

The Assembly met at 1:30 p.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. McLane: — Thank you, Mr. Speaker. I rise again today to present a petition on behalf of the people of Saskatchewan regarding the closure of the Plains Health Centre. The prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to save the Plains Health Centre by enacting legislation to prevent the closure, and by providing adequate funding to the Regina Health District so that the essential services provided at the Plains may be continued.

Mr. Speaker, this petition has been signed by people from the city of Weyburn and also from the community of Yellow Grass.

Mr. Belanger: — Thank you, Mr. Speaker. I also rise again today to present a petition and the petition reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to save the Plains Health Centre by enacting legislation to prevent the closure, and by providing adequate funding to the Regina Health District so that the essential services provided at the Plains may be continued.

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

And, Mr. Speaker, the people that signed the petition are from Moose Jaw; they're from Verwood, Norwood, Rockglen, Limerick, Assiniboia, and all throughout the land, and I so present.

Mr. Hillson: — Thank you, Mr. Speaker. This afternoon I present petitions concerning the congestion to the highway entrance to North Battleford. The prayer for relief reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly maybe pleased to relocate Highway 40 at the intersection to the Yellowhead Highway No. 16 to east of the David Laird Campground in order to alleviate the congestion at the entrance to the city of North Battleford.

Your petitioners come from North Battleford, Battleford, Delmas, Meota, and Glenbush. I so present.

Mr. McPherson: — Thank you, Mr. Speaker. I join with my colleagues here today bringing forward petitions to hopefully prevent the closure of the Plains hospital. The prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to save the Plains Health Centre by enacting legislation to prevent the closure, and by providing adequate funding to the Regina Health District

so that the essential services provided at the Plains may be continued.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, the people that have signed these petitions that I have are from Gravelbourg, Assiniboia, and the Bengough area of the province. I so present.

Ms. Haverstock: — Thank you very much, Mr. Speaker. I rise today on behalf of citizens of Saskatchewan who are concerned about disenfranchised widows and widowers.

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to have The Workers' Compensation Board Act amended for the disenfranchised widows, widowers of Saskatchewan whereby their pensions are reinstated and the revoked pensions reimbursed to them retroactively and with interest, as requested by the statement of entitlement presented to the Workers' Compensation Board on October 27, 1997.

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

There're coming in fast and furious from all around Regina. Thank you.

READING AND RECEIVING PETITIONS

Clerk: — According to order the following petitions have been reviewed, and pursuant to rule 12(7) they are hereby read and received.

Of citizens of the province petitioning the Assembly on the following matters: to save the Plains Health Centre; to put a moratorium on the closure of the Plains Health Centre; and to relocate Highway No. 40 to alleviate congestion at the entrance to North Battleford.

INTRODUCTION OF GUESTS

Mr. Whitmore: — Thank you, Mr. Speaker. Through you and to you, Mr. Speaker, I would like to introduce an individual in the west gallery; someone who takes a very keen interest in politics in Saskatchewan and someone from my constituency, Melissa McDowell. And I would like all members of the Assembly to welcome her here today.

Hon. Members: Hear, hear!

Mr. Heppner: — Thank you, Mr. Speaker. Today we have two very special guests with us in your gallery — Carol Wright and Mark Olson. I'd like to ask to have them stand. They're integral players in collecting some 70,000 signatures to date on a petition calling on the federal government to change the Young Offenders Act. As members of the Legislative Assembly, it is our job to raise political awareness to serious problems such as youth crime, but individuals such as Carol and Mark give freely of their time and money to correct what they see wrong in society.

I would like all members of the Assembly to join with me in

welcoming them and thanking them for the effort they've put into the democratic process.

Hon. Members: Hear, hear!

Hon. Ms. MacKinnon: — Thank you very much, Mr. Speaker. I'd like to introduce to the Assembly through you a very special guest who is at the bar. He's our former MLA (Member of the Legislative Assembly) from Swift Current, former minister of Crown Investments Corporation, one of the first, original members of the 1991 Treasury Board who along with the member from Regina Dewdney, began the fiscal turnaround of the province. It's my pleasure to introduce John Penner.

Hon. Members: Hear, hear!

Mr. McPherson: — Thank you, Mr. Speaker. I would like to introduce to you and through you to the legislature today, guests of ours. In the east gallery is Heather Prystupa of Regina, here to watch the proceedings with us.

Hon. Members: Hear, hear!

Hon. Mr. Shillington: — Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to the Assembly, a visiting scholar from Shandong University. He's a visiting scholar here at the Faculty of Education. It is Mr. Zhen Qian. He's accompanied by Dr. Paulette Van der Linde.

I'd ask both to stand and be recognized by the Assembly.

Hon. Members: Hear, hear!

Mr. Trew: — Thank you, Mr. Speaker. Today it's my pleasure to introduce to you and through you to members of the legislature, a friend of mine, a student at the school of journalism here in Regina and a person who has just returned from down east, working with I believe it was the Department of Justice, the national Department of Justice.

Members, please join me in welcoming Sabrina, Sabrina Cataldo.

Hon. Members: Hear, hear!

Hon. Mr. Nilson: — Mr. Speaker, it's my pleasure to introduce to you and through you to all members of the legislature, Mr. Gary Carlson, who is one of my constituents. But he's a friend of Saskatchewan, has been working in very many volunteer organizations for many years. But one that doesn't get mentioned often — but I think should get mentioned — is his organizational ability in the Saskatchewan homecoming 18 years ago.

Hon. Members: Hear, hear!

Mr. Kasperski: — Thank you, Mr. Speaker. Mr. Speaker it's my pleasure to introduce to you and to members of the Assembly, a friend of mine, Father Jozef Nabywaniec. Father Joe, Mr. Speaker, is originally from Przemysl, Poland, which is on the Polish-Ukrainian border, and has been in Canada for the last 11 years, 9 of which have been here in Regina where he works for the archdiocese. I'd like to welcome Father Joe here

today.

Hon. Members: Hear, hear!

STATEMENTS BY MEMBERS

Violence Against Women

Mr. Boyd: — Thank you, Mr. Speaker. Today is the first day of the week set aside to raise awareness about the many women who are battered by their husbands or partners. Mr. Speaker, I think we can all agree that family violence is one of the worst forms of abuse anybody can experience. Our hearts go out to all the women, children, and men being beaten by those who should love them and protect them the most.

But, Mr. Speaker, sending out our best wishes is not enough. They need our support in many ways. We must support these people by ensuring that there are safe houses for them to escape to their . . . their critical moment of need. We must support shelters such as the Prince Albert emergency women's shelter, that it is in real danger of closing because of this government's refusal to fund it.

As leaders of this province, we can't sit back and let this happen, because if we do we are furthering the very problem we stand here and discuss today.

In closing, Mr. Speaker, I would challenge the Minister of Social Services and the minister responsible for the Women's Secretariat to sit down and develop a long-term solution to ensure long-term sustainability of the Prince Albert shelter.

Some Hon. Members: Hear, hear!

Purple Ribbon Awareness Week

Ms. Stanger: — Thank you, Mr. Speaker. May 4 to May 10 has been proclaimed Purple Ribbon Awareness Week in Saskatchewan. This is an opportunity to raise awareness of violence against women in our society.

This is a time to recognize that we all have a responsibility to take action to stop violence and abuse. Education and prevention are the most effective ways of breaking the cycle of violence and there are community-based programs throughout the province that are working towards the goal.

But as individuals we can also take steps to change attitudes and behaviours. We can teach our children that violence is unacceptable; that it is an abuse of power and trust. We can commit to non-violent problem solving and discipline.

We can support women in our communities who are dealing with a violent relationship. We can ensure that we never blame women for the violence in their lives. We can talk to them about their experience, their fears, and the barriers they face. Violence continues to be a reality for too many women and men and children in our province.

And let me just say, Mr. Speaker, that the P.A. (Prince Albert) home is being funded for women and will continue to be funded. Thank you.

Some Hon. Members: Hear, hear!

Cluff Lake Mine

Mr. Belanger: — Thank you, Mr. Speaker. I'd just like to thank a company for inviting me last Tuesday and Wednesday. I went for a tour of the Cluff Lake mine site. And the Cogema company of Saskatoon took a whole bunch of northern leaders, mayors, and chiefs, and they also invited me as MLA to come along to tour the Cluff Lake mine site.

And of course some of the tour was based on some of the concern that has been expressed through the media in terms of workers' safety and environmental protection and northern participation.

And I want to assure the members of the Assembly that the trip was very worthwhile. There's a lot of positive developments happening at the mine site. And I must say that I was very impressed with the amount of work that was being done out in Cluff Lake by the number of northern people.

And in closing, Mr. Speaker, I also want to say we had the opportunity to hop in these very low-lying trucks and drive 300 feet down into the earth, and they gave us a demonstration of blasting while we were down there. And I want to assure all members of the House, that really is an experience you may or may not want to take part in.

And I must say that the mining industry certainly offers a tremendous amount of benefit to Saskatchewan, to the country, and that I want to thank Cogema publicly for their hospitality and their generosity during my visit.

Thank you.

Some Hon. Members: Hear, hear!

Mental Health Week

Ms. Murray: — Thank you, Mr. Speaker. The Canadian Mental Health Association is a non-profit organization that promotes issues related to mental health through public awareness and education. May 4 through May 10 is Mental Health Week in Canada. This year's theme is "Making Mental Health Matter."

The Canadian Mental Health Association has 15 branches in the province with over 300 volunteers. Making mental health matter is dependent on communities supporting their local branches. The Regina branch will be holding their 12th annual mayor's luncheon to raise public awareness and funds for the promotion of mental health issues and to assist people who have mental health needs.

The mayor's luncheon will be held at the Beverly Hills ballroom at the Regina Inn at 12 noon tomorrow, May 5. The master of ceremonies is Sheila Coles and the speaker is Mayor Doug Archer. Tickets are available at the door.

The Minister of Health, and the Minister of Post-Secondary Education and Skills Training and I are looking forward to attending; and we encourage all of you to attend and support

this important cause. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Geriatric Assessment Program

Ms. Haverstock: — Thank you, Mr. Speaker. There is much that is wrong with the Saskatchewan health care system and much that needs improvement.

Occasionally though, bright spots emerge. One such bright spot is the geriatric assessment program at Saskatoon's City Hospital, headed by Dr. Earl DeCoteau. I don't know if I ate peanut butter for lunch or not, Mr. Speaker.

It is all too seldom that credit is given where credit is due. This program takes a holistic, multi-disciplinary team approach which includes the clients as part of the team. The service provided is consistently courteous, individualized, and thorough. Clients are kept well informed about what is being considered and the rationale for decisions made. They feel cared for in every sense of that word, Mr. Speaker. The top quality geriatric care provided at Saskatoon City Hospital should be available throughout Saskatchewan, and our seniors deserve nothing less.

I salute Dr. DeCoteau and his staff today for their dedication and exemplary service to Saskatchewan elders.

Some Hon. Members: Hear, hear!

Lake Diefenbaker Potato Corporation

Hon. Mr. Wiens: — Thank you, Mr. Speaker. There is much that is right about economic development in the Rosetown-Biggan constituency. I want to congratulate the people of Lucky Lake and the Outlook area and the Lake Diefenbaker Potato Corporation that has begun construction on a new flaking and dehydration plant. The plant has a start-up cost of \$4.2 million and is part of a planned \$36 million expansion.

Last year these same people built a fresh-pack plant in Lucky Lake. Several years ago the people of that community started with a hundred acres of potatoes, then 4, then 8, then 25. This year they're going to be growing 5,800 as a corporation, and other independent producers are going to grow another couple of thousand.

This is indeed economic development the way it should be.

Currently the plant employs approximately 75 full-time and 65 part-time people. However thanks to this new expansion, at least 125 new, full-time jobs and 100 seasonal jobs will be created in Lucky Lake, Beechy, and Outlook areas.

Plant officials estimate \$30 million in gross sales for the '98-99 crop. Profits from the crop will finance a planned expansion to 8,000 acres by the year 2000. In addition, the company plans to create a trucking division to transport its products to the north-western United States.

Mr. Speaker, that's the kind of good news that Saskatchewan

has from corner to corner. I'm proud to call this one home.

Some Hon. Members: Hear, hear!

Revision of Young Offenders Act

Mr. Heppner: — Thank you, Mr. Speaker. Today the Saskatchewan Party will be tabling copies of some 70,000 signatures on a petition calling on the federal government to completely re-overhaul the Young Offenders Act.

Mr. Speaker, I present these petitions on behalf of Carol Wright and Robert Fortin of North Battleford who have given countless hours of their own time and dollars to ensure that their elected representatives take responsibility for the deadly serious problem of youth crime.

Last week we saw the federal Justice minister make a very meagre gesture to appease the growing support for reform to the Young Offenders Act. These changes are simply not good enough. We need real change and we need it now. We need to change the Act before one more car is stolen or one more person has to pay for the federal government's lack of action with their life.

In closing, Mr. Speaker, I would like to challenge all members of the Assembly who have not signed the petition to do so. And I would call on all members to put aside their political differences and stand united behind Carol Wright, Robert Fortin, and the 70,000 people who have signed this petition, and call on the federal government to start listening to the people of Saskatchewan and almost every other province and territory of this great country.

Thank you.

Some Hon. Members: Hear, hear!

Polonia Dance Ensemble 10th Anniversary Concert

Mr. Kasperski: — Yesterday at the Performing Arts Centre here in Regina, almost 400 people attended the 10th Anniversary of the Polonia in Concert performance of the Polonia Dance Ensemble of Regina, Mr. Speaker. They were treated to a variety of lively Polish folk dances which included national dances such as Krakowiak, and regional dances of Slask, Lublin, Wielkopolska, Warmia, Kurpie, and Sacz. This year's guest group was the Miorita Roumanian Dancers of Regina, Mr. Speaker.

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

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Compensation for Hepatitis C Victims

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, today my questions are for the Minister of Health. Mr. Speaker, today CBC (Canadian Broadcasting Corporation) *Newsworld* is reporting there must be something wrong with the phone system in Saskatchewan. Because whatever you, the Minister of

Health, and the other Health ministers decided on the phone Friday morning had nothing to do with what happened Friday afternoon.

Yes, there was no change in the . . . you said there was no change in the province's position. You said there was no push from the provinces for an expansion of the compensation package. But Friday morning while you were on the phone, the Premier of Ontario said his province may join the class action suit against the federal government. And today Ontario announced it will unilaterally compensate all persons who contracted hepatitis C prior to 1986.

Mr. Minister, your failure of leadership last week on the hepatitis C compensation package complicated and confused an already badly bungled process. Mr. Minister, will you finally do the right thing — expand the hepatitis C compensation package to include all victims who contracted the disease through tainted blood transfusions?

Some Hon. Members: Hear, hear!

Hon. Mr. Serby: — Thank you, Mr. Speaker. To the member opposite, first I want to say that he is correct that yesterday or on Friday I'd had a discussion with all of the provincial Health ministers across the country, and all but one were on that conference call. And when we concluded our discussions at about 1 o'clock our time, the decision that all Canadian Health ministers has made were three points . . . four points.

