

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 who are disappointed with the treatment of the snowmobile industry in this province. The prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the provincial government to recognize the financial savings that could be made by contracting the Saskatchewan Snowmobile Association to groom provincial trails and obtain funding for this through the sale of provincially owned grooming equipment, mandatory trail permits on Crown land and provincial parks, and the attachment of trail permits to snowmobile registrations.

The five petitions I'm presenting, Mr. Speaker, are signed by citizens of Melfort, Choceland, North Battleford, Debden.

And I so present, Mr. Speaker. Thank you.

**Ms. Draude:** — Thank you, Mr. Speaker. I have a petition to present today on behalf of people concerned about the cost of prescription drugs:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately reinstate a reasonable annual deductible amount for prescription drugs in Saskatchewan.

Everyone that has signed this petition is from Saskatoon.

**Mr. Gantefoer:** — Thank you, Mr. Speaker. I rise this afternoon on behalf of citizens who are concerned about the tobacco legislation. The prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately amend tobacco legislation that would make it illegal for anyone under the age of 18 to be in possession of any tobacco products; and furthermore, anyone found guilty of such an offence would be subject to a fine of not more than \$100.

Signatures on the petition this afternoon are from the communities of Sylvania, Bjorkdale, Porcupine Plain, Hudson Bay, and Tisdale.

I'm proud to present on their behalf.

**Mr. Bjornerud:** — Thank you, Mr. Speaker. Mr. Speaker, I have a petition to do with the overfishing of Lake of the Prairies. The prayer reads:

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

with the federal government, First Nations representatives, and with other provincial governments to bring about a resolution in the Lake of the Prairies situation and to ensure that our natural resources as a whole are used in a responsible manner by all people in the future.

The signatures, Mr. Speaker, are from Stockholm, Dubuc, and Whitewood.

**Mr. Stewart:** — Thank you, Mr. Speaker. I rise to present a petition signed by citizens concerned with the deplorable condition of Highway 42 in the Arm River constituency. And the prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to make the necessary repairs to Highway 42 in the Arm River constituency in order to prevent injury or loss of life and to prevent the loss of economic opportunity in the area.

And, Mr. Speaker, this petition is signed by individuals from the communities of Riverhurst and Moose Jaw.

I so present.

**Mr. Weekes:** — Thank you, Mr. Speaker. I have a petition from citizens from Emerald Lake who are concerned about adequate, reasonably priced telephone service. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to modify the exorbitant rates of telephone hookup to these cabins and provide reliable cellular telephone coverage.

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

Signed by the citizens of Hague, Vanscoy, Emerald Lake, Saskatoon, Rosetown, Shellbrook, and Leask.

I so present.

**Ms. Harpauer:** — Thank you, Mr. Speaker. Mr. Speaker, it won't come as a big surprise today. I have a petition of citizens concerned with Highway No. 15. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to use a portion of its highway budget to address the concerns of the serious conditions of Highway 15 for Saskatchewan residents.

And the signatures, Mr. Speaker, are all from the good community of Watrous.

I so present.

**Mr. Allchurch:** — Thank you, Mr. Speaker. Mr. Speaker, again I rise in the Assembly to bring forth a petition signed by citizens all over Saskatchewan that are concerned with the Besnard Lake situation. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to work with the federal government, First Nation representatives to bring about a resolution in the Besnard Lake situation and to ensure that our natural resources as a whole are used in a responsible manner by all people of the future.

And, Mr. Speaker, the signatures on this petition are from Mont Nebo, Parkside, Shellbrook, Leask, Canwood, P.A. (Prince Albert), Saskatoon, Holbein, and Regina, Mr. Speaker. Thank you.

### READING AND RECEIVING PETITIONS

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

A petition concerning consolidation and centralization of ambulance services;

A petition concerning telephone service to parks in the province; and

Addendums to previously tabled petitions being sessional paper no. 7, 11, 23, 24, 134, and no. 142.

### PRESENTING REPORTS BY STANDING, SELECT AND SPECIAL COMMITTEES

#### Standing Committee on Health Care

**Ms. Junor:** — Thank you, Mr. Speaker. Today it's my pleasure as Chair of the Standing Committee on Health to rise in this House to table the committee's report. This report was released to the public last October 30. Mr. Speaker, today I would like to table it for the formal record of the Legislative Assembly.

