where we could . . . where young children who had this kind of unfortunate experience could come and spend time with a team of professionals who would know how to deal with that child and who would start the process of healing the child. And in the course of that, take the evidence down and preserve the evidence and ensure that it was dealt with in a way that didn't compromise that evidence, so that the evidence could be received in court without the kind of criticisms that we heard in the Martensville case.

I think that's an important thing to do. I have . . . I'm optimistic that that is going to make a difference. That special unit in that special facility will avoid some of the pitfalls that were apparent in the Martensville case.

Now I have said that we will not have a public inquiry because that's about the first thing people asked for the very day of the jury's decision. They wanted an inquiry. My response is that we had just finished the most intensive kind of an inquiry before the jury. And every aspect of the investigation had been questioned most thoroughly of all of the people who had been involved in the investigation. So I didn't understand what there was left to inquire into. And I still don't.

I do, however, try to maintain a flexible attitude towards the situation. And for that reason, with respect to the petition that was brought to this House on a day when I unfortunately wasn't here — I had been saying publicly for some time that I wanted to meet with those petitioners so that I could hear them and I could deal with their request and I could explain what my own thought processes were on this question. I was absent that day on a commitment that had been made weeks in advance.

My office has been in touch with Ms. Dalton on a

number of occasions trying to set up an early meeting date in Saskatoon, and I think that we will accomplish that by about the end of this month — within the next two or three weeks, I think. And I'm looking forward to that meeting because these are very, very concerned, very sincere, very well-meaning people with a very strong viewpoint on these questions. And I want to hear it out.

And I want them to hear my answers, or my thinking. And we'll reason together and see what we can come up with. I'd like to tell them some of the things that we are going to do and get their reaction to that and get any suggestions about other things that we should do.

But I certainly take it seriously and as I sit down I want to repeat that I certainly understand the depth of the emotions that surround this unfortunate case and my sympathy to the people who are upset by it.

(2130)

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, when it comes to sexual abuse cases, and allegations of sexual abuse, it seems that there probably should be some safeguards in place as to how the whole process is conducted. I know that you have referred to the fact that we've read things in the paper regarding the whole Martensville case.

And we certainly were aware of the fact that were some suggestions made that through the investigation there was interrogation of children, or trying to derive information to the point that children were in a room being asked questions and became so frustrated one child was supposed to have said, well at the end just so he could get out and play, he was getting tired of the question, finally said okay yes, this is what took place, basically almost as was indicated by the media through leading questions.

I think that's something of major concern, Mr. Minister, because it seems to me even . . . I'm not sure if it was just the other day I caught an article talking about some proposed changes to the sex education in schools and some of the education that will be brought forward through the health program to talk about sexual problems, sexually related problems, and what have you.

And I'm concerned, Mr. Minister, based on the fact that for young children, I think young children can easily be manipulated as well and depending on who is presenting the information, who is presenting the . . . seen as the teacher or sharing the information, trying to put forward that information, a young child could make a comment about something that happened in the home that may have not even be related to some kind of foul play type of format.

But the concern I have is what safeguards do we have that we really are legitimately dealing with situations of actual sexual abuse rather than a person just . . . well say for example your daughter walks by and you pat her on the backside. And the way we're getting to nowadays you almost don't want to reach out and hug

your daughter or your son in case it's going to be termed as something aggressive versus something done in a loving manner out of fun as you enjoy your children.

And I think, Mr. Minister, that we need some safeguards in place as well to protect people from being falsely accused while at the same time trying to determine what is actual sexual misconduct. And I wonder where the department is in trying to raise some of those concerns and set out some guidelines.

**Hon. Mr. Mitchell:** — The member, Mr. Chair, has raised a matter of obvious public concern. We read magazine and newspaper articles on this subject, and see it canvassed in television documentaries and reports, and it is something that the whole justice system is concerned about.

On the one hand, the abuse of children, particularly sexual abuse, is I think the most horrifying of crimes. On the other hand, the whole system has for centuries been solicitous, has been concerned about the possible innocence of people who are alleged to have committed an offence, to the point where the system has created the presumption of innocence. And therefore for the justice system to convict someone, it is necessary for us to prove their guilt beyond a reasonable doubt.

So it is a point of obvious concern and concerns this Department of Justice as much as it concerns anyone because our people here make the decisions about prosecuting or not prosecuting, about appealing or not appealing, and they have to take into account some of the matters that the member has raised.

To return to the special investigation unit for young children that I was referring to earlier, I believe that there is an idea that will in the long run provide some comfort in this area, because the people involved in this unit will have special training and special skills to equip them to handle this evidence in the most appropriate ways. These are highly trained, highly professional people and they will, I'm confident, be able to deal with this evidence and to handle it in such a way that some of the problems that the member has raised won't be such problems. And the system will work with a large measure of confidence as a result of this special effort. That is my hope and I'm optimistic that we'll make a lot of progress as a result of that idea.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, another area of concern that really affects people and is coming to the forefront even more in the last few days is the Young Offenders Act. The other day, I believe it was on the weekend if I'm not mistaken — Friday or Saturday, I just don't remember — but there was an individual, I believe in the city of Regina, an individual who was tried and convicted and there was some accusations of sexual molestation. There were other accusations of physical assault. One of the, if I'm not mistaken . . . here again I'm going based on media reports — I believe one was a child complained about spankings in the home.

Mr. Minister, what I'm beginning to wonder about our whole system, when it comes to giving some correction and direction, is where we're headed. Just last night I happened to catch the news and there's a gentleman on who was confronted just on Wascana . . . or in Wascana View, driving a vehicle, was confronted. One vehicle cut him off, another vehicle beside, and then they started knocking the windows out. And he said he was almost sure that had another. . . not a second vehicle happened to drive up or be driving up, that the individuals might have hurt him physically.

He didn't indicate how old they were but the indication was it was some young people. I'm not exactly sure what was up. But it seems to me there's a real failure in our whole system. And I come back and that's why I talk about discipline. I've been taught that there's a place for discipline in the home. I've been taught on the Biblical principles that you train up a child in the way he should go and when he's old he'll not depart from it. Give him some leadership.

There's also a Biblical principle that says you spare the rod and spoil the child. Now some people would say well if you talk about the rod, the rod that comes to their mind is some kind of a steel prod or whatever. Certainly I don't believe that's what the Biblical writer was talking about at that time.

But I think what we see, Mr. Minister, and I read another article recently where it was Warren Allmand's, basically it was his idea to start changing the Act, and becoming a little more lenient and suggesting rather than applying discipline in the home or applying discipline in the schools. And I think even if you talk to a lot of teachers across this province they're at a position of not really knowing what to do or how to deal with children in their classrooms who are misconducting themselves, and children who are just being disobedient and disruptive in the classroom. They don't know what to do because they dare not lay a hand on them in case that child would accuse them of physically assaulting them.

I think, Mr. Minister, when we look at what's happening with the young offenders and we see how . . . And I go to this incident in Edmonton. This 36-year-old mother so savagely stabbed to death in her home by three young offenders who happened to break in. Something is wrong with our society.

And I would suggest part of the problem with our society and part of the problem with young people today is that they have no real direction. They haven't been given direction. They haven't been shown leadership in the home, and possibly that leadership hasn't come about because parents haven't been there to give it.

We've been so busy building for ourselves. Both the husband and wife have jobs and they're in and out late. The child comes home and there's nobody at home to give direction. They come home and after supper you're gone again on another errand. You don't take the time to give some direction. And even

through their own lives, through maybe abusive situations, maybe alcohol related situations . . .