One is that we would continue to ensure that the \$1.1 billion compensation package for individuals between 1986 and 1990 would be honoured. But secondly, that what we would be doing is putting some additional resources where possible into ensuring that quality health services in each of the provinces, both Health and Social Services, were being met.

Thirdly, that we had all agreed that there would be not an additional call on Ottawa at this particular point, for additional compensation outside of the window which we all agreed on.

And finally, that all of the provincial Health ministers would be asking the federal government to put additional funding in to expand the amount of revenue that they provide for all of us across the nation to improve the health services of the country.

That's the discussion that I came away with, with the Health ministers across the country on Friday morning.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, the minister's response is just a reflection of his dismal performance last week and it's totally unacceptable. Your inept management has made a really bad situation a lot worse. Hepatitis C victims were looking for some leadership and compassion, and Canadians expect nothing less. But, Mr. Minister, what we got last week was mass confusion and chaos. No leadership, no compassion, no consideration for what is the right thing to do.

Mr. Minister, will you today end the confusion? Will you do the right thing, expand the hepatitis C compensation package to

include all victims who contracted the disease through tainted blood?

Hon. Mr. Serby: — Well, Mr. Speaker, first I want to say to the member opposite that I have not been informed by any of the Canadian Health ministers and/or Minister Rock that in fact there has been any change to the package that was put together for the period of 1986-90. I have not heard from any of the provincial Health ministers across the nation to say that that package needs to be disrupted or changed in any way, shape or fashion.

Now I say to the member opposite that today's announcement, which I have just recently seen, from Ontario places a different kind of complexion I think on the future of how each of the provincial governments across the land and the federal government will look at expanding, if you use that term — if you use that term — into the future.

Now what I will need to do is to demonstrate the kind of leadership that you talk about continues to exist, and that is to ensure that I have that kind of an audience with all of my Health ministers across the nation, and to have a discussion with Mr. Rock to see what kinds of implications this now provides for us as all Canadian Health ministers and not just Saskatchewan and/or Ontario.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. A further question. This one to the Premier. Mr. Premier, last Tuesday the NDP (New Democratic Party) voted down an expansion of the compensation package for hepatitis C victims. But on Wednesday, Ontario, Quebec, and B.C. (British Columbia) decided to oppose the federal government's woefully inadequate compensation package; a package, Mr. Premier, your Health minister took a lead role in negotiating. And on Friday your Health minister met with nine other provincial Health ministers and decided to do nothing. But now, Mr. Premier, Ontario is promising to unilaterally expand the compensation package; B.C. is considering a motion to compensation pre-1986 victims; and now Nova Scotia is likely to do the same.

Mr. Premier, it is high time you admit your Health minister's management of the hepatitis C file has been an unqualified disaster. Mr. Premier, will you now fire your Health minister for incompetence and take over the leadership on this issue? And will you do the right thing, push for an expansion of the hepatitis C compensation package to include all victims who got the disease through tainted blood before 1986?

Some Hon. Members: Hear, hear!

Hon. Mr. Serby: — Mr. Speaker, I want to say to the member opposite that leadership of the Canadian Health file was one that I had received endorsement from from all of the Canadian Health ministers, not only on Friday but received that endorsement from all of the Canadian Health ministers and Mr. Rock over the process of negotiating this agreement.

And so I say to the member opposite that if there's a change today in the way in which the compensation package needs to

proceed, that kind of direction I will need to receive from all of the Health ministers across the nation. Because I provide only, Mr. Chair, only provide the figurehead for them to ensure that the kinds of process that they want me to take them down, I can speak on their behalf.

And I say to the member opposite that if you want to talk about leadership, if you want to talk about leadership, you need to look within the ranks of your own party where you have individuals who are in the ranks of your own party who have done tremendous damage not only to themselves but to the parties that they've come from. Now if that's the kind of leadership that you're accustomed to having, Mr. Speaker, this is not the kind of leadership that this member here provides.

Some Hon. Members: Hear, hear!

Surgery Waiting-lists

Mr. Bjornerud: — Thank you, Mr. Speaker. Mr. Speaker, if the Premier isn't going to fire the Health minister over his bungling of the hepatitis C package, he should be fired for double-doctoring.

On Friday he made the startling admission to the SMA (Saskatchewan Medical Association) conference that he is on the waiting-list — on three waiting-lists — for knee surgery. The minister said he's on waiting-lists in Saskatoon, Regina, and Yorkton health districts.

One of the doctors at that conference quickly pointed out that that's an abuse of the system and if he were to refer patients to specialists in three different districts, that would grossly inflate utilization of medical services.

Mr. Minister, you talk about reducing over-utilization and yet you yourself are on a bunch of different waiting-lists. Mr. Speaker, what kind of example is he setting? Mr. Minister, can you explain to us why you, as the Health minister, are on three different waiting-lists?

Some Hon. Members: Hear, hear!

Hon. Mr. Serby: — Mr. Speaker, I'd be happy to explain the situation to the member opposite. And what I want to say first of all to the member opposite is that, first of all I tried to make the point with the doctors the other day that we have a number of people in this province who are in fact on more than one list. And what happens, Mr. Speaker, is that as an individual you don't get on to that list on your own. That referral needs to be provided by someone from the medical community.

Now I might, Mr. Speaker, have asked for an opportunity for more than one consult. And I want to say to the member opposite that the example that I provided, the example that I provided was in relationship to an experience that I have some familiarity with. And the familiarity with takes me back some years, where in fact I was injured in a very serious hockey accident — which a number of people can relate to who are in this House — and had, Mr. Speaker, my injury reviewed by an individual specialist, later then referred to someone else for a second opinion.

And that's how it is, Mr. Speaker, that I was on two lists in this province some time ago.

Some Hon. Members: Hear, hear!

Mr. Bjornerud: — Well, Mr. Minister, there's many people in this province have serious problems, and they're only on one waiting-list. They don't have the luxury of being Health minister.

The minister, as minister, you can't seem to get your story straight. First you say you're on three waiting-lists, then you say you're on one, and now you admit that you're on at least two. So we don't know if you're double-doctoring or triple-doctoring. But one way or another, you're abusing the system.

The minister shops around for surgeons like the Deputy Premier shops around for lawyers.

Mr. Minister, how can you possibly expect other people to curtail their utilization when you're abusing the system? Or do you expect special treatment because you're Health minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Serby: — To the member opposite, first of all I want to say to the member opposite that — and I reiterate to you again and to the media and to all of my friends who are paying attention to this issue — is that I am on no waiting-lists. I am on no waiting-lists.

And I say to you and I say to you and I say to you, that the example that I was using, the example that I was using was an incident that occurred to me several years ago, to ensure that I could make the same point that you make. And the point is this: that today in the system, today in the system what we have is that we don't have a pure way of determining whether or not somebody is counted once or twice for a procedure. And that's the point that I was making.

So as you and members of the opposite party go around the province talking about the expanded list that we have, that there are people who are actually on that list who were counted more than once. And that's the point that I was trying to make to the medical . . . to the Saskatchewan Medical Association; that's the point I try to make to you. And it looks like it's not really sinking in with you either.

Some Hon. Members: Hear, hear!

Mr. McPherson: — Thank you, Mr. Speaker. Mr. Speaker, on Friday the real opposition, the Liberal caucus, revealed that the average wait for elective surgery at St. Paul's Hospital in Saskatoon is 370 days.

We have also revealed that more than 6,600 people — 6,600 people — occupy waiting-lists in this province.

Mr. Speaker, Lyle Prystupa of Regina is a perfect example of our health care's gone bad. He underwent surgery in February to remove a rectal abscess and now is in need of reconstruction surgery but has been placed on a non-urgent list.

Mr. Minister, Heather Prystupa, in the gallery today . . . (inaudible interjection) . . . please bear with me. Mr. Speaker, Mr. Minister, Heather Prystupa has joined us in the legislature today. Will you tell her why her husband can't get the surgery that will end his suffering?

Hon. Mr. Serby: — I want to say to the member opposite in the same fashion that I've answered the member's question in the past — that in this province we have three procedures under which people are categorized for, which are emergency, urgent, and elective. And those are the three procedures under which the needs that people have and the priorities in which they receive their care across the province are determined. And that determination is made in three levels. It's made by the family practitioner; it's made the specialist; and in conjunction it's made with the institution in which you have chiefs of staff to practice.

And through that process, they determine what needs that individual has on that priority list. Now if an individual member's health needs change during a period of time, they can move up within the list or they can move down within the list. And that determination is made by a team of professionals who have a better presence of what the medical needs of individuals are than you do, or I do, and in some cases the individual who that procedure is being performed on.

So I need to take the opinion of those individuals who are practising in the field to provide the sense of what their needs are at that particular time.

Some Hon. Members: Hear, hear!

Mr. McPherson: — Thank you, Mr. Speaker. Mr. Minister, when are you going to stop blaming health care professionals? They can't make a decision when there aren't beds for them and you know that. There's been too many cases brought forward.

Mr. Speaker, the condition of Lyle Prystupa went from bad to worse over the weekend. He was admitted to surgery last night because he was encountering severe pain. Doctors discovered that his wound was infected and is now septic, meaning that the infection has spread throughout his entire body.

Mr. Minister, where is the compassion in our health care system when people are forced to endure this kind of pain and suffering ongoing? Would you allow your family members to go through this?

The Speaker: — Order, order, order, order. Now I want to caution the hon. member before I permit the minister to respond that the question is directed to members of the Executive Council in question period, must be directed to them in the context of their responsibilities of Executive Council. Only that is acceptable, and any questions directed outside of that will not be accepted and the member will pass his opportunity to ask questions.

Hon. Mr. Serby: — Well, Mr. Speaker, I want to assure the member opposite that we work as hard as we can within the government, within the health care system and the professionals who work in it, to ensure that people are well served in the best capacity that the health system can provide that.

And I say to the member opposite that on no occasion in this province — and I stress this again — where somebody requires emergency services have emergency services not been provided to them where their life is at risk or threatened. That happens every day across this province and health professionals respond fully and accurately and completely.

And so for the member for a minute to suggest that there are people who are practising today in the field who don't view those responsibilities seriously or fully is inappropriate, and it doesn't meet the standards that we have in this province.

I say to the member opposite that I recognize that from time to time we have pressures in the system and say that. And your good doctor was on the steps of the St. Paul's Hospital on the weekend, of which they asked him to get off and move away. And they told him that because he was providing information which wasn't right.

And when you take a look at the information from the Saskatoon Health District, they say this: "Begg said while the district is concerned about the long waiting lists" which is . . .

The Speaker: — Order, order. Next question.

Some Hon. Members: Hear, hear!

Mr. McPherson: — Thank you, Mr. Speaker. There's one other point that makes this issue sickening. When the NDP brought in its version of a health care reform, it was based on a wellness model. We heard this would be a win-win situation; treating patients early would have obvious health care benefits and it would have great savings for the whole system.

Mr. Minister, wellness appears to have gone out the window when people are forced to endure a month of pain and agony, then must be admitted to their emergency room because infection has spread throughout their body.

Mr. Minister, what immediate steps are you taking to get a handle on these waiting-lists, other than your own?

Some Hon. Members: Hear, hear!

Hon. Mr. Serby: — I say to the member opposite that I'm not on a waiting-list in Saskatchewan. And I want to make that, I want to make that . . . to the member again one more time so he understands that.

But I say to the member opposite, say to the member opposite that across the province today this government has provided \$1.72 billion to enrich and enhance the quality of health services around the province. And the member opposite knows that just recently I was in your community, was in your community and we signed an agreement with the folks at Ponteix. And the people at Ponteix said, we have an appreciation for the way in which our health services are provided today in your community — in the community that you're in, Mr. Member. And they stood up and they applauded when you spoke and I spoke about the quality of health care services in Ponteix today.

And just a couple of days ago we were in Shaunavon, we were

in Shaunavon. And we talked about the opening of a new facility in Shaunavon. And my good member from Swift Current was there. But you weren't there — you weren't there for the opening of that, because it's a good news story in your own community and you can't stand good news stories around your community. Because you're too busy, you're too busy going around the province talking about what isn't working in health care, as opposed to looking at the wonderful piece of work that's happening in the province.

Some Hon. Members: Hear, hear!

Saskatchewan Health Information Network

Mr. McLane: — Thank you, Mr. Speaker. I hate to say we told you so, but we told you so.

The Saskatchewan Medical Association says it can't support the draft health information protection Act which will be introduced during this legislative session, because of privacy and confidentiality concerns.

My question is to the Minister of Health, Mr. Speaker. We have raised concerns about this issue many times in the past years but you refuse to listen. Mr. Minister, why do you refuse to address these privacy concerns before starting to spend millions of dollars on the Saskatchewan Health Information Network?

Hon. Mr. Serby: — Mr. Speaker, I've said to the member opposite on a couple of occasions now that in this province we've made a decision that we're going to spend in the neighbourhood of \$40 million, \$40 million on a new program which will in fact enhance the quality of health care services into the future. And we're not doing it alone.

As I say to the member opposite, we're doing it in concert with what's happening to the east of us, to the west of us, and we're doing it in concert with what's happening across the nation today, to ensure that we have new technology that addresses the needs of diagnostic services, of treatment services, in particular to rural Saskatchewan.

And when we look, Mr. Speaker, at ensuring that we provide quality health care services across the country, we need to be in touch with what the realities of today's situation is. And new technology is the reality of today.

And so I say to the member opposite, as much as we provide home care services, expanded acute care services, funding for doctors, and funding for nurses, and funding for long-term care services, we also look at the new, expansive procedures that are happening across the country which is information technology, which we think will provide services to your community and my community, who are rural fellows, in a better fashion than is received today, Mr. Speaker.

Some Hon. Members: Hear, hear!

Diagnostic Testing Waiting-lists

Ms. Julé: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Health.

Mr. Minister, there are various kinds of ultrasounds used to assist physicians in diagnosing their patients. Carotid ultrasounds are ordered by physicians to help in the prevention of strokes. As of the second week in April there were 631 people on the waiting-list for carotid ultrasounds at the Plains hospital. That is the equivalent of one year's waiting-list. Mr. Minister, why is this happening and is this acceptable to you?

Hon. Mr. Serby: — I want to say to the member opposite that across the province today we're providing a whole host of diagnostic testing in many communities — out of Saskatoon, out of Regina, out of Prince Albert. And when the member asks the question about whether or not I'm satisfied today with the fact that some of those, some of those waiting-lists are a bit longer than what they should be, I say to the member opposite that those are the kind of things that we're working on.

When I say to you that we have an expanded MRI (magnetic resonance imaging) program coming to Saskatoon in the next . . . or to Regina in the next little while, that will assist us in reducing some of those waiting times people are waiting for, for diagnostic services.

Recently we opened a CT (computerized axial tomography) scan in Prince Albert. And we also opened the new satellite renal dialysis services in Tisdale. And soon in Yorkton.

And as we continue to provide those broad range services outside of rural . . . or to rural Saskatchewan, many of those diagnostic services will make their way into those communities to reduce the waiting-lists that you're talking about, which is my objective and I know is yours.

