

The Assembly met at 13:30.

Prayers

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mr. Kwiatkowski:** — Thank you, Mr. Speaker. I rise to present a petition on behalf of citizens of Saskatchewan whose wishes can best be summed up by the prayer which reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

As is duty bound, your petitioners will ever pray.

And this petition is signed by the good citizens of Wadena, Rose Valley, and Naicam, Mr. Speaker.

I so present.

**Mr. Heppner:** — Thank you, Mr. Speaker. I too present a petition and I would like to read the prayer:

Wherefore your current petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

And this is signed by the good people of Saskatoon, Kindersley, Biggar, Kenaston, all over the province, Mr. Speaker.

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, I too stand today to present a petition on behalf of citizens throughout this province who would like to see the government implement all 49 recommendations of the final report as submitted by the special committee. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

And the signators on this petition, Mr. Speaker, are from Regina, from Sandy Bay, Saskatchewan, and from Saskatoon.

I so present.

**Ms. Draude:** — Mr. Speaker, I too have a petition to present today regarding the abuse and exploitation of children through the sex trade:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to

immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

The people who have signed this petition are from Naicam, Spalding, and St Brieux.

**Mr. Gantfoer:** — Thank you, Mr. Speaker. Mr. Speaker, I too rise on behalf of citizens concerned about the issue of helping children who are currently being exploited and abused in the sex trade. The prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

Signatures on this petition this afternoon, Mr. Speaker, are from the communities of Kelvington, Lintlaw, and Wadena.

I so present.

**Mr. Bjornerud:** — Thank you, Mr. Speaker. I also have a petition to present. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

The signators, Mr. Speaker, are all from the community of Rose Valley.

**Mr. Toth:** — Thank you, Mr. Speaker. As well to present a petition and reading the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

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

And, Mr. Speaker, the petition I present is signed by people from the community of Bruno.

**Mr. Wakefield:** — Mr. Speaker, I have a petition from the citizens of the province of Saskatchewan. And the prayer is:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

As in duty bound, your petitioners will ever pray.

And these signatures, Mr. Speaker, are from Wadena and Hendon.

I so present.

**Mr. Stewart:** — Thank you, Mr. Speaker. I rise this afternoon to present a petition signed by citizens concerned with abuse and exploitation of children through the sex trade. And the prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

And, Mr. Speaker, this petition is signed by individuals from the communities of Clair, Wadena, Kuroki, Regina, Yorkton, and Wadena.

I so present.

**Mr. Elhard:** — Thank you, Mr. Speaker. I rise today to present a petition calling on the government to prevent the abuse and exploitation of children through the sex trade. And the prayer reads as follows, Mr. Speaker:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this petition is signed by residents of the communities of Naicam and Annaheim.

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, I too have a petition signed by citizens who have grave concerns about the abuse and exploitation of children through the sex trade. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

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

And this is signed by citizens of Regina and Christopher Lake.

I so present. Thank you.

**Mr. McMorris:** — Thank you, Mr. Speaker. I too have a petition to present on behalf of citizens of the province. The prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

Mr. Speaker, this petition is signed by people from Wadena, Margo, Quill Lake, Watson, Choiceland, and Kuroki.

I so present.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. I too have a petition. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this petition comes from the people of Naicam, Saskatoon, North Battleford, and Spalding.

I so submit.

**Ms. Bakken:** — Thank you, Mr. Speaker. I rise to present a petition on behalf of the citizens of Saskatchewan. And the prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

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

And the petition is signed by residents of Naicam and Spalding.

I so present.

**Mr. Wall:** — Mr. Speaker, it's a pleasure to also rise on behalf of citizens in the province of Saskatchewan with a petition. And, Mr. Speaker, the prayer of this petition reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

Mr. Speaker, the petitioners today are from the communities of Wadena and Buchanan.

I so present.

**Mr. Brkich:** — Mr. Speaker, I too have a petition dealing with

that issue:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

As in duty bound, your petitioners ever pray.

Signed by the good citizens from Regina and Riverhurst.

I so present.

**Mr. Weekes:** — Thank you, Mr. Speaker. I also rise today to present a petition from citizens concerned about the abuse and exploitation of children through the sex trade. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

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

Signed by the good citizens of Borden, Vanscoy, Radisson, Cando, and Biggar.

I so present.

**Ms. Harpauer:** — Thank you, Mr. Speaker. Mr. Speaker, I too rise today to read a petition of citizens about the abuse and exploitation of children through the sex trade. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

And the signatures, Mr. Speaker, are from Archerwill, Wadena, Fosston, and Melville.

I so present.

**Mr. Huyghebaert:** — Thank you, Mr. Speaker. Mr. Speaker, I rise also with a petition from citizens concerned about the exploitation of children in the sex trade. And the petition reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately implement all 49 recommendations of the final report as submitted by the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

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

And, Mr. Speaker, this petition is signed by the good folks of Kuroki, Wadena, and Invermay.

I so present.

#### READING AND RECEIVING PETITIONS

**Deputy Clerk:** — According to order the following petitions have been reviewed and are hereby read and received.

A petition concerning maintenance of K to 12 education in the community of Pangman;

As well as petitions previously tabled, being addendums to sessional paper no. 7, 8, 18, and 31.

#### NOTICES OF MOTIONS AND QUESTIONS

**Mr. Wall:** — Thank you, Mr. Speaker. I give notice that I shall on day no. 39 ask the government the following question:

To the minister responsible for CIC: how many SaskEnergy customers have cancelled their business with SaskEnergy and chosen another Saskatchewan natural gas supplier, from October 1, 2001 to April 30, 2002?

#### INTRODUCTION OF GUESTS

**Mr. Hillson:** — Thank you, Mr. Speaker. I want to introduce to you, seated in your gallery, Mr. Art Hillson. Art visited this building in 1927 and he says that was so long ago there was a Liberal government at the time. This is his first time back since.

Art was a pilot and technician with the RCAF (Royal Canadian Air Force) in the Second World War. He was with 10 Bomber Reconnaissance on convoy patrol and anti-submarine missions — the most successful anti-submarine squadron of World War II.

Mr. Speaker, our family was saddened recently when Art's wife of 57 years passed away. And I would ask all members to kindly join in welcoming him to the legislature today.

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

**Mr. Hillson:** — And, Mr. Speaker, while I'm on my feet, if I may also ask you to welcome to the legislature this afternoon, a great citizen of this province, Mr. Bernie Collins, the former Member of Parliament for Souris-Moose Mountain.

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

**Ms. Eagles:** — Mr. Speaker, I would like to join the member from North Battleford in welcoming Bernie Collins to the legislature this afternoon. He's seated in your gallery. Bernie is the former mayor of the city of Estevan and he was a former Member of Parliament for Souris-Moose Mountain. I was a constituent of his and now he's a constituent of mine.

So I ask you all to join me in welcoming Bernie.

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

**Mr. D'Autremont:** — Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the Assembly, Ms. Carol Skelton, sitting behind the bar on our side, the MP (Member of Parliament) for Saskatoon-Rosetown-Biggan and the opposition Deputy House Leader in the Parliament in Ottawa.

I'd ask all members to welcome her here today.

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

**The Speaker:** — And members of the Assembly, it's my pleasure to draw your attention to the Speaker's gallery and to introduce a very fine looking group of ambassadors for this legislature.

Today is a special day for Visitor Services because this is our guide orientation day and there are six tour guides that are going to be working the summer schedule. Five of them were with us last year and one is joining us as a new employee.

And I would ask them to stand as I introduce them. They are Sarah Bekker, Shawn Keough, Sonia Millette, Selema Forrest, Garret Oledzki, and for her first year in Visitor Services, Marissa Lepage.

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

**The Speaker:** — And of course with them today are our full-timers, Arnold, Diane, and Theresa, and also the director of Visitor Services, Lorraine deMontigny, and her assistant, Marianne Morgan. So welcome again to the new personnel for summer . . . for the summer for our visitors services, and to the full-timers that are here today.

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

(13:45)

#### STATEMENTS BY MEMBERS

##### Wadena Composite School Receives National Recognition

**Ms. Draude:** — Mr. Speaker, school yearbooks contain a synopsis of a school year. Consequently students impatiently wait their arrival every year.

After leaving school your yearbooks become dust collectors, but every once in a while a former student takes them out and travels down memory lane.

Wadena Composite School has produced a top-notch yearbook over the years, winning the Saskatchewan Journalism Award twice in the last six years.

Because of the high quality of work they were chosen to compete in a national competition to be one of 55 schools across Canada to be featured in a new book, *A Day in the Life of High School*, published by Friesen's Yearbook. The book captures in photos what a typical high school day is like and delivers a positive message about the educational facilities across the country. Anthony Wilson-Smith, editor of *Maclean's* magazine, was one of the judges.

Wadena Composite School yearbook editor, Kristin Nakrayko, entered the contest last April by submitting three layouts complete with photos and outlines, depicting a day in the life of WCS students. She had one week to plan and present her layouts.

The school received notification late last week that it was one of 65 schools selected to submit entries for this new book. The finished copy of the book will feature three schools from Saskatchewan.

Mr. Speaker, this exercise was not only one for showcasing high schools, it was an exercise in photojournalism.

I would ask this Assembly to join with me in congratulating Kristin Nakrayko on her winning entry in this book, and the Wadena Composite School students and staff on the high quality of journalism.

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

##### Drop in Number of Welfare Caseloads

**Ms. Junor:** — Thank you, Mr. Speaker. There's further evidence that this government's social strategy, building independence, is working. Again welfare caseloads in March 2002 dropped by 7 per cent compared to March 2001. Welfare caseloads from March 1994 to March 2002 have dropped 25 per cent. And the number of people living in households receiving welfare dropped by one-third. Mr. Speaker, this phenomenon, as some would think, is not just focused in one area, it has been experienced in every region of the province.

Mr. Speaker, getting off welfare breaks the cycle of independent . . . of dependence. Parents become better role models for their children. And speaking of children, the Canadian Council on Social Development reports that child poverty in this province has fallen by nearly 30 per cent since 1993.

We must always remember that children do not live in poverty; they live in families that live in poverty. Our government strategy decreases the level for social assistance and diminishes the chance that people will return to social assistance.

Mr. Speaker, behind every number is the face of someone who is proud to be part of the Saskatchewan workforce. Thank you, Mr. Speaker.

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

##### Woman Celebrates 50 Years with Sorority

**Ms. Eagles:** — Thank you, Mr. Speaker. Helen Czoba is a retired business woman in Estevan and she has received special recognition from the Beta Sigma Phi Sorority. On Tuesday night Helen was honoured on the occasion of her 50 years with Beta Sigma Phi. Helen was a founding member of this sorority in Estevan and is the current president of the Master's chapter.

Mr. Speaker, the member from Carrot River Valley, who is a former employee of Helen's, has asked that I extend his congratulations as well. And, Mr. Speaker, I ask all members of

the legislature to join me in congratulating Helen Czoba.

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

### **Canadian Junior Golf Tournament Planned for Saskatoon**

**Ms. Atkinson:** — Thank you. Mr. Speaker, as one of the few elected representatives in North America who does not sponsor a golf tournament, and as an individual who holds the business end of a golf club not like I should, I'm nevertheless pleased to announce a golfing event coming very soon to the city of Saskatoon in my constituency.

Between August 6 and 9, the Saskatoon Golf and Country Club will be hosting the 2002 Canadian Junior Golf Championships. The Canadian Juniors features Canada's best male golfers in the 18 and under category.

And while I may not be a great golfer, I do know that it's a great spectator as well as participatory sport. And at this early date, I invite all those who can to come out and watch the next Mike Weir or Tiger Woods in action.

And, Mr. Speaker, while I might golf poorly, I do know the beneficial impact of 400-plus visitors to our city. Golfers, officials, spectators, family, and friends; it is estimated that combined they will bring \$1.5 million to our city. For that reason alone, I'm happy to welcome this event.

And of course, once they come for one reason, they'll return for another.

I congratulate the Saskatoon Golf and Country Club for attracting this major sporting event and I wish all participants a sub par performance. Thank you.

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

### **Women of the Year Luncheon in Weyburn**

**Ms. Bakken:** — Mr. Speaker, in Weyburn last week the Quota International held the Women of the Year luncheon to honour women in our community who have shown excellence in community service in the workplace and in business.

The Community Service Award was presented to a most worthwhile recipient, April Sampson. April, a former schoolteacher and piano teacher, is well known for the dedication to the community of Weyburn and for her involvement as a volunteer in numerous organizations.

Wendy Dammann, who became the first female sheriff in Canada, when she was appointed sheriff of Weyburn and district in 1977, received the Award for Excellence in the Workplace. Wendy is known for her directness when dealing with people as well as her unique sense of humour. Wendy will be retiring soon and will be greatly missed at the Weyburn courthouse.

Leslie Smith, a successful real estate broker in Weyburn, received the Entrepreneurial Award of Excellence. In March of this year, Wendy also received another award, the Top 10

Realtor Award for Saskatchewan. Leslie also volunteers with the Red Cross and was one of many who went to New York after the terrorist attack of September 11.

A special congratulations and thank you to April, Wendy, and Leslie, for playing a major part in making Weyburn the best city.

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

### **One-Act Play Festival Finds a New Home at the University of Regina**

**Mr. Van Mulligen:** — Mr. Speaker, over the years many members have made announcements about their local theatre group performing in the annual provincial One-Act Play Festival, sponsored by the Saskatchewan Drama Association. The festival is an important springtime event for our student thespians, and for our audiences who appreciate live theatre. Since 1979, 2,275 plays involving over 45,000 individuals have been performed at regional festivals across the province.

One small drawback to the festival has been its lack of a permanent home. It has been a sort of orphan, moving from empty auditorium to vacant school gymnasium, wherever it could find a temporary spot — until now, Mr. Speaker.

I am happy to announce that as of tonight, through the Faculty of Fine Arts and the theatre department, the University of Regina is the permanent home for this important annual event. Theatre groups participating in the festival will be able to utilize the state-of-the-art facilities of the university theatre in the new Riddell Centre, and take part in the professional development conference which is part of the festival.

Tonight is opening night and plays will be performed from the various regions in Saskatchewan in this new venue for the remainder of the week.