As members of this Assembly will recall, Mr. Speaker, last May 16 the legislature established the Standing Committee on Health. The committee was instructed by motion of this Assembly to receive and report on representations from the public with respect to the final report of the Commission on Medicare authored by Ken Fyke.

Mr. Speaker, you and members of this Assembly will recall that the Standing Committee on Health conducted hearings over a six-week period concluding in late July.

During that time, 109 individuals and organizations appeared before the committee, from which the committee received 134 written briefs. The committee received an additional 512 written submissions from a cross-section of interested individuals in Saskatchewan.

Mr. Speaker, the work of this committee was about listening to the people of Saskatchewan and hearing their views about what changes they thought needed to be made in the health care system. It was about people being heard and those views then being considered and taken into account in crafting the government's response to the Fyke Commission, which is the Action Plan for Health Care.

During the hearings of the committee, the government and the

public heard that the people of Saskatchewan strongly support a publicly funded, publicly administered health care system. Mr. Speaker, the Saskatchewan people are proud of our system of medicare and all that it stands for. They want to maintain it, improve it, and strengthen it for the future.

Mr. Speaker, Saskatchewan people also realize that in order to keep our health care system strong into the future we need to change it now. The people told us that they supported change as long as it was part of a clearly stated plan. It was made very clear to us that people do not want change that would disrupt health care delivery in their communities, Mr. Speaker. They want the security of knowing that they have reasonable access to health care professionals, hospitals, emergency care, and other vital services in their communities.

Mr. Speaker, the public response to the Fyke Commission on Medicare was mixed, depending on the particular recommendation being discussed. The committee heard testimony and received submissions from a wide range of groups and individuals with varying degrees of knowledge of and experience with the health care system.

It was apparent that at times, Mr. Speaker, members of the public and even health care providers themselves did not share the same interpretation of the terms and concepts used in the commission's report. As a result sometimes the recommendations in the report meant different things to different people.

Mr. Speaker, we heard that the majority of respondents supported the concept of a primary health care service model and creation of primary health service teams. However, Mr. Speaker, the committee also heard repeatedly that the proposed alternate model of health service delivery must be in place and proven to be effective before any restructuring of current health care services or any closure or conversions of rural hospitals takes place.

For example, Mr. Speaker, as the Wolseley health committee put it, "Do not change anything until the replacement system is in place." Mr. Speaker, the Prairie West Health District also advised, "Don't make any changes without knowing that the alternative you are proposing is in place and working."

Several groups of health care providers maintain, Mr. Speaker, that their members should be included in the primary health services team. These included the following health professionals and individuals: Registered Psychiatric Nurses Association, the Canadian Mental Health Association (Saskatchewan Division); the medical laboratory technologists; the Midwives Association of Saskatchewan; the Chiropractors Association of Saskatchewan; medical herbalists; complementary therapists; the Canadian Diabetes Association (Saskatchewan Division); the Catholic Health Association of Saskatchewan; and the Saskatchewan Catholic Health Corporation; and Saskatchewan Society of Occupational Therapists; the Saskatchewan Palliative Care Association; Dieticians of Canada (Saskatchewan Region); the Saskatchewan Physiotherapy Association; the Saskatchewan Psychological Association; the Representative Board of Saskatchewan Pharmacists; the Saskatchewan Pharmaceutical Association; the Saskatchewan Union of Nurses; the

Saskatchewan Registered Nurses' Association; the Saskatchewan Association of Licensed Practical Nurses; the Saskatchewan Medical Association; and the College of Physicians and Surgeons.

Mr. Speaker, these are all groups that are supportive of a primary health care approach to providing health care services and who see themselves as making a contribution to that process.

While acknowledging that the Fyke report contains some positive recommendations, Mr. Speaker, we saw that the submissions from towns, rural municipalities, and individual rural residents focused almost exclusively on the perceived negative effect of the closure or conversion of smaller rural hospitals.

