

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**May 18, 1995**

The Assembly met at 10 a.m.

Prayers

**GOVERNMENT ORDERS**

**COMMITTEE OF THE WHOLE**

**Mr. Johnson:** — Mr. Chairman, could I have leave to introduce guests?

Leave granted.

**INTRODUCTION OF GUESTS**

**Mr. Johnson:** — Mr. Chairman, it gives me a great deal of pleasure to introduce to you and through you to the members of the Assembly, 24 students from the Hartley Clark School in Spiritwood. They're grade 6 students and they're seated in the Speaker's gallery.

With them are two teachers, Doug Robertson and Gil Goodfellow, and a chaperon, Laurie Ledinski. They're here in Regina. They came yesterday and are in the process of touring a number of the sites in Regina, and the Legislative Building is one. And I would ask members to invite them here and give them a hearty welcome.

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

**COMMITTEE OF THE WHOLE**

**Bill No. 75 — An Act to amend The Provincial Court Act**

**The Chair:** — Before we proceed to clause 1, I would ask that the Minister of Justice please introduce the officials who have joined us here today.

**Hon. Mr. Mitchell:** — Thank you, Mr. Chairman. I have with me today Brent Cotter, who is the deputy minister of the department, and Doug Moen, who is the executive director of public law and policy.

**Clause 1**

**Mr. Toth:** — Mr. Chairman, and Mr. Minister, and to your officials, welcome. And I want to thank the minister for having taken the time to come and brief me on this Bill. Normally when a piece of legislation comes to the Assembly in a wind-down mode, we aren't always usually . . . or oppositions don't tend to be so gracious in allowing for the speed-up or the quick movement of a Bill.

When I first saw the Bill, I would have to admit that a person had some questions and asked is it necessary to bring such a Bill forward at this time. My understanding is that we're talking about two things. One is a reduction in the term for the Chief Justice from seven to five years. The other is an allowance that

would allow judges to continue to apply after age 65 for . . . I believe it's five extra years if granted.

And, Mr. Minister, maybe you could just brief us and bring us up to date and give us the reasons for these changes at this time — who you've talked to and why the Bill is before us this morning.

**Hon. Mr. Mitchell:** — The subject of a reduction in the term of the chief judge and the associate chief judge from seven to five years has been the subject of resolutions by the judges' association in their annual meeting for some considerable time. And we have been petitioned each year with respect to that reduction. The argument is that a shorter term will . . . this is quite an onerous task and a shorter term will be more bearable for the person who does the job.

Secondly, it allows for more of a rotation so that more judges can fulfil the position. And it has been a long-standing item on the agenda of the association. And if we're going to do it, this is the time to do it because we are in the process of considering the appointment of a new chief judge. The present occupant of that position, Chief Judge Carey, has tendered his resignation and it is effective upon the appointment of a successor.

When we appoint a successor, we have to specify of course the term. And if this amendment were not in effect, then the appointment would be for seven years and you couldn't thereafter reduce it. You'd have to wait out the seven years before you did anything further. So it's timely in that sense. If we're going to do it, we should do it now.

On the retirement question, this has been a source of concern for some time. As the member will know, judges in the court preceding 1978 were appointed to age 70. And when the 1978 legislation was enacted, the right of those judges to continue until age 70 was not affected. So we have a situation where about 40 per cent of our court is going to sit till age 70 as a matter of right.

The appointments since 1978 have been to age 65, and there is no flexibility in the system at all. They're out the door at 65. And there have been instances where judges reaching that age want to continue, still have a good deal to contribute, are good judges, and the system is the loser for not having some flexibility that enables them to carry on.

This matter was specifically raised in the last few months by two judges who are approaching retirement age and who want to stay on and their petition to us is supported by some senior members of the Provincial Court and we took a long look at it; we're familiar with the circumstances of the two judges who are applying. One of them was not appointed until he was nearing his 62nd birthday, so has only served three years and a few months.

We don't want to make the judgement as to whether those judges should continue. We think that judgement is properly

made by the chief judge of the court and that is the scheme that's set up in the Act.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, I think from your comments and from the discussion before us and having had a few moments to discuss this issue in the last couple of days with you, I think certainly that is fair.

I guess the one question I would have — was it fair for you to introduce legislation re judges' salaries and then to turn around and retroactively change the legislation? And I'm wondering, have you had the same type of petition coming in your direction as we've received and made a move regarding the Bill before us right now, that sets a retirement mode, sets limitations on the Chief Justice's term of office, as well as allows members to continue to sit in the court until age 70?

Have you come to any decision regarding judges' salaries?

**Hon. Mr. Mitchell:** — No. The member will recall that there were increases provided for in the legislation that we brought to the House on the matter that the member mentions.

Those covered the salary situation for judges to March 31 of this year. And the question of salary is an open question, and it needs resolution.

I don't want to go any further because the judges' lawsuit is out there and is being actively pursued. And we are having to deal with the issues raised in the lawsuit, and if I say very much more in this House, I may compromise that situation, and I wouldn't want to do that.

Clause 1 agreed to.

Clauses 2 to 6 inclusive agreed to.

The committee agreed to report the Bill.

**Hon. Mr. Mitchell:** — I'd like to thank my officials for coming out this morning. Some of them have just arrived now, but I appreciate their effort for coming over and assisting the committee.

**Mr. Toth:** — Thank you, Mr. Chairman. I too would extend my appreciation to the officials, and we look forward to further deliberation later this day in estimates. Thank you very much.

#### **Bill No. 44 — An Act to amend The Local Government Election Act**

**The Chair:** — I would ask that the Minister of Municipal Government please introduce the officials who have joined us here.