This is good news for the Saskatchewan Drama Association, for the university, and for all the participants in this festival. I urge all members, Mr. Speaker, to take in an evening's entertainment, and the actors to break a leg. Thank you, Mr. Speaker.

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

### **Outlook Rodeo — A Success Once Again**

**Mr. Brkich:** — I rise in the House today to talk about the community of Outlook which recently hosted a very successful spring rodeo event. Over the weekend of April 13, the 10th Annual Outlook and District Spring Rodeo was held with attendance of between 1,100 and 1,200 rodeo fans during each day of the event.

Brian Solnicka, rodeo committee chairperson, indicated all went well and attendance was up from the last few years. Spectators who packed the Outlook Rec Plex that weekend were treated to events such as bareback, saddle bronc, bull riding, calf roping, ladies' barrel racing, and a new feature, junior steer riding, which will be back in 2003.

The community had a very well-organized event, including entertainment such as stock dog demonstrations, chariot and mini chuckwagon races, little giants racing, and mutton-busting.

On Saturday night a crowd of between 400 and 600 people enjoyed the always-entertaining rodeo dance featuring the band, Blue Collar. Erin Ogilvie took home the title of Rodeo Queen beating out five other district contestants. All in all, this event was very successful, as most events usually are in the great community of Outlook.

I would like to ask all the members to join in congratulating the organizers. The 10th annual Outlook and District Spring Rodeo for such a fine event. And also to wish well to Barry Quam who took a tumble as a pickup man, resulting in a broken collarbone and a couple of broken ribs and a concussion. But so far, he's doing fine.

Thank you, Mr. Speaker.

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

#### **New Microscope at University of Saskatchewan**

**Mr. Prebble:** — Thank you very much, Mr. Speaker. Mr. Speaker, the University of Saskatchewan will be purchasing a powerful microscope to examine structures 6,000 times smaller than the width of a human hair. The university will receive \$160,000 from the provincial government's Strategic Investment Fund towards an X-ray photoelectron emission microscope facility.

The microscope will be housed and installed at the Canadian Light Source synchrotron on the University of Saskatchewan campus and will be one of only a handful of such microscopes in the world utilizing the synchrotron light to probe microstructure materials. The microscope is currently set up at the Wisconsin synchrotron and it will be moved to Saskatoon after the Canadian light synchrotron becomes fully operational in 2004.

Stephen Urquhart, an assistant chemistry professor at the University of Saskatchewan, leads a group of 12 researchers from across Canada who are performing experiments on the microscope. Their research will have a wide variety of uses, such as safer medical implants, better plastic materials, new sensors to detect toxins, and longer wearing engine oil additives.

Mr. Speaker, I want to extend my congratulations to all those at the University of Saskatchewan who are involved in this project, including the work of Michael Corcoran, who is the vice-president of research on campus.

Thank you very much, Mr. Speaker.

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

#### **ORAL QUESTIONS**

##### **Federal Response to United States Farm Subsidies**

**Ms. Harpauer:** — Thank you, Mr. Speaker. Mr. Speaker, the

new US (United States) farm Bill threatens the future of agriculture in this province, and indeed, the province entirely. That's why the Saskatchewan Party is extremely disappointed in the initial response from the federal Liberals to yesterday's debate on agriculture.

Lyle Vanclief says he has no intentions of coming to Saskatchewan and Ralph Goodale has made no commitment either. Yesterday, his assistant said he has to be in Ottawa because he's the House Leader and he insinuated that we in Saskatchewan should have checked his schedule.

Well, Mr. Speaker, we did check his schedule and it turns out that the House of Commons doesn't sit the week of May 13. So I'm not sure why they need a House Leader when there's no House. And in fact, the Acting House Leader for the official opposition in Ottawa is here with us today.

Mr. Speaker, has the Premier received any commitment from any of the Liberal ministers and have they told him that they will come to Saskatchewan and discuss Ottawa's position to the latest rounds of the US subsidies with us?

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

**Hon. Mr. Calvert:** — In direct answer to the member's question, I have not heard . . . had any response from the ministers that have been invited by this legislature to come. I have had not a word of response other than the kind of responses that I too have seen in the media which, on first glance, are very disturbing.

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

**Ms. Harpauer:** — Thank you, Mr. Speaker. Once again, the federal Liberals seem to be giving Saskatchewan the brush-off.

When Bombardier needed a bailout in Quebec, they were there in an instant. But when Saskatchewan farmers are under attack from billions of dollars of US subsidies, they won't even come to Saskatchewan and explain their response.

At the very least, Mr. Speaker, you would think that Ralph Goodale would respond to this request. He's Saskatchewan's only federal minister. He's a former leader of the Liberal Party and he's a former member of this very Assembly. Yet it seems that he's far too busy to come to this Assembly and address the major crisis.

Mr. Speaker, what further steps is the government considering to raise this issue with the federal Liberals?

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

**Hon. Mr. Calvert:** — Mr. Speaker, we have communicated, of course, the motion that was passed here in the legislature in writing and communicated specific invitations to each of the above ministers of the federal government.

I have today written the Prime Minister of Canada informing him of our resolution and of the request to his ministers. I have today invited the provincial Leader of the Liberal Party, Mr. David Karwacki, to join us; to join us as political leaders of this

province in calling upon the federal ministers and federal Liberal government to respond.

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

(14:00)

### Protection of Children from Sexual Exploitation

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, my question is for the Premier.

Bill No. 2, An Act respecting Emergency Protection for Victims of Child Sexual Abuse is before this Assembly today. The Saskatchewan Party intends to propose amendments to the Bill that would strengthen and clarify the legislation so that it will truly protect the child victims as its title indicates.

Many of the amendments come directly from the final report of the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade. Others come as recommended by police officers who work with youth at risk and who are in regular contact with victims of the sex trade.

Mr. Speaker, we provided the ministers of Justice and Social Services with the proposed amendments earlier this week. Will the NDP (New Democratic Party) support the amendments proposed to this legislation?

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

**Hon. Mr. Hagel:** — Mr. Speaker, as we go through Committee of the Whole this afternoon we'll look forward to the amendments coming to the floor and we'll respond at that time.

The amendments were provided a short period of time ago and the officials have looked at them and we've reviewed them. And we'll deal with them as we go through the committee, as is the normal process, Mr. Speaker.

But let me make it very clear, Mr. Speaker, that this is a government that will not take lightly the despicable acts of some in our society who would prey on some of the most vulnerable of children of our society. And the legislation that we find in Bill 2 is leading the nation, Mr. Speaker, in taking action to protect kids from perpetrators, Mr. Speaker.

And it is going to result, Mr. Speaker, when put into place and proclaimed and activated with the other strategies that we have, Mr. Speaker, in a shift. For too long when it's been perpetrators against victims of sexual exploitation, it's been advantage perpetrators. After this Act goes through, Mr. Speaker, it will be advantage cops in the interest of vulnerable kids in the province of Saskatchewan.

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

**Ms. Julé:** — Mr. Speaker, it is very clear that this Act needs some teeth in order to implement the very measures that are in it. Without that this Bill will be an empty shell of legislation.

Mr. Speaker, the first amendment to clause 3 in Bill No. 2 is taken directly from the draft legislation included in the special

committee's final report. It would provide detail and consistency in defining the factors a court must consider when determining the best interests of the child victim. Some of those factors are the child's safety, their present and future well-being, their physical and emotional needs, and the importance of continuity in providing the child with protection, support, and assistance.

This amendment is similar to a purposed section in The Child and Family Services Act and provides context for the legal framework for the Bill and reminds the court, when considering this legislation, of the core purpose of the Act.

Mr. Speaker, will the Minister of Justice support the amendment to clause 3 of Bill No. 2?

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

**Hon. Mr. Hagel:** — Mr. Speaker, as we all know and understand, the process of the House is that after having second reading passage of the Bill, which happened expeditiously in this House, then we proceed to clause by clause consideration in Committee of the Whole, and we'll do that this day.

I assure all hon. members, Mr. Speaker, but more importantly I assure the children, the victims of sexual exploitation and abuse in the province of Saskatchewan, that when we're done we will have the strongest possible protection that is defensible against Charter challenge, that will provide the best possible protection and assurance of security and the opportunity to heal that will be available anywhere in Canada right here in the province of Saskatchewan.

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

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, the government opposite had indicated at the end of the last legislative session that they needed the time, appropriate time to make sure that this Bill, this legislation that we're going to put in place, was effective and was a good Bill.

The fact of the matter is there are amendments needed in order to make this Bill a strong Bill. And they had the time. We proposing the amendments today. The minister has had time to look over them. They should have acted by now and given us the answer to these questions by now.

Mr. Speaker, we will propose an amendment to clause 16(1) and (2). The proposed change would allow the police to ask all occupants of a vehicle stopped on the suspicion of possible child sexual abuse for their identification and their age. That is not included in the present Bill.

This would apply to a vehicle stopped anywhere or one stopped on the stroll. At present, Mr. Speaker, the police can only ask for the identification of the driver of the vehicle. Their investigative powers are limited to the driver. For the protection of child victims, the police need the authority to also question children at risk that are in a vehicle the police have stopped.

**The Speaker:** — Would the member go directly to the question, please.

**Ms. Julé:** — Mr. Speaker, will the Minister of Justice and the NDP support this amendment?

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

**Hon. Mr. Hagel:** — Mr. Speaker, as we will debate in specificity when we get to Committee of the Whole later this afternoon, as we move the Bill forward and to proclamation and bring into force the Bill and the accompanying strategy, Mr. Speaker, it will become obvious that the amendment that the hon. member talks about in fact is an authority that already exists and does not need to be repeated in another piece of the legislation.

Mr. Speaker, we'll look carefully at the amendments which were provided to us just a few short days ago. And, Mr. Speaker, we'll be responding in detail as we come before them.

But once again let me make it very, very clear that when this legislation is through, then Saskatchewan will be leading the nation in providing for our vulnerable kids the protections we need to separate the perpetrators from the kids and to give those kids who . . . children, who are the children of Saskatchewan, Mr. Speaker, to give those kids the best possible protection and the best possible opportunity to move forward with their lives in the future with a sense of hope and optimism right here in the province of Saskatchewan.

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

**Ms. Julé:** — . . . Mr. Speaker. And, Mr. Speaker, the Saskatchewan Party members on this side of the House want the best possible legislation also to protect those children. That is why it is imminently important that the government accept these amendments today. That is why it is important that that side of the House, that that minister would have looked at these amendments, saw how very reasonable they were — and necessary — and have his answer ready for us today.

Mr. Speaker, we're going to propose another amendment. And it would clearly state that peace officers who have stopped a vehicle and believe there are grounds to apply for an emergency protection order may continue to detain the vehicle, its driver, and any occupants in order to apply for and either obtain or be turned down for that order.

The Act in its present form already allows for emergency protection order hearings to be conducted by telecommunications, but it doesn't make it clear that peace officers can continue to detain a vehicle and its occupants while this is underway. This amendment makes sense to clarify when a suspect vehicle and its occupants may be detained.

Mr. Speaker, will the minister and the NDP support this amendment?

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

**Hon. Mr. Hagel:** — Mr. Speaker, when you're doing something that is leading the nation, you want to do it on a basis that is sound and that is constitutionally defensible. And in bringing forth this legislation . . . If the hon. member will listen to the answer, I'll continue and provide it for her.

What you do is you bring forward, Mr. Speaker, legislation that is sound and that you know what will work. And we are basing our legislation on the victims of domestic violence — legislation, by the way, that also was initiated in the province of Saskatchewan.

You have to be very, very careful, Mr. Speaker, when getting in the balance of rights which is what is involved in the Bill that is before us here today, that you don't go so far as to jeopardize the security of good, solid legislation because somebody wanted to push it a little farther than might be able to be confidently sustain a challenge.

Mr. Speaker, this is a government that is committed to bring forth legislation that will work, that will be defensible against challenge, and that the victims of sexual exploitation in Saskatchewan can count on as they look forward to their futures safely here in the province of Saskatchewan.

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

**Ms. Julé:** — Mr. Speaker, the minister's comments are the very reason for the need for these amendments, so I'm asking him to accept them.

Mr. Speaker, we are also calling for the amendment of clause 24 of this legislation today. Right now clause 24 states the maximum fine for a person found guilty of an offence in contravention to this Act is \$25,000 — that's the maximum. My amendment will allow . . . or will follow the recommendation no. 4 of the special . . .

**The Speaker:** — Order, please. Members will allow the member from Humboldt to complete her question, please.

**Ms. Julé:** — Mr. Speaker, the amendment put forward will allow the recommendation of the special committee, recommendation no. 4, which was that the minimum fine be \$25,000. Mr. Speaker, this fine would serve as a much greater deterrent to johns and pimps who prey on children.

Will the Minister of Justice and the NDP support this amendment?

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

**Hon. Mr. Hagel:** — Mr. Speaker, it is commonly understood that when you're drafting legislation and you look at minimums and maximums, that you want to have something that will work. And it is understood very clearly by track record, Mr. Speaker, that when your maximums are too high you run the risk of police officers choosing not to proceed with charges at times or the courts, Mr. Speaker, being less inclined or much more hesitant to find guilty convictions.

Mr. Speaker, that is understood; that is part of history. And part of what you want to do when you put in place the penalties in legislation is to find that balance that will enable the courts to use their discretion to judge in the severity of the act and the appropriate punishment. And you do it in such a way that it would be applied consistently and will therefore sustain challenge, Mr. Speaker, and will be a reliable part of the protection for vulnerable kids here in the province of



Saskatchewan.

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

**Ms. Julé:** — Mr. Speaker, that minister and his government are ignoring the recommendation put forward in the committee to prevent the sexual abuse and exploitation of children. And that recommendation was that there be a minimum mandatory fine of \$25,000.

Mr. Speaker, we also have to propose another amendment that will cause this Act to come into force six months from the day it receives Royal Assent rather than on proclamation. As we know, there are quite a few pieces of legislation that are passed by this Assembly but are never proclaimed. And we certainly don't want that to happen in this case.

Mr. Speaker, we don't want this Act to sit on the shelf. Will the Minister of Justice and the NDP allow this legislation to come into effect on assent?

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

**Hon. Mr. Hagel:** — Mr. Speaker, the hon. member has given to me notice that she intends to propose an amendment that will bring the Act into force six months from now — November 1, if it passes today.