Most health districts felt that Mr. Fyke's recommendations regarding consolidation of rural hospitals were much too . . . were too much change, too quickly, for rural residents to accept.

Mr. Speaker, with respect to the commission's recommendations regarding emergency response and medical transportation, again we saw that rural residents were almost unanimously of the view that the standard distances for access to emergency services were unacceptably long. There was some skepticism, Mr. Speaker, among rural residents that a centralized emergency dispatch system would improve response times.

Mr. Speaker, we heard that there was strong support for the commission's recommendations regarding health promotion, disease and injury prevention, and developing strategies to address the broader determinants of health. In fact, Mr. Speaker, some respondents felt that the commission did not go far enough in addressing these issues.

Mr. Speaker, those who spoke to the issue surrounding northern health care supported the recommendation for continuing development of a northern health strategy. Mr. Speaker, on the matter of health care service delivery for Aboriginal people, those who spoke directly to the issue expressed support for Mr. Fyke's recommendation for a structured dialogue. They agreed that Aboriginal health care must become a higher priority on the health care agenda, Mr. Speaker.

Most respondents were positive about the recommendation to establish a Quality Council, Mr. Speaker; however, they expressed a need for more clarification about the powers and membership of the proposed council.

Mr. Speaker, over the course of the public hearings and in the written submissions received by the committee, no consensus emerged with respect to the commission's recommendations for health district consolidation. We heard mixed views on matters such as how many districts there should be, and the methods of appointing boards.

However, Mr. Speaker, Mr. Fyke's recommendation to clarify the relationship between health districts and the provincial government met with universal approval. With respect to human resources, health care provider groups were supportive of the recommendation to coordinate human resource planning

and management on a province-wide basis.

Mr. Speaker, many respondents focused their comments on current health care staff shortages and the need to address issues of recruitment and retention. For example, Mr. Speaker, the University of Saskatchewan and health care provider groups and others who addressed the issue supported the recommendation to increase health research funding.

We also heard strong support expressed for the report's recommendations regarding investments and information systems, including the development of an electronic health record, Mr. Speaker. Respondents felt our health care system should continue to be administered and funded publicly through taxation.

Mr. Speaker, many respondents expressed strong opposition to user fees in any form. The committee also heard, however, that some individuals and communities would be prepared to accept some form of user fee rather than lose their local health services or facilities.

In addition, Mr. Speaker, several groups suggested health care coverage should be expanded to include additional services and medications and supplies not currently funded under medicare.

Mr. Speaker, differing views were heard with respect to how physicians in Saskatchewan should be paid. No clear consensus emerged on this issue. Some organizations suggested that the pilot project approach to the changes proposed by Mr. Fyke might be useful.

The possible economic impact of Mr. Fyke's proposals and the questions of whether health care and economic development issues should be linked were also raised on several occasions, Mr. Speaker.

Some respondents put forward that supporting community economic development is an important aspect of rural health care.

In conclusion, Mr. Speaker, let me say that public response to the Fyke Commission on Medicare can easily be described as mixed, depending on the recommendation. However, Mr. Speaker, the Legislative Assembly charged the standing committee with the task of listening to the people of Saskatchewan express their views on health care in this province.

Mr. Speaker, I believe that this report shows we have accomplished this task. As I mentioned in the beginning of my speech, Mr. Speaker, during the six-week period when the committee met last summer, we heard from a wide variety of groups and individuals representing various Saskatchewan interests.

I am pleased, Mr. Speaker, that the work of this committee helped to guide the development of the action plan. The government has acted on what it heard from the people of Saskatchewan, Mr. Speaker. The Action Plan for Saskatchewan Health Care, which was publicly announced by the Premier and the Minister of Health on December 5, 2001, is proof of that, Mr. Speaker.

(13:45)

Mr. Speaker, I'd like to take this opportunity to thank the other members of the Legislative Assembly that served on this committee with me. Those members include: the Hon. Jim Melenchuk, the member for Saskatoon Northwest, as Vice-Chair of the committee; Brenda Bakken, the member for Weyburn-Big Muddy; the Hon. Buckley Belanger, the member for Athabasca; Bill Boyd, the former member for Kindersley; Rod Gantfoer, the opposition Health critic and member for Melfort-Tisdale; Warren McCall, the member for Regina Elphinstone; and the Hon. Andrew Thomson, the member for Regina South.