And I would even suggest, as we've seen in the paper today, Mr. Eisler's column talking about VLTs (video lottery terminal) and this bar manager in the Black Bear Inn and Blaine Walsh when he was talking about the problems that affected him regarding VLTs and how he became addicted to video lotteries and the situation he relates of an individual, a gentleman who had spent a thousand dollars in two days. I would suggest there's going to be some major problems in homes even related to gambling as people spend their money foolishly and come home and there's nothing to meet the basic needs.

Mr. Minister, it would seem to me that while we're trying to attack the problem with young offenders, maybe we have to look back to the homes. Maybe we have to give families or encourage families to take some leadership, parents to accept some of the responsibility. Give them that ability to show responsibility.

And when I talk about discipline . . . And I've known what it was to be corrected by my parents when I disobeyed them, and it certainly wasn't just a tongue-lashing or . . . but I had the rod of discipline applied as well. And maybe we've all . . . the older generation may have had that opportunity. But, Mr. Minister, I think there's a place for parents to give some direction, to set an example.

There's a place for governments to set an example. We won't go into the court Act, but there's a place for governments to set an example, ministers to set examples. And if we're going to attack the whole situation of the young offenders, I think we do need something in our court system that means something. That applies where . . . If a person is charged with a wrongdoing, be they a young offender or whoever they are, there must be some penalties that mean something so that at the end of the day that individual and other individuals know that if they commit an offence that this is what's going to happen.

I set up the guidelines in my home. If my children disobey those guidelines, there are certain consequences. And generally speaking, Mr. Minister . . . And it's interesting. I went home one weekend and my wife said to me, the boys had been misbehaving. And she said, well I'm going to tell your dad. Don't tell Dad; don't tell Dad. They knew what the limits were and I think we've gone past that. We've forgot that. Certainly there's a place for hugging, as Warren Allmand talked about — hugging and showing love and showing concern — but there's also a place when you're showing love and concern, where you set some guidelines and you apply some discipline because you do it out of love.

I think, Mr. Minister, when we're dealing with the Young Offenders Act, we've got to start in the home but as well, because we have so many homes that do not have the ability to give some direction, we also must take some initiative to apply some meaningful

principles of justice — and whatever the convictions might be, that there's some meaningful charges, and not only charges, but the ability for the justice system to hand out meaningful sentences.

And I know that the Young Offenders Act comes under the federal legislation, but I also noticed last night on TV . . . I happened to catch the federal House and I believe it was a Reform member was asking the minister what he was going to do about the young offenders question. He indicated that he sent out notices to all the provincial Justice ministers asking for information, I believe . . . I'm not even . . . I just didn't catch it all whether it's a meeting as well to address this issue.

But I'd like to know what your office is doing, what the department is doing, to address some of these concerns, and as well — not just saying that it's the government that has to do it all — but are we doing something to relay to parents and to even give educators in the school system an ability to give some direction in the whole training process starting from a young child right through till they're out of school and on their own? Is there any of that format being adopted so that we're not interfering but we're in fact encouraging people to take some leadership?

**Hon. Mr. Mitchell:** — Mr. Chair, I want to say to the member that our society is . . . I think what he's saying is that our society is not doing a very good job of raising our kids, and the statistics are available that would bear this out, although on the other side of the equation the incidence of crime committed by youth has not been rising. It seems like it has, but if I'm correct in my understanding it is a flat kind of a situation. But I don't want to dwell on that. I want to just pick up and agree with some of the points that the member has made.

(2145)

Perhaps what we lack in our society is teaching people how to be parents. That's what the member was referring to in part of his remarks, saying that we have to take some responsibility and we have to show some leadership, and I think that our society has this failing. We don't spend much time teaching the people who are to become parents how parents should act, and so we have parents who ignore their children and the member referred to that.

On the other hand we have parents who over-control their children and in so doing create resentments and hostilities which later break out and result in behaviour just as bad as the children who are being ignored. So we've got parents making all kinds of mistakes out there and not giving their children a chance to grow up in the mainstream of society and enjoy what we would call a normal life.

The young offender system and the justice system catches all of these shortcomings. We don't create them. Society itself creates them. But they result in situations that wind up in the justice system and have to be dealt with. And by the time it reaches that stage,

very often the offenders are quite far gone, and they are difficult to rehabilitate or reform.

The whole idea of the young offender approach, and before that the juvenile delinquent approach, was that it is . . . I mean crime must be noticed and must be dealt with in an appropriate way, but you just can't give up on the little kids. So you can't send them off to jail with hardened criminals for long periods of time and expect to get anything back. You've got to deal with them in a way that's appropriate considering their age and circumstance. The young offender system tries to respond to that.

Now it receives a set-back every month or two when some horrific crime is committed by some psychopath who happens to be of young offender age. And then we ask ourselves, my goodness, what's happening to our society? How will we deal with this crime? We're not tough enough on these kids. And in those cases we probably aren't. And yet at the same time we would not want to give up on a 14-year-old who has committed one break and enter or a number of break and enters. We have to have the hope that that child can be reformed, that somehow the system can grab hold of that child and put that child on the right path.

I'm optimistic about that and I'll tell you why. In aboriginal communities in this province and elsewhere, where they have these problems in spades, if you look at the statistics, they are making rapid and dramatic progress in dealing with these troubled children. And they're doing it by involving their communities in ways that have been described in this House in the debate over the healing circles by the member from Qu'Appelle-Lumsden, where the sentencing circles and the healing circles got the whole community involved in the situation and really made progress in setting the children upon a right path.

Now if that's possible in our aboriginal communities in Saskatchewan, it should be possible in the larger society. As I have said before, I think we have much to learn from some of these developments that are taking place in aboriginal country. And for that reason I'm optimistic. I think that it's not a hopeless situation at all.

Now changes are afoot across the country. The Justice ministers and their officials have been working on a number of ideas with respect to the Young Offenders Act. The Young Offenders Act has a lot of critics and those criticisms have been collected and the officials have been working on them. And the ministers meet regularly and review this work and give further direction. I think we're making progress. Saskatchewan is fully involved in this. There is not a unanimity about what should be done across the country, but there are a number of ideas that I think are going to see their way into legislation soon at the federal level.

When the federal minister was here in Saskatchewan in late April we discussed a number of ideas. He told me some of the things he was thinking about. I

indicated support for some of those reforms. He indicated that he was prepared to act on some of the concerns that we have. So there are changes happening, and I think that Canada will be responsive to those changes and will find them beneficial.

**Mr. Toth:** — Well thank you, Mr. Minister. Certainly the family of this 36-year-old mother of two in Edmonton may not think the changes came quickly enough. And there's no doubt that I think we're going to have to look at some forms of punishment that address the seriousness of the crime.

Mr. Minister, you may not have caught the news — I think it was mid . . . last week — where there was an 11-year-old in Vancouver whose parents have basically given up on him; he'd stolen 30 vehicles. He was like a kleptomaniac at getting in vehicles, and the family had asked the police to come and arrest him and put him in jail already because they couldn't really stop him. He'd just get in, and he'd take off with these vehicles. The last one, well I guess he's banged up a few, but this one he went through a red light and fortunately no one was killed.

And it seems, Mr. Minister, that sometimes some teenagers may need some shock treatment. I heard of one case where a group of individuals were dealing with some young offenders, and it just seemed they weren't getting anywhere, and so they had made arrangements to take them into a federal penitentiary and to talk with some very, I guess, long-time convicts. And they took them into the prison, and they took them into that environment, and basically they had a half a dozen inmates come and talk to them about conditions and the prison system. And needless to say, they basically asked the inmates not to bar anything from them of what some of the things that take place which I think aren't worth discussing in this House. It's certainly something that, for a prison system, it's hard to describe, but I guess when people are put behind . . . incarcerated for a number of years, you get to a point where you almost would do anything.