Mr. Speaker, let me say to the House, I'm not prepared to wait that long. It is my objective to bring this Act into place and to have it proclaimed and in place with everyone properly trained so that we can ensure that for the young victims of sexual exploitation in Saskatchewan, they have the best possible protection.

It is my objective, Mr. Speaker, to have it in place by October 1. I am not prepared to wait as long as the hon. member from the opposition . . .

**The Speaker:** — Order, order. Order, order.

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

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, the minister knows very well that I asked for this Bill to come into legislation . . . into force on assent. So the tirade was not necessary.

Mr. Speaker, if the NDP refuse to approve this amendment, will the minister stand in this House today and assure the people of Saskatchewan that this Act will be proclaimed the same day it receives Royal Assent?

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

**Hon. Mr. Hagel:** — Mr. Speaker, this is a government that has had a policy position for some time that designates that these victims of sexual exploitation, these children are victims.

It is our intention, not only with this piece of legislation but with the priority provision of protection services for them, as well as the building of a new safe shelter here in the city of Regina, that we will move forward with properly trained police

officers and other officials to put into place in a reliable way all of the expectations that are placed in the Bill that will be before us today.

Mr. Speaker, I am not prepared to accept the hon. member's suggestion, as she provided me her notice, that she wanted to see the amendment, to put it . . . to have it proclaimed in six months. I'm not prepared to wait that long, because I think we can be there sooner.

Mr. Speaker, our target is that by October 1 the training will be done, the system will be in place, that we can move forward and we can assure these victims of sexual exploitation in Saskatchewan that they will have the protection that they want and they deserve — our children here in the province of Saskatchewan.

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

(14:15)

**Ms. Julé:** — Mr. Speaker, in order for there to be an effective and meaningful strategy to protect children from exploitation by perpetrators and to assist child victims and families with services needed for their recovery, it is necessary for all of the recommendations made by the special committee to be working in a synchronized, complementary fashion. The committee did not intend for legislation to be pieced together here and there.

As Bill 2 stands right now, peace officers would have only limited powers of protection and investigation. Child sex offenders or anyone contributing to the exploitation of children would likely not be subject to any stiffer penalties than in the past if there is not a minimum mandatory fine.

Bill No. 2 is officially titled, An Act respecting Emergency Protection for Victims of Child and Sexual Abuse, but in terms of emergency protection and follow-up services for children, this Bill is weak. Mr. Speaker, will the NDP support these amendments so Saskatchewan will have strong legislation that will actually protect our children and provide definitive measures to assist them on the road to healing and recovery?

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

**Hon. Mr. Hagel:** — Mr. Speaker, I would encourage the hon. member opposite to put down her written questions and to bring a sincere desire to do what will serve the children of Saskatchewan well, Mr. Speaker. Our commitment . . . our commitment is clear and it is simple. These are kids, Mr. Speaker, who have had enough messing with their lives, and what I encourage is that when we come to this Assembly that we . . .

**The Speaker:** — Order, please. Order, please. Order, please. Once again I recognize the Minister of Social Services. Order, please. Once again I just . . . Order.

**Hon. Mr. Hagel:** — Mr. Speaker, it's very clear that these are kids who don't need people playing games with solutions that they need.

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

**Hon. Mr. Hagel:** — Mr. Speaker, as a long-standing member of this House, I was proud of the decision of this House to pass, in a single day, the second reading of Bill 2, an Act which is intended to protect victims of sexual exploitation.

I encourage all hon. members of this House on this day, when we come to consideration in Committee of the Whole, to put into place a Bill that will lead the nation in providing protection for these kids; that we will work together; that we will do it in the best interests of those for whom it is all intended — these children who are our children, Mr. Speaker, and who count on us to provide them the protection they need here in our province.

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

### Accuracy of Budgetary Projections

**Mr. Hillson:** — On March 27 the Minister of Finance delivered a budget which, according to his figures, showed a surplus of \$45,000. Now since that date, we have had a nurses' contract which has added \$70 million to the tab. We have had the government's backing down on their disgraceful attempt to gouge \$7 million out of nursing home residents, and we still don't have the bill from the teachers' contract.

My question for the Minister of Finance: what does the surplus currently stand at?

**Hon. Mr. Cline:** — Well, Mr. Speaker, the question itself is not accurate even on its face. The member gets up and says that we're spending \$70 million on a nursing contract in this coming fiscal year, when the member should know it's over three years, Mr. Speaker. And I want to say to the member that this government in presenting the budget took into account that there would be a settlement — hopefully, which there has been — with the nurses, and we will plan accordingly, Mr. Speaker.

And this government will do what it has done for the last nine years, Mr. Speaker, which will be to keep a reasonable balance between taxation of the people on the one hand and provision of public services on the other, paying down the debt, reducing the debt as a percentage of GDP (gross domestic product), and doing things in a reasonable way as we have been doing over the opposition of the members opposite, Mr. Speaker.

That's our record and that's what we'll continue to do, Mr. Speaker.

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

**Mr. Hillson:** — Mr. Speaker, rabbits are well known for their ability to reproduce. But recently, the Minister of Finance has been pulling them out of the hat so fast and furious that mommy and daddy rabbit can't keep up. Now, Mr. Speaker, they've raided the CIC (Crown Investments Corporation of Saskatchewan) fund, they've raided the Victims' Fund, they've raided the wildlife fund, they've raided everything that wasn't nailed down.

My question for the Premier: how can he possibly put together a budget next year, or is his plan not to have to put together a budget next year, but to call an election before he has to reveal

to the people of Saskatchewan the drastic state of our province's finances after only one year of his government?

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

**Hon. Mr. Cline:** — Well talk about a hare-brained question, Mr. Speaker. But I want to say, as that member goes . . .

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

**Hon. Mr. Cline:** — . . . what I want to say is that member, as usual, goes hopping from non sequitur to non sequitur, Mr. Speaker. That to me he's not like a rabbit; when he starts talking about an election, he's like a turkey voting for an early Thanksgiving, Mr. Speaker.

And I want to tell that member that when the opportunity comes, as it ultimately will, for the people to judge this budget, they'll see that we're continuing to fix the roads, which the people support even if that member and the opposition don't; we're continuing to reduce personal income taxes, which the people support even if that member and the opposition don't; and we're not bringing in increased provincial sales tax as their friends in British Columbia are; and we're not bringing higher medicare premiums, as their friends in Alberta and BC (British Columbia) are.

So ultimately the people will judge, and I predict they'll support the budget, Mr. Speaker.

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

## INTRODUCTION OF BILLS

### Bill No. 40 — The Highway Traffic Amendment Act, 2002

**Hon. Mr. Sonntag:** — Mr. Speaker, I move that Bill No. 40, The Highway Traffic Amendment Act, 2002 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.

**Hon. Mr. Lautermilch:** — Before orders of the day, Mr. Speaker.

**The Speaker:** — Would the member . . . would the House Leader repeat that, please?

**Hon. Mr. Lautermilch:** — Leave to introduce a motion with . . . related to House hours.

Leave granted.

## MOTIONS

### Hours of Sitting

**Hon. Mr. Lautermilch:** — Thank you. Mr. Speaker, I move, seconded by the member from Cannington, that notwithstanding rule 3(4) of the *Rules and Procedures of the Legislative Assembly of Saskatchewan* that when this Assembly adjourns on Thursday, May 16, 2002, it do stand adjourned

until Wednesday, May 22, at 1:30 p.m. I so move.

Motion agreed to.

### ORDERS OF THE DAY

### WRITTEN QUESTIONS

**Mr. Yates:** — Thank you, Mr. Speaker. I'm extremely pleased today to stand and respond on behalf of the government to written question no. 145.

**The Speaker:** — The response to 145 has been tabled.

### GOVERNMENT ORDERS

### ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 14

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Sonntag that **Bill No. 14 — The Vehicle Administration Amendment Act, 2002** be now read a second time.

**Mr. Brkich:** — Thank you, Mr. Speaker. It's my pleasure today to talk about some of the points on The Vehicle Administration Amendment Act, 2002.

Just going through some of the notes here, I see that this Bill deals with a variety of things, including issues from licensing to registration; also legislation dealing with penalties for impaired driving, and also, I believe, dealing with orders on . . . maintenance orders and enforcement of that. So there is a few questions we have about this Bill and a few points on this and there are probably many questions we will ask under Committee of the Whole.

But some of the points today, since this is just a debate, I will touch on some of the points on the Bill.

One of them — the first one I guess — dealing with the ignition interlock device that's going in. According to this, I believe that it's going to be a change that possibly extends the ignition interlock program to repeat offenders.

I think previously only first time offenders were able to use this program, if I understand this Bill right. If I understand, the ignition interlock device itself works this way: the device is installed in a vehicle whereby the driver must provide a breath sample under the legal limit in order that the vehicle may start.

And one of the things . . . I have been looking through the Bill. I see that they have to take a course and also lays out some consequences of people who try to get around the equipment, which is a good thing. In both the case of the driver in the program or by a third party. This would appear to be a good deterrent against tampering with the device itself.

In cases where the judge authorizes an ignition interlock device, I guess the driver apparently sent a letter advising that they

complete an addiction screening and education and also a recovery program to be eligible for an ignition interlock — which is good. After the successful completion of this course, drivers are advised to contact the installer of the equipment.

And apparently they're going to do it any through Saskatchewan . . . any through CAA (Canadian Automobile Association) to see . . . do computer check. The only problem that I would have with that is many of my garages out in the rural constituencies possibly don't handle . . . aren't CAA approved. But I think that they could very well install it after taking a course. So I would encourage the minister to possibly look at expanding this to other garages, which would help things out in the rural constituencies.

And also a lot of . . . might have two, three garages in a certain town; and I know in the town of Davidson, there are only one or two that might be CAA approved even though they are all equally capable of doing it. So I hope they spread that around.

Dealing with repeat offenders entering into this program, you know, that's a little bit of a risk, because when you deal with the repeat offenders, you also . . . they also represent possibly the greatest risk to society as their very nature that they didn't learn the first time.

First time offenders, I mean, this is a good program for them, because I mean everybody does make mistakes here, Mr. Speaker. But once you deal with repeat offenders, you know, there can be . . . I think there's probably, hopefully, a process that if this is their third, fourth, fifth time, they probably won't be allowed into the program. And those are questions we will be asking the officials under Committee of the Whole.

And I would . . . directly following, I believe its passage into law, would involve monitoring the program. Now going through the legislation I can only figure out that the installer is required to 30- to 60-day intervals now in place. Maybe you might be able to, on repeat offenders, you might have to recheck that.

(14:30)

I understand the ignition interlock device has been used in several other provinces in Canada with a good deal of success, so far they say. While I know it would be difficult to keep stats on the success rates of other provincial programs, I think it would serve this Assembly well to have a report from the minister within the next year to determine if this program is working as well as it should.

I believe there's 134 devices out there now. I've talked to a couple of . . . in fact one person that was on the . . . through SGI (Saskatchewan Government Insurance) which is on the committee. And they were informing that there were 134 devices installed, which is a good thing because, like I say, people make mistakes the first time out, you know, and they still need a chance to go to work. Because when you take away their licence and their ability to work, then you're just putting them back on either a welfare roll or unemployment roll and further hampering them.

So we support this ignition interlock program as long as, like I

say, some of the rules that are set up are followed and monitored. It would be nice to follow the stats on it.

Some of the questions we'll have under the Committee of the Whole, I think we'll be asking is who pays for the interlock system? Is it the taxpayer or the offender? And then also I guess, how would a person in a financial condition be able to afford this device, you know, which would . . . if you only had maybe a minimum wage job?

Now I think that the way it works, I would like to talk a little bit about . . . when I talked to the one person that was on the committee, they said that you would have to blow into the machine at certain intervals to make sure that you just didn't get somebody to start it for you, you know, let's say if you were at a bar or whatever. But she couldn't answer me though how were they going to check this. Does the car automatically shut down every hour, half-hour and you have to blow it? Or is there kind of a warning system that will come on and say within a couple of minutes you have to pull over, your car is going to quit unless . . . like those are questions we'll deal with Committee of Finance.

But I'm a little curious about how that would be on the safety issue of it. And also the device itself, I'm kind of curious to talk to some of the officials to see how that would work because I know some of the concerns are raised, and we have talked to people of . . . you know, basically is there some kind of a . . . I think there's a finger . . . a thumb imprint you also have to use or even a voice monitoring something, and then blow into it, so you're just not getting your passenger or just somebody walking by in the street to start your car for you. Those are issues, you know, that doesn't deal in here and also didn't deal with the minister.

And I know a lot of them questions will be answered under Committee of the Whole, but these are some of the points that if they are reading that they will hopefully be bringing that information when the Bill moves to the Committee of the Whole. And these are some of the questions I plan to ask. So those are the premises I guess I'm going to be laying out in the next few minutes of the questions I plan to ask under Committee of the Whole on this Bill.

They're not addressed on that . . . What kind of device are they going to use? Is it a fingerprint? Is it a voice check? How basically will it be used in a correct manner so that the person that is actually driving the car is identified as the owner and operator of that vehicle, and that he is sober and able to operate a vehicle?

Will it be just operated during the . . . One of the other options is, I think I've read about, is they can only be operated possibly during daylight hours. If you have . . . you take your job . . . if when you apply, your job is a daylight hour job, the device will only work maybe on a 12-hour period so that you can't also use your vehicle at night for pleasure. You're just using it basically to go to work.

And those are good points that have been brought to us by different interest groups over the time on it.

One of the other issues on it . . . Also I believe that changing the

legislation in this, if I understand it right, will change the alcohol tolerance for new drivers which I presume means probation drivers — which I'm not even sure, I think is from 16 to 18 or maybe 16 to 17.

Zero alcohol tolerance for new drivers which is a good initiative. A 90-day immediate roadside suspension which is good because unfortunate I think everybody probably knows of, in their area, of a 16-year-old kid that has only had his licence for very short months. I've known a few over my lifetime in my area that were killed in a rollover, and unfortunately there was alcohol involved in it. And, you know, at 16 years of age, you know, that's a very sad, sad thing.

So the alcohol tolerance for new drivers is a good initiative at that end of it, I believe — anything that can save somebody's life or get some more education on the drinking on it.

Presumably also it's going to deal with failure to stop measures and medical issues dealing with the certification process, I guess, with an odd . . . with odds towards . . . or leaning towards commercial drivers who may need to fast get medical certification, which is a good thing.