Mr. Speaker, these members are to be commended for the time and effort they devoted to this very worthwhile cause. I would also like to thank the staff of the Office of the Clerk of the Legislative Assembly for their diligent work on this committee and for the assistance provided to the committee by our researcher, Ms. Leslie Anderson, in the preparation of this report.

The committee also wishes to extend its appreciation to all the individuals and groups who made oral presentations and submitted written briefs. With that, Mr. Speaker, I hereby move the motion to table the report of the Standing Committee on Health, seconded by the member from Melfort-Tisdale.

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

**Mr. Gantfoer:** — Thank you, Mr. Speaker. Mr. Speaker, it's a pleasure to rise this afternoon and second the motion tabling the report from the Standing Committee on Health

Mr. Speaker, the committee spent most of last summer in this Chamber listening to the submissions by people across this province in regard to their concerns and aspirations and dreams and even some fresh new ideas about how the health care system can be improved in our province

Mr. Speaker, as you know and members of the Assembly know, over the last number of years the whole issue of how we can better deliver health care, not only in this province but in this country, has been studied rather exhaustively. And currently we have in front of us as well, in addition to the Fyke and the Mazankowski reports that are relatively recent, we have the Senator Kirby report. And Mr. Romanow of course is crossing the country bringing together another report.

And I think that, Mr. Speaker, if there was as much energy put into actually improving our health care system as there has been in studying it, we may have indeed some tangible benefits for the health care system.

Mr. Speaker, people not only in Saskatchewan but people across this country recognize some fundamental principles that have to be met in order to improve our system. Change is necessary and everybody understands that. And nowhere in this country is change more needed than in this province.

We have the unenviable position being in a position to have the longest waiting lists. We see a real difficulty in deliver appropriate and effective health care to rural Saskatchewan. We

see urban people in the same queue as everyone else on these waiting lists and a great deal of demands for pressure on long-term care and all the rest of these issues.

We see an exodus of our medical professionals on every level, from the very high-end specialists to people that work in our institutions who are going to better opportunities. The government seems to be content to accept the statistics of 1,200 registered nurses leaving the province over the last three years. And, Mr. Speaker, there is a real crisis in making sure that we have effective and efficient training programs for medical professionals in the province.

Mr. Speaker, I think the time has come where we got to simply make sure that change is going to happen in a meaningful way. The action plan is the government's latest endeavour at trying to change and rejig things. And we are quite concerned that again there's going to be more inaction and navel-gazing than concrete steps that are going to be taken to improve health care for all of our citizens.

Mr. Speaker, listening to the people with the rest of the members of the Standing Committee on Health Care was an important and very worthwhile exercise because it told everyone in this province that it's time to take action about health care in a meaningful way. And this government now has the challenge of doing that; and so far they haven't met that challenge.

Thank you, Mr. Speaker.

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

Motion agreed to.

#### NOTICES OF MOTIONS AND QUESTIONS

**Mr. Stewart:** — Thank you, Mr. Speaker. I give notice that I shall on day no. 55 ask the government the following question:

To the Minister of Agriculture: can the minister please release pages 1 to 22 and pages 35 to 45 of the Valjean Provincial Pasture vegetation and range resource inventory report; and further to that, how much did this study cost?

**Mr. Hillson:** — Thank you, Mr. Speaker. I give notice that I shall on day 55 ask the government the following question:

To the Minister of Labour: regarding Review 2000 of the Saskatchewan Workers' Compensation Board: (1) has the government made a decision regarding implementation of recommendation 5.06 to institute an independent appeal tribunal for decisions? If so, what is the anticipated date for the implementation of this recommendation; and (3) if not, does the government have any alternate plan to ensure that an independent appeal process is implemented?

**Ms. Bakken:** — Mr. Speaker, I give notice that I shall on day no. 55 ask the government the following question:

To the minister responsible for the Saskatchewan Liquor and Gaming Authority: what is the cost breakdown of the \$82,000 annual cost for the operation of the kitchen in the

Regina South liquor store, and how many liquor stores in the province have this type of kitchen, and what is the cost breakdown for the operation of each?