**Hon. Ms. Carson:** — Thank you, Mr. Chairman. To my right I have John Edwards, director of municipal policy and legislative services; and to his right is Jim Anderson, senior policy analyst with the Department of Municipal Government.

Clauses 1 to 3 inclusive agreed to.

The committee agreed to report the Bill.

#### **Bill No. 28 — An Act to amend The Northern Municipalities Act**

Clauses 1 to 39 inclusive agreed to.

The committee agreed to report the Bill.

#### **Bill No. 27 — An Act to amend The Urban Municipality Act, 1984, and to make a Consequential Amendment to The Municipal Board Act**

Clauses 1 to 32 inclusive agreed to.

The committee agreed to report the Bill.

#### **Bill No. 29 — An Act to amend The Rural Municipality Act, 1989**

Clauses 1 to 43 inclusive agreed to.

The committee agreed to report the Bill.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I would like to thank the minister and her officials for coming in this morning and helping us expedite these Bills.

**Hon. Ms. Carson:** — Mr. Chairman, I would like to thank the members of the opposition for their cooperation and I would like to thank my officials for being here this morning.

#### **Bill No. 9 — An Act to amend The Environmental Management and Protection Act**

**The Chair:** — Before we proceed to clause 1, I would ask that the Minister of Environment and Resource Management please introduce the officials who have joined us here.

**Hon. Mr. Wiens:** — Thank you, Mr. Chairman. I'm pleased to introduce, behind me, the assistant deputy minister of management services, Bob Blackwell; to my right, the director of the commercial branch, Larry Lechner; and behind Larry, the waste managements officer, Monica Krahe-Solomon.

#### **Clause 1**

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Welcome, Mr. Minister, and officials.

Mr. Minister, this Bill deals in the main with recycling of used oils. That's a very important issue across Saskatchewan, particularly in the rural communities because farmers do have a significant amount of used oil saved up in a lot of cases. Most of them are very conscious of the hazards involved with used oils and have been doing their part up till today to maintain their used oil in a safe environment, and it's important that this

oil both be recycled from the view of pollution and also to save our resources.

But the question is, is how do you go about doing that? I think, Mr. Minister, it's important that, one, that the oil be actually re-refined and used again in the system and that local people have the opportunity to provide the service necessary for the recycling.

The other question deals with how do you transport the commodity? And it has to be done in a very safe manner, Mr. Minister. And again we need to have the opportunity to have local people involved in that gathering and collection.

I believe that the ideas of doing that, Mr. Minister, are good, although industry does have some concerns about the idea of a defined program that your department will put in place for them because that is not specified to date, and it can be rather open-ended for them. And I believe that rather than putting in a mandated program that you put in the regulations in place, to say that used oil would be recovered and recycled and then allow them to implement the programs to accomplish that.

**Hon. Mr. Wiens:** — Mr. Chairman, as the member opposite has indicated, the process he most lately in his comments describes is in fact the process that we have agreed on through broad consultation with industry, and I'm looking forward to the results of this new process, which our neighbouring provinces are examining, because I believe it's a very good one.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

**Hon. Mr. Wiens:** — Yes, I would like to thank my officials for the work they've done in preparing this Bill up to this point and thank the opposition for their diligent attention to duty and their cooperative attitude in moving this very good Bill forward.

**Mr. D'Autremont:** — Thank you, Mr. Minister. I'd just again like to thank the minister and his officials for coming in, for cooperating, and for providing answers.

**Bill No. 65 — An Act to amend The Members of the Legislative Assembly Superannuation Act, 1979 (No. 2)**

**The Chair:** — Before we proceed to clause 1, I would ask that the Deputy Premier please introduce the officials who have joined us here today.

**Hon. Mr. Tchorzewski:** — Thank you, Mr. Chairman. I would indeed want to introduce the officials here with me today. On my right is Brian Smith, who is the director of the Public Employees Benefit Agency. To my left is Mr. Craig Dotson, associate deputy minister of Department of Finance. And behind me, immediately behind me, is Ian Brown, who is from the Department of Justice.

(1030)

**Clause 1**

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Welcome, Mr. Minister, and officials. This particular issue has been of prime interest to both my constituents and people across the province for a number of years — not just this past year, this past session, but for a significant number of years, partly because of questions dealing with the federal government and their MP (Member of Parliament) pensions which have yet to be dealt with in Ottawa.

It also though has related back to pensions within the province of Saskatchewan, in particular people who are on the defined benefit pension plan, which is a totally different type of pension plan than which most of the MLAs in this Assembly have. In particular it's different than any MLA has that has been elected since 1979.

This particular pension plan that this Bill deals with, deals with providing for the MLAs a percentage of their best four years that they have had while in government and providing that for them after they retire. It amounts to a significant amount of money for approximately seven of the members of this Assembly that are currently sitting today, ranging anywhere from \$600,000 up to 1.8, \$1.9 million if each of those members were to live to 80 years old. When you compare that to . . . (inaudible interjection) . . . one of the members opposite calls out 80. Well, 80 years old is not a significantly great age in this day and age, Mr. Minister. Very many people live to be 80 years old.

In fact if you live past age 1, you have a statistically significant opportunity to live to age 100. Now some of the members opposite perhaps may not make it that far, but nevertheless within the general population there are many, many people who do indeed live to be past 80 years old and have the opportunity to enjoy their whole lifetime beyond 80 years old.

So when we look at 80 years old as a date line and compare the pensions that the defined benefit plan will pay to members today as compared to those who are on the funded plan, there are some very, very great differences. The public has said that when MLAs contribute 9 per cent of their salaries to a pension fund and the government then turns around and provides 24.5 per cent, that there's something wrong.