I have a constituent of mine who had a class 1 licence and one day had a seizure. Went to the doctor and the doctor reported and his class 1 was suspended — he was given his class 5. They thought that he had dealt possibly with a stroke; they weren't sure what kind of seizure it was.

He never had another one since then, has gone for numerous tests, and the medical profession has yet to determine why that particular day he had a seizure. And it wasn't behind the wheel or anything; it was just at home he passed out — you know, felt concerned and went to the doctor. And he didn't mind his licence being suspended for six months.

But apparently now there's what you call a five-year . . . on his there was a five-year waiting process on it. So he applied and they looked at the medical report. Even though they had not determined what had caused his seizure or passing out at that particular time — they had no records or no indication of it; he was willing to do as many tests as they wanted — they still refused to grant him his class 1 licence back.

So then from there he went to the appeal process and they turned him down. So he approached me and I took my case to the minister, but still we couldn't get it turned around.

So two and a half years so far, Mr. Speaker, he hasn't had a class 1 licence. And in two and a half years, he hasn't had . . . passed out, hasn't had another seizure. The medical profession has yet to determine what happened. It just may be a freak thing. It could have been a little bit of stress at the time. He said he was under a little bit of stress that time due to some personal stuff; that stuff is resolved.

I feel that he should have been granted his licence back under that so he could make a living as a truck driver. When you're away from it for five years under that condition, it's very hard to get back into it.

Now this Bill some . . . mentions a little bit, and we'll deal more

under Committee of the Whole in it. But I hope, and I would hope, that the minister would address this because I know that there is similar cases out there where a doctor will . . . And they're required by law which is a good thing to report that on class 1 licences.

But five years, specially if the driver has gone possibly a year without any complications, I think it should be re-granted or re-looked at, and looked at with an open mind instead of just the bureaucrat looking and saying, no, it's a five-year rule when your licence is first revoked before we give it back to you again. As long as you go five years without another seizure or passing out. I feel that that should be looked at and I hope the minister will, will look at that. And that's something that should be dealt with.

Five years is a long time. I would say a year. If they haven't had any medical complications within a year, they should be able to go back. And if a doctor says, I cannot find any medically wrong with you, I believe that they should be reinstated to drive again.

Because it does affect, I believe . . . I haven't got the stats on it but I know that one person. I also know another one that said he had his licence removed for five years. And same thing. He . . . his condition had drastically improved after two years and he'd gone a year basically being medical free, but still the board insisted that he wait the full five years. And that is wrong. And I hope that that addresses that under this end of it.

Some of the other things is maintenance enforcement order. Now I'm not sure exactly how that works because same thing — the minister doesn't address it very good in his opening remarks. And I also phoned his office to try and get some more information on it and it still hasn't come back on it yet.

I'm not sure if this follows in accordance with what's happening in the rest of Canada, Mr. Speaker. I know that there is, and it's been mentioned here in the House and mentioned to me from various groups, that they would like to see more of a national policy, a maintenance order spread right across the . . . Canada from one end and to the other, where it can make maintenance enforcement easier to get.

On that end of it, especially now with people moving so much . . . I mean we talk constantly of Saskatchewan unfortunately; it's a bad situation with people moving out of Saskatchewan. I mean it's been raised in this House constantly. And it's a fact. I mean you just have to deal with StatsCanada to deal the people that are moving. And jobs now are . . . it's nothing to be, you know, in Alberta.

I went back home last night. I ran into a guy from Bladworth I hadn't seen. He . . . I thought he'd been working in Saskatoon. I said, I haven't seen you for a few months. He said, well I moved to Calgary with my job eight months ago. And I said, well you know, I didn't even realize it. But there's more . . . a lot more of that going on.

So with people going back and forth, working out of province, I think that we can . . . I know it's been approached and I've had several cases I've handled where maintenance order, the wife or the person has tried to collect maintenance for the children and

that person is working out of province. And basically there's a board there you apply to, but they have kind of a separate set of rules and you kind of like start all over again.

And you have to go kind of through the Saskatchewan board and then they apply to, let's say if you're using the BC board. And between the two of them, it's like a two-year process. You have to reapply to the Saskatchewan board when it's done out of province and then from there, they reapply and they're put on the waiting list in BC. And that will last anywhere from six months to another year on that.

So that's one of the . . . That's another issue on it. And I'm not sure exactly how this falls into it. I'm not sure whether they tack a penalty onto your licence or they suspend it if you don't pay.

And also there should be provisions done on it also to protect the person that is being charged with . . . or getting maintenance . . . (inaudible) . . . because sometimes he will be in the appeal process and it'll be before the courts and he will be owing an outrageous amount, and maybe he felt that, unfairly, he is paying too much, and it's before the courts. Will this automatically take away his licence and his ability to work while that appeal process is going on until it is finalized? Because unfortunately, as everyone knows, divorces aren't . . . can be very bitter and people can be very spiteful, especially when they're dealing with children in . . . involved into it.

And so basically you want to protect both people in the parties because, I mean, to be fair to them. And I'm hoping at this end that it is fairly fair on it. So on that issue.

One of the other ones on here, if I . . . going through here. I know I'd made some notes on it and as soon as I can find them on here. It also deals with . . . There is one question I had on this Bill which I didn't quite understand, it's in existing positions. It says, the administrator may, after a hearing of which reasonable notice has been given, refuse to issue, suspend for a stated period, cancel or revoke, or change the class of any endorsement on driver's licence, or restrict the use of a driver's licence. And that's basically all it says.

So my question is what do they mean by the administrator? Do they mean the SGI agent in town? Is that what they mean by it, Mr. Speaker? Because I mean, they just have administrator in it, at that end of it. And I also phoned over to his office — the minister's office — and I didn't get a reply back on this.

Or does this mean a police officer, when they call administrator. Does that mean when he revokes a licence . . . at 90 . . . (inaudible interjection) . . . And there's a member over there — check that — and we did. And it doesn't state it. But if he wants to get up under Committee of Whole, we will address this. Or he can get up and also come over after, and we can answer some of these questions on it.

But anyways that's another question we're dealing with on the administrator end of it. But what . . . does that mean the licensing, SGI has the authority up here or is an SGI agent out there in the local towns that . . . that have the . . . have to deal with that? So there, there is . . . there's some questions and those questions will be asked and hopefully they will be

answered under Committee of the Whole. We move this . . . this Bill along.

(14:45)

Also I think it deals a little bit with failing to stop for a police officer and we're . . . some questions on that; what are . . . exactly are the penalties, the consequences? I mean, naturally they have the minimum . . . they have . . .

**The Speaker:** — Order. Order, please. I ask members not to interfere with the member who's speaking.

**Mr. Brkich:** — Thank you, Mr. Speaker. And those are different questions we'll be asking under . . . under Committee of the Whole at that end of it.

But going through some of them, like say getting back to the monitoring of medical conditions also, we're not sure exactly how this is going to work interprovincial on the medical licensing end of it.

When a driver comes out of the States, Mr. Speaker, and I'm not sure but I think . . . I'm not sure on their medically restrictions, but I know that they do vary from state to state and there's 50 states to go through and 50 Acts to read there. What are their . . . what are restrictions placed on them when they're stopped and they're asked for their medical certificates. And they have different classes of drivers' licence down there, how will that basically affect a driver . . . out-of-province driver?

Also, even interprovincial drivers, is this Act . . . has the minister checked on the medical restrictions? Is this fairly consistent with it across the board so that, you know, one driver won't be restricted coming in out of province here?

Because I mean, basically most drivers drive inter-province, most of them drive through the interstate, you know, through North America, even going, you know, into Mexico. I know several drivers that make a vegetable and fruit run there, you know, twice, three times a month. So any kind of restrictions you put on them and more paperwork is also . . . is also very, very hard on them, Mr. Speaker, at that end of it.

But those are . . . we hope that the minister addresses them problems because I mean trucking industry is an industry that is growing throughout this country. There's many truck drivers . . . in fact in the wintertime, most of . . . a lot of the farmers in my area, my constituents drive truck in the wintertime that . . . to supplement the income because, basically, there just isn't enough money on the farm to do it.

And trucking seems to be a growing industry back home. In fact, Kenaston — my hometown there — there it's jokingly referred to as trucking capital of the world there. I think there's probably more truck drivers per capita in that town of Kenaston than just about anywhere in Saskatchewan, Mr. Speaker.

But with that, those are some of the addresses . . . or some of the things we will be addressing on this Bill, Mr. Speaker, on it. But we did talk over it in caucus, and I did talk to some people on it and talked to one or two people that were actually on the committee that drafted this Bill.

And, with that, we will probably in fact move this Bill onto committee, Mr. Speaker, with this particular Bill. And there . . . but there, I will have some of the questions that I brought up here and I hope that the minister will have his officials there to be ready to answer them at that particular time.

With that, thank you, Mr. Speaker.

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

#### Bill No. 4

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Sonntag that **Bill No. 4 — The SaskEnergy Amendment Act, 2002** be now read a second time.

**Mr. Brkich:** — Thank you, Mr. Speaker. I rise in this House today and make a few points about Bill No. 4, The SaskEnergy Amendment Act, 2002. The deputy critic for CIC . . . I enjoy working with the member from Swift Current as we take a close look at the details of this Bill. And also, I would like to echo my colleague's comments when he spoke about, you know, the good aspects of the Bill and also some troubling aspects of the Bill.

When you look at the commercial oilfield producers, this Act will benefit them. There's every reason to believe that these oilfield producers will be satisfied with some of the provisions that will allow them to run their own natural gas line between their facilities.

And up to this point, I thought that would have been automatic that they could even do that between their own oil derricks and all kind of facilities out there, but it sometimes, it's . . . you don't realize how restrictive this NDP government can be at certain times.

Certainly we want to ensure — and I hope this government wants to ensure — that Saskatchewan oil producers get all the help they need to succeed. There are many families that are dependent on this industry and of course the communities and businesses that benefit from a growing oil and gas industry. But also I believe there is a lot more that this government can do to make this a more business-friendly climate for these oil and gas producers. They need the tools, Mr. Speaker, to expand and grow their present businesses. And this hopefully will help them also eliminate some of the red tape and also the waiting.

I understand talking to one or two of them that some of them had to wait just due to restrictions on red tape and also had to wait before SaskEnergy could hook up. Sometimes there was a wait of months which holds up production. When they had the equipment and technology, they could have been doing it themselves, Mr. Speaker.

But one of the other things that did not enlighten us much on this, on this . . . going through it, some of the points I've written down here. There's some critical provisions on Bill No. 42 that they could have . . . that could have a definite impact on Saskatchewan taxpayers.

You know it appears that the people at SaskEnergy want the power to set up and maintain any committee of the board of directors that they would deem necessary to conduct the business affairs of the corporation. Now it's completely unclear as to who would sit on these boards, whether they'd be elected, whether they would be a most likely appointed NDP. Ex-NDP MLA (Member of the Legislative Assembly) members I imagine will probably, a few of them after the next election, will, could be looking to sit on that board. But how much . . . Another thing is how much will they be paid in the event, at that end of it.

It also looks like the government also likes to keep growing government by setting up more committees, more things to study things.

Another aspect of this Bill that can be troubling and would trouble a taxpayer when I've mentioned to a few about this, is right now section 19 of this Bill would seek to eliminate the \$200,000 cap for large-scale expenditures such as capital assets, capitals expenditures, and of course, the occasional investment outside the province.

Now, Mr. Speaker, going through it, I know \$200,000 is low. A lot of the other companies — SaskPower, SaskTel — have had theirs I believe raised or maybe even eliminated.

But my concern is though there should be a cap on it. Because then again it's the same thing that this Crown can basically go and spend any amount of money without going to cabinet for approval. And I think there should be a cap on it, whether it be \$1 million, a million and a half.

We've discussed . . . Different things have come up in CIC committees which have dealt with this, whether it be even in the old days . . . (inaudible) . . . Channel Lake was. And a corporation can run into trouble basically being unmonitored, and when you're lifting the cap completely saying that they don't need cabinet approval for any kind of expenditures, I think that's wrong; and we may be looking at dealing with that in Committee of the Whole, but basically it's . . . I think that was originally, when that was set up, that 200,000, it was set up as a watchdog.

And that when it was that was many years ago and \$200,000 is low now. So it needs to be . . . you know, we have no definitely arguments to it being raised, but there should be some kind of a cap on it because basically what you're giving is SaskEnergy a free carte blanche to basically go and buy anything they want. And the only recourse again is to deal with them under CIC committee on their annual report which is a year behind all the time.

And basically, they don't have to answer to anything. And as members opposite being in cabinet, I think I would want to know any large expenditures that this company is out there making. You know, as minister responsible for them, you'd think he would be concerned that there would be a limit or that they would at least seek cabinet approval to be . . . when they start spending anywhere, when they start spending in excess of millions and millions of dollars. I think that's a safety net that should be there and I would think that as a minister over there he would want that some kind of a cap put in place.

So I'm hoping that he looks and that we'll do that with committee, more Committee of Finance but — or Committee of the Whole, Mr. Speaker. And also some questions under Committee of Finance, if under . . . when the minister does come up on that, and also questions we'll be dealing with under CIC committee on that.

But you know, I feel that they could be more, more up in front of CIC committee if some of these Crowns have gone in the spending way that they have gone, and making large expenditures — and especially when these expenditures and these investments fail to return investment back to the taxpayer.

And I believe, going with that, that's about the two major things that this deals with. And the first one, Mr. Speaker, is very good at that end of it; allows the oil producers and energy producers, gives them a little more free way, gives them a little more latitude to do basically work on their own land, to work between their own facilities. But I don't know why, with this Bill, they have to always have to put in something else that doesn't even deal with this, add this to.

This could have been a separate Bill, debated separately on it, why would they . . . why not wouldn't they just leave the first part of the Bill, bring that in, dealing with the oil field sector, bring that in and with that . . . instead of always having to slide something in on the same Bill, you know, that actually has nothing . . . This part of the Bill has nothing to do with the oil field producers in that. It has to do basically with SaskEnergy and the taxpayers of Saskatchewan and accountability.

So my question always would be to the minister why do you have to put these two together? They're not even tied together. They could come in two separate Bills, two separate Acts, something you can debate totally simple.