Some Hon. Members: Hear, hear!

Ms. Julé: — Thank you, Mr. Speaker. Mr. Minister, for a government that is supposed to be promoting wellness, this doesn't make any sense. The financial cost on the system of recovering from a stroke can be as much as \$100,000 a year. The human cost can be lengthy rehabilitation, a lifetime of disability which robs the victim of the joy of being able to fully contribute to society.

Or the cost can be loss of life. In many instances, this tremendous cost can be prevented and the first step is the ultrasound test which is one one-hundredth of the cost of a year of rehabilitation.

Mr. Minister, the people of this province are losing on both sides of this equation — in human cost and in financial cost. Mr. Minister, stand in your place and explain the logic of this.

Hon. Mr. Serby: — I thought that in my first response I indicated to the member that the process of ensuring that we have growth in diagnostic services around the province is an objective that we have, and highlighted for the member opposite all of the various different procedures that we have implemented over the last two years to ensure that rural Saskatchewan people in particular have the ability to get those kinds of tests so that they don't have to make the long trek to the larger centres, which I've outlined; and that we've put a significant amount of resources in the last little while into the two larger centres of Saskatoon and Regina to ensure the very

kind of things that you're talking about can be enriched and expanded and better provided.

So as much as the member opposite says that there's more to do — and we recognize there's more to do and collectively through the work of the Saskatchewan Association of Health Organizations and through the physicians and the specialist, we're going to try and grow and promote those areas, Mr. Speaker, as best we can to ensure those kinds of services that you talk about are well met to Saskatchewan people.

Some Hon. Members: Hear, hear!

Plains Health Centre Closure

Ms. Haverstock: — Thank you very much, Mr. Speaker. My question is for the Premier or his designate. I've been speaking out against the closure of the Plains hospital since it was first announced by this NDP government some four years ago. People from every part of Saskatchewan have joined the call to save the Plains. And many, many compelling arguments have been made and everyone just heard another from the member for Humboldt.

In four years this Assembly has never been given the opportunity to vote on this government's decision to close the Plains hospital, and I believe that that is wrong. MLAs have a right; they also have a responsibility, Mr. Speaker, to represent their constituents and vote on this very, very important issue.

So, Mr. Premier, today the member for Humboldt and I are joining for the call for a free vote on the future of the Plains hospital. And I ask you, sir, will all government members and all opposition members in this House be allowed a free vote tomorrow on the future of the Plains hospital?

Some Hon. Members: Hear, hear!

Hon. Mr. Serby: — I want to say to the member opposite that — and I've said this many times over and I've said it at the public meetings — that the decision to move the Plains Health Centre and all of its services to the other two facilities was made in 1993. It was made in 1993 when the member opposite was the Leader of the Liberal Party. And I can't recall for a moment where the member opposite said that she was going to call on the retaining of the Plains Health Centre as a health facility for Saskatchewan. Can't remember.

And when the member opposite was asked whether or not she would in fact keep it open she said what she would do is another study. That she would do another study, is what the member opposite said. So today for the member opposite to stand up as an independent member and say that she's going to move on a different process simply is not credible — simply is not credible.

And I say to the member opposite, we have had an election since 1993 on the Plains Health Centre and health services in this province. We've had that. And I say to the member opposite, you need to be true to what you said in 1995 during the election. And your statement today is not true to what you said.

Some Hon. Members: Hear, hear!

INTRODUCTION OF BILLS

Bill No. 44 — The Municipal Employees' Pension Amendment Act, 1998

Hon. Mr. Cline: — Thank you, Mr. Speaker. I move that Bill No. 44, The Municipal Employees' Pension Amendment Act, 1998 be now introduced and read the first time.

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

MOTIONS

Referral of Estimates to Standing Committee on Estimates

Hon. Ms. MacKinnon: — Thank you, Mr. Speaker. I rise before orders of the day to move, seconded by the member from Prince Albert Carlton, by leave of the Assembly:

That the estimates for the Legislative Assembly, estimates for the Ombudsman and Children's Advocate, and supplementary estimates for the Legislative Assembly, being Vote 21, and the estimates for the Provincial Auditor, being Vote 28, be withdrawn from the Committee of Finance and referred to the Standing Committee on Estimates.

Leave granted.

Motion agreed to.

Mr. Heppner: — I would like to request permission to present a motion of urgent and pressing necessity.

The Speaker: — The hon. member for Rosthern requests under rule 46 to introduce a motion of urgent and pressing necessity. I'll ask the hon. member for Rosthern to very, very briefly describe to the House the reason for making the case of urgent and pressing necessity and to very briefly advise the House of the motion he wishes to introduce.

Mr. Heppner: — Thank you. And I'll try and do both of those quickly and together. Essentially the motion requests that this Assembly support a major reform of the Young Offenders Act brought about by the petition initiated by the people from North Battleford and some 70,000 signatures. And that those reforms must include amendments to the Young Offenders Act that involve all aspects — rehabilitation, security of the public, and the concept of consequences. And that this motion and transcript of this debate be forwarded to the federal Minister of Justice, Prime Minister of Canada, and all party leaders in the House of Commons.

Leave granted.

MOTION UNDER RULE 46

Reform to the Young Offenders Act

Mr. Heppner: — Thank you, Mr. Speaker. Over the past

number of months I've been able to attend numbers of meetings in various communities in Saskatchewan dealing with the Young Offenders Act which has sort of been initiated primarily in the event that took place in North Battleford.

However, the event that took place in North Battleford that seems to have initiated this has been built on other things that have happened in our province that I think come to people's minds very quickly. We think of situations in Kyle. We think of a number of situations that developed in the city of Regina, and Martensville.

And we think of ongoing, other things, Mr. Speaker, such as the fact that we have a city in this province that is now the break-in capital of Canada. We have a city in this province that is the car-theft capital of Canada. And I think those things need to be addressed, and much of that can be addressed through the Young Offenders Act.

And I guess in key we think that Saskatchewan legislators — all of us of all parties and independent individuals — must stand united in calling on the federal government to change the Young Offenders Act. And I think the federal government needs to see that every province — and this province in particular, Mr. Speaker — that we stand together regardless of our political stripes and backgrounds to say that the Young Offenders Act must be changed, and it must be changed substantially.

Last week Justice Minister Anne McLellan announced she was considering changing the Act to allow for the identification of some 17- and 18-year-old . . . 16- and 17-year-old offenders. That's a start but it isn't anywhere near good enough. The limits that were set on that are not the kinds of things that the people of Saskatchewan are asking for. They're not the kinds of things that the 70-plus thousand people that signed that petition across Canada are asking for. It's something that I think was thrown out there, Mr. Speaker, to try and hope that the people of Canada would say okay, we got something; let's see how it works.

Well, Mr. Speaker, the people of Canada have seen the Young Offenders Act work for a long time, and they're not at all happy with it, and they want it changed. In fact as the petition says, specifically they would want the whole thing scrapped and build a brand-new one from the ground up to make it the kinds of things that the people of this province and this country want it to be. So just manipulating with it, tampering with it, is not good enough.

The petition drive initiated by the people of North Battleford has substantially increased the level of public debate and provided people with an avenue to express their fear and their concern to elected officials. This, as you know, Mr. Speaker, is by no means the first petition that's gone across this province, this community, or this land. However I believe it's by far the one that has the most names on it.

We had one started in this very city, Mr. Speaker, not long ago, that the students from Miller put together that had a very impressive number of signatures on there, tens of thousands of signatures. When that was sent to Ottawa no one listened, and I think we have to keep sending more and more names, and this

time we have 70,000. At some point, Mr. Speaker, the federal Minister of Justice must listen to the people of our country.

Each and every one of us in this Assembly knows very well how the political game works. By introducing minor changes, the federal minister can make it appear as if they're being proactive, taking action, before these petitions get there, about the problems and hope that the public pressure will go away. And that's why we need to act now and that the pressure we can put on by a united front behind this particular piece of legislation, this motion, needs to be added to all those petitions that we have.

We can't let this opportunity, Mr. Speaker, to bring about real and meaningful change go by because the costs may simply be too high. And if we look at the cost of the situations that I mentioned that have happened throughout Saskatchewan in the last numbers of years, those costs are way too high. We can't sit here, Mr. Speaker, and wait for that to happen time and again and again and then say somewhere down the line a decade from now or two decades, maybe we need to look at it a little again. It needs to be looked at now and it needs to be looked in its completeness.

As Saskatchewan Party Justice critic, Mr. Speaker, I've had the honour and privilege, as I said, of attending the meetings throughout this province — North Battleford, Lloydminster, tomorrow in Saskatoon, and in Prince Albert on Thursday. And the message seems to be the same all over. The meetings are well attended and the messages are always loud and clear. The message is, let's do away with the Young Offenders Act and put in place a new piece of legislation with tougher sentences for youths that commit crime.

And, Mr. Speaker, in this day and age very often people say, well tougher sentences, you're just being negative, you're being punitive. We can use a different term, Mr. Speaker. We can talk about consequences. It comes to the same thing. A good matter of upbringing, we always talk in schools, in our homes, in our communities, that every deed has a consequence. The consequence may be positive or negative depending on what the deed is. And I think when we look at the Young Offenders Act, Mr. Speaker, we need to look at it the same way.

Youth needs to know very specifically what the effects are of the crime they wish to commit. And they need to know those clearly. They need to know those will be handed out just the way that they are stated. And nothing else but that is good enough.

There have been too many patches put on the Young Offenders Act piece of legislation to make it work. When you try to patch on a patch and the previous patch comes off, you've lost it all. And I think that's what's happening in Canada.

Some of our hon. members in this legislature have said that the petition is too extreme for them to support; that they would like to temper it. That isn't where the people of this province are at, Mr. Speaker.

They have distorted, the members opposite, the intention of the petition to bring the elimination of the Young Offenders Act with no replacement legislation. That has never been the case at

all, but it's just been used as an excuse not to get onside with where the rest of the public is at on this issue.

The Saskatchewan Party is suggesting that new legislation is drafted and that this new legislation must ensure, Mr. Speaker, three things. First and foremost, the Act must properly ensure protection and safety for the people in the community. That is not happening right now.

People in this province, Mr. Speaker, need to be able to go to bed at night, put their head on the pillow, and say I believe I'm safe tonight. I believe my vehicle out in the shed in the back is safe tonight. And the tires on my vehicle parked out in the front are safe tonight.

This isn't happening, Mr. Speaker. That safety is not there. It's not even seen to be there. We know that in fact it is not there. And it doesn't matter whether we happen to go from North Battleford or to Lloydminster, it's not there.

Number two, Mr. Speaker, the Act must entail adequate consequences, that I mentioned earlier, for the young people who commit crimes. We can't continue slapping young offenders on the wrist for committing serious and violent crimes.

Punishment or the consequence, whichever term that we happen to choose to use, Mr. Speaker, must be such that the young offenders choose not to offend, and definitely choose not to reoffend.

And number three, and I think number three is just as important as the other two, Mr. Speaker, we must not ignore the root problems that lead to youth crime. Rehabilitation must be kept part of the equation when we discuss young offenders.

Rehabilitation is important for numbers of reasons. It's important for the youth themselves, that rather than get involved in a life of crime that is continuing, they can become contributing members, positive contributing members, to society.

The other thing, Mr. Speaker, that makes rehabilitation so important is that I believe it is, at the end of the discussion, a cost-saving effort. Because if we don't rehabilitate these young people they will continue to commit crimes that are costly on the individuals in pain and suffering, and property damage, and then the justice system — or as it is the case in our Saskatchewan system — our Social Services has to deal with those individuals. That's a very costly procedure. If we would have done the best that we could to rehabilitate earlier in life those costs would not be there. So it needs to be looked at and it needs to be looked at very carefully.

Unlike the members opposite, Mr. Speaker, we believe it is less necessary to spell out the absolute details of those reforms. And numbers of people, Mr. Speaker, have chosen to step aside from this petition for that particular reason. They want to see the whole, completed Act, whatever it would be, in its completion.

Well, Mr. Speaker, I think in order to get an Act that represents the feelings of people from across this country — because this is a federal Act — we need to sit down as people from all

parties, from all provinces, and from our Northwest Territories, to look at what is needed and create one that we can all support, that we can all live with, and has that input from each one of us.

(1430)

We can get hung-up at this provincial level over minor differences in the platform and party labels, or we can recognize that we are calling on the same things. We're calling on public safety; we're calling on youths to take responsibility for their crimes; and we're calling on rehabilitation for youth in need. And for those disposed to be easy on crime, including our federal Justice minister, I think we need to ask ourselves who is this really helping.

This is certainly not helping the Helen Montgomerys of this world. And I fear to think, Mr. Speaker, that if we don't make some serious changes — some major changes — those sorts of things will continue to happen throughout not only this province but throughout this country. And this is not helping our young people, who get away with serious offences without being taught that crime does not pay.

Admittedly we're usually told this is only a small percentage of our youth, Mr. Speaker, that commit these crimes, and that is true. However that does not reduce the fear; that does not reduce the need for more serious consequences for the crime; and it also does not reduce the need for rehabilitation.

It is not the number of youth that are committing crimes that we need to deal with. We need to look at exactly what we're doing, how effective it is. What's happening today, and we've seen it across Saskatchewan and in talking with some people from other provinces, it's happening everywhere else. It's not adequate. It's not what the people want. It's not what the people of this province are demanding.

And so to that extent, Mr. Speaker, I request support from all parties for this motion today. And I read the motion:

That this Assembly supports a major reform of the Young Offenders Act as called for in a petition drive initiated by the people of North Battleford which has so far attracted over 70,000 signatures across Canada;

That these reforms must include amendments to the Young Offenders Act to provide stricter sentences for serious, violent, and chronic offenders; to strengthen the ability to transfer serious, violent, and chronic offenders to adult court; and to empower courts to publicly identify serious, violent, and chronic young offenders when judged to be in the public interest; and

That this motion and transcript of this debate be forwarded to the federal Minister of Justice and the Prime Minister of Canada and all leaders of the House of Commons.

I so move, and it is seconded by the member for Cannington.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — Thank you, Mr. Speaker. I'm pleased to rise today on this very important debate dealing with young

offenders. We have seen too many examples, Mr. Speaker, where a few youth have blackened the name of all of our youth — and it is only just a few youth that are creating these problems, Mr. Speaker, but we must also deal with these few youth that are causing the problems.

We've seen the examples of North Battleford and the unfortunate murder there. In my own constituency we've had a number of break-ins around the areas, and again it's been only very few of the youth in the area involved but it makes everyone else frightened and everyone suspicious of the youth that are involved.

And it's just not one economic strata, Mr. Speaker. We have seen, with the auto thefts in Regina, that it's not someone stealing, like Jean Val Jean for a loaf of bread, to feed their children. But it's done as a lark, as a means of proving their virility to their peers.

And, Mr. Speaker, it's not those of the lower economic strata. Indeed many of these are middle-class and upper middle-class and well-to-do youth who obviously, Mr. Speaker, have too much time on their hands. Mr. Speaker, it's to those in particular that we must send the messages that this behaviour is totally inappropriate.