#### INTRODUCTION OF GUESTS

**Hon. Mr. Wartman:** — Thank you, Mr. Speaker. It is with pleasure that I would like to introduce to you today a group of 58 students from St. Angela Merici School in the constituency of Regina Qu'Appelle Valley. They're accompanied by two of their teachers, Mme. Dubé and Mr. Walker, and they're sitting in the west gallery.

These grade 4 students are here to learn a little bit about the legislature, to explore the building with the guides.

And they are accompanied by parents as well. St. Angela Merici has a very active parent-teacher group. I was fortunate enough to meet with them earlier in the year to look at the budget. And we have today, accompanying these students, parents: Lee Phillips, Cindy Hovind, Shelley Dobranski, Paul Jakubowski, Barbara Troy-Hebert, Donna Garchinski, Art Timm, Mike Brassard, Trudy Hannaford, and Eleanor Malinowski.

And so I would ask all members to join me in welcoming these committed parents, teachers, and students to this Assembly. Thank you.

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

**Ms. Atkinson:** — Thank you very much, Mr. Speaker. I want to introduce to you and to all members of the legislature a person seated in your gallery, Chris Veeman, who is a constituent of mine, who is home for the summer from his studies at the University of Toronto Law School.

Chris is a competitive cyclist and I think he's spent a lot of time in academia, particularly at the University of Saskatchewan. His interests are varied in terms of history, politics, and economics. And I would like to have all members of the legislature join me in welcoming Chris Veeman to the Legislative Assembly this afternoon.

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

**Hon. Mr. Nilson:** — Thank you, Mr. Speaker. Through you also, I would like to welcome Chris Veeman who used to work in my office as a ministerial assistant. And I'll ask Chris to stand so that you could meet him.

He is presently working for the Aboriginal Justice Commission in Saskatoon for two months, then he returns to Toronto to work with Torys. And then next year, he's going to clerk with the Federal Court of Canada in Ottawa.

And I guess I want to say, on behalf of all of us, congratulations, Chris, on a job well done and on a job representing Saskatchewan among the best legal minds in the country. So thanks.

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

**The Speaker:** — Members, it's my pleasure to introduce to you today, seated in the Speaker's gallery, the daughter of our Sergeant-at-Arms. Her name is Shannon Shaw. Shannon is convocating from the University of Regina tomorrow.

And with Shannon today are her grandparents, Harry and Ann Betts from Penticton, BC (British Columbia) and her aunt and uncle, Barb and Doug Ferris, who are retired and I understand have no fixed address at this time.

And I ask all members to welcome them to our Assembly.

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

#### STATEMENTS BY MEMBERS

##### Battleford Old Time Fiddlers Jamboree

**Mr. Peters:** — Thank you, Mr. Speaker. On Saturday Shirley and I had the ... we attended the sixth annual Old Time Fiddlers Jamboree in the Battlefords, in Battleford. This event is organized and hosted by the Battleford Branch 9 of the Royal Canadian Legion.

The all-day program gives local performers and other featured artists an excellent opportunity for exposure to a large audience. The talent is superb. It is especially exciting to listen to our very young champions and appreciate their dedication.

Then on Sunday the finale is a church service with a choir of fiddles providing the music. This event requires a great deal of hard work to pull it off so successfully. I would ask everyone to join me in thanking and congratulating the Battleford Branch Legion for their job well done.

Thank you, Mr. Speaker.

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

##### Weyburn Nomination Meeting

**Mr. Van Mulligen:** — Mr. Speaker, last night an event of political significance was taking place in the city of Weyburn — the home of Tommy Douglas, Auburn Pepper, Ron Wormsbecker, and, Mr. Speaker, as of last night dare I say the home of the future NDP (New Democratic Party) MLA (Member of the Legislative Assembly) for the Weyburn-Big Muddy constituency.

The Weyburn NDP nominated our first candidate for the upcoming festivities. The Premier and 150 enthusiastic supporters welcomed Sherry Leach, and she is as good an opening act as you can find in the province of Saskatchewan, Mr. Speaker.