But I know, Mr. Speaker, that right now I have other members of mine that on account of the \$200,000 cap and lifting it completely, that wish to talk to this Bill.

So with that, I move that we adjourn debate on this particular Bill.

Debate adjourned.

(15:00)

## COMMITTEE OF THE WHOLE

### Bill No. 2 — The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act

**The Chair:** — I recognize the Minister of Social Services to introduce his officials.

**Hon. Mr. Hagel:** — Thank you, Mr. Chair. I have three officials who are assisting in the deliberations in Committee of the Whole today.

To my right is Shelley Hoover, who is the assistant deputy minister of the Department of Social Services. Seated directly behind me is Dorothea Warren, who is the associate executive director of child and family services within the department. And

joining us shortly will be Leanne Lang, who is Crown counsel with the Department of Justice.

### Clause 1

**Ms. Julé:** — Thank you, Mr. Chair. And good afternoon to the minister and to his officials.

Mr. Minister, we went through quite a little debate in question period regarding the need for the amendments that we have proposed to the Bill called The Emergency Protection for Victims of Child Sexual Abuse and Exploitation.

Mr. Minister, I would rather have not had to work with stakeholders and my caucus to forward these amendments. I would have hoped that the Bill that was put forward by your government would have been a very effective Bill that would have had some teeth to make sure that the measures that are outlined were able to be applied. And that is the crux of the matter, Mr. Minister.

We recognized, and so did stakeholders, that unless there are some amendments that can assist police and give them really new powers of investigation, and unless those things are outlined in legislation, then in fact nothing has changed. If nothing has changed, then how can this Bill be effective? How can it in fact do what it is intended to do and protect children and in fact assist children out of a dangerous place and into a safe place where they can be assessed and move on into recovery?

So I don't think there needs to be any further logical explanation. The fact is that the Bill has been looked at, has been found to be inadequate and in need of amendments. If your government is serious about making sure that we have a strong and effective piece of legislation, then I would have hoped that these amendments would have been conscientiously and respectfully accepted by your government.

Mr. Minister, the committee that put forward these recommendations in their final report intended that there be legislation in place, yes, to deter offenders and to punish offenders. The committee also wanted to see that in a complementary fashion there be services provided, that there be a continuity of support service and assistance to children to help them and their families so that they could exit the streets.

And I know that in your presentation to the media some weeks ago, you put forward what the government's intentions were. And really what those words were all about, Mr. Speaker, or Mr. Minister, is the fact that you were reiterating what the special committee said needed to be done in the recommendations.

But I need to ask you today, and I will do that a little later on, about absolute commitment and immediate initiatives that you can prove to the people of Saskatchewan are now in place and are being implemented at this time to address all of the issues in the recommendations so that we can look at this whole situation and help children in a comprehensive fashion.

Mr. Minister, when I was looking at the Bill put forward by your government I was very pleased that in fact a Bill had

finally come forward after six years of bringing up this need. But as I looked into it, Mr. Minister, I saw that without any guts to the Bill, without any teeth to the Bill to actually have some of these measures implemented, we would be kind of having to see this as almost a brand new vehicle without any wheels, and it's not going to go anywhere if we don't have these amendments put in place.

There are a lot of things that can be done, Mr. Minister, that are outside of legislation, and I think we have to do those in tandem with legislation. But we have to make sure at least that the legislation that we have put on the table is workable for those people out there in the field who are going to be responsible for making sure that they are applying the law and that they have the tools to apply the law. As it stands right now, police do not have the tools they need in order to make sure the application of this law is enforceable. And in fact the courts need to also have, I think, some explicit direction laid out before them so that when the courts look at what they may do, they've got this Bill and they have everything in this Bill that they need to have in order to apply the law.

So, Mr. Minister, that is why the first amendment that we brought forward is from the draft Bill prepared for the special committee. When that Bill was drafted it seems like whoever drafted it was very able to recognize the many facets of that Bill that needed to be in there. It is beyond me why your government has brought a Bill to the table that did not include all the measures in the draft Bill that the special committee saw was brought into being.

So I guess today, Mr. Minister, what's important is that we look at the importance of these amendments. And I want to refer to new clause 3.1. The presence of the section with the statements that it contains:

. . . that is the best interest(s) of the child.

To have that put forward in your Bill will remind a court, considering the legislation, of the core purposes of the Act. It creates a context for the legal framework of that Bill, of the legislation. We need to have context in order for the courts to know what to do.

Proposed section 3.1 also provides detail and consistency for existing clause: "7(2)(d) the best interests of the child victim."

And I did mention that just a moment ago. Each justice considering an application for an emergency protection order would be required to direct his or her mind to the same list of factors when considering the best interests of the child victim.

So that is why we don't want to make sure . . . or we want to make sure, rather, Mr. Minister, that the courts have got everything at their fingertips that they need to have in order to apply the law.

And I think that's . . . doing this is respectful of the courts and the justices that have to deal with this law.

The second amendment that I proposed was clause 16(1) and (2) and they're . . . the amendments are identical. The only difference is that the one . . . the first amendment allows police



officers stopping vehicles anywhere because of possible child sexual abuse:

To request the driver and all occupants to provide identification to the peace officer.

So the amendment in this wording clearly sets out what information the peace officer can request. He can request the identification and age of each person in the vehicle — not only the driver — and he can do that anywhere.

The second amendment refers to a police . . . or a peace officer having the right to request specific information in a high-incidence area, the stroll. And that will allow a peace officer stopping vehicles on the stroll, because of possible child sexual abuse, to request the driver and all occupants to provide identification to the peace officer.

Now, everywhere that I have looked, Mr. Minister, I have not seen anywhere in legislation where peace officers have the authority . . . authoritative right to ask occupants of a vehicle to produce identification unless they are contravening the Criminal Code in some way or form, which would be having liquor in a vehicle or not wearing a seat belt or something like that.

So what the police need now, is they need to have the authority to identify everyone in that vehicle — all occupants, be they children or adults — in order to establish what is really going on and in order to be able to allow them to refer, for instance, if there is an offence being committed, to refer the child on to a child protection worker in order that that child protection worker has the services that they need at hand to provide the child with, and the child is just not left out on the street.

I mean what happens to the children under your legislation? There is no provision that states what will happen to the child or further protection for the child or services for the child.

Mr. Minister, the next amendment that I had put forward or proposed was clause 16(3). Although the entire subsection is being replaced, the only change is the addition of clause (b) that requires the driver to provide their driver's licence, registration, and any other information that the peace officer may require to establish the driver's identity and the age.

And the next proposed amendment has the same effect as clause (3)(b) but it applies to occupants in the vehicle.

The next proposed amendment, Mr. Minister, refers to clause 16. And it has a new subsection (5) that clearly states that peace officers who have stopped a vehicle and believe there are grounds to apply for an emergency protection order against the john may continue to detain the vehicle and its driver and occupants in order to apply for and either obtain or be turned down for an emergency protection order.

The Act allows for hearings via telecommunications but this amendment makes it clear that there is authority to continue to detain a vehicle and its occupants in certain circumstances in order for there to be time to do those things — to get an application and an order made.

It also gives the peace officer the time that he may need to

determine what the occupants in the vehicle . . . what their status is, who they are, their identification and the most likely and possible best thing to do for a child, if that child is apparently in danger of sexual abuse or has been abused.

(15:15)

If detention is necessary, Mr. Minister, and the clause about detentions is also another part of the final report that has been put forward by all members of the special committee. There was a necessity to have a detention clause there and that was given assent by all of the special committee, and in fact — I believe in a recommendation — it's also in the draft Bill at the end of the final report.

So again in respect and due respect to that report and those recommendations, I think it's very necessary to put in that amendment also.

Mr. Minister, clause 24 amendment:

The fine changes from a maximum amount of 25,000 to a minimum fine of 25,000.

This is also from the special committee report. It is a recommendation; it is in the draft Bill that was put forward, that is an appendage to that report.

And I think again, in due respect to the people of this province as well as to all committee members who put forward those recommendations and agreed upon them, that this should have been incorporated into your Bill. And I think, Mr. Minister, that it is required in order to provide a zero tolerance message to all of those people that would continue to hurt our children and continue to be causing an offence against our children in the way of sexual abuse.

And, Mr. Minister, at this time, I must say that your comment in question period about the police not wanting to apply this law because they didn't think that it, in fact, would be something that would be upheld, or that the courts wouldn't accept it or whatever, is really disrespectful of the kind of competence that the police have exhibited in the past — of their honesty and their integrity.

And I think that it was implying that the police would manipulate situations out there on the streets so that they did not have to apply this law. And I take offence just listening to that. And I know that I'm going to have to be doing some apologizing on your behalf to the many police in Saskatchewan who are probably wondering about the kind of trust that has been bestowed upon them and what kind of government that we must have that would presume that they are not trustworthy.

Mr. Minister, the last amendment that we will put forward . . . propose to put forward was on the Act coming into force six months from the date it receives Royal Assent rather than on proclamation and that was simply, Mr. Minister, because this is so important. We don't want this Act and this Bill with the amendments to be shelved. It's vitally important.

The children in our province, their families, and the people of the province have waited too long. And it has been too long that

there have been men and women who have been destroying the lives of our children that have gotten away with this. We cannot delay this any longer. This is a perfectly reasonable and doable request on the part of your government and I can't for the life of me see why you would deny that.

Mr. Minister, you have mentioned in your reply to me in question period that you would have this Bill brought forward and given Royal Assent and proclamation even sooner than the six months, so I'm really happy to hear that. And in that respect I have proposed another amendment that says that subject to . . . Clause 25 of the printed Bill is struck out and the following substituted: coming into force, clause 25(1), subject to subsection (2) of this Act, comes into force on assent, six months from the date on which this Act receives Royal Assent.

And that's not quite exactly the right one. But anyway, the other amendment, Mr. Minister, that I will be proposing is that the Act comes into force on assent.

So, Mr. Minister, I have further questions regarding this Bill. But I want to underline how important it is that the government accept these amendments to make this Bill workable by referring to the interim report in June of 2000 that has an excerpt here from Cst. Gay of the Regina police. And it tells of her frustration because the police cannot do the kind of investigations that they need to do, and they don't have the law written right now to allow them to do that.

And it starts out like this. The committee heard from police their frustration in investigating those who wish to purchase the sexual services of children. Regina police would like to see legislation that would help them to stop a potential abuse situation when they see it happening.

And they can't do that right now because they don't have the legislative tools to do it. Thus for the need for the amendments I put forward — some of them.

And this is a quote from Cst. Gay:

If he tells me that it is his niece . . . doesn't tell me why she was on the corner or refuses to answer those questions for me, I have no alternative but to let him proceed. Because as the law states at this particular time, I don't have enough reasonable grounds to believe, based on the fact that child was standing on the corner, that that crime is going to be committed — as the law stands now. So I can't explain to you how heart-wrenching it is for me as a police officer to let that john drive away.

Now, Mr. Minister, this applies also to children in a car, children in a car. He can't be asking the child any questions about identification. If the, if the john or the perpetrator, whatever we want to call him or her, refuses to answer the questions of the police, then they have to let that person go and the child is also lost once again.

Mr. Minister, I'm going to give you the opportunity to comment and, hopefully, by now, I hope that you will acquiesce to the amendments that we have put forward because we don't want to hold up this Bill any more than you, but we want to make sure it's workable.

Mr. Minister, your government, all of your financial and human resources that you have had over the past year to look at enacting a Bill that was substantial, that was going to be effective, a Bill with teeth, that was workable, you had those resources at hand. I'm sure that those people that were working on this legislation must have recognized that the Bill did not have teeth in all its aspects. However, they are in your department and they are working or should have been working very thoroughly on making sure this was in fact a substantial and good Bill.

So, Mr. Minister, I'd ask you if you'd like to comment on this, and after that time, I and my colleagues will be furthering questions to you regarding the Bill and also some of the recommendations that were put forward by the Special Committee to Prevent the Abuse and Exploitation of Children.

**Hon. Mr. Hagel:** — I thank you, Mr. Chair. I thank the hon. member for her questions and we'll attempt to respond to them. She touched on a large number of points and it'll take some time to respond.

I, first of all, I do want to provide just a brief preamble, Mr. Chair, to set a context for the Bill, of course, that it is part of a broader strategy to address the matter of the sexual exploitation and abuse of children on our streets.

And what we are attempting to do through this Bill, Mr. Chair, through Bill 2, is to bring to Saskatchewan a new piece of legislation which is first in the nation, which will provide the authorities — to the police and child workers — the ability to have put in place on an emergency basis intervention orders which will separate the perpetrators from the kids who are the victims of this act.

Mr. Chair, in putting together the legislation, it was drafted intended that we would be bringing legislation that is constitutionally defensible and would withstand any Charter challenge. It's important to do that, Mr. Chair, when you're bringing forth legislation that is the first in the nation because obviously if it was going to be challenged somewhere, it would be here and you want to ensure that what you're doing is providing protections that don't unravel because of successful Charter challenges to them, Mr. Chair.

So that's the context within which this Act was drafted and comes to the legislature today. And there are other things that . . . there are other pieces of legislation that it works in concert with in order to provide that kind of protections that we seek to make available to the kids here in Saskatchewan who are the victims of sexual exploitation.

On the matter of the child's best interest, it is in fact a protection that is already in place and applies, although it is not specifically referred to in this piece of legislation. It isn't required to do that, Mr. Chair. It can be directed through regulation. And what has been referred to previously, I believe, but I would certainly put on record, is that this Act, Bill 2, The Emergency Protection for Victims of Child Sexual Abuse and Exploitation, works in concert with The Child and Family Services Act which currently does exist in the province of Saskatchewan and which does have a clause referring to child's best interests.

(15:30)

It's section 4 of that Bill, Mr. Chair. And if I may read into the record for clarity then, the content, although it's fairly lengthy, I think hon. members will appreciate its significance. Under the title of, "Child's best interests":

Where a person or court is required by any provision of this Act other than subsection 49(2) to determine the best interests of a child, the person or court shall take into account (these things, Mr. Chair):

(a) the quality of the relationships that the child has with any person who may have a close connection with the child;

(b) the child's physical, mental and emotional level of development;

(c) the child's emotional, cultural, physical, psychological and spiritual needs;

(d) the home environment proposed to be provided for the child;

(e) the plans for the care of the child of the person to whom it is proposed that the custody of the child be entrusted;

(f) where practicable, the child's wishes, having regard to the age and level of the child's development;

(g) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity; and

(h) the effect on the child of a delay in making a decision.