When my colleague talks about the three points that he wants to bring forward . . . and the need for the youth that are involved in these types of crimes — rehabilitation, Mr. Speaker, we definitely need to rehabilitate these youths. We don't need to send them to prison to be trained to become professional criminals; we need to rehabilitate them.

We need to provide safety for the citizenry of Saskatchewan — indeed all of Canada — that we can leave our homes without fear that they're going to be broken into. We can leave our automobiles on the streets of our cities without fear that they're going to be broken into. We can leave our automobiles on the streets of our cities without fear that they're going to be vandalized. We, each and every one of us, need to know that our streets and our roads and our country lanes are safe for ourselves and for our children and our property, Mr. Speaker.

Finally, Mr. Speaker, to the youth that are committing these crimes: while there is a need for rehabilitation, they must also understand that there are consequences, that they will be held responsible for their own actions. And one of the things that needs to be contemplated is some compensation, Mr. Speaker, for their victims.

When they vandalize somebody's home the property that is destroyed needs to be replaced, the property that is stolen needs to be replaced. And, Mr. Speaker, if that home-owner happens to have insurance then somebody has to pay for that increased insurance cost. All of these items must be brought to bear on those youth offenders who repeat.

The first time, I'm prepared to admit that maybe this youth made a mistake. But when they become habitual, repeat offenders that is when those consequences, Mr. Speaker, must take place so that the youth understands that there is a price to pay and that price isn't only being paid by the victim; that the perpetrators of the crime also have to be a part of paying for

those consequences. They have to . . . the consequence has to affect them personally but they also have to compensate the victim for their losses.

That's why, Mr. Speaker, I believe it's very important that this motion go from this Assembly today to the government in Ottawa, to the Solicitor General, and to all the ministers of the Crown, to the Prime Minister, who have to deal with this because this is indeed a federal issue, Mr. Speaker.

It's incumbent on the Liberal government in Ottawa to deal with this issue today and not simply to put it off for the next decade. Thank you, Mr. Speaker.

Hon. Mr. Calvert: — Mr. Speaker, I am pleased to be able to participate today on behalf of the government caucus in the motion that is before the House — to do so briefly, but to pick up essentially on the themes which are in the motion and that we've heard from the two members that have spoken to the motion.

I want to recognize the observation made by the member of Rosthern that here we are dealing with a significant issue that faces not only Saskatchewan but all provinces, and in some ways, supersedes some of the partisan differences that we often have. There will be, Mr. Speaker, obviously nuances of difference in strategies and programs and changes that we might recommend, but there is, I believe, within this Chamber, reflective I think of the population of Saskatchewan, a unanimous desire that change needs to be made to the Young Offenders Act as one tool — one tool — in dealing with those young people who run afoul of the law.

I also want to pick up on another theme right at the outset that both the member from Cannington and the member from Rosthern identified in their remarks, and that is to put this debate and all discussion of young offenders in a proper perspective, Mr. Speaker.

We need always and constantly to remind ourselves that the vast, vast majority of Saskatchewan young people are good kids — good young people involved in all of the activities, normal activities of growing up, as every generation of young people have. They're active, they're participating in activities, they're exploring, they're studying, they're in band programs, they're in hockey rinks, they're in curling rinks . . .

An Hon. Member: — Contributing to society.

Hon. Mr. Calvert: — Contributing to society, as the member from Indian Head says. The vast majority of Saskatchewan young people we are very, very proud of.

Mr. Speaker, I know the member from Moosomin and other members of this House, for instance, just several weeks ago, two weeks ago maybe, attended to an event over at the Centre of the Arts. It was called the honours band program, produced by cadets from across western Canada.

Now, Mr. Speaker, that night in the Centre of the Arts we were able to see, I would wager two galleries full of cadets in uniform; maybe 2 to 300 cadets in the galleries watching the performance; another hundred cadets on the stage providing us

with one of the most delightful musical programs that I've been privileged to witness for a long time. Mr. Speaker, there were more cadets in uniform in the Centre of the Arts that night than there are young offenders in open or closed custody around Saskatchewan.

And that very same night, as some members will remember, just across the city of Regina there were 2,000 — 2,000, Mr. Speaker — aboriginal youth at the Indian Winter Games. Aboriginal youth from all over the province — 2,000 of them.

Mr. Speaker, there are 94,000 young people in Saskatchewan in the young offender age group — the category of age that we describe as young offenders — there are 94,000 of them in Saskatchewan. Today in custody, open and closed custody, there will be some number, 400-plus. So that represents, Mr. Speaker, less than 1 per cent.

I think it's very important at the outset of the debate that we recognize that we are here talking about a very small group of young people in our province. However, that said, there are those — and we all recognize that there are those who cross the line — who cross the line, come in conflict with the law.

Now again just to put that in perspective, of those young people who do come in conflict with the law, the vast majority of young offenders only experience the young offender system once. The majority of young offenders only experience the system once. They may be dealt with by probation, they may be dealt with by custody, they may be dealt with through a sentencing circle or a family group conference. Their lives are turned around; we only see them once. So again, to put that perspective.

However even with that said, there remains that small group of young offenders who seem to have lost all respect for themselves, who have lost respect for others, who have lost respect for the law. They become a danger to themselves. They become a danger to their friends. They become a danger to others and our communities. And it's their repeat offences and their serious offences, Mr. Speaker, which leave communities feeling unsafe and unsure.

And to this very small group of young people, we must as a society pay a very certain and very special attention. They do become the repeat offenders. And the level and the nature of their crime becomes increasingly serious, and as a community, as a society, as government, as a province, as a nation, we must intervene.

One tool in that intervention, Mr. Speaker, but one tool, is the Young Offenders Act. It is clear to many of us that that tool has lost some of its effectiveness. It has lost the confidence of the general public. It has lost the respect of some youth.

Therefore, Mr. Speaker, we have joined with the people of Saskatchewan in proposing some very significant changes to the Young Offenders Act to toughen that Act and to hopefully restore public confidence in that Act.

Mr. Speaker, I just want to outline very briefly the amendments that we have proposed to the Young Offenders Act, that we have communicated on several occasions now with the federal

government. They are the following, Mr. Speaker:

Number one, we would recommend that where there is a concern about public safety, that the courts be allowed to authorize the publication of names of and information about serious, violent, or chronic offending youth after conviction and where there is a public safety concern; and further, to allow the court to authorize release of information about individuals about to be released into the community where the individual is found to pose a significant risk.

Secondly, Mr. Speaker, we have proposed that the Young Offenders Act should be amended to ensure that all youth aged 14 and over, charged with murder, attempted murder, manslaughter, or aggravated sexual assault will be transferred to adult court unless there are compelling reasons not to do so.

And, Mr. Speaker, to further enhance public safety, we are pressing the federal government to identify public protection as the primary purpose of the legislation and that distinct sentencing principles be included to the Act to help direct the youth court when sentencing serious, violent, and chronic young offenders.

Mr. Speaker, we have communicated with the federal government the views of the people of Saskatchewan in February as part of the ongoing and regular omnibus public survey that is conducted by government. We asked a number of questions of thousands of Saskatchewan people. Their responses to these proposals, Mr. Speaker, the results were dramatic: 76 per cent of those who responded supported the statements in principle; 87 per cent of the respondents supported the statement that youth court should be allowed to release the names of young offenders where deemed appropriate; 90 per cent of respondents strongly supported the statement that sentencing guidelines under the Young Offenders Act be changed to toughen sentences for serious, violent, or chronic offences; and 86 per cent of the respondents strongly supported the statement that in some cases, offenders over the age of 14 accused of murder, attempted murder, manslaughter, or aggravated sexual assault should be tried in adult court.

(1445)

Mr. Speaker, there is I believe, a unanimous sense within this Chamber and amongst the people of Saskatchewan that significant change needs to occur to the Young Offenders Act. The federal parliament is currently sitting. The federal parliament has the opportunity now to make those changes and I am hopeful that all members will be able to support the resolution that's before us today.

Mr. Speaker, with that said, I want to close simply again by saying and reaffirming that those who are involved in serious crime as young people are very small, small in number, and the vast, vast majority of Saskatchewan young people are young people that we as a legislature and we as a province are extremely proud of.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Hillson: — Mr. Speaker, both as Justice critic for the Liberal opposition and also as the MLA for North Battleford, I am pleased to enter into this debate this afternoon.

First of all, it is now over 10 years since the Mulroney Conservative government introduced the Young Offenders Act. It is an appropriate time for a thorough review to see its strengths and its weaknesses and to gauge public opinion and public support for what has happened.

I think it has to be said, I think it has to be said at the outset that the Young Offenders Act has unfortunately resulted in an erosion of public confidence that public security and safety is given sufficient merit and priority. There is a widespread feeling that whatever we have in the Young Offenders Act, it must underline the basic principle that young people, like all other people, are accountable for their actions; and furthermore, that law-abiding citizens have a right to expect that their government will, to the fullest extent possible, protect them.

There are some obvious sections in the Young Offenders Act which need to be changed and improved and in some cases abolished. The most obvious one is that the names of some young offenders must become public and information on them must be available, in some cases, to the general public for repeat, serious, and dangerous offenders; and in others information must be made available at least to certain specific groups.

I know that teachers in my home community have expressed grave concern that teachers are not told about the records and court orders of young people in their classroom. Teachers especially must know what they are dealing with in their classrooms. So there are some cases where the information ought to be public. There are other cases in which the information must at least be made available to certain specific, necessary groups, such as I say, our teachers.

My only concern about this resolution — and frankly it's a good resolution, I'm pleased to support it — but my only concern with it is that in passing resolutions to the federal government in this or any other matter, we should not lose sight of the fact that there is much which we can do as provincial legislators and as a provincial government. And let us not just simply try to shuck off our responsibilities onto others.

What are some of the things we can presently do, Mr. Speaker? One, the Young Offenders Act presently provides for transfer of offenders from the youth court to adult court. In other provinces this is being done. In Saskatchewan it is done in murder only. We don't bring applications for any other young people. It is now within the power of our provincial Justice minister to issue a directive to his prosecutors that where there is a chronic offender who has been before the youth courts time and again, routinely, our prosecutors should request a transfer application.

The second point and the one which touches most particularly on the tragedy in North Battleford: it is the provincial government and the provincial government alone which decides what will be a place of custody. If they decide in their wisdom — or lack thereof — that an older woman with no training, little support, and little back-up will have her home designated as a "custody facility" then that is what will happen and that is what

did happen.

If the provincial government decides that the regulations for those custody facilities will simply be the same regulations as those for homes for the mentally challenged or the elderly, then that is within their power. However the provincial government can, if it so desires, say that custody facilities are a special category which will be dealt with in a special way; they will not be lumped into group homes for the mentally challenged and we will not arbitrarily designate senior citizens' homes as custody facilities.

In this regard the Liberal opposition proposed a couple of months ago that the Dundurn Training Center, the former Dundurn army camp, would be a good facility for youth open custody. Incredibly, the Minister of Social Services said he was not in favour of that because he feared the level of security and supervision at the Dundurn Training Center was not sufficient for youth open custody.

Well maybe the Dundurn Training Center isn't sufficient level of security, but a woman's private home is. I don't understand that; I don't think the people of Saskatchewan will understand that.

Finally there is the issue of fetal alcohol syndrome which I spoke on last week. Unfortunately no amount of custody, counselling, police, or court work can address this terrible problem of fetal alcohol syndrome — which is a growing problem in our province — it has to be stemmed at source. We have no programs to stop this problem at source. Once it has occurred, it is irreversible.

And the Young Offenders Act will not and cannot deal with it no matter what we do with it. So we have to try and deal with fetal alcohol syndrome at source and I see, unfortunately, no policies to try and deal with that terrible problem.

In conclusion, Mr. Speaker, my friend from Rosthern mentioned the young offenders meetings which have been held through this province. I have also been in attendance at the one in the Battlefords and it was certainly a very worthwhile procedure and process. But may I say that we as public legislators are in a difficult role. It is our responsibility to listen to members of the public and try and reflect their views in this House.

However I was concerned in the Battlefords when one of the invited panellists at the Battlefords meeting, one of the ones who had been invited by the organizers of the meeting, said that what we need is a court-house tree and a court-house horse and at the end of the trial we whip the guy out of the courtroom, string him up, put him on the horse, and kick the horse's rump.

This comment notwithstanding the fact that we now know there have been at least four Canadians in recent years convicted of first degree murder who subsequently turned out to be innocent. That comment drew a sharp rebuke from Val Montgomery, the daughter of the woman in North Battleford who was so tragically killed.

And I think that comment underlines that while we, as public officials and public representatives, have a sacred duty to listen

to and reflect the views of our constituents, we do not aid when we try to feed public hysteria and create public alarm in the way which was done with that comment.

So while we must always be open and thoughtful and caring and listening, feeding public hysteria is not a service to the people we attempt to serve. Thank you.

The division bells rang from 2:55 p.m. until 2:57 p.m.

Motion agreed to on the following recorded division.

Yeas — 33

Flavel	Van Mulligen	Wiens
MacKinnon	Lingenfelter	Shillington
Mitchell	Atkinson	Whitmore
Kowalsky	Crofford	Calvert
Trew	Lorje	Scott
Cline	Hamilton	Stanger
Wall	Ward	Murray
Langford	Thomson	Bjornerud
Toth	D'Autremont	Boyd
Gantfoer	Heppner	Hillson
McPherson	McLane	Julé

Nays — nil

Some Hon. Members: Hear, hear!

ORDERS OF THE DAY

WRITTEN QUESTIONS

Mr. Kowalsky: — I hereby submit the answer to question 59, and with leave of the Assembly, the answer to question 60 as well.

The Speaker: — With leave, the Government Whip provides a response to both questions. Is leave granted? Leave is granted and the answers to questions 59 and 60 are tabled.

(1500)

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 38 — The Highway Traffic Amendment Act, 1998

Hon. Mr. Lingenfelter: — Mr. Speaker, I am pleased to rise today to move second reading of The Highway Traffic Amendment Act, 1998 which sets out the rules of the road for motor vehicles on our highways in the province of Saskatchewan. Mr. Speaker, it also governs vehicle impoundment programs for individuals operating motor vehicles while prohibited or disqualified from driving.

Mr. Speaker, presently The Highway Traffic Act contains minor anomalies and inconsistencies in rules of the road. In particular the Act is silent on the use of two-way left turn lanes now utilized in many communities in our province. The first proposed amendment will update these rules, permitting drivers to cross a solid white line into a two-way left turning lane to

make a left turn at an intersection or at a curb crossing.

A further amendment will address the inconsistencies in The Highway Traffic Act concerning the movement of traffic at a red light. Mr. Speaker, currently the Act allows drivers to turn right at an intersection when a traffic light is red or when there is a red light in conjunction with one or more green arrows. This reference to a red light in conjunction with one or more green arrows is inconsistent with another provision in the Act which requires drivers at a traffic light to . . . at a traffic light displaying green arrows to turn only in the direction indicated by the arrows. Mr. Speaker, the proposed amendment will eliminate this inconsistency by clarifying the rules of the road for the turn on a red traffic light.