The public doesn't mind . . . or I shouldn't say doesn't mind, but is less concerned or has less apprehension or less hostility towards matching funds because they provide matching funds to the civil service; they find within private industry that pension funds are often matched. But when it's paid out 24.5 per cent times 9 per cent there is a major difference there and the taxpayers have a great deal of difficulty understanding why they should be expected to carry this burden — and it is a significant burden — why they should be expected to carry this burden while they themselves are having difficulty providing for their own retirements.

Because MLAs (Member of the Legislative Assembly) not only have the opportunity to work in this Assembly, but they also have the opportunities to work outside of this Assembly and carry on a business or a law practice or whatever it might be, outside of this Assembly. Because . . . the minister shakes his head, no, it's not possible. Well there are a significant number of people within this Assembly that do something other than be an MLA.

Now being an MLA takes a considerable amount of time. But people have the opportunity and take advantage of that opportunity to carry on with other facets of their life, which in turn do provide them with a source of income, which provides them with a source of retirement income.

The people of the province look at what the Premier has been saying, that because of our fiscal situation we all need to cut back, we all need to sacrifice. The Minister of Finance says that as she increases up the taxation on families in this province — \$4,800 a year more for families in this province.

At the same time we see the seven MLAs in this Assembly that are on the defined pension plan, in particular, in light of the recommendations of the McDowell report which will add significantly to the pension benefits of those members that are in cabinet and the Premier. And the public is simply not prepared to accept that as being reasonable and being fair when they themselves are being taxed and have a great deal of difficulty providing any funding for their own retirement.

Therefore, Mr. Minister, we have a great deal of difficulty in accepting that this change to the defined benefit pension plan is a worthy change. We believe that the change needs to happen, and that part is good. What is saddening though, Mr. Minister, is that it took a great deal of pressure from the official opposition and from the public to finally get the Premier and yourself to come forward and make some change, to make some change.

And there's nothing to say, Mr. Minister, that this Bill, if it does pass in the Assembly, will receive Royal Assent in time to have an impact before the next election, because we're expecting to have the next election in the next few days, Mr. Minister, or the call in the next few days.

And so it's very important, Mr. Minister, that if this Bill does pass, that it be given Royal Assent as quickly as possible so that the measures included in here do take effect. Because while you are ratcheting it back somewhat — 70 per cent of the best salary level — the public still believes that that level remains too high.

When the Premier has the opportunity to collect \$122,000 a year in pension, the public just shake their head and say, why? Why should he receive a pension level upon retirement that's greater than his salary while he's working? They say why should he receive a pension upon retirement that's greater than what most of the people in the public can earn in a year working full time? They have a great deal of difficulty accepting that, Mr. Minister, a great deal of difficulty.

And even ratcheting that back, the Premier under your scenario would receive, I believe it's approximately \$70,000 a year of pension salary. That's still a significant amount of money, Mr. Minister, still a very significant amount of money. The minister shakes his head; perhaps I'm a little low on those figures then, and perhaps there's more money involved than that.

But nevertheless, whatever the salary level is, it's still very significant and the public has a great deal of difficulty understanding why they must be forced to pay this while they themselves are being negatively impacted to a great extent by the taxation being imposed by the Minister of Finance.

Mr. Minister, I wonder if you can give us some rationale as to why, when you are proposing to make this change, that you would select a level of 70 per cent. We've brought forward a Bill — your Bill is No. 65; ours is No. 64 — which suggests that the appropriate level, a level that would be somewhat more acceptable to the general public, would be 50 per cent. That would be much more in line with the salary scales of the general public, at the upper echelons of the general public.

Mr. Minister, how do you justify only — only — bringing it back for the Premier, for yourself, and for some of your colleagues, only back to 70 per cent of your best salary level?

As the member from Regina North West says, that you have a conflict of interest there because we're discussing, Mr. Minister, your personal pension, along with that of your Premier and five of your colleagues that remain in this Assembly.

How do you justify, Mr. Minister, being involved with it, with the conflict of interest, and setting the levels at 70 per cent?

**Hon. Mr. Tchorzewski:** — Mr. Chairman, I'm pleased to respond to the member's question. When we looked at . . . we recognized the need to reform the pension further to what was done in 1979 under an NDP (New Democratic Party) government.

When we looked at what was the existing comparable provisions in the public service for teachers in Saskatchewan, it is 70 per cent. So we're being consistent, and I think therefore being fair, and putting ourselves in a comparable basis with the pension plan in the public service and with teachers and others of similar circumstance.

**Mr. D'Autremont:** — I wonder, Mr. Minister, if you could deal with the conflict of interest that is involved in this, in your particular circumstance. We're talking about your personal pension, Mr. Minister. How do you answer dealing with this?

If this was an issue dealing with a business, with a business in which you were personally involved, the conflict of interest guidelines would suggest, Mr. Minister, that you have to remove yourself from this discussion, from the vote on this particular issue.

Mr. Minister, because we're not dealing with a business but

we're dealing with your pension, should not the same rules apply?

**Hon. Mr. Tchorzewski:** — Mr. Speaker, I don't agree with that. Members of the Legislative Assembly are elected by their constituents to act on their behalf. This is what we are doing here. If you take what I consider the inaccurate logic of the member to its fullest extent, then I think he would have to suggest that his representative on the Board of Internal Economy, as the Leader of the Liberal Party who is on the Board of Internal Economy, cannot sit on the Board of Internal Economy, as would be the case with members of this side of the House, because they deal with matters involving this Legislative Assembly and some of those matters affect them personally.