And the bottom line was these teenagers left with a dramatic impact of what prison life was like. I guess the impact it had was a shock to their systems to the point that they decided maybe they better do something to try and correct themselves and to correct their lives. So I think, Mr. Minister, we need some meaningful laws, and we need some meaningful penalties.

And when I say that, Mr. Minister, I also want to bring to your attention an incident that took place in my community just this past winter, where an individual who happens to farm outside of one of the small communities — but because he resides in about six miles in the community, six miles away from the community — had gone out to his farm, and his fuel tanks were chained and locked, and he noticed the chains were off on his fuel tanks. So he went to investigate. He had his tanks filled up in the fall and, lo and behold, his tank was half empty of gasoline. So he got the local retailer to come out and deliver some

fuel. And there was something roughly in the neighbourhood of 65 gallons of fuel was put into this tank, and he locked it all up again.

Two weeks later he went out. It just so happened that we had had a new snowfall a couple days before, and lo and behold, there are tire tracks up to that fuel tank and the lock was again cut. And he checked and sure enough the tank was down again, so he called the retailer out. In the meantime he put some plywood over these tire tracks and he called the RCMP out to investigate. And they actually put in about 75 gallons worth of fuel into the tank to replenish what was lost.

The RCMP came out, they took pictures of the tire tracks, and basically they shrugged their shoulders and said, there's probably not a lot we can do. Well he wouldn't accept that, so he took the pictures and he started kind of . . . he went around the school and he went around the rink, and lo and behold, if he didn't find out which vehicles matched up the tire tracks. He confronted . . . he waited for the individuals to come out — they were young offenders. He confronted them and they actually indicated, yes, we were out there and yes, we helped ourselves to some of your gas. Well the RCMP came out, they did an investigation. Just from his own records it showed that there was roughly 150 gallons of fuel had been stolen from his property besides the tank being broken into.

Through the process of the justice system and the arguments, the children were . . . or these young offenders were charged with I believe it was possession of stolen property. They went to court. The last I heard the lawyers have basically argued down between themselves that maybe — maybe — 50 gallons of fuel had been taken. And the RCMP finally said to the individual, you may as well forget it; from what we see here it's all circumstantial evidence. We're going to go to court; it's going to get thrown out; we're going to lose. There's no sense in us wasting our time any longer dealing with this case. And on top of it, even if we did win, you wouldn't get your gas replaced. You wouldn't get paid for that.

So what does a person do? What does that say about our system? When the individual himself went to a lot of work trying to determine who . . . and the kids involved themselves actually admitted being out there, actually admitted taking the fuel, and yet at the end of the day they're walking away from it. So if they've done it once, Mr. Minister, it seems to me in this case they didn't even get a slap on the wrist. If they've done it once, what's it going to say to them? Next time we can do it again because we'll find a lawyer who can argue our way around it.

I would think even as I've seen here, the local police force are becoming so frustrated trying to investigate matters of this nature because they go to all that work only to get to court and find out at the end of the day that lawyers have been able to sit down and argue back and forth to the point that there's nothing left to stand up in court, and no one has to answer for it.

So how do we set up some guidelines that say our

justice system is going to operate so that people themselves aren't always the victims? In this case, this individual is out 150 gallons of fuel at roughly 2.50 a gallon. That's in the neighbourhood of almost \$400, 350 or \$400. Any one of us losing that amount, that's a substantial sum of money to be out, Mr. Minister, and I think we're sending the wrong message when even the police have a hard time going to court with any kind of evidence.

And I guess the other case right in front of us is the smuggling case with cigarettes here in Saskatchewan where the judge has basically indicated he's not going to turn his court into a collection agency. I think, Mr. Minister, we're sending the wrong message.

**Hon. Mr. Mitchell:** — The justice system, Mr. Chair, is just not set up to put people in a position where they have to take responsibility. It is not any kind of an inquisitorial system where the court's trying to draw out the evidence or determination about who did it.

The system in effect in this country and in this Commonwealth system for centuries has focused on the accused and has said that if the accused is charged with an offence, that accused is presumed innocent until proven guilty.

And it is a system with obvious shortcomings. We consider them to be important, you and I and all members of this House, because it is a foundation of our rights as citizens of this country, and it's important that it be so because we ought not to be punished for crimes that we did not commit, and that's fundamental. So our protection is that in order to be punished for an alleged crime, we have to be proven guilty of that crime beyond a reasonable doubt. Now I know that I'm saying things that the member knows, but it's well to remind ourselves of that every once in a while.

It leads to situations such as the one that the member told the House about where the farmer loses 150 gallons of gas, and the farmer knows who did it. But when you get to the courtroom and get down to the strict rules of evidence and the presumption of innocence and the need to prove guilt beyond a reasonable doubt, you start running into problems. Those young people who are charged are entitled to due process just as would you or I if we were charged with a criminal offence. And it is the way that we want it to be because it is the bedrock of our web of rights that we all enjoy as citizens of this country.

(2200)

If we were to change it, we would be launching upon the most radical sort of changes to the very nature of our society. If we were to say that people were not presumed innocent, that itself would be a revolutionary idea to impose upon this country. I for myself am content with the presumption of innocence. I think it has served the common law system well, and we should continue with it. And indeed our constitution is built around that idea, as least as far as the charter of rights is concerned. Better

that any number of guilty people walk free than that one innocent person be punished by imprisonment or otherwise.

Now that leads to all kinds of unfortunate results, and it is frustrating to the police, and it is frustrating to the prosecutors. Although I want to say this to the member, of the contested cases that we have in this province — that is where the accused enters a plea of not guilty and there is a trial — the accused are convicted about 80 per cent of the time. So four out of five cases there is a conviction. By the same token, one out of five, there is an acquittal. And that is just a result of the presumption of innocence and the strict rules of evidence that surround criminal trials.

I know that it creates controversy, and the member cites the situation that obviously created controversy, and everybody can understand why. But yet in its fundamentals, I think we have to carry on as we have with the kind of due process rules that we have in our system. Everyone in the system has to act with integrity. Everyone in the system has to do their job. But at the end of the day, considering all cases, I think we are well served.

Now we're trying other things. We're trying mediation, we're trying diversions, and where all situations don't have to be dealt with through criminal charges and proceedings in court, but you can find a solution. Perhaps in the one that you mentioned, if those two accused, those two youngsters and the farmer could have been gotten together in a room and talked about it, there may have been a solution found that wouldn't involve anybody being charged with anything but yet would have involved those youngsters paying back the farmer for the 150 gallons of gas by working it off, or by paying it off over time, or providing services for the farmer, and apologies, and all the sorts of things that you can have.

And again I cite the sentencing circles that were the subject of debate in which the member participated just the other day. There is hope on the horizon that there are other ways of dealing with these things. But within the criminal law system, although we are subject to criticism from time to time, we — and understand why — I think we're still well served by this system that we have had for so long in this country.

**Mr. Toth:** — Well thank you, Mr. Minister. Mr. Minister, unfortunately it seems, as in the scenario that I just laid out for you though, that we've created a system whereby we've given an open door for lawyers to build up their coffers through the court process. I think there was, in this situation where the farmer with the police had confronted the individuals and the individuals had indicated yes, they had indeed taken this fuel, and yes, they possibly took this amount because they indicated they had a slip tank that they had also put fuel in. So if it was just the vehicle you might question the amount.

And you talked about the mediation process. And I'm not exactly sure what form that it ended up, where you

ended up with lawyers and it going to court, but it seems to me it would have been the appropriate forum that would have allowed a process of mediation to take place.