Sherry Leach was born and raised in rural Saskatchewan. She's a graduate of the university in Saskatoon and currently in a graduate program in Regina. She has lived in the Weyburn area since 1982. She has been a partner in a grain farm operation and since 1990 has worked in a number of capacities at the Southeast Regional College, and since 1998 as the executive director of the Southeast Education Foundation. She is, Mr. Speaker, rooted in agriculture and in education, and in addition

serves on a number of provincial organizations.

As well, Sherry Leach is involved in her community through her church, through the chamber of commerce, Rotary, and through her children's schools. She lives in her community and she is wired to that community — the kind of candidate that Weyburn and that Saskatchewan deserves.

Thank you, Mr. Speaker.

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

#### **Tisdale Twisters**

**Mr. Gantefoer:** — Thank you, Mr. Speaker. Mr. Speaker, and members, the Tisdale Twisters started their club with 100 members 25 years ago. Over those years, it has offered gymnasts participation in recreational and competitive programs.

Twister athletes have earned numerous all-around and individual apparatus event medals on a provincial level. Their athletes have been asked to be members of a Western team and teams on the provincial level. Many of the past members are coaches and judge right across Canada.

The club has hosted numerous invitational, northern, and provincial meets as well as the national trials meet, and in turn have been invited to several high-profile competitions.

The Twisters are the longest-standing competitive club outside of city limits in Saskatchewan thanks to qualified and committed head coaches, devoted athletes and parents willing to commit their time and energy to the club, and a community that has supported them over the years.

Mr. Speaker, by the noise in the House, I didn't understand that the Tisdale Twisters would be so well accoladed by members of the House. And I know that they will appreciate the exuberance that the Assembly has for their many accomplishments.

Mr. Speaker, I trust that all members will join with me in congratulating the Tisdale Twisters on their 25 years of success.

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

#### **Air Canada Regional Changes**

**Mr. Forbes:** — Thank you, Mr. Speaker. Mr. Speaker, two days ago Air Canada Regional, now called Air Canada Jazz, confirmed it will relocate 65 flight crew positions.

Mr. Speaker, these positions are currently located in the city of Saskatoon. They include 37 flight attendants, 16 captains, and 12 first officers from Saskatoon. Saskatoon will lose 65 full-time, well-paid positions plus the families who rely on these positions. Mr. Speaker, it seems Air Canada and the federal government are determined to isolate Saskatchewan from the rest of the country.

(14:00)

On April 1 of this year, I warned the federal government that

implementing a \$24 air security fee on domestic air travel would harm our province and our country.

And now, Mr. Speaker, Air Canada has announced it will be replacing the F28 jets with smaller Dash 300 turboprop equipment on regional services between Calgary/Edmonton and Regina/Saskatoon. Mr. Speaker, these measures will further harm tourism and business travel and reduce revenues to the airport authorities.

Mr. Speaker, we really must question Air Canada's long-term commitment to providing service to Saskatchewan. And we also wonder just where the federal government stands. We have confidence in our province, but we need a competitive air transport sector to help promote our economic and tourism advantages. For that, we need a national government that can read a map of Canada.

Thank you, Mr. Speaker.

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

#### **Grade 12 Pleasantdale Student Recognized**

**Ms. Draude:** — Mr. Speaker, most of us would agree that lifelong learning is fundamental to individual and professional success in the new knowledge-based economy. A well-educated population equipped with relevant knowledge tools is the foundation for growing Saskatchewan. There are differing opinions on the size of school most proficient in meeting the needs . . . educational requirements of our students.

Today I am honoured to recognize a grade 12 student, Jennifer Souter, whose exceptional academic success, leadership ability, and contribution to her community has been recognized with the awarding of many scholarships totalling over \$40,000 over the next four years.

At the recent graduation ceremonies in Pleasantdale, which has a total K to 12 student population of 100, Jennifer was presented with a national excellence award for the 2002-2003 academic year. She was one of 100 national excellence award laureates selected this year because of her academic success, her contribution to her community, her leadership, and her commitment to innovation.

Ms. Souter is one of 21 winners to be selected for the student leadership award by the Canadian Association of Principals. This award was based on leadership qualities, full curricular involvement, and academic success.