Quite frankly, we are elected here to make decisions on behalf of the public. This isn't the system of government where we rely on somebody else to make those decisions. Because we have to, in the end, be accountable to our constituents and we have to make those decisions on their behalf and explain it to them and be judged by them.

I've never hesitated to be judged by my constituents. I've been into eight different election campaigns. They've made the judgement. I've accepted that judgement, and I'm still prepared to do that. Somebody has to take responsibility. We're prepared, as a government, to take that responsibility.

**Mr. D'Autremont:** — Thank you, Mr. Minister. It's finally you're prepared to accept that responsibility. You dragged your feet the whole session on this and brought this in only at the very end, Mr. Minister — only at the very end — after having been pushed very, very hard by the public and by the official opposition to deal with this particular circumstance, Mr. Minister.

When we're talking about the Board of Internal Economy, when we're talking about this entire Assembly, the decisions that are made here are made for, if it's dealing with MLAs in some form or another, with the entire body. With this particular piece of legislation, we're not talking about the entire body of the Assembly, Mr. Minister; we're talking about seven members, of which you are one of the seven.

Now there are a significant other number of members, ministers, sitting on that side that are not involved in this, Mr. Minister, that could have dealt with this particular circumstance. But you, sir, do have a conflict of interest here.

If you were coming forward and dealing with an item of business related to your personal circumstances and one or two other members of the House, you would be in conflict of interest in dealing with it. The member from Saskatoon River Heights stepped down as a cabinet minister because some of her personal affairs were being dealt with by cabinet. She stepped aside, which was the honourable thing to do.

In this particular case, you, Mr. Minister, and your particular

pension along with that of your Premier, the Minister of Justice, the member from Regina Churchill Downs, and a couple of other members in this Assembly, the Economic Development minister, are personally involved in this, directly and personally involved.

And, Mr. Minister, under the guidelines of this Assembly, if you were involved in business doing that, you would be in conflict of interest, according to the conflict of interest guidelines that have been set out in this legislation as presented by your government. So, Mr. Minister, how can you say that you're not in conflict of interest in this particular issue?

(1045)

**Hon. Mr. Tchorzewski:** — Well I'm surprised that the member opposite, who's been in this legislature now for several sessions, yet does not understand that ultimately the decision on any legislation, including the legislation which we are considering here today, is a decision of this legislature, not a decision of the minister piloting the Bill through the committee or some other minister. In the end the responsibility is in the hands of the members who sit here and will vote on this committee later today.

So I don't see a conflict of interest there. If there's a conflict of interest there, then it applies to everybody. And if you extend the rule that much, then government would be absolutely stagnant and could never do anything.

I make no apologies for bringing this legislation before the House. I think it's important reform. We listened to the people. We understand the changes that had to be made. We accept the fact that there will be some who will disagree with us; that's what democracy is all about. But in the end, but one has to bring it to this Assembly for this Assembly to dispose of the issue, and that's what's being done here today. In the end, everybody in this House has to vote for it, not one minister standing here by his or herself. It's going to be the decision of this House.

**Mr. D'Autremont:** — Thank you, Mr. Minister. Indeed you have bowed to the will of the people but most, most reluctantly. But when the decisions were made and the Bill was drawn up, you, Mr. Minister, were the person sitting at the table doing that. And it's not everyone in this Assembly, Mr. Minister, that's affected by it. There are seven members in this House that are affected by this particular piece of legislation — only seven.

When we deal with agricultural Bills in this Assembly, Mr. Minister, it affects a third to a half of the members in this Assembly, and every other farmer out there in the province, every other farmer. When we deal with issues of the environment, it affects every member of society. We're talking about a Bill, Mr. Minister, that affects seven people of which you are one; seven people in the province of Saskatchewan and you're one of them.

And when it came time to make the decision of how far you

were going to ratchet this back from the total level for yourself, Mr. Minister, of \$1.7 million if you live to age 80, to some number somewhat less than that, we already had a Bill on the book that said 50 per cent of your best year. You brought in a Bill, because you were personally involved in it, that said 70 per cent, Mr. Minister, 70 per cent. So, Mr. Minister, I do believe that there is a conflict of interest here between you, the other six members involved, and the Assembly in general.

As I said earlier, if this was an item involving seven people involved in a business deal that was coming before the Assembly for a question, the Conflict of Interest Commissioner would look at this and say this is a conflict of interest.

The member from Regina Rosemont asked for a determination on a conflict of interest dealing with members of the Assembly that were shareholders in the Saskatchewan Wheat Pool, because it was a business venture, Mr. Minister.

The Speaker ruled, because it didn't involve just members of the Assembly but rather potentially every farmer in the province, 60,000 farmers or more — 80,000 are members of the Saskatchewan Wheat Pool — it was not a conflict of interest in this Assembly for the members to vote on that particular Bill. But the question was still brought forward.

But we're talking about seven people in this Assembly, seven people in the province of Saskatchewan, and you're one of them, to deal with this particular piece of legislation, Mr. Minister. At the very least — at the very least — you should have absented yourself, along with the other members of cabinet who are involved in this, from the cabinet table when the decisions were being made, and some other minister should have been bringing forward the legislation, Mr. Minister.

**Hon. Mr. Tchorzewski:** — Mr. Chairman, I want to point out to you and to the members of the committee and to the member opposite who raises the issue, that there is a provision in this Bill which applies to everybody in this House, including him. Is he suggesting therefore that he should not be allowed to vote on it?