A third amendment will address the current provision in The Highway Traffic Act regarding permission from the Highway Traffic Board to carry certain passengers in a vehicle that require operating authority certificates. Currently the Act requires drivers of such vehicles to obtain permission from the Highway Traffic Board to carry passengers other than the owner or an employee of the owner of the vehicle. This requirement was established for safety reasons. However, most transportation companies now have internal rules regarding transportation of passengers, making this provision no longer necessary. The amendment will eliminate the need for permission from the Highway Traffic Board to carry passengers.

Finally, Mr. Speaker, The Highway Traffic Act makes no provision for an appeal of the decision of a hearing officer regarding impoundment of a vehicle. In certain circumstances, individuals whose vehicles have been impounded may apply to a hearing officer to have vehicles released. An amendment to the Act will allow people whose vehicles have been impounded to appeal to a hearing officer a decision of the Highway Traffic Board. This will result in a two-level appeal process to enhance the fairness of the system.

All these amendments will serve to correct and clarify provisions in the Act. Therefore, Mr. Speaker, I move the second reading of An Act to amend the Highway Traffic Act.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, just a few comments before I move adjournment of the debate on this motion.

While as the minister is saying that the Bill before us appears only to make minor or non-controversial revisions of the road, it seems to me that there are enough here that . . . and some of them that I'm not exactly sure of, that we should take the time to study and certainly review before we allow further debate or actually allow to get in to major debate.

And I guess one of the things, when you're looking at the Bill, enabling a driver to cross the solid line between lanes when utilizing the two-way left turn lane, we need a little clarification of what that really refers to or means. When you're talking about a solid line it would seem to me that if you've got a turning lane you wouldn't have a solid line, but you would have certainly lines that would indicate there that this is a turning area and not a normal, through piece of lane or traffic flow.

So there seem to be just a few, what seem to be fairly simple and straightforward . . . but I think at the same time take a little bit more time to study. Because even just going over some of the comments of what the minister is saying, what the legislation is talking about there, it's a little hard to digest exactly what the piece of legislation or that clause or that item in the section in the Bill is talking about. And we would want to take time to make sure we understand it more clearly before we get into committee.

There's one area that I think a lot of people in Saskatchewan would be looking for and it would seem to me if we're doing some major changes and bringing The Highway Traffic Amendment Act up to date, one area that seems to be fairly silent in this piece of legislation is a call from many residents of the province for increased speed limits on our divided highways. And that's an area that we probably want to ask the minister as well about, even I believe the recommendations of . . . regarding traffic flow are suggested on divided highways that there would be certainly an appropriate . . . could be a move to increase those traffic speeds somewhat.

But in regards to the legislation we have before us, it would, it would seem to me and it would appear that it would be appropriate for us to review this a little more in depth before we certainly get into further debate and in-depth debate into Bill No. 38, Highway Traffic Amendment Act. Therefore at this time I move to adjourn debate.

Debate adjourned.

Bill No. 39 — The Vehicle Administration Amendment Act, 1998

Hon. Mr. Lingenfelter: — Mr. Speaker, I'm pleased to rise today to move second reading of The Vehicle Administration Amendment Act, 1998.

Mr. Speaker, SGI (Saskatchewan Government Insurance) is the administrator of the Act which governs motor vehicle and driver licensing, and includes provisions for the disqualification of drivers from driving. The Act, Mr. Speaker, presently permits the minister responsible for SGI to enter into agreement with other provincial or a territorial government, and with agencies and bodies outside and within Saskatchewan, to carry out the duties imposed upon SGI under the Act or under the regulation.

The first proposed amendment will enable the minister to enter into such agreements with the Government of Canada, and the government of any other country or jurisdiction within that country. This amendment was requested by the Department of Justice to help enforce payment of outstanding fines for the Criminal Code driving offences throughout Canada and possibly in the United States in the future.

Another proposed amendment to the Act will add psychologists and addiction counsellors to the list of health care professionals from whom an applicant or, or a holder of a driver's licence, may be required to get a report.

Mr. Speaker, since the new drinking and driving legislation was passed in 1996 — and I might add, Mr. Speaker, that your

involvement in the help of getting this legislation was very much appreciated — psychologists and addiction counsellors play an important role in the rehabilitation of drivers convicted of drinking and driving offences. Therefore their opinions may be important in determining driver fitness.

To further improve the driver safety on the Saskatchewan roads, Mr. Speaker, we are proposing to amend the present wording of the Act, which allows only Canadian convictions to be counted in determining suspensions for drivers convicted of serious driving offences. An amendment will allow driver convictions and suspensions in the United States as well to be counted.

And finally, to make the Act more uniform and fair, we are proposing changes to both the appeal procedure and the availability of appeals for roadside licence suspension. The Act presently gives only new drivers — those with less than two years driving experience — the ability to appeal roadside suspension for a blood alcohol content of .04. An amendment will enable all drivers to utilize the same appeal process and procedure for such roadside suspension. All of these amendments will facilitate ongoing programs, they will contribute to the continuing effort to improve driver behaviour, and importantly, safety on Saskatchewan roads.

Mr. Speaker, I move second reading of An Act to amend The Vehicle Administration Act.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, just a few comments in regards to The Vehicle Administration Act we have before us, just having been presented by the minister.

As I was listening to the minister and just perusing the Bill somewhat, it certainly would appear that the amendments that are being brought forward are amendments that really are meant to address some of the areas that people have in the past . . . who have allowed individuals, I guess, in the past to move from one province or even, as we've seen, out of country. And if you do find yourself in a situation where you have faced convictions, where there's traffic violations, or whether it's drinking and driving, or whatever the circumstance, that those have not shown up in the province you reside in.

As a result, if you've broken the law in one area, you can come back and continue to drive like the rest of us who have upheld the law and with the same . . . without any consequences or even without any costs associated to that.

And I think in general, as most people would look at this piece of legislation, they would say that's appropriate, it's a good piece of legislation. Because what it does, as I understand it or what it's intended to do, is certainly hold people accountable for their actions regardless of where those actions take place.

And I think it just reminds us on a daily basis if we happen to disobey the law, there's going to be consequences to pay; and if we certainly abide within the law we have over a period of time an opportunity as well to remove any demerit points that may certainly gather against our licence.

But it doesn't . . . this piece of legislation goes beyond just the

provincial but it certainly moves beyond the borders of this province and certainly inter-country as well, to say that the law is the same as it is here in Saskatchewan, if you're driving here, as if you were driving in Manitoba or even into North Dakota, or any part in the States. And I don't think people will have a major problem with that. However, I think it would be appropriate for us to review that to a minor degree before we move into further debate as well.

I did like the fact as well the minister talked about the appeal process, expanding that. I think it's appropriate that there is a firm and a clear and a fair method whereby people can appeal convictions or fines or suspensions or whatever they may be facing, and it would be appropriate that we would allow that to follow through and certainly enhance the appeal process so that there's fairness at the end of the day.

With that in mind, Mr. Speaker, I certainly can appreciate the comments that have been raised by the minister of the reasons behind The Vehicle Administration Act for 1998. However at this time, to allow for the debate on the issue, I would move adjournment of debate.

Debate adjourned.

ADJOURNED DEBATES

SECOND READINGS

Bill No. 32

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Scott that **Bill No. 32 — The Wildlife Amendment Act, 1998** be now read a second time.

Mr. Heppner: — Thank you, Mr. Speaker. As we only adjourned this Bill on Friday for further discussion with interested parties, I'll be moving adjournment once again, following a couple of remarks at this point, to give us time to get in touch with more people. It seems to be one of the concerns that's usually raised by the government side when we deal with this issue, that they feel they have the input from everyone and no one else does.

As the minister stated in his short address on this particular Bill, wildlife is certainly a cherished and a valuable resource in Saskatchewan. And I think it may be one of the few and may be even one of the only positive aspects of a fairly small population of this province, is that it's given a good opportunity for wildlife to find habitat and to remain a viable resource for ourselves and for the tourist industry as well.

(1515)

Our wildlife resources are economically important as many out-of-province visitors come to Saskatchewan to take part in some terrific hunting and fishing that we have in this province, and I think some of our game areas, particularly our deer, have been just in excellent order of . . . a source of a boost to our economy in that area — if they are willing to brave the conditions of the highways and drive over those, looking for some game.

But more and more we hear from people who have refused to travel Saskatchewan for the purpose of hunting or vacationing when we find that some of our regulations are getting a little tough or that our highways are getting difficult, and some of those are problems that we need to face.

Of course the biggest issue in wildlife in the last year, and I think anyone who ever turns their radio or television on to hear the news knows what it is — it's in the area of Metis hunting rights and night hunting. And government has rather messed that up over the past numbers of years. Been a little slow on taking action and not maybe action as complete and all-inclusive as it should be. And to that extent there are still some serious concerns that our wildlife face.

On the issue of night hunting, government has moved part of the way but not the whole way. And it's good to see the move they've made. But if we're going to go ahead and take care of the situation, we should have dealt with it in total and removed night hunting completely and in total, out of this province.

The government has banned use of artificial light sources in the act of night hunting. This goes to the issue of saving our natural resources. Hunting with the use of spotlights is non-sportsmanlike and is responsible for seriously reducing the number of big game animals in our province. And we've seen that specifically with reference to moose and deer in some of our areas, as well. The number of moose in particular is seriously low in some parts of the province, and I think the north-east is probably the one that suffer the most because of that.

As well the government has changed regulations regarding how far from roads night hunting can occur. I guess that means if the deer or moose happen to stop in the middle of the road and look at you at night, you're not allowed to shoot it. But you could get off the road with the right kind of lights and go out there and have yourself a hunt. And that shouldn't be allowed anywhere in this province, regardless of how far south or north, east or west, we go.

We feel, and most people in Saskatchewan feel, night hunting should not be allowed in Saskatchewan for anyone, anywhere, at any time. It is now an issue of safety, and night hunting is not safe.

One of the key things for those of us that have been instructors with firearm safety over the last number of decades and, Mr. Speaker, on one of those is one of the key roles for safety is always be sure of your target and beyond. And it's very difficult to be sure of what's beyond your target if you're shining your light at a particular animal that may be 50 or 100 yards away. And when the bullet passes through the animal or misses it altogether, what's going to be hit on the other side? Who knows?

To say we'll allow this in areas where the population's a little lower is sort of saying, shooting fewer people is better than shooting many people. Well I guess that's a rather bizarre conclusion. It may have a morsel of truth there, but is not the way we should be fashioning our policies after, and this government is doing that.

With regard to what this Bill is, it substantially increases fines for breaking the rules and the regulations of this Act. All major offences will now have a maximum fine of \$100,000, and that's a good change. I think it's a substantial improvement, particularly for those people who are looking at making some financial gain from our game resources. I'm talking about poaching in particular. That's a substantial change over the current law, and it lays out ranges of penalties for offences depending on their seriousness.

We agree with fines for hunting offences, but we will want to know from this government which offences it considers most serious. Because obviously every offence is not going to have a \$100,000 fine on it. Which ones will, and what sorts of fines will be on all of the other offences?

We hope that the offences relating to night hunting are treated with the seriousness they deserve, and so that this government hasn't decided that if you've got certain kinds of poaching you're going to get the \$100,000 fine, but if you're night hunting a certain distance off the road you get a gentle slap on the hand. We need to know that, because that applies both to the preservation of our wildlife and the safety of the people of this province.

This Bill also strengthens the government's right to seize property such as weapons and vehicles used in hunting. We'll need plenty more information with regards to this increased government power.

And there's a little area of concern over here, Mr. Speaker, because someone who may be relatively low on the income ladder, Mr. Speaker, may be spending some very hard-earned dollars on a good vehicle and a fine rifle, and lose that; and someone else comes in to whom money means very little but has lots of it, and they have a cheap vehicle and a cheap firearm and they lose that. There's something that is unjust in that sort of thing. So that needs to be looked at carefully. We need some more information, Mr. Speaker.

There has to be the assurances from government that there are precautions against the abuse of these powers. Properties should be seized in serious cases, but it is a power that must be used wisely, and as I just mentioned, not for minor offences.

We look forward to asking some detailed questions in the Committee of the Whole once we have finished our study and the consultations that I mentioned earlier on in this Bill.

And so at this point, Mr. Speaker, I move adjournment of the debate.

Debate adjourned.

Bill No. 29

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Mitchell that **Bill No. 29 — The Workers' Compensation Amendment Act, 1998** be now read a second time.

Mr. Heppner: — Thank you, Mr. Speaker. Well Bill No. 29, Mr. Speaker, deals with The Workers' Compensation

Amendment Act. I doubt if there's any area that MLAs in this province have a more difficult time helping their constituents with than The Workers' Compensation Act.

It seems to be the one that comes up in all of our areas frequently, but it happens to be one that seems to be the most difficult to get any sort of satisfaction or reaction or even action of any kind from, is when we deal with the Workers' Compensation system.

There is certainly a lot of ongoing concern with that particular board. And as I mentioned, it deals with the MLAs, it deals with people who are injured on the job, and it deals with the employers who pay much of the bills for the Workers' Compensation. I think all of those areas are involved in it.

We recall the last number of changes that took place where there were some adjustments made to the fee structures for employers in The Workers' Compensation Act and I think we found that some of those fee structures, just the research hadn't been done properly on those, and there were individual businesses who had to pay a whole lot more than their injury record showed.

First and foremost, any changes that are made to The Workers' Compensation Act must, in the end, promote fairness for both the employer and the injured worker. A year or so ago we saw 52 recommendations came forward by a review panel. This legislation deals with only a very few. It would be good to have seen most of those recommendations coming in, but it seems the government has chosen just to pick and choose a few of those and then probably be able to tell us that they've solved all the problems.

Among the things that this legislation does — and I'd like to mention a few of those for the record, Mr. Speaker — it enshrines the benefit of doubt clause in the legislation. It expands the definition of injury to include a disabling or potentially disabling condition caused by an occupational disease. And I think that potentially disabling one is fairly important, because if the person switches jobs, switches occupations, and then later on disabling results as a result of the original injury, that needs to be left in there.

It increases the lump sum annual payments to \$20,000 from the current \$5,000. And it offers pension contributions to surviving spouses who are currently receiving benefits. In the last few years, Mr. Speaker, calls to our office from workers who find themselves now unfortunately involved in Workers' Compensation through injury have increased significantly. And I'm not sure if that's necessarily because the workplace has become more dangerous or what it is, but I think it's something that needs to be addressed.

Some of the people who call our office have become so discouraged by the treatment they have received, they have become convinced that for whatever reason, the Workers' Compensation Board has a vendetta against them. And I personally had to work through a number of those individuals who were dealt with in ways that were fairly unfair, and after two or three years in some cases, we've managed to see the board readdress it and make some changes.

The question is, why should it take that long? While I don't think there are any conspiracies against injured workers, I think it's obvious that too many are being caught in the bureaucratic web. And it's the bureaucratic web that seems the legislative body, those of us the MLAs, find almost impossible to crack, when there are other bureaucratic situations in our province that we can usually work with and talk to and in many cases work out something reasonable for the people of this province.