But certainly I know that the local community is frustrated with how it was handled. The local RCMP are somewhat frustrated with the investigation, the fact that the individual went to a fair bit of work and at the end of the day all the work that they had was basically dismissed. They just said it wasn't really worth the process of going to court any more.

Sometimes I wonder, Mr. Minister, how much we actually spent on court cases that maybe we could resolve outside of the courtroom. Maybe there is more of a . . . If there was a little more responsibility put on people for their actions if a person was proven guilty.

One example. I think a prime example is the whole court case that was surrounding the Alameda-Rafferty dam project. I don't know how many times that went to court — whether it ended up in court about three times, if I'm not mistaken. And if I'm not mistaken as well, on every occasion the plaintiffs were voted against by the court.

And yet the court all relayed the cost of those proceedings to the province of Saskatchewan. No onus was put on the individuals involved, Mr. Minister, to have to show . . . or to have some responsibility in the cost of the court case. They could keep appealing the process because they didn't have to account for it. They didn't have to put anything out on that, Mr. Minister.

And I think even if people . . . whether people are going to accuse someone of a wrongdoing, Mr. Minister, at the end of the day if the courts would find that it was a false accusation and some onus was put on the individual to at least be somewhat responsible even in costs of court cases, we may find that people wouldn't be going to court as much as we see nowadays because they would rethink the fact . . . the accusation that they may be putting forward. Whether it's against the young offender or whether it's someone making an accusation in anger or jest, Mr. Minister, I think those are some areas that we need to certainly address, and that's what I talk about when I talk about responsible attitudes in the court system.

Mr. Minister, I'd like to get on to a question here that arises, and it comes back to the mediation process and the mediation legislation. One of the major concerns regarding The Matrimonial Property Act . . . and it's again relating to another circumstance that was brought to my attention. I've discussed the matter with you. I've discussed the matter with some of your officials, and I appreciate their comments. I'm not sure exactly where we end up at the end of the day.

But one of the major concerns is what is identified as property to be included in a divorce settlement. Mr. Minister, when we do . . . Is an inheritance that's passed on from a parent to a son or daughter, would that or should that become part of an inheritance or a

marital settlement? Who does an evaluation of property, Mr. Minister? In the case I've brought forward, as I've gone through the report, it seems that the plaintiff and the accused or the . . . well both parties, the husband and the wife each did their own evaluations of what they observed or felt the property was valued at at the end of the day. It appears to me by looking at the court documents that the wife's side of the evaluation was taken. It would seem to be that a proper evaluation . . . the courts should've at least had an independent individual go out there and assess all the property the couple were involved in or owned and come up with an independent report as evaluation of the property, rather than just taking the one side or the other because you can expect the fact that the husband's going to have one view and the wife's going to have one view as to value of property.

And, Mr. Minister, is the Department of Justice doing anything to address these concerns regarding whether inheritance should be part of a divorce settlement, whether that should be included, and whether or not we are going to look at establishing or asking the courts to make sure that when there's a conflict over valuation of property, that the court would apply for an independent individual to go out and assess the property and come up with an independent valuation of that property for matters relating to that divorce proceeding?

**Hon. Mr. Mitchell:** — Mr. Chair, I want to say at the outset that I am not an expert at these matters. It's been many, many years since I practised any family law. But let me try and deal with the questions that the member put and then make a general comment about these kind of cases.

It is my understanding that with respect to property that is inherited, the following are the rules. If it is clear from the will or from other evidence that the deceased intended the property to go to one of the marriage partners, if that were made clear that it go to one of the partners and not to the other, then that would be the result, and the court would so find. If it were not clear that the deceased intended the property to go to one and not to the other, if there was ambiguity about that, then the court would presume that the property had been given to them both and the division would be 50/50. Now I could be wrong but that's my understanding of the law.

On the question of who evaluates, in the final analysis it is the court that evaluates, and the court will respond to evidence that is brought to it. So that in a typical case where the husband and wife are really trying to kill each other in the courtroom through this litigation, they would each call their own experts who would give evidence of value which would be cross-examined by the other lawyer. And at the end of the day the judge would choose between the evaluations and would attach a value to property. Sometimes that makes both parties happy; sometimes it doesn't. Most often, I think, it doesn't, but the court has to decide those questions in the final analysis. I don't know that there is . . . well I just don't know. I don't know whether the court has any capacity to

order a separate evaluation or not. I think that I'm being advised that it does have that capacity, but I don't personally know.

But here's what I want to say about these cases, and I say it from the perspective of . . . I had a law firm for many years in which some of my partners and associates practised family law, and my wife, Sandra, was active in the field of family law. And I learned this much, that the courtroom is not the place where they should be when they're working out these property questions. Somehow the system has to encourage them in every way that it can to resolve these problems themselves.

When I said a few seconds ago that the husband and wife are trying to kill each other in the courtroom, this is what I was referring to. They go in there armed for battle and they just slash and hack and cut, and it has very little to do with the home quarter or the section or the combine or the bank account. It has a lot to do with their hostility to each other and they can't agree on anything.

And what we're trying to do is to make some changes to the system that will help them to get into a discussion frame of mind where they can work these things out, so we have mediation, which the member has supported very strongly. And we have the Unified Family Court where you'll have special judges, specialized judges handling pre-trial proceedings where these things have a great chance of being worked out, and indeed handling trials where the judge can try and keep the heat down so it doesn't explode all over the place and really rupture the relationship and impact on families.

As I said in my second reading speech on one of those Bills, these family law trials are not one-time events. They live on and on and on and affect other people, and particularly the children of the unhappy couple.

(2215)

If we can find a way to make them less unhappy, to resolve their problems by negotiation and discussion rather than by litigation, that will impact in a good way I would think, as far as their children is concerned and their friends and their other family members, and create a more wholesome environment even though they may not be able to patch up their marriage.

So I want to make the point with respect to The Matrimonial Property Act, I strongly believe those questions should be worked out and the system should do everything it can to encourage people to work out their matrimonial property questions and not take them into litigation before courts.

**Mr. Toth:** — Well thank you, Mr. Minister. I wholeheartedly agree with you because I think the court process certainly doesn't build for relationships, and maybe part of the problem, Mr. Minister, is just the way the whole process is set up. Maybe if there was a limitation, maybe if . . . and when I talk about limitations I talk to addressing the question that even

limitation to what lawyers can receive at the end of the day, we might get on with the business of settling issues rather than dragging it out, because I think there are so many people, by the time the courts have finally settled the issue there is nothing left to divide. It's already gone to third parties who have been involved in the issue.

Mr. Minister, in this one case scenario, now you indicated if it was a will. I believe in this one case the mother had actually passed the quarter on to the son prior to her passing away. And that was a couple of years before she had been deceased.

Another case that arose after the mother had passed away. The father still had a half section in his name and he decided he'd pass on the land to his son. There was a house in town and he thought, well to save the hassle of dividing and making a will and having this divided, I'll put my son's name. But he was going to farm the land, but he had his son's name put on the title. Well that all got dragged in, even though he's been actively farming and deriving the revenue. So now the father's out a half a section.

It just seems to me, Mr. Minister, I don't know what went wrong in the situation. And I know the individual didn't help himself by the way he responded to the situation. Some of the comments he made, he certainly didn't help himself.

But there must be a way that a person can address . . . and we talked about the question. I asked about an appeal. And they did have an appeal. Now I talked to a couple of lawyers since then regarding the appeal process, and they indicated to me that the appeal process should have at least listened to some evidence or some arguments for and against why the decision maybe should have been somewhat different than what it was.

And as we discussed it, I think you had indicated at the time, the appeal process basically looks at the court documents and whether or not the proper legal procedures were followed rather than allowing the defendants to speak to the appeal judges. And in this case, when the defendants asked for an opportunity to address the issues and some of the inequities they saw in the original court case, they were told that no, they weren't able to do that.