There is provision in this House, in section 9, that members will be able to — as they can in other pension plans — transfer their money purchase plan, on retirement, to an RRSP (registered retirement savings plan). So if there's a conflict of interest, the conflict of interest applies to him. I will be interested in watching when we come to the vote on this thing whether he stands and votes on this.

And furthermore I'll be interested to see whether he supports it or whether he opposes it, because there is a provision that applies to every member of this House. That's just the way it is. There's almost . . . I mean most legislation, one can say, applies to somebody in the legislature, no matter what the legislation is. If we began to adopt the approach that's being suggested, then the public service would have to make all the decisions and do everything — not that I have any disregard for public servants. They do an excellent job, and we have the best public service in

Canada in this province of Saskatchewan.

But ultimately somebody has to take responsibility and be accountable. And that is the elected members who the people of this province, in a democratic process, elect to act on their behalf and then account for what they do when it comes time throughout each year and particularly during an election.

**Mr. D'Autremont:** — Well, Mr. Minister, there is a difference between section 9 and section 6 in this Bill. Section 9 deals with each and every member of the Assembly, no matter which side of the House they sit on, no matter whether they're in cabinet or outside of cabinet, no matter how long they have been in this Assembly, and no matter when they are to be elected. This year, five years down the road, or ten years down the road, they're going to be elected . . . affected by that particular piece of legislation.

Section 6, though, Mr. Minister, deals only with seven people that were elected prior to 1979 — not everybody in the Assembly, not everybody that will be elected henceforth to this Assembly, but the seven people still remaining in here that were elected prior to 1979. And you're still one of them. So, Mr. Minister, when you say that we — each and every one of us — have a potential conflict of interest in clause 9, you're wrong because it doesn't just deal with us. It deals with every MLA that could be potentially elected in the future.

Section 6 doesn't deal with anybody that will be elected henceforth, Mr. Minister, only with you, with the Premier, the member from Regina Churchill Downs, the member from Athabasca, the Justice minister, and the Economic Development minister, and the member from Arm River. Those are the only people involved, Mr. Minister, and that's a conflict of interest.

But since you brought up section 9, there is some value in section 9 allowing MLAs to have the same opportunities to deal with their own funds that the civil service does have. And that one does have some benefit, Mr. Minister, unlike section 6.

Also section 10 has some merit, Mr. Minister, because it deals with people who leave this Assembly who are eligible for a pension and then go on to work for another government body — either provincially or federally — and that they can no longer receive their pension as well as their salary. They have to, I suppose, pick and choose either one of them, but not both. That has some value also, Mr. Minister.

So when it comes down to the end of the day though, Mr. Minister, the main issues here are the cost to the taxpayer. There's no savings to the taxpayer in section 9; neither is there a cost to the taxpayer — it's neutral. It just simply gives MLAs access to their own funds that they've built up over the years.

In section 10 there is a potential saving to the taxpayer if someone goes from this Assembly to become a judge. Then he receives his judicial salary, and his pension as an MLA is held off.

But in section no. 6 there is still a significant amount of cost to the taxpayer, a significant amount of cost over and above that which would have been in place had you and your other six colleagues been on the funded pension plan, or had taken the funded pension plan, than the one you are currently on.

It's still significantly more money than that which would have been in place had you accepted our Bill on this particular issue, which would have decreased the salaries down to 50 per cent, Mr. Minister. And that's what I believe you should carry on and do today, is drop it down to that 50 per cent level.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

#### Clause 6

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Mr. Minister, I have an amendment to clause 6 that I would like to bring forward and it deals, as I've stated earlier, with that 70 per cent level, which I believe remains too high for all the arguments that I've presented earlier.

Therefore, Mr. Chairman, I would move the following motion:

Amend Clause 6 of the Printed Bill by striking out "70%" where it occurs in section 18.1 as being enacted therein and substituting "50%".

**Hon. Mr. Tchorzewski:** — Thank you, Mr. Speaker. No, I'm not going to support that amendment because I think that moves away from what is the established and recognized practice in other pension plans, and what we have done here is make the pension plans for MLAs consistent with other pension plans. So I think it's an appropriate amendment and I'm going to ask members of the House to oppose that amendment.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I believe the minister said it was it was an appropriate amendment and I think it is indeed — that our amendment is appropriate.

It's not the accepted one, Mr. Chairman, it's the chosen one by the member opposite and his six colleagues — the chosen way to go, at 70 per cent. It's the preferred way for him, but it's certainly not the preferred way for the general public, Mr. Chairman, and it's not the way which the official opposition would choose to go on this particular matter.

Amendment negated on division.

**Hon. Mr. Lingenfelter:** — If I could by leave, introduction of guests.

Leave granted.

#### INTRODUCTION OF GUESTS

**Hon. Mr. Lingenfelter:** — Mr. Chairman, I want to introduce

to you and to my colleagues in the Assembly, a couple of special guests who are with us here today from the French Trade Commission. Seated in the west gallery is Pascal Lecamp, who is the Deputy Trade Commissioner, and Patricia Pouliquen, who is the French Trade Commissioner in Council. With them is Gerry Adamson, our trade rep from the Department of Economic Development.

And I would like the two individuals to stand and be recognized. They are working on trade development between France and our province and doing an excellent job. So I want to recognize the great work that they are doing at this time.

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

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I would like to join with the Minister of Economic Development in recognizing our French guests today. And just to extend to them our courtesies and wish them welcome, et bienvenue.

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

#### COMMITTEE OF THE WHOLE

##### Bill No. 65 (continued)

Clause 6 agreed to.

Clauses 7 to 13 inclusive agreed to.

The committee agreed to report the Bill.