We have to treat Workers' Compensation like any other support program. People should have access to it as long as they need it. They should be allowed to heal, but once they're healed they must be encouraged to get back to work. And I think the must is there because obviously the expense is on the whole economy if we don't make sure they're encouraged to get back to work. There's no question that just like every other government program, some people become overly dependent on this one. And there must be enough checks in place to ensure that no abuse takes place.

Employers also must be treated fairly. Never again should we see what's happened in the last number of years where massive increases in premiums like those we saw recently . . . The board has gone some way in bringing about more sensible rate codes that have been of some benefit to many but not to all employers. There are, Mr. Speaker, still employment groups out there that are not being treated fairly because their injury records just do not seem to coincide with the rates that they're being charged for the premiums.

And many are worried that the continued expansion of what Workers' Compensation covers will continue to cause premiums to jump. So-called grey areas such as stress are now covered, and that's a very difficult one to prove or to disprove, Mr. Speaker. And stress, as we know, comes from all sorts of sources. So it always will be a difficult one that's there. It would be very difficult to prove that stress is necessarily caused by the workplace, and that proof could be very costly in the end if we don't handle it carefully.

The government has to be careful when dealing with expanding the definition of injury. We do not want to see Workers' Compensation Board covering those things that are diseases of life and lifestyle. This is Workers' Compensation and to that extent must deal with the worker and what's happened on the job. So I repeat: we do not want to see the Workers' Compensation Board covering those things that are diseases of life and lifestyle but not necessarily caused by the workplace.

If we continue to move in this direction, we'll see the amount that the board pays out rise dramatically. Employers will have to pay for this cost. So employers will have to pay for the lifestyles of their employees even though they have no right to go ahead and pick and choose on that basis. And this will cost jobs in the end. This will hurt employers and employees alike.

And there are a number of other concerns as well that people are bringing to our attention. And as I said earlier on at the beginning of my time, that it's one of the issues that I believe all MLAs have a lot of correspondence with their constituents with and it's one that there seems to be an ongoing concern.

We'll need a little more time with this Bill before we're ready

to see it move to committee. So with that in mind, Mr. Speaker, I move adjournment of the debate at this time.

Debate adjourned.

(1530)

COMMITTEE OF THE WHOLE

Bill No. 17 — The Certified Management Consultants Act

The Deputy Chair: — Before I introduce clause 1, I'll invite the minister to introduce his officials.

Hon. Mr. Cline: — Thank you, Mr. Chair. I'd like to introduce once again, Mr. Bill Jones, who's sitting beside me. He is the deputy minister of Finance. And immediately behind me is Mr. Terry Paton, who is the Provincial Comptroller. And to his left is Mr. Jim Fallows, who is the manager of the financial management branch of the Provincial Comptroller's division.

Clause 1

Mr. Gantefer: — Thank you very much, Mr. Chair of committees. Good afternoon, Minister, and officials. Welcome.

I would like to go over some of this material in the certified management consultants' Bill.

First of all, this Bill sets up a professional association of management consultants. How has this profession been governed in the past?

Hon. Mr. Cline: — In the past this profession has had its own association through voluntary membership and they . . . the Saskatchewan chapter of the Institute of Certified Management Consultants was incorporated in 1990. So they are incorporated, I presume, under The Non-Profit Corporations Act, although I don't know that for sure. And they are affiliated with a national Institute of Certified Management Consultants which has existed since 1969. So in other words, they have their own organization already and they're incorporated, but they don't have statutory authority as a self-governing profession and essentially that is what this Bill would do.

And essentially the significance of this kind of Bill for them I think, would be that it would prevent people other than members of their institute from calling themselves certified management consultants, which people now could call themselves, without the statute.

And I should point out, it will give them title profession, but it won't stop people that aren't members of their institute from calling themselves management consultants or carrying on the kinds of businesses that they might; but they just won't be able to call themselves certified management consultants which would signify that they were certified by this group.

Mr. Gantefer: — Will the legislation provide educational requirements for this body of people as well?

Hon. Mr. Cline: — The legislation will empower the group itself to decide what the qualifications for membership would

be, so that they would presumably come up with some bylaws or rules that would say in order to call yourself a certified management consultant you must have attained either a certain educational qualification or a certain level of experience or a combination of both. But that would essentially be in the discretion of the governing body of the profession.

Mr. Gantefer: — The people that are in the profession now, do they currently call themselves certified management consultants or do they go by a different title?

Hon. Mr. Cline: — Yes, they currently call themselves certified management consultants.

Mr. Gantefer: — And I think I heard you say that it would be possible to be a management consultant in the broader sense without necessarily belonging to this, either the current organization or to this organization set up under this legislation.

Hon. Mr. Cline: — That's correct. I might add, a few minutes ago I said I presumed they were incorporated under the non-profit business corporations Act, and that is in fact correct. And what this Bill does, in section 20 is, it says:

No person other than a member shall use the title "Certified Management Consultant", . . .

And so on, but it doesn't prevent anybody from calling themselves something other than that. So that, for example, there might be some people who would, as they say, hang out their shingle and call themselves a management consultant, or a consultant, or whatever. As long as they don't use the actual designation that is set out in section 20, then they would still be permitted to do so.

Mr. Gantefer: — Last year there was a Bill regarding the registering psychologists, and I think it was registered and non-registered psychologists. Is there going to be . . . is this empowered to do the same kind of thing or is the public still going to be very much confused about this whole area of management consultants, given the fact that people can, using your words, hang out their shingle without any recognition by this institution?

Hon. Mr. Cline: — Mr. Chair, this is a different sort of protection, but it still provides some protection, but it provides more limited protection, if I can put it that way.

I don't think it will cause a confusion. I think it will do away with some of the confusion in the sense that we have lots of management consultants out there and when we pass the legislation, if it should be passed by this House, then we can say to the public that some people have the right to actually be certified as management consultants. And the public can judge whether that means anything to them — whether the fact that somebody has the educational and other qualifications to be certified is important to them — and they can go to such a person.

Other legislation is a little bit different, like the psychologists, for example, or the medical profession or the legal profession, in that in those situations unless you're a member of the group, you're not allowed to give people advice or treatment and

charge them for it. So you can't practice for reward. Because the theory is that when you get into that kind of legislation, the health disciplines, that you have to protect the public. And unless somebody's actually a member of that kind of profession, they can't practise at all. In this situation . . . Or they can't practise for reward.

In this situation it isn't like that. It gives the public some protection in that they can tell who's certified and who isn't. But it doesn't stop the public from going to somebody who isn't certified and, you know, paying them for their services. But then the member of the public pretty much, you know, takes their chances. I am sure there are people that are perfectly reputable that aren't certified management consultants that are practising, and they will continue to be able to do so.

So it provides some level of public protection. But it does not go as far as the psychologists and other legislation would, in that it doesn't have the prohibition on other people from practising the profession. It simply deals with what they can call themselves.

Mr. Gantefer: — I would assume, Minister, that part of the rationale for this legislation is, is intended to clear up the confusion that perhaps can exist out there. It seems that there are a great number of people who would loosely call themselves management consultants operating across the province.

And maybe it's a function of the way the world works right now, with the complexity of investments and things of that nature, that are in the realm of people's experience, and I would think that perhaps this legislation was intended to clear this up.

I still see that there's a lot of room for a great deal of confusion. Once you call yourself a management consultant and if people assume that an individual has the benefit of being certified, they may place certain responsibilities and trusts in these individuals, in an unfortunate way, that would result in potentially some very substantial losses.

Do you foresee anything in the legislation that would, by granting the certification designation, that would allow for a liability insurance or things of that nature to be treated differently than someone that isn't certified?

Hon. Mr. Cline: — I think that the public would generally be better protected under this legislation for this reason: that if I'm looking for a management consultant to assist me, if I go to a certified management consultant, I know that a group of people with a certain level of expertise have said, okay, this person we certify has the credentials to be a management consultant.

So that there's some onus on the public in the sense that they should look at what the credentials of people they deal with are, and we will say to them through this legislation, should it be passed, you can rely upon these people that are certified, who have attained the requisite level of skill and knowledge, and that should give you some level of comfort.

If the public deals with people that are not certified, you know, they will be doing so in effect at their own risk, in the sense that nobody will have said to them, here is somebody that we have certified as being competent to be a management consultant.

And what we're doing with the uninitiated, I guess, with the general public, is saying we will provide a certification system through this legislation whereby you can go to somebody who has been judged by a group of experts in the field to be certified as a management consultant.

And someone who hasn't had much experience dealing with management consultants could take a level of comfort from that because you'd know you were dealing with somebody with that level of expertise. Beyond that, since it doesn't prohibit management consultants generally from continuing to operate, there would be some risk involved in the sense that although many of those people will be perfectly reputable and have years of experience and do a good job, there may be some people that do not.

However this legislation would go quite a bit further than it does now if we tried to actually prohibit people from calling themselves management consultants or consultants. And I'm sure, Mr. Chair, that the member will appreciate that there are a wide variety of consultants out there and it would be probably be quite impractical to say that, you know, when you're passing The Certified Management Consultants Act that all of those people would have to fall within its purview in order to carry out their working lives.

Mr. Gantefer: — In the present sense, where the institute is the body that sets the standard for those people that choose to belong to the organization, will this Bill give substantially different powers to the institute?

Hon. Mr. Cline: — Yes, because it will enable the institute to not only register but suspend or cancel the registration of a member or discipline them in other ways. And I might add that the public will be involved in that too, in that in any of these professional Acts that they're presently being structured, the public is getting some representation on the governing body so that they can sort of have a window into each profession to ensure that the professions are exercising their power in a manner that's consistent with the public interest.

So they will have the power to register or to expel people and that will be a statutory power, as opposed to the power they now have to do that within a voluntary association. And so they will be given the statutory power to decide whether a person can call himself or herself a certified management consultant. And if they decide that a person cannot do so, then that person will not be able to practise using that title. Of course they could practise without using the title.

I should add that the exercise of that kind of power is subject to certain rules of natural justice and right to be heard, and also that there would be some appeal provisions in the event that somebody was disciplined by the governing council of the certified management consultants institute.

Mr. Gantefer: — Thank you, minister. I'd like to go to the disciplinary sections a little later.

In the process of developing this Bill, was the Institute of Certified Management Consultants consulted, and were they brought into the process, and what type of consulting went on with the institute, if that was appropriate?

(15:45)

Hon. Mr. Cline: — Yes, they were quite extensively consulted over the past two years. And in addition to . . . and of course the Bill itself is the result of those consultations. And they are pleased with the legislation.

But in addition to consultation with them, I should add that a number of other organizations were consulted about the Bill because we didn't want to do something in this legislation that would interfere with the ability of other types of consultants to carry on their practices.

And specifically, in addition to the management consultants, we consulted with the association of consulting agrologists, the Association of Professional Engineers, the certified management consultants themselves, as I mentioned; the Saskatchewan Association of Architects, the Association of Consulting Engineers, the Certified General Accountants of Saskatchewan, the Institute of Chartered Accountants, and the Society of Management Accountants.

So as I said to the member a few minutes ago, Mr. Chair, there are many consulting professions. So we talked to them all, and I'm advised by my officials that none of those professions have any concerns with the proposed legislation. In other words, they all think that it's fine and that they can live with it and that it won't interfere with their ability to carry out the practice of their professions.

Mr. Gantefoer: — Minister, you also mentioned that there were a number of management consultants that are currently practising, and in most instances very professionally, that are outside of the current institute — independent consultants, for lack of a better word. Was there any effort to have consultation with those type of individuals?

Hon. Mr. Cline: — The difficulty with that would be that they tend not to be represented by any organization, so it's difficult to consult with them in the sense that there's no organized spokesperson on their behalf. But I don't see that they would have any particular reason to be opposed to or have any concerns with the legislation in the sense that it really doesn't interfere with them at all. They will carry on under this legislation in the same way that they do today.

This legislation will deal with people that are members of the certified management consultants institute today, or people that want to be in the future. With respect to other consultants, it really won't impact on them in terms of their ability to carry out their practice. They will continue tomorrow as they do today.

Mr. Gantefoer: — For the last several years there's been a number of Bills setting up professional organizations, or associations if you like. Does this legislation follow in similarity to those other associations or organizations?

Hon. Mr. Cline: — Yes it does. One of the things that the government has been trying to do, with the help of the Department of Justice, over the last five or six years, is to standardize the professional legislation so that there are equivalent provisions with respect to how you discipline people, the rights that people should have before they're disciplined, the

rights of appeal, participation of the public in the process, and so on.

And one of the reasons why you see new legislation like this, but also over the last several years, replacement legislation for some professions — I can think of the chiropractors, the pharmacists, the physical therapists that have been done, occupational therapists and others — is that we're trying to, as a government, bring all the professional legislation to a certain standard. And those standards, generally speaking, are intended to protect the rights of the members of each profession and also to try to protect the public and ensure that the public has some input and involvement into the use of professional power.

Mr. Gantefoer: — Is there legislation similar to this in other provincial jurisdictions? And if there is, how similar or different is what we're proposing from what is occurring or exists in other jurisdictions?

Hon. Mr. Cline: — There is legislation authorizing the Institute of Certified Management Consultants to be a self-regulating body in Alberta, Manitoba, Ontario, and New Brunswick. So four other provinces already. So we would be the fifth.

And my guess, without knowing it, is that this is probably a movement that's been occurring across the country for several years, so that I wouldn't be surprised if you wouldn't see some more. So in reality, there does seem to be a trend toward it. And this legislation would certainly be similar to that legislation in the main respects.

I'm advised that two other provinces, British Columbia and Quebec, protect the use of the title, certified management consultant, but they do not create self-regulating bodies. So in other words they have one provision of this legislation but not the rest.

And so four provinces — and if we pass it, Saskatchewan would be five — have the full-blown, self-regulatory professional legislation. Two provinces provide the title protection.

Mr. Gantefoer: — In terms of registering with the new association, will you automatically become a member of the new association if you're currently registered in the institute?

Hon. Mr. Cline: — Yes, Mr. Chair, to the member, that is correct.

Mr. Gantefoer: — Going back to disciplinary procedures, what would be deemed to be considered professional misconduct under this Act?

Hon. Mr. Cline: — Well among other things, I would refer the member, Madam Chair, to sections 26, 27, and 28. One of course would be professional incompetence, that the member does not display the knowledge, skill, or judgement necessary to serve the public.

Another is professional misconduct in the form of any manner, conduct, or thing, whether or not disgraceful or dishonourable, which is harmful to the best interests of the public or the members, tends to harm the standing of the profession, is in

breach of the Act or the bylaws, or is a failure to comply with an order of the professional conduct committee.

Now in this type of legislation that's not unique to this Bill. The profession itself is entitled to look at the conduct of a member and decide that that is something that is . . . displays incompetence or amounts to misconduct and to take action accordingly. Now if they did so on some unreasonable basis, if somebody did something that everybody would agree was perfectly rational and normal, but they were disciplined, certainly the courts have a supervisory role in that process.