The result today, Mr. Minister, is a young man — whether it's right or wrong and whether some of his actions were right or wrong — is basically looking at losing a farm that he had pretty well paid for almost before he was married. And part of the reason for that is the fact that he was able to buy land about 20 years ago when it was fairly low. When they had decided to split and the couple left, land prices were up, and now where land prices are today, based on the recommendations of the court, there's just no way he can come up with the type of money. And it seems to me that even his wife has probably put out a fair bit in legal bills. So what we're doing through mediation isn't really going to help them.

What I'm wondering, Mr. Minister, is there another process, if a party feels that they haven't been heard properly, that they could refer it to another court rather than ending up . . . We've just had the same situation where they've gone a third time and guess what? They ended up before the same judge and a judge that, it seems to me, has some biases when it comes to matrimonial property. And I don't anticipate they're going to get anything favourable . . . even have been listened to.

And I think, Mr. Minister . . . Is there any way that the court system would at least allow in arguing this . . . I shouldn't really be arguing for it because if it goes through another court procedure there's probably definitely nothing left at the end of the day. But what does a couple do in this situation? What does a person do if they felt they haven't really been treated fairly?

**Hon. Mr. Mitchell:** — Mr. Chair, the answer to the member's question, in a word, is nothing. All the court system is, so far as these kind of cases are concerned, is a dispute settlement mechanism, and it is a mechanism that tries to bring some final solution to a disagreement. And it's very structured. It provides for a certain pleading, certain documents to be exchanged, certain processes to have examinations of the other person before trial. But at the end of the day a judge hears all the evidence and says to one of the parties, you win, and to the other party, you lose. And that's it, subject to a right of appeal to the Court of Appeal.

Now that sounds like a big deal but it's a limited idea because the Court of Appeal is only interested in acting with respect to errors of law and obvious oversights and that kind of mistake in the trial judge. But they won't generally interfere with the trial judge's findings of fact. So if a trial judge says, I believe one person and I don't believe the other one, then only very rarely will the Court of Appeal differ from that finding.

And then having got there, there is, in a very, very small number of cases, an appeal to the Supreme Court of Canada. The Supreme Court isn't interested in hearing many cases. They only hear about 75 a year, something like that. And they want to hear cases of national importance involving important national principles.

So they're not the sort of place where the person you were mentioning in your example could expect to go and receive a hearing, because his complaint is not that kind of an issue. So in effect the Court of Appeal is the last resort. Now if you lose there, forget it. There's nothing. You've lost.

All the system does is do its best. They're not infallible. They will sometimes get it wrong. But they are the mechanism that we have selected for finally resolving these disputes between citizens. And I can't think of a better one.

Now we can find other ways of dealing with these disputes, and sort of make them go away, and I think

that's something we should encourage and we both believe in; but if they can't do it that way then they've got to go to court. And that maybe is the last place they should go but they don't leave themselves any alternative because they can't deal with each other and they can't negotiate a settlement. So they have to go to some stranger sitting there in the solemnity of the courtroom, dressed in black robes with white tabs a lot like the Clerks at our table here tonight, and hear the evidence, and pronounce upon it, and that's it, and there is nothing beyond that.

And that leads to some unhappy citizens and your constituent is obviously one. We in our department have looked closely at that situation with you, and we have offered some views which I know you have communicated to your constituent, but at the end of the day that's about all there is.

**Mr. Toth:** — Thank you, Mr. Minister. I know it doesn't totally answer the question out there and I realize that this is a situation that took place prior to this legislation. I just trust that the legislation that's been introduced into the House is going to alleviate some of the concerns, such as the one that we've just been discussing, down the road; that we will be able to get around some of these major conflicts and help people get on with their lives rather than . . . and leaving in a more amiable mood and feeling towards each other rather than with the knives all pulled out.

Mr. Minister, as well . . . I'm not sure why I get all these little requests coming in but I guess that's what you get for being Justice critic sometimes.

Mr. Minister, there was one call came and I'm not exactly sure . . . and because I'm not a lawyer I'm going to ask this anyway, just for my own information. Is such a charge as bribing a witness considered an indictable offence?

**Hon. Mr. Mitchell:** — Yes it is. It's a serious offence.

**Mr. Toth:** — And, Mr. Minister, if a person is charged with that or a charge is laid of having bribed a witness and a request is made to appear at a certain date before a certain court, does a person have to appear in person or can a person have representation made?

**Hon. Mr. Mitchell:** — That charge would normally be by indictment and that would require the person to appear personally.

**Mr. Toth:** — Well I'm not sure how much further I should head with this question, Mr. Minister, or just come to your office. Certainly I think I'll do that rather than just bringing it totally out into the public debate in this Assembly. I'm not sure if the gentlemen in black here have the ability to judge on this basis of this case.

But there were certainly some major concerns raised by an individual and I've talked to the person. He certainly wasn't afraid of having his name brought forward in the House but I think I'd prefer just to talk to you about it personally, Mr. Minister, and raise it in that format and see if there's anything that can be done

to address that concern.

Mr. Minister, I have a few questions here and I'm not sure how long you want to sit here, but if you want to give me a minute or two, I could probably go through a few global questions that are fairly, I think, straightforward, depending on how long you want to take to answer them.

But I noticed from some of the questions arising from the globals, this year you hired 76 new in-scope, permanent employees over last year and paid out an additional 2.3 million in salaries over last year, and I'm just wondering how you justify that dramatic increase in both staff and salaries and what the new positions were for.

**Hon. Mr. Mitchell:** — Mr. Chair, the bulk of these are as a result of the conversion of temporary positions to permanent positions. And we made a decision to do this some time ago because it is . . . the temporary employees were working full time anyway and deserved to be treated as permanent employees and have the benefit of permanent employment. We did in fact hire 76 more in-scope permanent staff in '93-94, but we also reduced the number of non-permanent in-scope employees by 61. We set that number off against each other.

Eighty-four positions were identified for this conversion from temporary to permanent, and we have filled 51 of those positions on a permanent basis to this point. The average pay per person did not change year over year.

**Mr. Toth:** — Mr. Minister, what was the total number of in-scope and out-of-scope temporary casual workers your department employed over the past year? A note here indicates that the employees in the payroll were to March . . . represents only the temporary employees on the payroll to March 31 '94.

**Hon. Mr. Mitchell:** — As the member will have seen, I think, by the material that we sent, there were 501 employees as of March 31, 1994 who are in-scope, temporary, or casual or labour service employees.

**Mr. Toth:** — Mr. Minister, from your globals, in '92-93 you spent roughly 250,000 on out-of-scope temporary positions. This year you spent approximately 1.5 on this class of employee.

Is this the correct number and how do you justify that number or figure or increase, Mr. Minister?

(2230)

**Hon. Mr. Mitchell:** — I'm advised that that's an increase in 19, as the member noticed.

The figures for '92-93 do not include the staff of the Human Rights Commission, but the '93-94 figures do include them. And the commission accounts for 18 of those people. Therefore there's only an increase of one, and that relates to the net change in the number of students at law which we had on staff at those . . . on

those two dates.

**Mr. Toth:** — Mr. Minister, I also understand your contract employees went from 19 in '92-93 to 36 this year. The contract payments went from 672 to 1,000,087. Can you explain these numbers, Mr. Minister?

**Hon. Mr. Mitchell:** — Yes, Mr. Chair. These were contract prosecutors. Prior to '93-94 these people were treated as regular suppliers and were not recorded on these reports. But during 1993-94 it was deemed that these contract prosecutors were in an employee-employer relationship with the department and they now receive payroll cheques.