So those child's best interests, Mr. Chair, are in application and don't need to be repeated in this piece of legislation.

Regarding the requirement to provide identification when requested by a police officer, that is an authority also that doesn't need to be repeated in this legislation because it currently exists in The Highway Traffic Act under section 96. And I'll quote that section of that Act, Mr. Chair. Under The Highway Traffic Act, it says, and I quote regarding under the title of "Furnishing information":

Every holder of a certificate of registration, registration permit, operating authority certificate or temporary operating authority certificate and every driver and occupant of a vehicle (I underline that, and every driver and occupant of a vehicle) shall, on request, furnish any peace officer with any information that he requires in the fulfillment of his duties under this Act.

So, Mr. Chair, we're confident that that tool already does exist and doesn't need to be repeated.

On the matter of detention of children, the hon. member refers to that and I note that she did not provide an amendment, or has

certainly not given me any notice of an amendment to require that in this legislation, and I applaud her for not doing that.

It has been my experience, Mr. Chair, since coming to the portfolio of Social Services, and having spent a good amount of time over the past number of months working together with the government members on the advisory committee who were very, very helpful in bringing to my attention the recommendations . . . and of the committee as well as the advice that they heard from those who presented and also in consultation, then, with officials both within and outside the Department of Social Services, that the process of detention of children is not a procedure that is supported.

And it is my judgment and I'm pleased to see, I think the judgment of the hon. member, that it's best not to proceed in that direction and which is why she didn't provide for me notice of an amendment to that regard.

The penalty within this Bill is a maximum of two years in jail or a fine of up to \$25,000 which is consistent with the penalty section of The Child and Family Services Act, and provides for the courts, Mr. Chair, the ability then with a substantial range to find — when someone is found guilty — to find the appropriate penalty that fits the crime. And, Mr. Speaker, I think it meets that criteria.

On the matter of considering that the penalty . . . that should be the minimum rather than the maximum, I do take special note and interest in the advice provided to me which is provided after extensive research by Justice officials regarding the impact of penalties and particularly large minimum penalties that are put into legislation.

The research that has been done suggests that the . . . that there is . . . you run the risk of undermining some of the effectiveness of your intent with legislation when you have large mandatory minimums. And upon reviewing the research, the Department of Justice has advised me that the minimum mandatory sentence is not . . . that the minimum mandatory sentence that we have here would serve as an effective deterrent.

A penalty, Mr. Chair, does two things. One, it provides of course for the courts the range of penalties that can be selected but it also serves the purpose of outlining the deterrence to avoid the undesirable or the criminal acts — or in this case this is not a criminal legislation of course; we can't provide criminal legislation in the province — but this is reprehensible behaviour that we're working to, to deter.

And there can sometimes then be the unintended side effects— is what the research tells us — that imposing mandatory minimum penalties, that in exercising their discretion to not charge or prosecute in borderline cases that you can have an unintended negative deterrent. And also that it . . . there is a reduction in the guilty pleas under those kind of circumstances and an increase in the legal arguments and the defences to defeat the charges.

So one of the ways that you protect a legislation against the challenges that can undo the whole thing is by providing what you would consider to be prudent ranges of penalties in the legislation. And we would certainly not want to see anything

done that would result in the possibility of fewer charges or convictions than otherwise would be the case.

The coming into force, the hon. member says, and I understand that she doesn't want to see the legislation deterred or put off longer than necessary, and there are a number of things that are needed to be done before the . . . that will enable our system, Mr. Chair, to be ready to put the consequences of the Bill into place.

They will take some time. The target I have identified is October 1. We are going to move as rapidly as we possibly can; and it is necessary that we have all of the operational pieces in place so that when the Act is proclaimed that we can be enforcing it confidently.

Regulations need to be developed and approved through the Legislative Instruments Committee. There will need to be some consultations on the processes to make sure that they're sound. There will also need to be training in readiness for the implementation of the legislation, including for the police. And Mr. Chair, I'm looking forward in the near future to participating in that training for police.

And the system changes will also need to be made to accommodate new processes, and the appropriate communications plan will need to be put in place as well.

So all of that takes time. I think people understand that. We'll move as rapidly as we can, and I think October 1 is a realistic deadline for that. And so I think that having a target of six months is probably further than we would need to accept, and so we'll simply leave the coming into force as it is.

Regarding the burden of proof, the references there, I want to refer the hon. member to the legislation itself and remind the House, the committee, that the burden of proof that is required in order to gain an emergency intervention order by this legislation is substantially less than is required if you're using the standards of Criminal Code offences.

And I'll refer the committee, Mr. Chair, to two sections of the Bill. Section 7(1) which refers to:

7(1) A justice may grant an emergency protective intervention order on an application pursuant to section 6 where the justice is satisfied, (and this is the key phrase) on a balance of probabilities, that: . . .

And then there's sexual abuse of a child by another person and so on, the things that we're trying to defend. But it's on that balance of probabilities as opposed to a higher level of certainty of probability that makes this tip the balance in the interest of the law enforcement officer.

I also refer to section 6(4)(b) of the Bill which enables . . . sorry, section . . . yes, 6(4)(b), there we are, which enables for hearsay evidence to be used in order to get the emergency intervention order; 6(4)(b) says:

(4) At the hearing of an application for an order, a justice:

then

(b) may admit hearsay evidence if, in the opinion of the justice, the evidence is credible and trustworthy.

So it's bringing into this legislation the ability to use hearsay evidence with a lower burden of proof than is normal for Criminal Code offences. That enables police officers, Mr. Chair, to much more readily meet the standards that are required to find the intervention orders put in place.

I believe these are consistent with the victims of domestic violence . . . And these are standards of evidence, Mr. Chair, that are consistent with the victims of domestic violence and abuse Act that we're basing this legislation on and that have not been . . . obviously have not been successfully challenged and give us the sense of confidence that what we have here is a piece of legislation that is workable.

It's defensible, and therefore it's reliable as we put in Saskatchewan a level of protection that is very, very important to provide for victims of sexual exploitation and abuse to separate the perpetrator from the victim, and then enable the system to provide the necessary supports and protections for the victim that are so necessary to enable the healing process to allow the child to get on with her or his life.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, I would like to just make reference to a couple of your comments.

And you keep insisting and saying that this legislation is somehow the hallmark of the greatest . . . all great legislations. I want to make it that, Mr. Minister. I want to make sure that we have everything in this legislation so that we can in fact boast of what we've done. But I'm telling you the way this legislation stands right now, it is no more than legislation that is on a parallel and quite similar to The Victims of Domestic Violence Act.

Mr. Minister, it . . . as you well know, the focus and the most attention on this Bill comes from the fact that it is allowing for emergency intervention orders. But that's against the suspected sex offender.

What we need to have in place, Mr. Minister, is these amendments that will allow police further questioning in order to establish that the perpetrator or would-be perpetrator may be in the act of committing the offence or thinking about doing it. In order to do that, it is important for the police to be able to ask the occupants . . . to question and ask the occupants as well as the driver of the identification of those . . . of everyone in the vehicle.

It is my understanding that unless occupants of a vehicle are committing an offence against the Criminal Code that — and that that's visible to the officer, such as liquor in a vehicle, drugs, those kind of things — that under The Highway Traffic Act, police officers, peace officers at this time do not have the authoritative opportunity to in fact question an occupant that might be a child under 18 that does not appear to be in any trouble; nor do they have the opportunity to question the driver or other adult occupants of that vehicle.

(15:45)

And so, Mr. Minister, that is what has been brought forward to the special committee by Cst. Gay. That is what has been told to me by police officers in Saskatoon that are very familiar with the law and in fact have had to try to exercise the law knowing that they do not have the necessary tools to do a complete and thorough investigation.

Mr. Minister, I question why, when the Bill was being formed, formulated, that your government saw it quite all right to entitle the Bill, An Act respecting Emergency Protection for Victims of Child Sexual Abuse. This is a little bit misleading. This title is not what's contained in the Bill.

The Bill is about emergency intervention orders to keep the john away. But the protection of victims of child sexual abuse involves much more than that. It involves that, yes. It's important to have that happen. But it's also important that the Bill contain some measures to assist victims out of the place of danger and on their way to recovery. That would imply then, if that would happen, that you would be able to give peace officers and outreach workers, or people like that, some tools to work with that they don't presently have.

The burden of proof that you talk about, Mr. Minister, in the existing Act, is a burden of proof, yes, for the driver of the vehicle and occupants of the vehicle. But to my knowledge, that proof would be coming forward if the police officer had reason to believe that there was a criminal act taking place.

And in accordance with your and my desire to allow police to in fact do some investigation on reasonable grounds — that they have reasonable grounds to suspect that someone may be ready to sexually molest or abuse a child or they already have done it — we are in fact putting that in place so that the police can move in and do some questioning.

But they have to be able to ask the question. They have to be able to ask the question, not only of the driver, but of the occupants, and especially if the occupants are young people under 18 that don't appear to be committing any crime.

So that has to be inserted in the legislation in order to give the police clear authority to do so.

Mr. Minister, my colleague, the member from Cannington, has some comments and I guess questions that he would like to relay to you surrounding the whole issue of The Highway Traffic Act and what police officers can do under it and what they can't. So I would just turn the questioning over to my colleague at this time.

**Hon. Mr. Hagel:** — Mr. Chair, I thank the hon. member for her question and will refer her to Bill 40 introduced today, which is The Highway Traffic Amendment Act, 2001 — and refer her and members of the committee, Mr. Chair, to section 17 which recommends then an addition to section 94 of The Highway Traffic Act and will bring into place . . . And I would encourage all hon. members to support this as well because these Bills work in concert. They're part of a total package.

The hon. . . . I share with the hon. member her motives when she says she wants to see a strong Act; I think we both do. And what we're looking at when we review the advice regarding

specifically Bill 2 is what's necessary in order to make it as strong as we believe it to be defensibly workable.

And so I bring to the attention of the committee — and if you'll permit me, Mr. Chair, because I know it's not usually the . . . permitted by the rules of the House and the committee to bring reference to another Bill when . . . before the House when you're debating the Bill before the floor — there is, I think, a helpful amendment.

If the committee will provide leave, then I'd like to provide the information that connects these two Bills together and enables us to make it clear how the intent that I believe the hon. member is referring to is achieved when you put the two Bills in concert.

So, Mr. Chair, I would ask leave of the committee to bring, just briefly, to the debate, the reference to another Bill that was introduced in the House today.

**The Chair:** — The minister has requested leave to make reference to another Bill, briefly, related to this Bill. Is leave granted?

Leave granted.

**Hon. Mr. Hagel:** — Mr. Chair, I'll then refer, as I said, to section 17 of the Bill introduced today which would add section:

94.1(1) No person shall, without lawful excuse, repeatedly drive a motor vehicle through an area that is frequented by prostitutes.

And then:

(2) No person shall, without lawful excuse, repeatedly park a motor vehicle in an area that is frequented by prostitutes.

So it is . . . this gives to law enforcement officers another couple of clauses there directly related to our point here.

So it is, Mr. Chair, that amendment to The Highway Traffic Act in concert then with the currently existing section 96 — which I won't repeat, that I referred to earlier — that enables police officers to require people within a vehicle, drivers or occupants, to identify themselves.

Then it is simply being frequently stopping or going through what would be referred to informally as the stroll area that gives law enforcement officers the authorities then to stop a vehicle, to require people — everyone within that . . . within that vehicle — then to make identification that meets the satisfaction of the officer, and then enables the officer to judge from that point in time whether it's appropriate to proceed to look at invoking the authorities provided under Bill 2 to proceed to an emergency intervention order.

**Mr. D'Autremont:** — Thank you, Mr. Chairman, Mr. Minister. Indeed, I've looked over The Highway Traffic Act section 96 that you spoke of and it does give peace officers the authority to question people under The Highway Traffic Act dealing with passengers and occupants in vehicles.

The Bill we were discussing, though, was not The Highway Traffic Act, but Bill No. 2, the sexual exploitation of children.

You now have had leave to bring forward another Bill that has just been presented to the House today. So you caused a great deal of consternation, Mr. Minister, by excluding that information from Bill No. 2. If . . . Had this Bill come forward for discussion yesterday, the Bill you referred to, the new Bill No. 40 would not have been available to members of the opposition or to the public, Mr. Minister, therefore causing a belief that your Bill had failed.

Even so, Mr. Minister, under The Highway Traffic Act that you're presenting . . . have just presented today, it talks of prostitutes. I looked carefully through Bill No. 2 and in no place in there does it give a definition for prostitute. I'm not sure if under The Highway Traffic Act there's a definition for prostitute.

So, Mr. Minister, I guess I would ask you: does the new section of the Bill under The Highway Traffic Act — since you brought that up for discussion — does that apply to the sexual exploitation of these children? The children aren't referred to in this Act as prostitutes, so who are you directing this . . . The Highway Traffic Act Bill towards and how does that relate to Bill No. 2, the Bill that we're under discussion?

**Hon. Mr. Hagel:** — Thank you, Mr. Chair. In response to the hon. member's question, we do believe the Bills to effectively relate to one another and to give that authority.

I am advised that there are two things that will apply here: one is the common-law definition of prostitution; but secondly, I'll refer the hon. member to, in Bill 2 to section 3, which also does give a connecting reference that brings together the Bills in order to enable them to act in concert together.

Sexual, child sexual abuse because the . . . what this Bill does is set out the offence of sexual abuse. And it's in that context that we also include then sexual exploitation. And the definition of child sexual abuse, and I'll read into the record — I know the hon. member has a copy:

For the purposes of this Act, a child has been subjected to sexual abuse if the child has been, or is likely to be, exposed to harmful interaction for a sexual purpose, including involvement in prostitution and involvement in conduct that may amount to an offence pursuant to the *Criminal Code*.

So it is my belief, Mr. Chair, that it is these Acts in concert that provide the authorities that are necessary for a police officer to require a vehicle to stop — for example, if it's not stopped — and then to require identification of everyone within that vehicle, and then also the need to satisfy that their being together meets the test of being there for . . . with a lawful excuse.