(1100)

##### Bill No. 69 — An Act respecting the Interpretation of Enactments and prescribing Rules Governing Enactments/Project de loi no. 69 — Loi concernant l'interprétation des textes et édictant les règles les régissant

**The Chair:** — I would ask that the Minister of Justice, please introduce the officials who have joined us here.

**Hon. Mr. Mitchell:** — Thank you, Mr. Chairman. I have Ian Brown of the Department of Justice with me on this and the subsequent Bills on the order paper.

#### Clause 1

**Mr. Toth:** — Mr. Minister, maybe you could just fill us in as to the reason for the Bills that we have coming forward — the present one and the ones coming. I believe these are the Bills dealing with French interpretation.

**Hon. Mr. Mitchell:** — Yes. These are the first eight of a fairly significant number of Bills that will be put before the legislature in this and subsequent years. It is pursuant to an agreement reached in the late 1980s between the francophone community, the Government of Saskatchewan, and the

Government of Canada, with respect to the translation of some provincial statutes.

We have had extensive negotiations with the francophone community as to their priorities for translation. And the legislation that is before the House this morning reflects those priorities. These are the first eight of the priority list.

**Mr. Toth:** — That was the question I was going to ask, Mr. Minister. As we review this, it's my understanding when the change was made even back prior to 1991, there were selective pieces of legislation that they felt would be appropriate versus going through the cost of translating all pieces of legislation. And I'm wondering if that is going to continue, that we'll specifically target pieces of legislation that have an impact upon the francophone community, that there may be some value in having the French interpretation included versus trying to go through all legislation which really doesn't direct all of their community.

**Hon. Mr. Mitchell:** — Yes, the negotiations have produced a list of statutes that will be translated as time goes on. They're by no means all of the statutes in Saskatchewan, but they are the ones that would have relevance to the francophone community.

**Mr. Toth:** — So, Mr. Minister, it's my understanding then that we will continue that process, of just limiting the changes to Bills that would be relevant. And I've got your assurances that it will continue, not only with this current government but any governments to come in the future.

**Hon. Mr. Mitchell:** — That's right, Mr. Chairman. The member is perfectly right. The agreement is binding on our government, as it was on the previous government, and it will continue to be binding on the province.

Clause 1 agreed to.

Clauses 2 to 47 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 66 — An Act Respecting Changes of Name/Projet de loi no. 66 — Loi concernant les changements de nom**

Clauses 1 to 33 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 67 — An Act respecting the keeping of Vital Statistics/Projet de loi no. 67 — Loi concernant les services de l'état civil**

Clauses 1 to 63 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 68 — An Act respecting Regulations/Projet de loi no. 68 — Loi concernant les règlements**

Clauses 1 to 20 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 70 — An Act respecting the Solemnization of Marriage/Projet de loi no. 70 — Loi concernant la célébration du mariage**

Clauses 1 to 54 inclusive agreed to.

The committee agreed to report the Bill.

(1115)

**Bill No. 71 — An Act respecting Victims of Crime/Projet de loi no. 71 — Loi sur les victimes d'actes criminels**

Clauses 1 to 29 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 73 — An Act respecting Elementary, Secondary and Post-secondary Education in Saskatchewan/Projet de loi no. 73 — Loi concernant l'enseignement élémentaire, secondaire et postsecondaire en Saskatchewan**

**Clause 1**

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Mr. Minister, can you give us your personal assurance that there have been no changes to this particular Bill other than the translation into French? And I'm sure that neither you nor I want to go through this Bill clause by clause in this sitting, so can you give us your personal assurance that nothing has changed in The Education Act other than the translation into French.

**Hon. Mr. Mitchell:** — I can give the member the assurance that no substantive changes have been made to the Act. In order to facilitate the translation into French, some of the provisions had to be renumbered and the structure of a few provisions had to be changed. And it also contains technical drafting changes to improve readability and make the language gender neutral. But nothing of substance has been changed.

**Mr. D'Autremont:** — Can you give us an outline, Mr. Minister, of what clauses were changed, what sections were changed?

**Hon. Mr. Mitchell:** — Mr. Chairman, would the member accept a written list of changes in answer to that question? He's indicating yes, Mr. Chairman.

**Mr. D'Autremont:** — Yes, Mr. Minister, if you can give us a written list and we'll take your assurance that there was nothing of substance that was changed in this particular Bill.

Clause 1 agreed to.

Clauses 2 to 372 inclusive agreed to.



The committee agreed to report the Bill.

**Bill No. 74 — An Act respecting Non—profit Corporations/Projet de loi no. 74 — Loi concernant les sociétés sans but lucratif**

**Clause 1**

**Mr. D'Autremont:** — Well, thank you, Mr. Deputy Chairman. Mr. Minister, can you give us your assurance that there have been no changes other than the translation into French of this particular Act?

**Hon. Mr. Mitchell:** — I can assure the member that the Bill does not change the existing law. It contains technical drafting changes that improve readability, and it makes use of gender-neutral language, but there have been no substantive changes to the Bill. Once again, I would be prepared to write to the hon. member and list the changes that have been made.

**Mr. D'Autremont:** — Okay, thank you, Mr. Minister. If you would indeed do that because again, like the last Bill, I don't think either one of us want to go through this clause by clause.

Clause 1 agreed to.

Clauses 2 to 285 inclusive agreed to.

The committee agreed to report the Bill.

(1130)

**Mr. Toth:** — Sorry about that, Mr. Chairman. I think it would be certainly appropriate to thank the minister and his officials who have been with us through the morning to debate these Bills as we've gone through them. Thank you very much.