This new relationship, if I can call it that, doesn't have any financial implications for the department. We still continue to pay them what we paid them before. We just report them on a different basis.

**Mr. Toth:** — Mr. Minister, I also notice that you have a column that's called "other," and there's almost \$3 million marked for that "other". What kind of expenditures would be included in "other"?

**Hon. Mr. Mitchell:** — The "other" category includes the following major types of expenditures: overtime, which was approximately 1.5 million; temporary performance of higher duties; shift differentials; camp differentials; honoraria for members of boards and commissions and committees. Those are the major items.

**Mr. Toth:** — Well, Mr. Minister, the committees, I noticed going through my questions here that actually there's . . . I've got some significant questions and a couple other areas that are going to take more than just a matter of a few minutes, so possibly we should just report progress and meet another day to finish. Thank you.

**Hon. Mr. Mitchell:** — We're prepared to stay if you want to stay.

**Mr. Toth:** — I'm not sure if all the other members will like it, the fact that we stayed here and discussed business while they were enjoying whatever. But anyway, Mr. Minister, last year . . . a question regarding computers. In '92-93 your department went through what appears to be a major overhaul of your computer system. At the very least you spent a lot of money on computer equipment last year to the tune of about 3 million, yet this year again we see a major expenditure including one purchase of some personal computers for 327 . . . well almost 328,000, and another for 117,000. Mr. Minister, can you explain why the ongoing expenditure for, or large expenditures for, computers in your department?

**Hon. Mr. Mitchell:** — Mr. Chair, I'll undertake to write a letter to the member answering that question. We're a big department with very complex computer needs and it's not an easy question for us to answer as we sit here tonight. We don't have a sort of prepared script on it and there's many different parts to the

answer. So we will send a letter to the member and I undertake to do that.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, this next question, if you feel so led you're as well welcome to do that. It's regarding advertising and communications. I noticed a number of advertising communications. We've got a number of companies that were given, I believe they were contracts. Were any of these contracts tendered? Did contracts for advertising go to the lowest bidder? I wonder if you could provide information on all the advertising contracts here. And I notice some for Brown & Associates for 66,000; Brown & Associates again for 3,800; and Palmer Jarvis for 8,000. And there's a number here. I wonder if you could give us a breakdown on the advertising and what it was for, Mr. Minister.

**Hon. Mr. Mitchell:** — Mr. Chair, I'll undertake to write to the member in response to his question.

**Mr. Toth:** — Thank you, Mr. Minister. **Public Accounts '92-93** states that Coopers Lybrand received seven million, one hundred and thirteen thousand and a few dollars change under other payments. Could you explain that to us, Mr. Minister.

**Hon. Mr. Mitchell:** — Coopers Lybrand were retained to handle the Principal Trust matter, and they had a lot of work to do in connection with the settlement of that matter. And that's what that was about.

**Mr. Toth:** — Was there anything left for the investors?

Mr. Minister, regarding committee reviews, Saskatchewan Human Rights Commission, 1,042,176. Does this figure reflect the total operating costs or just payments to boards and commission members?

**Hon. Mr. Mitchell:** — That's the total operating cost for the commission.

**Mr. Toth:** — What were the costs in the year '92-93 and the '91-92 fiscal year, Mr. Minister? Could you relay those to us, please.

**Hon. Mr. Mitchell:** — I don't have the '91-92 numbers with me. Again, would it be satisfactory to the member if I wrote in response to that question?

**Mr. Toth:** — Yes. Thanks, Mr. Minister. Regarding the Provincial Mediation Board and Office of the Rentalsman, some expenditures of six hundred and fifty-five thousand and a few dollars change, how many cases were handled by the Mediation Board in the last fiscal year? How does this compare to the '92-93 fiscal year?

**Hon. Mr. Mitchell:** — Mr. Chair, I'm sorry to tell the member we don't have the information with us as to the number of cases handled by the Provincial Mediation Board in those years, so I will undertake to write to the member and respond to that question.

**Mr. Toth:** — Mr. Minister, I have three or four questions. Maybe I'll just give them all out and if there's some that you can respond to directly you will, and if not you can give them to us by letter at your earliest convenience.

Mr. Minister, does . . . I think I asked this earlier on too, as well, and maybe you could get back to me. Does your department have any projections on how much will the case-load expand after Bill 40, An Act to amend The Queen's Bench Act to provide for Mediation, is in effect and couples start taking advantage of the services available?

Second question: does the department have any projections on additional costs after marital mediation is made available? How has the office of the Rentalsman changed since the NDP (New Democratic Party) took power? What are people charged to use this office's services? What was the total revenue taken in by this office in the last fiscal year?

**Hon. Mr. Mitchell:** — Mr. Chair, with the consent of the member I'll write to him in response to all of those questions.

**Mr. Toth:** — Mr. Minister, regarding the Farm Land Security Board and the Farm Ownership Board, how many bankruptcies were addressed by these boards in the past year under review? And how many clients came before the boards?

**Hon. Mr. Mitchell:** — The notices received are I think what the member means when he talks about cases handled. Let me give you the numbers for calendar '92 and calendar '93. In calendar '92 the number of notices received was 1,286, and in calendar '93 it was 754.

Now the member also asked about bankruptcies and that is under the federal legislation, so we don't deal with them as bankruptcies. They may be bankrupt, but the majority of them would not.

**Mr. Toth:** — Mr. Minister, we just addressed another issue earlier this evening, The Constituency Boundaries Act, and I wonder if you could provide us with the costs of the commission to the taxpayers.

As well, maybe you could indicate what the costs were regarding the LaChance-Nerland inquiry, and whether or not the monies were well-spent. It would be appropriate to ask if the changes to the boundaries were politically motivated.

(2245)

**Hon. Mr. Mitchell:** — Dealing with the last question first, the answer is an unequivocal no. They were not politically motivated at all.

The cost of the Constituency Boundaries Commission as at March 31, 1994 — and that would be practically all in — was \$169,826.32. If the member wants details of it I'd be glad to provide it to him.

So far as the LaChance-Nerland commission of inquiry is concerned, the expenses paid in the 1992-93 fiscal year were \$325,527. Expenses paid to March 31, '94 in the '93-94 fiscal year were another \$103,591, for a total expenditure of \$429,118. It was an important inquiry. It was important because the city of Prince Albert was plagued by questions that simply wouldn't go away about the way in which that case had been handled. And we tried to deal with it in a number of ways to satisfy the community that the case had been properly handled by the police, by the prosecutors, by the court. And we couldn't seem to satisfy those concerns. They carried on.

So in the final analysis, we ordered an inquiry to try and close the debate on some of those questions. I believe we have. There are still general concerns on the part of some citizens of Prince Albert about racism, and to them all I can say is an inquiry can't deal with that question. That's a matter of attitude of mind. And all of us have to deal with that on a personal level and a community level, and the appointment of a commission of inquiry to inquire into those questions would not, in my view, result in any substantial progress so far as racist attitudes are concerned. But at least in the way in which this case was handled, I think the inquiry did put to rest the questions of the appropriateness of the police action, the prosecutor's action, and the way in which the matter was handled by the court.

**Mr. Toth:** — Thank you, Mr. Minister. And, Mr. Minister, I've got another series of questions here that I'll relay to you, and again you can feel free to give them this evening if they're at your fingertips.

Fees and services — I wonder if you would take a full moment to provide us with full details of fees and services that have been increased since October 1991. I wonder if you would provide this by year, indicate which are new fees and charges, indicate how much additional revenue was raised from each increase and indicate where the increased revenue is going.