So that, for example, it would ensure that if someone was, say, frequently in an area because they lived in that area, for example, and so they were frequently there, stopping their vehicle, driving through an area, that's a lawful excuse and would make it very clear that someone would not be . . . this

Bill would not be used to proceed against them when they are there with a way that is verifiable as a lawful excuse.

**Mr. D'Autremont:** — Well, Mr. Minister, The Highway Traffic Act that you are proposing to bring forward — not you personally but the minister — says frequented by prostitutes. Now how do you determine then, Mr. Minister, under this Act, who and what is a prostitute?

In checking with the Law Clerk, it's not illegal, Mr. Minister, to be a prostitute. It's illegal to solicit for prostitution, it's illegal to live off the avails of a prostitute, but prostitution is in and of itself, I believe, is not illegal. And the fact is you can file your income tax claiming the revenues from it if you want.

So, Mr. Minister, what is the definition then of a prostitute that allows you to designate the area as a stroll area that is frequented by prostitutes? How do you define . . . bring that designation then over to abused children and allow a police officer then to question who is in that vehicle, Mr. Minister?

(16:00)

If you're dealing with prostitution under the Criminal Code, a person who is being questioned for a Criminal Code offence does not have to answer any of your questions. Even dealing with a .08 charge for drinking and driving, a police officer requests your registration and licence, you slip them through the crack in the window and you give them to him. And you don't have to answer any questions. He cannot force you to answer any questions nor can he force anyone else in the vehicle to answer any questions. Because you're dealing with the Criminal Code there.

So how do you get from prostitution to child abuse to answering questions of the police officer when he stops that vehicle and requests information of passengers under The Highway Traffic Act?

**Hon. Mr. Hagel:** — Mr. Chair, again, I thank the hon. member for his question. First of all, I don't agree with the hon. member's basic premise.

The Highway Traffic Act, by common law as well as the Act itself, does permit the authority to be asking of questions. And the . . . We really have to look at, when we're looking at the effect of this legislation, the experience and the ability of the police to, in this case, define what is in area frequented by prostitutes specifically. Police do that all the time in seeking orders, probation orders, and do have experience.

And there will be through the, I think as well, through the use of the DISC (deter identify sex-trade consumers), the identification system that will be introduced as well . . . not by authority of the Act, but as part of the whole sexual exploitation response that is part of the total package. We will be introducing the DISC system and that will enable again . . . that'll be another vehicle by which, Mr. Chair, the police will be making use of the knowledge and the procedures that they currently use to identify stroll areas and enable them to identify vehicles or individuals who are frequenting stroll areas.

**Mr. D'Autremont:** — Well, Mr. Minister, it would have been I

believe much simpler, much clearer if that portion of Bill No. 2 specifically said the police . . . the peace officer who stops the vehicle has the right to question the occupants as to their identifications and purposes. You're taking a very much circuitous route to try and achieve that and not necessarily a route that's going to be successful.

Think back to the adoption of the .08 laws, the drinking and driving, and the difficulties that police officers went through in trying to implement a stop/check program. It took time and time and time again of both court cases and legislation to achieve that point because it wasn't clear in the legislation — the particular Bill dealing with drinking and driving — what the intent was.

And that, Mr. Minister, was even before the Charter of Rights and Freedoms came in. That was back in the 1970s. That Charter will now add a whole new series of complications.

So, Mr. Minister, I suggest to you that it would be much clearer to the law enforcement authorities, to the prosecutors, and to the people involved exactly what the law is, what it means, what its intent is, and what its application will be if it clearly states in the Bill, in the statute, what those powers are. And those powers to question occupants of vehicles need to be in there — clearly. And what you're presenting us with today is not clear. It muddies the waters.

So, Mr. Minister, we ask you: will you please make the legislation clear? Make the intent clear to anyone who wants to question the Act so they know exactly what is intended, what the purposes are. Allow peace officers to question the occupants of vehicles found in those stroll areas as to what their purposes are, what their intent is, why they are there, and who they are there . . . who they are.

That makes it clear, Mr. Minister. Then when it goes to court, it's clear to everyone — to the defendant, to the prosecutor, to the judge, and most of all, Mr. Minister, it's clear to that police officer on the beat that has to make that decision initially, that needs that information initially.

So make it clear to them so they can do their jobs as this House is intending them to do, as both sides of this House know and demand it be done, Mr. Minister. Will you please do that?

**Hon. Mr. Hagel:** — Mr. Chair, I thank the hon. member for his question. I do take the position that the authorities are clear in their legislations. I do advise the members of the committee that we have had extensive consultation so far, including with the police, and the police have not raised this concern with us.

Training will begin shortly — in fact I think as early as next week — with the police. And the thing that will happen in the training is that the authorities of the Acts, as they relate and enable them to acquire the information that is necessary in order to make a judgment about the appropriateness of an intervention order, are available to them. And that will be clearly understood, I believe, by police and their authorities as a result of the training.

That's why we do need some time after the legislation is passed before it's proclaimed so that the proper training can be done

and that the whole justice system, including the police and starting with the police, is familiar with the authorities that they do have.

**Mr. D'Autremont:** — Thank you, Mr. Minister. We're getting off on a different track here, on another Bill. But perhaps I can make a suggestion related to The Highway Traffic Act Bill that's coming forward that it says under clause 18 of that Act, the terms of this Act in its application.

I wonder if it would be beneficial to the committee if part of Bill — The Highway Traffic Act amendment — if we included the words in there that it apply to The Emergency Protection of Victims of Children of Sexual Abuse and Exploitation. So that clearly that section of the Act also applies to this Act that we're dealing with today.

That, I think, would help clarify the situation that that rule dealing with the stroll, the definitions of the term . . . the use of the term prostitution in that Act deals also with this Act that we're debating today, that we're talking — Bill No. 2.

I think, Mr. Minister, if that would be acceptable to you and to the government, I think that would help clarify the situation. While it wouldn't put in the amendment that we're requesting today, it would clarify through an amendment what The Highway Traffic Act then applies to and that ability to question occupants of a vehicle applies to this Bill.

**Hon. Mr. Hagel:** — Mr. Chair, I thank the member for his attempt to provide a helpful suggestion. I appreciate that. I think it's indicative of the fact that we're all wanting the same thing, which is good, effective legislation.

I won't comment . . . We're already stretching the rules of debate and I know we both understand that and I won't stretch it even further by commenting on a possible . . . another section of that Act. But I would simply note that by making the comment on the record now, I think the hon. member has formally made the suggestion — given notice of the possibility of an amendment.

He may want to follow that up with a direct communication with the minister responsible for The Highway Traffic Act. And I'm sure that as a result of this comment made, that in fact that will be considered. And if it's deemed to be a helpful item that provides clarity where there isn't clarity, I'm simply not in a position to comment on that as to whether that's the case or not. But I know that the minister will appreciate the suggestion and will consider it carefully.

**Ms. Julé:** — Thank you, Mr. Chair. And, Mr. Minister, through the Chair, I wanted to correct you. I don't know whether or not I was remiss in not putting . . . bringing to your attention one of the proposed amendments. But one of them does have in fact to do with detaining all occupants of a vehicle until the peace officer can apply for and obtain an emergency intervention order. So I just wanted to clarify that because that's something that we feel is important.

Mr. Minister, my colleagues and I have, have really been wondering why in fact your government did not elect to look at this report, take recognition of the Bill at the back of this report

that is a very good comprehensive Bill that would not only have dealt with prevention intervention . . . or protection intervention orders, but it would have provided for the protection, support, and assistance of sexually exploited children.

This draft Bill, Mr. Minister, was agreed to by all members of the committee. There was a lot of time and very good thought put into this to make sure that at once we would have everything in place that was necessary to really attack this whole situation to help children, and to do everything in a comprehensive and synchronistic manner. It was such a good Bill that I look at it now and I think what a shame that you didn't use this.

And I would like an answer to the question I'm going to pose to you if you can give me the answer. And it is, why did your government not elect to use the draft Bill when it would have provided for protection? It had a section here in part II available services, looking at programs and safe houses, follow-up services, which we don't have any guarantee of right now. It talked about apprehension orders where a child could be apprehended if they were, if they were in imminent danger — life and death situations.

There was so much detail in here, too. It would have provided great guidance for law authorities as well as all other stakeholders that are concerned about children at risk. We had a coordinator here with services that would have been appointed. I think that you had mentioned in your presentation to the media that you were thinking about doing that, but as of yet, we have no absolute proof that you're doing that.

So there was a whole section on enforcement that would have included the minimum mandatory fine of 25,000. On different offences, there were different fines. A lot of miscellaneous sections here in part V that would have given direction to presiding Justices of the Peace. Immunity — an immunity section. The Act comes into force on assent, instead of on proclamation. There was so much here.

So, Mr. Minister, could you explain to the Assembly today why you did not use this very comprehensive and excellent piece of work that was forwarded to the Assembly by the special committee?

(16:15)

**Hon. Mr. Hagel:** — Mr. Chair, in response to the question by the member. In preparing Bill 2 to come to the legislature here, one of the steps that was taken was, in fact, a complete review of the proposed Bill, which I note was not endorsed by all of the members of the committee. But regardless of that, the proposed Bill the hon. member refers to was considered.

Some things . . . many, many parts of that Bill and recommendations of the committee, of course, are here in this Bill. And of course, many of the recommendations of the committee do not relate to legislative action. They're outside of the legislative response which is what we're dealing with here.

But just in general terms, there were parts of the proposed legislation which I think was written with good intent — I don't doubt that for a second. But when bringing legislation to the . . .

to the legislation to be enacted into law, then you want to be certain that what you're providing is solid in the context of consistency with other legislation and also its ability to withstand constitutional challenge.

Because what we're doing, in essence, in this Bill is intervening on rights. That's what legislation does. In order to protect the rights to security for victims of sexual exploitation and abuse, we are putting into law then the authority to find emergency intervention orders; in other words, to restrict some of the mobility rights of citizens. And what you want to do then in making good legislation is to design it so that it will withstand a challenge.

And the reason you want to do that is because if a challenge of legislation is successful, then it simply unwinds everything that you've got there.

And so sometimes I think it's prudent to make the judgment on the side of prudence to ensure that what you're proceeding with as part of the total package is reliable, defensible, and workable. That doesn't mean it's cast in marble forever, of course, and we're aware in this Assembly that, in fact, the large majority of pieces of legislation that come before the Legislative Assembly are not new Acts — as this one is — but are, in fact, amendments of currently existing Acts.

And why does that happen? It happens because experience in our jurisdictions and others suggests that legislative authorities may be more appropriate and, of course, that this Act will fall potentially into that category down the road as well.

But when we looked at the recommended legislation, there were areas — parts of it that did contradict the current Child and Family Services Act — that were not consistent with it. There were some areas, as well, that suggested moving into the area of Criminal Code offence which, of course, is beyond the authority of our provincial House to do.

There were also some suggestions that . . . which ultimately in my judgment, at the advise of officials after careful scrutiny, that suggested that to implement them would run the risk of successful Charter challenge, and therefore, the risk of undermining or undoing the legislation that we have here.

So it's a combination I think of those things, Mr. Chair. If we want, we can go through a list of suggestions, of course, that are here. I don't know if the hon. member will want to acknowledge the things that were included in that, that are, in fact, in this legislation or not. I'll leave that to her to determine. But in a nutshell, Mr. Chair, that's why we didn't go with . . . carte blanche with a recommended piece of legislation.

We gave it very careful and close scrutiny with much discussion provided with the government members on the committee of review, and bring forth what I believe to be the best piece of legislation to provide the protection for these victims of sexual exploitation.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, the draft Bill was looked at very carefully to ensure that there were no Charter challenges. That was looked at . . . As far as I know and remember that Bill was carefully drafted to ensure that it could



in fact be a one-of-a-kind Bill; that it was in fact going to be a groundbreaking Bill. And I believe it could have been.

As I mentioned before, we can't be boasting about having a piece of legislation here that is a first in Canada and the best of its kind when in fact we know that it's not. There's nothing different about this than the domestic violence Act.

And there's a couple of other provisions in the Bill that talk about what the fine will be against people who would breach an offence. But those fines are no different than they were before either. So, Mr. Minister, there's, there's some work to be done here.

And I guess what's going to have to happen is, you know, if in fact you will not accept the amendments to make this Bill have teeth and enact . . . and to get it to be an Act that we can enforce immediately, we're going to have to then present another Bill yet from this side of the House into this legislature to take care of the items that you were remiss in incorporating into this Bill. And that's too bad because once again that's a delay and it's not helpful to the children as it should be.

Mr. Minister, we have a number of other questions regarding the contents of the Bill as it is written right now without amendment, and I'm going to be asking you some of those questions but my colleague from Kelvington-Wadena . . . (inaudible interjection) . . . No? All right. She has given me the time.

So I'd like to refer to the Bill and for clarification I'd ask you if you could please explain why you have not under the interpretation portion of the Act — I think it's clause 2, not sure but it's under the interpretation portion of the Act — included or defined an offender?

**Hon. Mr. Hagel:** — Mr. Chair, for the purposes of consistency, and also then effectiveness of application, the same terminology was used in this piece of legislation as in The Victims of Domestic Violence Act, which is under the definition section:

- (o) **“respondent”** (respondent) means a person against whom an order is sought or has been granted.

And then if you go to the emergency protection, protective intervention order, section 7, which then refers to the order itself and to whom it applies, you'll see referred there specifically under section 3(a) then, the reference to the respondent.

So in order to understand the definition, again, this makes it consistent with what is currently understood and accepted and applied, and we believe then although it . . . what the hon. member may be raising is that it's not clear from the point of view of a layperson who just picks up the Act and only the Act, but we believe that for those who will be applying the Act the use of the term respondent, because it's one that already exists and is understood, in fact assists in the clarification of understanding this application.

**Ms. Julé:** — Thank you, Mr. Minister, Mr. Chair. To the minister: Mr. Minister, I'm really, really very happy that I am not a court judge or a prosecutor or anything of the sort because

there is such a lack of clarity and I see no reason for it.

I cannot understand for the life of me why anyone would have to refer to 15 different sections in order to understand what they're talking about or what they should be referring to. That's not necessary.

We know very clearly for the purposes of this Bill that a person who has committed an offence against a child is an offender. Why would it not be stated that way? It just makes good sense to do so.