**Hon. Mr. Mitchell:** — Mr. Chairman, I'd like to also thank the officials for the enormous amount of work that they did in bringing these eight Bills forward.

**THIRD READINGS**

**Bill No. 75 — An Act to amend The Provincial Court Act**

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

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

**Bill No. 44 — An Act to amend The Local Government Election Act**

**Hon. Ms. Crofford:** — 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. 28 — An Act to amend The Northern Municipalities Act**

**Hon. Ms. Crofford:** — 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. 27 — An Act to amend The Urban Municipality Act, 1984, and to make a Consequential Amendment to The Municipal Board Act**

**Hon. Ms. Carson:** — I move that this Bill be now read a third time and passed under its title.

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

**Bill No. 29 — An Act to amend The Rural Municipality Act, 1989**

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

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

**Bill No. 9 — An Act to amend The Environmental Management and Protection Act**

**Hon. Mr. Wiens:** — 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. 65 — An Act to amend The Members of the Legislative Assembly Superannuation Act, 1979 (No. 2)**

**Hon. Mr. Shillington:** — I move Bill No. 65 be now read for a third time and passed under its title.

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

**Bill No. 69 — An Act respecting the Interpretation of Enactments and prescribing Rules Governing Enactments/Projet de loi no. 69 — Loi concernant l'interprétation des textes et édictant les règles les régissant**

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

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

**Bill No. 66 — An Act respecting Changes of Name/Projet de loi no. 66 — Loi concernant les changements de nom**

**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. 67 — An Act respecting the keeping of Vital Statistics/Projet de loi no. 67 — Loi concernant les services de l'état civil**

**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. 68 — An Act respecting Regulations/Projet de loi no. 68 — Loi concernant les règlements**

**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. 70 — An Act respecting the Solemnization of Marriage/Projet de loi no. 70 — Loi concernant la célébration du mariage**

**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. 71 — An Act respecting Victims of Crime/Projet de loi no. 71 — Loi sur les victimes d'actes criminels**

**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. 73 — An Act respecting Elementary, Secondary and Post-secondary Education in Saskatchewan/Projet de loi no. 73 — Loi concernant l'enseignement élémentaire, secondaire et postsecondaire en Saskatchewan**

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

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

**Bill No. 74 — An Act respecting Non-profit Corporations/Projet de loi no. 74 — Loi concernant les sociétés sans but lucratif**

**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.

(1145)

**COMMITTEE OF FINANCE**

**General Revenue Fund**

**Justice**

**Vote 3**

**Item 1**

**Mr. Toth:** — Thank you, Mr. Chairman. Mr. Minister, a quick question. The other day I'd asked . . . sent over some information from a Julian Scrimbitt and had some calls from Julian. I'm wondering if you can give . . . or have a response to that information I had requested.

**Hon. Mr. Mitchell:** — Mr. Chairman, and to the member, I'm not able to provide a final answer on it. The department has been working on it in consultation with SGI (Saskatchewan Government Insurance). We hope to get it straightened out. But we can't give you any final answer today.

**Mr. Toth:** — Mr. Minister, how soon can we expect that? As I believe the note says, paragraph 3, failure to respond to this letter within two weeks of the date herein . . . and I would take that two weeks from May 8, which puts us into a position of shortly after the long weekend a response has to be given from Mr. Scrimbitt

Would it be possible to, even by tomorrow, have a response to our office as to an avenue that could be followed?

**Hon. Mr. Mitchell:** — I hope so. We haven't got the material from SGI yet, but we're pressing hard. We know the urgency and we're trying to accommodate the member and Mr. Scrimbitt. And we'll be in touch with the member and with Mr. Scrimbitt as may be appropriate.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, I want to direct my attention one more time to the situation at Martensville. First question I'd like to ask is what role does a mayor play in any urban municipality with regards to the police commission?

**Hon. Mr. Mitchell:** — Mr. Chairman, it's very frequently the case that the mayor is the Chair of the police commission, the local police commission. And that was the case in Martensville. The mayor was the Chair of the police commission.

**Mr. Toth:** — Mr. Minister, what role would the former mayor and police commissioner have had in the Martensville investigation, the former mayor who is currently the Liberal candidate in the constituency of Rosthern?

**Hon. Mr. Mitchell:** — The board would not normally be

involved in the investigation. And I think that was the case here. The board makes the policy but would not get involved in the investigation as such. And I think that was the case here.

**Mr. Toth:** — Mr. Minister, as you're aware, recently your government announced that it would extend some help to the town of Martensville in regards to the legal fees and the problems they were having with a debt load as a result of the Martensville investigation. And I'd like to know what that sum of money was, what you've contributed to date to the community of Martensville, and what role, if any, the present . . . current Liberal candidate, Mr. Rob Friesen, would have had in sequestering . . . or requesting this assistance for the community of Martensville.

**Hon. Mr. Mitchell:** — Mr. Chairman, we have provided assistance on two occasions. And Mayor Friesen, as he then was, was extremely active in soliciting the first grant of \$60,000, and of course had been the mayor when the obligations were created that led to the second grant of 75,000, although he was no longer the mayor at that time.

But I repeat, the debt had been incurred, the obligations incurred. So the total assistance granted to Martensville was \$135,000. Mayor Stone, who is the current mayor, acted as the mayor during most of 1993 and was elected by acclamation in the fall of 1993. And Mr. Friesen had been the mayor immediately prior to him.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, would this be an appropriate method of dealing with communities who have faced such a legal challenge and the costs that would be incurred? Would this be a normal process?

And also I don't recall whether or not you have given us the total cost that has been consumed to date through the Martensville case . . . or the trial that has taken place.