**Hon. Mr. Mitchell:** — With the member's consent, we will compile that information and provide it to him by letter.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, again a series of questions that I'll relate to you and we can dispose of them in the same format if you don't have all that information just right handy to relay it verbally.

Saskatchewan Farm Ownership Board, if you would please provide the following information. Total number of applications reviewed by the board in '91-92 fiscal year. Applications reviewed in '92-93. Total number of applications reviewed by the board to date. And for each year provide information as to how many were lenders and how many were non-lenders.

And then a second one, the Farm Land Security Board, which is a little different. Basically the same

information. The total number of applications made to the board in '91-92. The total number of applications made to the board in '92-93. And the total number of applications made to the board to date. For those years, how many were applications to waive home quarter protection?

And then for mediation services, if you would provide the following information. Total number of applications made for mediation services since its inception. Please provide this information by year. How many of the applications were property related? How many were related to machinery disputes? And to what did the balance pertain?

**Hon. Mr. Mitchell:** — I'll write to the member as soon as I can, providing all that information to him, Mr. Chair.

**Mr. Toth:** — Thank you very much, Mr. Minister. Mr. Minister, there's been a case that's received some public attention down in my neck of the woods. No, it's not quite close to home. It happens to be an area that isn't really in the Moosomin constituency and I don't think the boundary is going to change that matter neither.

But how much has the government spent on court eviction of farmers? We're quite well aware of the Gerald Pander case down in the Corning area. Have you had a number of cases? And how much has been spent on those types of cases over the last year?

**Hon. Mr. Mitchell:** — Mr. Chair, and to the member, those would be eviction cases by ACS (Agricultural Credit Corporation of Saskatchewan), I would think, that we're talking about. If it were somebody else, of course, those are private evictions that don't come to our attention. In all of those cases, we don't think there are any costs involved so far as the government is concerned, just in our brief consultation here. We provide the legal service from the government's own lawyers — the department's counsel. And the sheriff's fees are paid for by the creditor and so far as the government is concerned, just doesn't involve any extra expenditure at all.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, regarding closures of judicial centres. Now I've raised this; I raised this in question period. I chatted with you a bit about it. I received a letter from the legal firm of Osman, Gardner & Gordon. They've actually faxed me a copy of a letter they sent to your office and I think, Mr. Minister, that they brought up some very significant points that maybe I didn't relate as clearly as I should have in asking a response of you regarding the closure of the municipal judicial centre.

Certainly, I think, you indicated to me at the time, the department indicated that people could get service out of either Estevan, Weyburn, Regina, or Melville, possibly even Yorkton. I think when you take a look at the geographic make-up of that part of the province, Mr. Minister, it almost seems that, where Moosomin is sitting, that there's a good reason to maintain that court-house.

The interesting part about the letter that came in, the firm of Mr. Osman and Ms. Gordon gave a number of reasons why they felt the closure wasn't totally necessary. And they felt that the judicial centre could continue to operate in the community of Moosomin, given the length of drive and the difference in mileage from the centre of Moosomin to any one of the other centres suggested.

It would seem to me, Mr. Minister, that in a lot of cases Moosomin itself could be somewhat of a hub, and we do continue to have . . . I believe it's Court of Queen's Bench continues to operate out of the Moosomin centre. So the fact that they're renting space from SPMC (Saskatchewan Property Management Corporation) and we've got the . . . I believe they also indicated sufficient revenue has come in over the last few years that would pay for the cost of maintaining the Moosomin judicial centre. And I'm wondering if you could explain to the House tonight the rationale — whether or not this could be reviewed, and the fact that the Moosomin judicial centre would have enough solid arguments here as has been presented, to justify maintaining or keeping the courtroom open.

**Hon. Mr. Mitchell:** — Mr. Chair, I have agreed and arranged to meet with Mr. Osman and Ms. Gordon on May 25, and I think my office has advised the member of that, or will advise the member, and the member would be quite welcome to come to that meeting if you wish.

Some of our judicial centres have been quite inactive, and it was clear that they — I don't want to say anything inappropriate — but they just didn't have much future as a judicial centre and that we should in these difficult times, try and focus our resources a bit more on the centres where there was a good deal of activity.

I have in my hand statistics on the number of cases tried, the number of proceedings commenced, the number of chambers applications, and the sheriff workload in each of the judicial centres of Saskatchewan. And in general they would all go a very long way to substantiating the decision to close down the judicial centre at Moosomin. In last year's budget, we closed down the judicial centres at Shaunavon and at Gravelbourg for the same reason. But I am moved to have a flexible attitude towards this, an open mind towards it, and I'll be approaching the meeting on May 25 with that kind of an approach. Certainly if there are factors that I have not taken into account, I'll be glad to review the decision. I'll share the statistics with the people who I'll be meeting with, as I believe I've already shared them with the hon. member, and we will have an opportunity to discuss it at that time.

**Mr. Toth:** — Thank you, Mr. Minister. A question comes from a Bonnie Herauf in Regina here regarding the child maintenance, and the question is: I'm writing to voice my concerns with regards to the provincial government's policy of including child maintenance as income of the custodial parent for

purposes of assessment of qualification for various social programs. And she goes on to describe how she appreciated the social assistance or the assistance that was available; however, she suggests that social programs are in serious need of review and is thinking that, since it's the international year of the child, it might be appropriate to review some of the social programs.

But I think the major concern is the fact that child maintenance is considered as part of her income and affects her ability to derive sufficient income supplemented by social assistance to maintain a family and maintain the home, the environment she's providing for her family and children.

I'm wondering if there's . . . if you could make any comments or any suggestions regarding this process and if indeed the department is looking at ways of how we can address the child maintenance funds in relation to this matter?

Mr. Minister, maybe just before you respond if I could just relate another sentence here I probably should have brought in, she says here the child maintenance payments have placed my income at a level where I no longer qualify for any of the subsidies or grants that were previously allowed to me. The child maintenance has disqualified me from receiving these subsidies and yet does not equal the increased amount I am now required to pay for housing and child care.

So those are some of the . . . and as she writes this letter, I noticed as well that she's writing it specifically relating some of the concerns she has. But now that she indicates a little later on she now has a clerical position where she's getting paid better which is helping. But she's concerned for other individuals that would be in the same situation she originally was.

**Hon. Mr. Mitchell:** — I can say to the hon. member, Mr. Chair, that these questions are caught up in the current review of the social security net. And many of them are pretty good questions.

My department has only a partial connection to this whole area. We are not responsible for the policy that results in the kind of situation that his correspondent indicates. We are though involved in the collection of maintenance and so we have that attachment to the system.

I don't feel competent or qualified to answer to the policy questions that he raises. But my department is involved in the social security review and the way in which maintenance payments relate to the social safety net is part of that review.

I think that I shouldn't try and carry the discussion any further this evening considering my rather limited involvement in that area of policy.

(2300)

**Mr. Toth:** — Thank you, Mr. Minister, and it's possibly

a question we can raise with the Minister of Social Services as well, bringing forward this matter. There's one other one here I notice that might be more appropriate, so I'll leave that for that time.

One more area of discussion I'd just like to raise momentarily, and that's gun laws. Now we've had major discussions. We discussed that last week. And again, Mr. Minister, I think your famous words were, that is not our problem; that's the federal government's problem. It's federal jurisdiction. I think, Mr. Minister, that there's certainly a lot of gun dealers and sportsmen in the province of Saskatchewan that are very deeply concerned about some of the directions that the present federal government is now leaning again as far as gun laws and relates to one or two incidents.