Mr. Minister, regarding an emergency protective intervention order, will the same principle that applies to victims of domestic violence apply here? Specifically, when a peace officer is acting on an individual's fear of assault — under the domestic violence Act it's stated that way — could a peace officer act in the same manner regarding child sexual abuse? Or does the peace officer have to wait until after the abuse has taken place, at which point the Criminal Code of Canada would then apply?

**Hon. Mr. Hagel:** — Thank you, Mr. Chair. First of all, going back to the reference to the term offender, I'm advised that the term offender actually is never, ever used. And the reason for that is that in our system of justice in Canada, that citizens are innocent until proven guilty. So that legislation which provides authorities to bring evidence doesn't presume guilt in advance. And that's why the term offender is not only not used here — it's not used anywhere else.

(16:30)

In response to the second question about whether an offence will have to have occurred, I refer the hon. member to section 5 of the Bill, the application for order. And just to . . . probably simplest is just to read into the record here:

A child protection officer, or peace officer or (any) . . . prescribed person may, on behalf of a director, make an . . . application to a justice for an emergency protective intervention order with respect to a child where the applicant has reasonable grounds to believe that:

And then (b)(ii):

contact between the child and another person has occurred, and the applicant has reasonable grounds to believe that further contact between the child and the other person will result in sexual abuse of the child.

So that makes it clear that it doesn't . . . section (i) refers to sexual abuse has occurred, but section (ii) then references that there's a belief that the other . . . that contact will result in sexual abuse of the child.

So it protects under both, where there's evidence that there has been sexual abuse already, or may be sexual abuse about to occur.

**Ms. Julé:** — Well thank you, Mr. Chair. Mr. Minister, in reference to that portion of the Bill that you just spoke of, as I read that and took it to some legal advice, it was advised of me that that portion of the Bill — that clause — refers to, and only

to, any action that would be put in place in order to serve the protection intervention order to the offender/respondent — whatever they are. And that in fact there is nothing there . . . even though they refer to where a child is . . . to where a child is there, it does not provide anything for the child to be able to ask for help.

So because of that, I wanted to know, under the Bill, for instance if a youth under the age of 18 would be afraid of assault for instance, of someone assaulting them, or . . . on the street, if they were afraid of that, or that they might be entrapped by pimps or people like that in the trade, could they then apply for . . . apply for I guess you'd call assistance or a stay-away order against the person they're afraid of because of their fear of assault?

Or could a peace officer do that, if the peace officer is presuming that that . . . or presuming or has some evidence that that child has indicated to them that they were afraid of being abused or assaulted?

So I ask you that because we have to do something here in order to give the child some leeway, some help in asking for assistance and making sure that those adults who are there to protect them also have the tools to do that.

So if this whole Act applies to assistance . . . or it's a parallel to The Victims of Domestic Violence Act, which Act does actually focus on giving assistance to the person who is afraid of assault, then the same thing should be granted to children. And I don't know whether or not under this Act there is any provision, for instance, for a police officer to know that they have the leeway to ask a child or to hear from a child and then pass on that information to a child protection worker. Is there provision for assistance for children in this manner in this Act?

**Hon. Mr. Hagel:** — Mr. Chair, because of the ability to use hearsay evidence, the answer to the question is yes. It permits the . . . but not just a police officer. It would also include a child protection officer or an outreach worker to, on the basis of statement of a child to the officer, to obtain an intervention order. And it's the reference here that makes it admissible or makes use . . . available the use of hearsay evidence, that authorizes the ability to do that.

**Ms. Julé:** — Well thank you, Mr. Minister. And, Mr. Minister, I have a whole slug of other questions that I wanted to ask you and I will be doing some of my questioning possibly during estimates because they pertain to this Bill once it's enacted, and I think it would be acceptable.

But I have one more question before we go on with the rest of the Bill. And that question is, what is the definition of credible hearsay, specifically as it will be understood and applied in the Bill? I mean, we have to . . . we should have sort of fleshed that out also so that . . . and had it clearly understood in this Bill so that there's no question. Because again this is very, very difficult for police or social workers or anyone else to actually know what they can accept from a child and how they would determine that it's a credible statement.

**Hon. Mr. Hagel:** — Mr. Chair, the answer to the question that the hon. member asked is found in section 6(4)(b) which refers

to:

(4) At the hearing of an application for an order, a justice (then):

Or judge. A justice of the peace or a judge, then:

(b) may admit hearsay evidence if, (and this is the key part) in the opinion of the justice, the evidence is credible and trustworthy.

It's a standard that's been used for quite some time in the child and family services protections and is based then upon the experience of the justice and the pool of previous practice. And so that's the standard; I'm advised it works well and effectively in The Child and Family Services Act and it's the same standard that would apply here.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, I just have to ask this question before we go on. Once an emergency protective intervention order has been put in place and issued against a perpetrator, what happens to the child victims?

Sorry, Mr. Minister, if I could just add to that. What kind of support services are available to them? Can they be removed from the street? If so, what happens to them from there?

**Hon. Mr. Hagel:** — Mr. Chair, in response to the hon. member's question, the answer to that isn't found within the Act, and I think . . . I don't think she was of the view it's found within the Act.

It's part of the total response to the sexual exploitation. And what will happen then, is under the currently existing authority of The Child and Family Services Act the child, if it's deemed appropriate, can be removed from the street. That authority currently exists.

And then the resources of the department come into play. They will be a variety of different kinds of intervention and support systems; that they will be in residential kinds of systems. There will be, as we have . . . as I have earlier indicated some time ago — not in the debate on this Bill but some weeks ago — there will be 31 spaces in the province that would be designated as top priority availability for victims of sexual exploitation.

There will be intervention committees in place. And these intervention committees will ensure that for each child there will be a specific case plan that is put in place and will follow that child, which may also quite possibly — quite probably, I think is in many cases — include attention services brought to the family of the child. So it would be a combination of things.

But it certainly . . . by no means does the intervention orders come . . . be the end of the process. It's the . . . hopefully it's the end of the contact between the perpetrator and the child, but what it then . . . but what that does also then activates the Department of Social Services' contact and care with that child in a whole host of ways that we believe to be helpful and healthy.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, I wish that I knew that there was activity happening right now by your

government that was moving towards those very measures that you just talked about.

Because what comes to mind quickly to me is that even though there are 31 spaces that you have . . . say you have designated, I would like to ask very . . . a more detailed question. Where are those spaces going to be? I'm not going to ask you that now because there is a time constraint.

But I want to know whether or not there's going to be addiction services treatment. I mean, foster homes, if that's what you are referring to as these spaces, foster parents, I don't know if they should be responsible for addictions treatment. And all of those things are needed by a great number . . . a large number of children that have been on the streets because they have been subject to drugs in order to deal with their pain.

Mr. Minister, I would like to take the opportunity to thank you, and I hope that you will take some of our recommendations into consideration. We will be moving forward with this Bill now and voting it . . . voting it . . . on it. And, Mr. Minister, if you're prepared to go past the hour in order to get this completed, we would be agreeable to doing that also. So I will just leave . . . leave it at that then, and to your discretion.

**Hon. Mr. Hagel:** — Mr. Chair, just briefly in response to the questions raised by the hon. member, much is currently in place. The intervention committees are in place in Saskatoon, Regina, Prince Albert already. Twenty-six of the . . . of the places that I referred to, the 31, are already in place now in the . . . in those cities in Saskatchewan.

And as the hon. member will be aware, in this year's budget, which we talk about in the estimates, there are funds for the introduction of a new safe shelter here in Regina, which will provide an additional five spaces, bringing it to 31. And there will be . . . as part of the strategy to respond to the needs of these kids, there will be . . . that will include training to deal with the . . . with addictions as part of that plan.

So I assure the hon. member that this is a strategy which has been acted upon for some time. It will continue. We're building on strengths. That's our intention. We're providing, through this Bill, additional tools for the police or child protection officers and outreach workers, the ability to bring a separation of contact between the perpetrators and the kids as a part of that tool, to enable them, the kids, to be then . . . to engage in healthy recovery and hopefully to get on with happy and healthy lives, as part of our objective to enable them to see their futures in a positive sort of way.

Clause 1 agreed to.

Clause 2 agreed to.

(16:45)

### Clause 3

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Chair, in reference to clause 3 there is a new clause after clause 3 of the printed Bill, that this be amended to read . . . We would like to:

Amend the printed Bill by adding the following Clause after Clause 3:

### Best interests of the child

**3.1** In the enforcement and administration of this Act, the best interests of a child must be taken into account and the following relevant factors must be considered in determining each child's best interests:

- (a) the child's safety;
- (b) the child's present and future well-being;
- (c) the child's physical and emotional needs and level of development;
- (d) the child's cultural, racial, linguistic and religious heritage;
- (e) the child's views;
- (f) the effect on the child if there is delay in making a decision; (and)
- (g) the importance of continuity in providing the child with protection, support and assistance.

I so move.

**Hon. Mr. Hagel:** — Mr. Chair, I'm not sure we . . . I think we, in many ways, we have discussed the proposals and responses. I'm not sure — I don't want to take more time than is necessary — whether in the interest of clarity, the committee desires me to respond to the . . . Maybe I should just very, very quickly and specifically, although none of this will be new information.

I don't support the House amendment, Mr. Chair. It's my view that the regulations that are being drafted for the implementation of the Act should include the current definition of the best interests of the child as contained in The Child and Family Services Act that we discussed previously. And it's these two pieces of legislation that are intended to be used together, and the same definition will ensure a consistent application of the definition.

Amendment negated on division.

Clause 3 agreed to.

Clauses 4 to 15 inclusive agreed to.

### Clause 16

**Ms. Julé:** — Yes, Mr. Chair, we would like to amend clause 16 of the printed Bill:

Amend Clause 16(1) of the printed Bill by adding the following after clause (a):

“(a.1) request that the operator and every occupant in the vehicle identify themselves to the peace officer in order to establish each individual's identity and age;”

I so move.

**Hon. Mr. Hagel:** — Mr. Chair, just to put again on the record, as we previously discussed, I believe this objective to be already met through The Highway Traffic Act and the practice of common law, and therefore it not necessary to include in the Bill.

The division bells rang from 16:50 until 16:59.

Amendment negated on the following recorded division.

**Yeas — 18**

Kwiatkowski	Julé	Draude
Gantefoer	Bjornerud	Toth
Wakefield	Stewart	Elhard
Eagles	McMorris	D'Autremont
Bakken	Wall	Brkich
Weekes	Harpauer	Huyghebaert

**Nays — 29**

Calvert	Atkinson	Hagel
Lautermilch	Serby	Melenchuk
Cline	Sonntag	Osika
Lorjé	Kasperski	Goulet
Van Mulligen	Prebble	Belanger
Crofford	Axworthy	Nilson
Junor	Hamilton	Harper
Forbes	Jones	Higgins
Trew	Wartman	Thomson
Yates	McCall	

**Ms. Julé:** — Yes, thank you, Mr. Chair. Mr. Chair, I'd like to make an amendment to clause 16 of the printed Bill:

Amend Clause 16(2) of the printed Bill by adding the following after clause (a):

“(a.1) request that the operator and every occupant in the vehicle identify themselves to the peace officer in order to establish each individual's identity and age;”

I so move.

**Hon. Mr. Hagel:** — Mr. Chair, I don't support the amendment because as I previously explained, I believe the authority already exists and it's not necessary.

Amendment negated on division.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Chair, I'd like to amend clause 16 of the printed Bill:

Strike out Clause 16(3) of the printed Bill and substitute the following:

“(3) The person in charge of or operating a vehicle shall, when requested or signaled by a peace officer pursuant to subsection (1) or (2):

(a) immediately bring the vehicle to a safe stop;

(b) provide his or her driver's licence, vehicle registration and any other information or identification that the peace officer may require in order to establish the individual's identity and age; and

(c) permit the peace officer to search the vehicle.”

I so move.

**Hon. Mr. Hagel:** — Mr. Chair, as previously explained, this isn't a necessary amendment because the legal authority already exists.

Amendment negated on division.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Chair, I'd like to move an amendment to clause 16 of the printed Bill:

Amend Clause 16 of the printed Bill by adding the following subsections after subsection (3) of Clause 16:

“(4) Every occupant in a vehicle that has been requested or signalled by a peace officer to stop pursuant to subsection (1) or (2) shall identify themselves sufficiently to the peace officer in order for the peace officer to establish each individual's identity and age.

“(5) Where a peace officer has reasonable grounds to believe that any occupant in a vehicle that has been stopped pursuant to this section has been or is likely to be subjected to sexual abuse, the peace officer may detain the vehicle and all of its occupants in order to apply for and obtain an emergency intervention order pursuant to Part II.”

I so move.

**Hon. Mr. Hagel:** — Mr. Chair, as previously explained, this amendment is not necessary because I believe the legal authority already exists.

Amendment negated on division.

Clause 16 agreed to.

Clauses 17 to 23 inclusive agreed to.

**Clause 24**

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Chair, I'd like to move an amendment to clause 24 of the printed Bill:

Amend Clause 24(3) of the printed Bill by striking out “not more than \$25,000” and substituting “not less than \$25,000”.

I so move.

**Hon. Mr. Hagel:** — Mr. Chair, as previously explained, I believe this is not necessary in order to protect the possible . . . the largest possible strength of the enforcement and application of the Bill as intended.

Amendment negated on division.

Clause 24 agreed to.

#### Clause 25

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Chair, I wish to move an amendment to clause 25 of the printed Bill.

Clause 25 of the printed Bill is struck out and the following substituted:

**“Coming into force**

25(1) Subject to subsection (2), this Act comes into force on October 1, 2002.

(2) Sections 16 and 22 come into force on assent.”

I so move.

**Hon. Mr. Hagel:** — Mr. Chair, as I previously explained, the intentions of the government are to implement the consequences of the Bill as soon as possible. And the current . . . currently stated target is October 1 and the amendment is not necessary.

Amendment negated on division.

Clause 25 agreed to.

**The Chair:** — Order. Would the committee please come to order.

The committee agreed to report the Bill.

### THIRD READINGS

#### **Bill No. 2 — The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act**

**Hon. Mr. Hagel:** — Mr. Speaker, I move that Bill No. 2, an Act respecting emergency protection for victims of child sexual abuse 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.

The Assembly adjourned at 17:09.