**Hon. Mr. Mitchell:** — I want to tell the member, Mr. Chairman, that this is a very unusual situation, that this is quite out of the usual course. That is to say, the assistance that we provided, that I just described, of \$135,000, is very, very rare.

On the question of the costs of Martensville, I'll deal with it in two ways. First of all, I'll deal with it as the incremental costs over and above the ordinary costs of running the justice system, and the incremental costs were nearly \$400,000 including the grants.

The systems costs, the regular system costs were about 488,000. So if you add those together you get in excess of \$880,000 being the cost of the Martensville situation.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, that certainly, I think, proves our point of the fact that there should be some research into how investigations in this manner are conducted; how that one was conducted.

There was a CBC (Canadian Broadcasting Corporation) item on

the news, Monday evening, and I wish I'd have had the opportunity to be able to view it because just the closing comment — I didn't realize at the time they were addressing it; I believe they had a law professor from Saskatoon and a couple other individuals — but the closing comment that caught my ear was from one individual: one has to ask whether or not the children are victimized more by the prosecution and by the police through the interrogations and the interviews than what actually took place.

And I think that's the question that is really out there. And that's why I would continue to suggest that if we really want to open up, really want to show people that the system works, really want to show people that individuals who are entrusted with positions of responsibility and authority do not abuse it; if you had an inquiry where everything was just thrown out in the open to a public . . . to an independent person totally removed from anyone who would have been involved from all the interviews, it may address a number of those questions.

And I think, Mr. Minister, I think there's going to be a lot more coming out just from what I see, as we saw in the news Monday night and other interviews, and I understand there's even a book that's being presently just about talked . . . The author called me a couple of weeks ago and he hopes to have it in print and out on the street in June.

So it seems to me that there will be questions for time and eternity regarding what happened, regarding circumstances that took place at Martensville. And it would have been only appropriate to have a total review, not asking people to go back and talk to children and talk to all the individuals involved, just having access to every piece of information — all the tapes, all the videotapes — and to go through and see whether or not justice was handled in an appropriate manner.

Mr. Minister, there's another question I'd like . . . and there's a number of questions I'm going to bring to your attention that have just been raised with us — questions that have come directly. I'm going to keep the individual's name out of it because the individual has asked for confidentiality.

But questions that have been posed by individuals from across this province in regards to the recent and ongoing investigation that a number of MLAs are facing, or former MLAs. And I guess one of the biggest . . . first of all, I'd just like to . . . when we see headlines like: entering politics, you lose your reputation . . . There's a couple of paragraphs I'd just like to read out of this:

Expense account problems are not unusual in the world of private business and the problems are usually worked out without destroying the reputation of the person under suspicion. But not on the public stage of politics.

Whether the former politicians are convicted or acquitted, their names are already ruined by the extensive publicity linking them to fraud. Now added to the traditional reasons for never considering a career in

politics, the former PC (Progressive Conservative) caucus is being maligned by allegations about peddling expense account matters that are several years stale, and people wonder why we can't get a higher quality of candidate to run for public office.

And I've got another letter here to the editor, just talking about the way the RCMP (Royal Canadian Mounted Police) conducted themselves in interviewing and actually coming into the community, into their community, regarding one of the former members. And a number of questions being raised as to . . . I'm just going to read part of the letter to the editor, "Search tactics rapped."

Imagine a group of police officers from the city, some plain clothes, some in uniform, complete with a search warrant. They drive into a small town where we all know each other and they have orders to follow. Driving in with sirens blaring and lights flashing is what we've heard, and people are saying, what kind of authority do we have here. The first paragraph is:

These past weeks we have seen and heard of activity previously only reported from far-off countries behind the Iron Curtain.

And I think a lot of people have a lot of questions. And this person basically ends up by saying:

I feel sorry for honest men and women within our police network and policing network who in many cases were forced to carry out some of the policies of the RCMP.

With regards to that, Mr. Minister, I'd just like to relate a number of questions that were raised, that people want answers to in regards to this whole investigation. And I realize it's an ongoing thing that may restrict you in responses. But I think there's some very upfront and open questions that need to be asked, and I'd like to raise them. And possibly until we get a chance to address them a little later on, you may have a chance to review these questions.

And here are the questions as they were put to us:

Can you demonstrate that all 66 members of the legislature who served between 1986 and 1991 were investigated in the same rigorous manner?

Who are the people in the shadows making the decisions about who to protect or who to prosecute and not to prosecute?

Where are the terms of reference for an investigation into the expense accounts of all members of the legislature? If there is none, how do you defend an ad hoc process of favouritism or a witch-hunt?

Why was Mr. Koskie, the NDP member, allowed to repay his communication allowance and charges dropped? Who made this decision?

When all the public and press have access to all expense information of members of the legislature who do not face charges . . . Pardon me. When will the public and press have access to all expense information of members of the legislature who do not face charges, in order to ensure that there is no political favouritism at work?

Can the RCMP and the Justice department demonstrate or prove that their investigations were more than a selective fishing expedition targeting only certain people?

Name the members of the RCMP and the Justice department in the chain of command which resulted in charges being laid.

And, how many hours and dollars were spent by the RCMP, by the Justice department, in this process? How many dollars have been spent to date in the investigations ongoing?

And I guess at the end of the day, Mr. Minister, one has to ask . . .

**The Chair:** — Order. It now being 12 o'clock, the Committee of Finance will rise and report progress and ask for leave to sit again.

The committee reported progress.

**The Speaker:** — Pursuant to a motion of the House dated May 17, this House stands recessed until 1:30 this afternoon.

The Assembly recessed until 1:30 p.m.