So it's a very broad description of what could be determined to be misconduct. And as I said in answer to the question a few minutes ago, the legislation is tending to become more standard. This would be consistent language with the language that would occur in the Medical Profession Act and a number of other statutes as well.

Mr. Gantefer: — Using the term, certified management consultant unlawfully, is it a Criminal Code violation under the Act and what would the penalty be for breaking this law?

Hon. Mr. Cline: — It would not be a Criminal Code violation because only the Parliament of Canada has the authority to define a criminal offence. It would be a breach of provincial law. And under section 40 of the legislation it says that:

Every person who contravenes section 20 (the section to which the member just referred) is guilty of an offence and liable on summary conviction to a fine of:

- (a) for a first offence, not more than \$2,000;
- (b) for a second offence, not more than \$4,000; (and)
- (c) for each subsequent offence, not more than \$6,000 or to imprisonment for a term of not more than six months, or to both (the fine of \$6,000 and imprisonment of up to six months).

Mr. Gantefer: — The legislation grants immunity to the council for all acts done in good faith, primarily I think investigations and disciplinary procedures.

What determines what indeed is good faith in these matters? And when is a member able to take legal action against the counsel?

Hon. Mr. Cline: — The member can always take legal action against the counsel. And the question of whether the counsel has proceeded in good faith or otherwise would always be a matter for the court to decide.

Mr. Gantefer: — If consultants are a part of a . . . are employees of a company, is it the responsibility of the company to pay the fees for the member or the individual member?

Hon. Mr. Cline: — That would depend upon the contract of employment between the consultant and the company. And it could be either. Sometimes a person will be employed who is a member of a profession and they're responsible for their own fees. And sometimes — and perhaps usually — the employer

would pay the fees. But that's not a matter of law but just a matter of private arrangement between the consultant and the employer.

Mr. Gantefer: — Irrespective of who paid the fees, if the company terminated the employment of an individual who was a member, would they . . . would the individual still be able to retain the title certified?

Hon. Mr. Cline: — Yes.

Mr. Gantefer: — Thank you very much, Minister. I have no further questions.

Clause 1 agreed to.

Clauses 2 to 50 inclusive agreed to.

Hon. Mr. Cline: — Thank you, Mr. Chair. Before I do that I'd like to thank the officials for their assistance today, and I'd like to thank the opposition for their questions and participation and cooperation. And with that, I move that we report the Bill without amendment.

The committee agreed to report the Bill.

(1600)

Bill No. 16 — The Certified General Accountants Amendment Act, 1998

Clause 1

Mr. Gantefer: — Thank you, Mr. Chair of committees. A few questions on this legislation as well, minister. Have the changes that are proposed been made in consultation with the certified general accountants professional association?

Hon. Mr. Cline: — Yes, Mr. Chair, they have been.

Mr. Gantefer: — The changes seem to go back to changes that were made in 1987. Can you tell us why at this time we're seeing this amendment?

Hon. Mr. Cline: — Yes. I think it was about that time that the accredited public accountants joined the certified general accountants, and so they all came under the certified general accountants and hence, The Accredited Public Accountants Act can be repealed and that it's redundant in that there are none — they are now certified general accountants. As a result of that, that legislation can be repealed and this Bill does that.

But in addition to that, there are certain titles that The Accredited Public Accountants Act prevented people from using unless they were certified as accredited public accountants. So when we repeal The Accredited Public Accountants Act, we have to give . . . continue the prohibition with respect to the use of the term, accredited public accountant and so on in that they all become certified general accountants but it includes the accredited public accountants now.

And also the other part of it really is to simply prohibit the use of certain titles that are used but which have not been protected

up until now, mainly the honorary membership which is given out has not being protected, a CGA (certified general accountant) honorary. And really that amounts to the entire Bill — those changes are all that is being done.

The short answer is it's to accommodate the fact that the accredited public accountants have gone into the certified general accountants profession.

Mr. Gantefoer: — Thank you, Minister. That is all the questions I have.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

Hon. Mr. Cline: — Thank you, Mr. Chair. Before I do that, I'd once again like to thank the officials for their assistance and also to thank the opposition for its input and participation and cooperation.

And with that, I'd like to move that we report this Bill without amendment.

The committee agreed to report the Bill.

Bill No. 30 — The Tobacco Tax Act, 1998

The Deputy Chair: — Before I introduce clause 1, I invite the minister to introduce his officials.

Hon. Mr. Cline: — Thank you, Mr. Chair. With me still is Mr. Bill Jones, deputy minister of Finance, and directly behind me is Len Rog, who is the assistant deputy minister responsible for the revenue division of the Department of Finance. And immediately behind Mr. Jones is Doug Lambert, who is the director of revenue programs in the revenue division in the Department of Finance.

The Deputy Chair: — Thank you, Minister.

Clause 1

Mr. Gantefoer: — Thank you, and again welcome to the new officials joining us.

On The Tobacco Tax Act I understand that one of the current problems with the current method of tax collection is that it may be seen as an indirect tax which provinces cannot do. Has this been a law that has been challenged on these grounds in the past?

Hon. Mr. Cline: — Mr. Chair, the member is correct that the province can only assess a direct tax. The province cannot assess an indirect tax so that this Bill will, among other things, ensure that the taxation is at the consumer level and the retailer — a tax directly put onto them. And that's what we're attempting to do.

And in specific answer to the member's question, no there has not been any court challenge to the legislation and . . . But nevertheless we're trying to make the legislation comply with the constitutional requirements that the tax be a direct tax. And

that's one of the things that this Bill does.

Mr. Gantefoer: — Will this Bill change the tax collection procedures?

Hon. Mr. Cline: — No, Mr. Chair, in answer to the member, the Bill will not change the tax collection procedures.

Mr. Gantefoer: — Has this Bill been brought forward in consultation with any other provinces?

Hon. Mr. Cline: — The answer, Mr. Chair, to the member is that in general we have discussed a number of the provisions with the other provinces but they have not actually seen a copy of this Bill that is before the House. So there have been . . . there's been very general consultation.

Mr. Gantefoer: — Is the type of legislation that you've put into this Bill being contemplated by the other provinces? Does it move it towards a similar situation or is it individual?

Hon. Mr. Cline: — Mr. Chair, I'm advised that all of the provinces have legislation that is somewhat similar so that they may not necessarily be contemplating passing this kind of legislation, the reason being that they would already have it in place. And in general, the scheme is similar in each, in each province.

Mr. Gantefoer: — Will the consumer see any difference when they buy a package of cigarettes or a carton of cigarettes?

Hon. Mr. Cline: — Mr. Chair, in answer to the member, no, the consumer will not see any difference in the normal course of events. I suppose that one of the things the Bill would do would be to make it more difficult for people to illegally import tobacco products in that it tries to tighten up the system.

So with respect to the normal consumer, no, there wouldn't be any difference; with respect to others, the enforcement mechanisms might be better under this legislation. The goal is to try to give the department the tools it needs to stop any illegal importation of tobacco products.

Mr. Gantefoer: — And the Bill provides no change for the level of taxation, is that right?

Hon. Mr. Cline: — That's correct, Mr. Chair. There's no change in this Bill with respect to the tax that is paid for tobacco products.

Mr. Gantefoer: — If in some subsequent budget the government decided to adjust the level of taxation, would it be necessary to amend the entire Bill?

Hon. Mr. Cline: — Yes, that's correct. You would amend the legislation if the tax is raised or, I suppose, decreased. And that of course is consistent with the principle that the legislature should always have control over taxation levels. Some things might be announced in a budget but they really wouldn't be fully authorized until the legislature itself authorized a change in the taxation, and that would be true of the tobacco tax Bill or any other number of pieces of legislation.

Mr. Gantfoer: — It's kind of unique this Bill, as I read it, in that it provides provisions regarded to smuggling that were once contained in regulations being actually moved into the legislation. And this seems to be almost 180 degrees different than what a lot of legislation has been coming through where most of the stuff seems to go into regulations. Can you tell me the significance of that move?

Hon. Mr. Cline: — It was felt that the provisions should have a higher profile for one thing. That we should profile in legislation the fact that importation of tobacco products without due licensing and authorization is an offence. And also this particular legislation was . . . well I should say the present Tobacco Tax Act was passed in 1965 so that a lot of things have happened since then and it was really necessary to do an update of the legislation in order to bring it into compliance with the current administrative and enforcement requirements. And so at the time of doing that, it was felt that it would be in order to move some of the provisions from regulations into legislation.

And also, I think it was felt that enforcement provisions should be in legislation generally. And with respect to this legislation, it would make it easier to ensure that the enforcement provisions complied with the Canadian Charter of Rights and Freedoms.

Mr. Gantfoer: — Minister, can you briefly explain the marking program you talked about in your second reading remarks?

Hon. Mr. Cline: — Yes, Mr. Chair. In answer to the member, one of the ways to combat smuggling is through the marking program. Most provinces introduced that in 1994, that is, marking programs to help detect packages of tobacco by marking them with your provincial name and to ensure that only tobacco that is . . . with respect to which tax has been paid can be sold in Saskatchewan. And these provisions for marking have been contained in regulations and some of the provisions are now being moved into The Tobacco Tax Act.

I should say that just about all provinces follow some kind of marking program for the reasons that I've indicated.

Mr. Gantfoer: — Minister, would you say that interprovincial smuggling is a worse problem for cigarettes than cigarettes coming in from United States into Saskatchewan?

(1615)

Hon. Mr. Cline: — It's very difficult to measure the extent of tobacco smuggling because the amount of tobacco consumed depends on many factors such as changes in consumer preferences, concerns with health risks of smoking, and restrictions on smoking in public places.

But I would base the answer partly on this fact. Our tobacco tax revenue has been increasing on average by about 2 per cent per year since the federal government and the eastern provinces lowered their tobacco rates. In other words, smuggling has not caused tobacco tax in Saskatchewan to go down; it's been going up. And so I think that we've been fairly effective containing smuggling and fighting smuggling.

I think it's a sad fact actually that tobacco tax revenue has gone up because although we're, I think, we're containing smuggling largely, some of it takes place, but we're largely containing it — certainly taking action to seize illicit cigarettes. And I think in the last four years about 17,000 cartons of illicit cigarettes have been seized.

But the reason I say that it's sad that the tax is going up is because it probably indicates that consumption is going up. And that's a bad thing. I think it would be a happy event if consumption was going down. And despite the best efforts of educators and the Department of Health and the medical professions and so on to convince people that they shouldn't smoke, people still are.

And although I think many middle-aged people and older people eventually quit smoking, many young people start smoking. And we're of course concerned about the marketing activities of the tobacco companies that portray tobacco consumption as an attractive lifestyle thing to do. And we want to keep fighting that.

Now I've gone a bit off the member's question, Mr. Chair, and the answer to the question is we really can't say for sure whether there is more smuggling from the United States or other provinces. However, based upon the tax revenue, which in one sense is regrettable, it seems that smuggling is quite under control more so than the habit of smoking, which appears not to be as under control as one would like.

Mr. Gantfoer: — Has the changes that have been made to the pricing in the eastern provinces, primarily to get around or to minimize the amount of smuggling that was occurring there, is there any information that the minister has if the price change that occurred has alleviated the problem of smuggling in eastern Canada?

Hon. Mr. Cline: — I believe that there is information available, which I don't have in front of me today, that the price drop — some of which has been reversed recently by the federal government; I think they added 50 cents a package to the tax on cigarettes a few months ago — but the price drop certainly did make a difference in terms of cutting down smuggling. It also made a difference I believe in terms of tobacco consumption, especially by young people.

So it cut down smuggling but it encouraged smoking by young people. So it's a very difficult sort of trade-off, and the federal government obviously recently has decided to increase the taxes a bit and presumably they will be monitoring the smuggling at the same time.

Mr. Gantfoer: — Is there anything in the legislation that deals with the issue that you raised, and that is the apparent increase in consumption by young people. And I'm thinking in terms of setting age limits of availability or anything of that nature in the legislation that deals with the issue that you raised about young people's apparent increase in consumption.

Hon. Mr. Cline: — No, there is not, because the problem of tobacco consumption by young people is dealt with in a separate piece of legislation which is, I believe it's called The Minors Tobacco Act, and that legislation deals with the issue of

young people and tobacco. There's also a companion piece of federal legislation that does the same thing. And this legislation deals simply with the mechanisms to enforce the tobacco tax.

But I might say that indirectly, to the extent that you strengthen this legislation as this Bill seeks to do, then you also, Mr. Chair, will cut down on tobacco consumption by young people in the sense that the more effective we are in terms of having of a tax and enforcing the tax and trying to cut down on smuggling, the more effective we will be in preventing young people from taking up smoking. Because it has been demonstrated that their taking up smoking or not has a lot to do with the cost. If cigarettes are cheap and accessible and available to them, they'll smoke; if they're more expensive they're less likely to start smoking.

So indirectly it is relevant to that issue, but in terms of direct application, that is dealt with in a separate piece of legislation.

Mr. Gantefoer: — Does the legislation only affect retailers or wholesalers, or does it also affect consumers from bringing in product from other provinces, over a certain limit?

Hon. Mr. Cline: — Yes, it also enforces limits on consumers. Consumers are only entitled to bring in one carton or 200 cigarettes tax free. And beyond that they would be required to pay the Saskatchewan tobacco tax.

Mr. Gantefoer: — Is that a change from the current legislation?

Hon. Mr. Cline: — No, Mr. Chair, that is not a change.

Mr. Gantefoer: — Is it virtually impossible or practical to enforce that regulation? It would seem to me that there would be a great deal of difficulty from ensuring that a person may bring indeed more than one carton of cigarettes.

Hon. Mr. Cline: — Well it is difficult, but it's like any other sort of law. You can't actually, and you wouldn't want to — it would not be socially desirable to check everybody's car as they come across the border from Alberta or Manitoba or the United States.

But I think since we all know that we're only entitled to bring in so many cigarettes or so much alcohol, any kind of law like that always has a preventive effect in the sense that people know that that is the law. And they know that even though it is unlikely that they will be stopped or have their vehicle checked, that the authorities might stop their vehicle and might check it and search it and that they are at risk of, you know, having a fine by importing something that they're not supposed to be importing.

And so the member is correct, Mr. Chair, that it's difficult to enforce any law, whether it's drinking and driving or alcohol in the vehicle, or tobacco or alcohol. But that doesn't mean that you shouldn't have the law or that the law doesn't serve a useful social purpose in the sense that most people (a) will obey the law just because they think it's the right thing to do, and it is the right things to do; and (b) even if they're not wild about the law, most people will obey the law because they run the risk of getting caught if they don't. So these laws always serve some

useful purpose.

Mr. Gantefoer: — In your remarks, Minister, you said the Act is being updated to comply with the Charter of Rights and Freedoms. Can you tell us precisely how this is being done?

Hon. Mr. Cline: — Yes, Mr. Chair. I would refer the member to sections 20 to 24 of the legislation which set out the rights of inspectors to search places and vehicles and so on. And generally speaking what I would say to the member is that what we have tried to do is to set out reasons for which the officials could act. In other words, it isn't reasonable that an official of the government or the police go out and simply search somebody's premises or their vehicle without some ground to do so.