And certainly we are sympathetic to the individuals and people that have been hurt through the misuse of firearms and guns, and we want to do everything we can to make sure that guns don't actually fall in the hands of individuals who would not use them for appropriate . . . or would misuse guns. And so, Mr. Minister, I think I had asked you the question last week, if you would relate the concerns of the firearms dealers and the gun owners of Saskatchewan and the sportsmen to the federal minister, bringing out the fact that in the province of Saskatchewan, I think when it really comes down to it, what we have seen in more cases than not . . . and I think probably most of the cases as far as some of the violence in our province and lethal weapons, we're probably seeing more uses of knives as a weapon versus guns being used against people.

And I think, Mr. Minister, it's appropriate to stand up . . . And certainly the trading of guns and gun shows in this province brings tourism dollars into the province and certainly into communities across the province. We sell hunting licences to people across this province who enjoy the sport of hunting. Some enjoy it for the sport. Some enjoy it for wild meat. And one of the major problems we're having in this province is certainly the last few years we've had some pretty great winters, and we're getting an abundance of wildlife that's creating a problem on the farms.

And if we're going to really limit guns, Mr. Minister, basically what we're doing is we're taking the guns out of the hands of law-abiding citizens but that doesn't necessarily take the guns away from individuals who would use them in lethal ways against people.

So I'm asking, Mr. Minister, if you did take the time to address these questions with Minister Rock when you met him last week, and what kind of a reception Mr. Rock gave you regarding these questions.

**Hon. Mr. Mitchell:** — This has been a very interesting experience. And by this I mean implementing the federal gun control legislation in the province of Saskatchewan. And we have in this room accumulated a lot of hours in trying to accomplish that in a way that is appropriate to Saskatchewan.

I support the idea of gun control, and I certainly do understand that in high-crime areas in Canada where the use of weapons is common, gun control makes a great deal of sense, and I support that without question.

It's when you get into Saskatchewan the point doesn't really hold because guns are not the kind of problem here as they are in Montreal or Toronto or Vancouver. Further, our population in Saskatchewan and our traditions and our culture involve a different mix of weapons for different purposes than you will find in Quebec or Ontario or British Columbia, and those differences came to light in these questions involved in the implementation of the gun control law to the Saskatchewan situation.

I want to say this to the member and to those who may know what we're doing tonight: Saskatchewan has been as generous and as liberal as we possibly can in interpreting the federal law and applying it to the Saskatchewan situation. We have leaned over backwards as far as we can in order to accommodate the interests of Saskatchewan people, Saskatchewan hunters, Saskatchewan gun dealers.

Wherever we had any discretion at all under the federal law we exercised it on the side of the hunters, the gun show people, aboriginal hunters, and did what we could in order to soften the impact of a law that had not been designed with Saskatchewan in mind.

So we did everything we could. And I think we've achieved a certain satisfaction in the communities of Saskatchewan, and in those interested in these issues with the way in which we've handled the matter.

Now I used this experience to discuss the question of further gun control legislation with Mr. Rock when he was here on April 29, and I impressed upon him the need for consultations of a rather intensive variety in the event that he's planning any more changes to the gun law. He has speculated in public about possible changes and we want to be able to sit down with him and talk for a long time before that idea goes very much further.

I want to also mention — and this is to commend our people in this province — the question of education and safety training. We have a most remarkable record in this province, and we should all be very proud of it. About 135,000 people have taken a pretty extensive training program in firearm safety. And we have over a thousand people in this province who voluntarily act as trainers and give these courses in firearm safety and the handling of firearms.

A most remarkable record and it's without parallel anywhere in this country. And it reflects itself in the experience that we have in the field. And the member knows what I mean when I say that. So we're very proud of that. I think by far we have the best record in North America and I just wanted to mention that before I sit down.

**Mr. Toth:** — Thank you, Mr. Minister. Just one more question in relation to that and it comes from the Saskatchewan Responsible Firearms Owners. You're aware of the resolution that this House passed and they also sent a resolution to the Assembly, basically acknowledging the fact and asking the Government of Saskatchewan to support in principle the continued right of residents of Saskatchewan, both urban and rural, to enjoy the safe and responsible use of ownership of firearms including rifles, shotguns, and handguns.

And as you've indicated, Mr. Minister, we certainly have had an extensive program of education across this province. And we've had a fair bit of consultation, Mr. Minister, with you regarding these organizations such as the wildlife federations and a number of local organizations that have put on hunter safety courses. I thank you for working out some areas of resolve that allowed these programs to go on while we were trying to figure out how we would comply with the federal Act.

Another thing I think we did come to an agreement and consensus on in discussions was the ability to have someone at a gun or a trade show available to sell FAC (firearms acquisition certificate) licences. I know the one in Moosomin, when it was held there, the RCMP came and were there as not observers, but they basically took part and basically promoted the force. And at the same time because they were there they offered the service free, of being able, if you inquired for an FAC licence . . . although that is becoming a little more complicated with the regulations and possibly that's one area we should take a moment to discuss.

But I don't know if we want to go through the 35 questions that they're asking in that report and the fact of whether you've made any violent threats or whether you've had any marital problems in the last little while in this question you have to respond to. But certainly it's putting a lot of onus on individuals, getting fairly personal and I'm not sure, Mr. Minister, that it's actually going to take the guns out of the hands of individuals who would abuse their privileges.

I guess as I look at one of the penalties, or the penalties that have been suggested regarding the new gun laws, having handguns without permit is punishable by up to five years in prison. First offence with firearm carries one year jail term to be served consecutively, second and subsequent offences carry minimum three years and a maximum 14.

Mr. Minister, I think that comes back to some of the comments I was making earlier about our justice system, where we can institute a law that basically says if you've got a handgun in your possession without a permit it's almost an automatic five-year prison sentence. And yet another individual could go and systematically take a person's life and they get a slap on the wrist. I think there's something definitely wrong with our justice system and as I indicated earlier those are some of things I think we need to raise

with the minister, with the federal minister. I think he has to be somewhat a little more understanding and recognize the fact that there are law-abiding, honest and responsible individuals.

Not everybody with a handgun is going to take and abuse their privilege to own that handgun. The only people that I know of in our province that really have handguns are the individuals who are in competitive shooting and what have you. Not a lot of people have them because there's an expense involved in owning and keeping a handgun or even guns of any kind, so I think this is where some of the inequities of our justice system come in and we must take a look at them.

And that's why I suggest at the end of the day we need to look at more reasonable and effective sentences and punishment for people, sentences that would meet and fit the crime, so that we're indeed sending a message that no, we believe in innocence until proven guilty, but at the same time when there's guilt definitely is brought forward, that the sentence you receive will reflect the seriousness of the crime.

I thank you for your time, Mr. Minister.

Item 1 agreed to.

Items 2 to 8 inclusive agreed to.

Vote 3 agreed to.

**General Revenue Fund  
Legislation  
Vote 21**

**Ombudsman**

Item 7 agreed to.

**Freedom of Information and Privacy Commissioner**

Item 8 agreed to.

**Conflict of Interest Commissioner**

Item 9 agreed to.

Subvotes LG07, LG08, and LG09 agreed to.

(2315)

**Mr. Toth:** — Thank you, Mr. Chairman. To the minister, and to his officials, I thank you for taking the time to be here and entering into the deliberations. I'm sorry to disappoint you — there's probably two or three hours of questions we could have got into yet, but I appreciated your time and the answers you've given and the responses.

**Hon. Mr. Mitchell:** — Mr. Chair, I want to thank the member for those remarks on behalf of the officials and also compliment him on the way in which he conducts himself during these exercises. I think it's exemplary and we do appreciate it.

I'd like to thank the officials for coming and staying to this hour to assist the committee in its consideration.

And while I'm on my feet, Mr. Chair, I move that the committee rise and report progress and ask for leave to sit again.

The committee reported progress.

The Assembly adjourned at 11:18 p.m.