And so what the legislation seeks to do is to say that the enforcement officers should act on reasonable grounds in various circumstances. And what it does is to set out that if you search or take some action against an individual, that you should have some reasons to do so and that there is some procedures that apply. And in that sense setting out reasons and setting out proper procedures to protect the public at large in the sense of having the tobacco tax properly administered and so on, but also to protect the rights of the individual — to set out a way that there's a balancing between the interests of the government and the interests of the individual to have certain legal rights.

And that of course is what the Charter of Rights and Freedoms expects us to do in any legislation — to not exercise power without a reason to do so. And the provisions have been generally rewritten to ensure that they comply with that sort of spirit, that the government ought not to act without some reason to do so.

Mr. Gantefoer: — Have there been any challenges under the current legislation that these changes are meant to address?

Hon. Mr. Cline: — To the best of my knowledge, no there have not been any challenges.

Mr. Gantefoer: — In terms of the investigation, do both the province and the federal governments have tobacco investigators in the field?

Hon. Mr. Cline: — Yes, Mr. Chair, in answer to the member, both the federal government and the provincial government have officers to enforce their tobacco tax legislation. And we seek to cooperate between the two levels of government so that we have a federal officer who actually works in our Department of Finance here in Regina and out with the officers of the province and they try to work together.

Mr. Gantefoer: — Can you tell me, Minister, how many charges have been laid in Saskatchewan in the past year regarding illegal tobacco importation?

Hon. Mr. Cline: — I don't know what the figures would be for the last year, but there have been about 30 prosecutions in the last four years.

Mr. Gantefoer: — Are these prosecutions under illegal

importation, or failure to pay the tax, or both?

Hon. Mr. Cline: — Generally speaking the prosecutions are for illegal importation, which also involves tax evasion.

Mr. Gantefer: — What powers do the inspectors or enforcement officials have to enter property for the purpose of enforcing the law?

Hon. Mr. Cline: — If I can refer the member to section 19 of the Bill, it says that the minister — I don't think I'll be entering upon anybody's land to enforce the Act by the way:

... an enforcement officer and any person lawfully accompanying the minister or an enforcement officer may enter on any land, whether or not that land is enclosed.

It goes on in section 20 to say that:

For the purpose of enforcing and administering this Act . . . (you) may do the following:

... enter, without a warrant, at any reasonable time the following premises for the purpose of conducting an inspection or examination:

And then it says:

(i) any premises used by a person in connection with the importation, storage, transportation, sale or marking of tobacco: (or)

(ii) any premises containing any records or property that relate to the importation, storage, transportation, sale or marking of tobacco;

So in other words, without a warrant you could enter into a place of business that deals with tobacco and if you have reasonable grounds that a commercial vehicle is carrying or transporting tobacco you can inspect or examine the contents of the vehicle, and so on.

So with respect to business places or commercial vehicles, there are a series of rules set out in section 20. But if you are dealing with a person's home for example, a residence, then you would obtain a warrant.

(1630)

And if I can refer the member to section 22, a justice of the peace or a provincial court judge would have to be satisfied by information given under oath that there were reasonable grounds to believe an offence was occurring before issuing a warrant to enter and search any place or premise that's named in the warrant.

So in a general way what it says is that if you're dealing with a business you can go in and look around — a business that deals with tobacco or a commercial vehicle. If you're dealing with other places — so somebody's home, farm buildings, buildings on their property, so on — then you would have to get authorization from a judge or a justice of the peace based upon sworn information that there was some reason to do so.

And also in section 24 it says that if there are reasonable grounds to believe that a vehicle may contain evidence of an offence, then a vehicle can be inspected. So those are the powers that one would have to enter into places or search vehicles.

Mr. Gantefer: — Minister, the fines for breaking this Act are being raised substantially. Can you tell us what they currently are and what they are going to be?

Hon. Mr. Cline: — Yes, the fines under the current legislation range from \$5,000 for consumers and up to \$10,000 for dealers of tobacco. And under the new legislation, the fines are up to \$10,000 and/or two years imprisonment for both consumers and dealers. And a fine of up to \$50,000 in the case of a corporation and a fine of up to \$1 million for counterfeiting markings on tobacco packages.

Mr. Gantefer: — Are the fines under the legislation related at all to the quantity of tobacco involved?

Hon. Mr. Cline: — Not specifically within the legislation, except in one respect. That is that it is proposed to introduce a summary offence ticket provision of \$250 plus 15 cents per cigarette over 2,000 cigarettes for small quantities of smuggled tobacco.

But other than that, the courts would determine the severity depending upon the amount of tobacco involved or the record that the person concerned had — whether they had done this before and so on.

Mr. Gantefer: — The Bill also deals with the seizure of vehicle thought to be used in smuggling. Is that provision the same or different than in the current legislation?

Hon. Mr. Cline: — That, Mr. Chair, in answer to the member, is similar to the provision we have in the current legislation.

Mr. Bjornerud: — Thank you, Mr. Deputy Speaker. Just a couple of questions, Mr. Minister. You've talked to . . . A number of times in the Bill here we talk about unmarked tobacco. Can you explain to me really what that is and where they, where it originates?

Hon. Mr. Cline: — That would be tobacco that does not have the Cellophane Saskatchewan marking around it, which the member may be familiar with.

Mr. Bjornerud: — More familiar than I care to tell you, Mr. Minister. One other question and this probably ties a little bit with it, but when someone is prosecuted for smuggling and found guilty — and I know in the past I believe that as much as semi-loads has come across — what happens to those tobacco products after they're . . . I'm sure that's confiscated. Where does those tobacco products end up?

Hon. Mr. Cline: — It is seized and eventually when it is no longer necessary for the purposes of evidence it is destroyed. I assume that it's burned — it is burned but not smoked.

Mr. Bjornerud: — It seemed like a terrible waste of money to me, Mr. Minister. The news this morning I believe, Mr.

Minister, and you may have heard it too, that the Americans are thinking of really jacking the price of cigarettes up in the States. In fact I believe to the extent where they feel they might take in as much as a half a trillion dollars extra in taxes. Will that solve some of our problems here? Will that help the situation?

Hon. Mr. Cline: — In answer to the member, Mr. Chair, yes, that would be helpful, because as the member will know, the price of tobacco in the United States is considerably lower than it is in Canada. So the incentive to smuggle would certainly be lessened and that in turn would probably result in the federal government increasing the federal taxes and that would assist us with respect to solving the smuggling problem but also perhaps more importantly, discouraging young people from taking up smoking and perhaps encouraging other people to stop smoking.

Mr. Bjornerud: — Thank you, Mr. Minister. Also in the States there was lawsuits down there where people were taking tobacco companies to court and I believe even maybe possibly B.C. was thinking of the same thing. What is happening with that now? Do we know where what state that is at?

Hon. Mr. Cline: — The member is correct, Mr. Chair. The Government of British Columbia, through the Minister of Health, sometime ago indicated that they would be launching a court proceeding to take on the tobacco companies. I haven't heard anything about that since that announcement was made. I don't know whether the lawsuit has started or, if it has started, at what stage of the proceeding it is. It obviously has not advanced beyond a statement of claim, if that, insofar as we're aware.

I could tell the member that we took the position — and at that time I was the Minister of Health — that we should cooperate as provinces, and that the federal government also could cooperate with us and have one lawsuit on behalf of the entire country with the federal government and the provinces. Because in view of the, the expense of that kind of litigation . . . And when you're dealing with the tobacco companies, you're dealing with people that have very deep pockets. They have a lot of money, and they have a lot of experts at their disposal.

So our view was that rather than the province of Saskatchewan and Alberta and Prince Edward Island and so on fighting the tobacco companies separately, and each paying to take on a major battle with them, it would be more advantageous from a financial point of view — and probably from the point of view of getting the best evidence together — if the governments would act in concert together.

And so that's what, what we suggested. And I took that up with the other Health ministers and the federal Minister of Health for discussion purposes. And I believe that it is still a matter being discussed and considered at that level. So I don't think there's anything terribly active happening out of the B.C. lawsuit at the moment or otherwise.

But it's certainly something that we should be looking at because as time goes on, some court cases are being determined in the United States which may have some — not a binding affect on Canadian courts — but may have some persuasive value. And, and so we should, we should keep thinking about

that and perhaps pursuing it. And maybe the tobacco companies should be contributing to some of the health costs that are caused by the tobacco consumption which they encourage.

Mr. Bjornerud: — Thank you, Mr. Minister. I also think in the States — and maybe you can bring me up to speed on this — but I think they came to some agreement down in the States, whether it was private citizen or whether it was the states themselves or the federal government that took them to court, I think they settled out of court if I understood it properly. Do we have any information on that, on what kind of volume of dollars that were part of the agreement?

Hon. Mr. Cline: — There have been a variety of lawsuits in the United States by some states, I think including the state of Mississippi and some others who are cooperating with them. And some of those lawsuits have been settled but probably not all of them. And it seems to me, this is just my recollection, that the tobacco companies have agreed to pay some hundreds of millions of dollars to some of these government authorities to assist with health care costs.

But I'm not sure that there's been any comprehensive settlement in the sense that there may be private individuals still pursuing other lawsuits. And there may be state governments in the United States still pursuing other lawsuits.

And I think what I'll do is undertake to ask the Department of Finance, in consultation with the Department of Health, to provide some more detailed information to the member with respect to the status of both the British Columbia lawsuit, where that is at today, if anywhere, and also the status of discussions with the other provinces of Canada and the federal government about the possibility of a combined lawsuit. And also as best we can get information, the status of the American litigation and where that is at.

So I think what I'll do is get that information together and send that over to the member, Mr. Chair.

Mr. Bjornerud: — Thank you, Mr. Minister. One other section that I was a little bit interest . . . or kind of interested in is when you're talking about the seizure and return of vehicles. And you have a number of numbers there in the amount of tobacco or tobacco products that would constitute the seizure of a vehicle. How did we come to those numbers? Like for what reason did we pick out 10,000 cigarettes or whatever? Is there some trend there that would lead to that happening?

Hon. Mr. Cline: — Yes. I see looking at section 26 of the Bill that . . . First of all I should mention it is similar to the provisions of the present legislation. And it permits the seizure of a vehicle being used for smuggling large amounts of tobacco, which is, for example, more than 50 cartons of cigarettes. And that vehicle may be held for up to 60 days and it would be returned if a charge was not laid within that time.

This provision, I'm told, was modelled on a similar provision in the existing legislation but also the . . . some of the terms of this were modelled on the Manitoba legislation. And I think the thinking would be that if you're dealing with a person that is just incorrectly and illegally bringing in a couple of cartons of tobacco for their own use, that you ought not to seize the

vehicle or do something like that; you should fine them or tax them or whatever.

The Assembly adjourned at 4:49 p.m.

But if somebody's using a vehicle for the business, in effect, of distributing tobacco illegally and standing to make a lot of money, that they run the risk of losing their vehicle. That is the rationale.

So it's sort of like the difference between, you know, possessing illegal drugs for your own use and trafficking. The trafficking, which is assumed if you have a large quantity, is thought to be worse than the act of simple smuggling for yourself. Both of those things are illegal but one is worse than the other.

Mr. Bjornerud: — Thank you, Mr. Minister. That's all of the questions we have at this time. I want to take this opportunity to thank you, Mr. Minister, and I especially thank your staff for this afternoon's questions.

Clause 1 agreed to.

Clauses 2 to 37 inclusive agreed to.

(1645)

Hon. Mr. Cline: — Thank you, Mr. Chair. Before I do that, I'd like to thank the officials for their assistance today; and I'd also like to thank the opposition for their input into the Bill, participation and cooperation.

And with that I'd like to move that we report the Bill without amendment and that we ask for leave to sit again.

The committee agreed to report the Bill.

THIRD READINGS

Bill No. 17 — The Certified Management Consultants Act

Hon. Mr. Cline: — 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. 16 — The Certified General Accountants Amendment Act, 1998

Hon. Mr. Cline: — 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. 30 — The Tobacco Tax Act, 1998

Hon. Mr. Cline: — 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.

TABLE OF CONTENTS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

McLane	917
Belanger	917
Hillson	917
McPherson	917
Haverstock	917

READING AND RECEIVING PETITIONS

Clerk	917
-------------	-----

INTRODUCTION OF GUESTS

Whitmore	917
Heppner	917
MacKinnon	918
McPherson	918
Shillington	918
Trew	918
Nilson	918
Kasperski	918

STATEMENTS BY MEMBERS

Violence Against Women	
Boyd	918
Purple Ribbon Awareness Week	
Stanger	918
Cluff Lake Mine	
Belanger	919
Mental Health Week	
Murray	919
Geriatric Assessment Program	
Haverstock	919
Lake Diefenbaker Potato Corporation	
Wiens	919
Revision of Young Offenders Act	
Heppner	920
Polonia Dance Ensemble 10th Anniversary Concert	
Kasperski	920

ORAL QUESTIONS

Compensation for Hepatitis C Victims	
Toth	920
Serby	920
Surgery Waiting-lists	
Bjornerud	921
Serby	921
McPherson	922
Saskatchewan Health Information Network	
McLane	923
Serby	923
Diagnostic Testing Waiting-lists	
Julé	923
Serby	924
Plains Health Centre Closure	
Haverstock	924
Serby	924

INTRODUCTION OF BILLS

Bill No. 44 — The Municipal Employees' Pension Amendment Act, 1998	
Cline	925

MOTIONS

Referral of Estimates to Standing Committee on Estimates	
MacKinnon	925

MOTION UNDER RULE 46

Reform to the Young Offenders Act	
Heppner	925
D'Autremont	927
Calvert	928

Hillson	929
Recorded division	930
ORDERS OF THE DAY	
WRITTEN QUESTIONS	
Kowalsky	930
GOVERNMENT ORDERS	
SECOND READINGS	
Bill No. 38 — The Highway Traffic Amendment Act, 1998	
Lingenfelter	930
Toth	931
Bill No. 39 — The Vehicle Administration Amendment Act, 1998	
Lingenfelter	931
Toth	932
ADJOURNED DEBATES	
SECOND READINGS	
Bill No. 32 — The Wildlife Amendment Act, 1998	
Heppner	932
Bill No. 29 — The Workers' Compensation Amendment Act, 1998	
Heppner	933
COMMITTEE OF THE WHOLE	
Bill No. 17 — The Certified Management Consultants Act	
Cline	935
Gantefoer	935
Bill No. 16 — The Certified General Accountants Amendment Act, 1998	
Cline	938
Gantefoer	938
Bill No. 30 — The Tobacco Tax Act, 1998	
Cline	939
Gantefoer	939
Bjornerud	942
THIRD READINGS	
Bill No. 17 — The Certified Management Consultants Act	
Cline	944
Bill No. 16 — The Certified General Accountants Amendment Act, 1998	
Cline	944
Bill No. 30 — The Tobacco Tax Act, 1998	
Cline	944