She was also the recipient of the University of Saskatchewan's Premier Award, a chancellor's scholarship that recognizes exceptional individuals who achieved high academic standing.

Ms. Souter received the Governor General's bronze medallion as well as many other local scholarships.

Mr. Speaker, it is my pleasure to offer congratulations to this exceptional student from the rural community of Pleasantdale and wish her continued success as she prepares for her future.

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

### SaskTel/Telcare Receives Julia Award

**Ms. Junor:** — Thank you. I'll be much shorter this time, Mr. Speaker.

At the annual general meeting and conference of the Canadian Cystic Fibrosis Foundation in St. John's, Newfoundland, SaskTel/Telcare was announced as the recipient of the Julia award for their contribution towards cystic fibrosis.

The Julia award acknowledges groups or individuals who have made a significant ongoing contribution to cystic fibrosis and is named in memory of Julia Herbert, the Canadian Cystic Fibrosis Foundation's poster child from 1987 to 1989.

SaskTel has supported the North Saskatchewan Chapter New Year's Eve charity ball for over 10 years. The ball is held annually and is designed to raise awareness and research funds for cystic fibrosis.

Mr. Speaker, cystic fibrosis is an incurable, inherited disorder affecting mainly the lungs and the digestive system. Those that suffer from this disease experience severe respiratory problems. Essentially it's like breathing through a straw. Those diagnosed with cystic fibrosis also have extreme difficulty in digesting and absorbing adequate nutrients from food.

Researchers in the cystic fibrosis organizations have been working hard to find a cure since 1960. Their efforts in research and treatment have raised the median age of survival from 4 years of age in 1960 to over 30 years of age today, adding hope that a cure will be found. Thank you, Mr. Speaker.

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

### Nipawin Newspaper Editor Dies

**Mr. Kwiatkowski:** — Thank you, Mr. Speaker. Mr. Speaker, on Monday, May 27 the community of Nipawin and the world of journalism suffered a great loss. Dennis Hegland, editor of *The Nipawin Journal*, died suddenly while undergoing a medical procedure at the Royal University Hospital in Saskatoon.

Dennis was born June 12, 1942 in Prince Albert where he was raised. He graduated grade 12 at the age of 15, having skipped two full grades. Dennis Hegland began his career in the publishing industry 38 years ago when he joined the Thomson chain of newspapers as an obituary writer. He then went on to hold many positions in the publishing area. These included jobs in Moose Jaw, Kelowna, and Ottawa.

In the fall of 1995 he was hired on as the editor for *The Nipawin Journal* and the *N. E. Region Community Booster*. Since his arrival in Nipawin, Dennis was instrumental in the formation of the Murals Society, Communities in Bloom program, and was a member of the local recreation board.

I would ask all members to join me in offering condolences to Dennis Hegland's family, friends, and co-workers.

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

### Tourism Radio in Saskatoon

**Mr. Addley:** — Thank you, Mr. Speaker. Mr. Speaker, if you turn to 91.7 FM on your radio in Saskatoon you will find Tourism Radio. Played on this station is a message from the mayor and listings of events and opportunities in Saskatoon for tourists and interested citizens.

Presently messages are updated and changed biweekly. Tourism Radio is a big hit with residents and visitors to Saskatoon. The 8- to 10-minute looped messages will be updated weekly for the summer season starting June 3 with updates on festivals, events, and attractions, such as Wanuskewin, the dragon boat races, Folkfest, Western Development Museum, Broadway Theatre, just to name a few.

So I invite all hon. members of the legislature, especially those opposite who seem to be very interested in Saskatoon, to listen in and maybe plan to attend a few events to show their community spirits . . . spirit.

We also want to thank Warren Cargill at Hot 93 FM/CJWW/Magic 98.3, and T-Bone at CKOM Rock 102/C95/650 NTR (news talk radio), for providing the production of *Tourism Radio* 91.7 FM and making it sound so good. And I'm looking forward to seeing all the hon. members out to community events throughout the summer in Saskatoon.

Thank you, Mr. Speaker.

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

### ORAL QUESTIONS

#### Ethanol Industry

**Ms. Bakken:** — Mr. Speaker, my question is for the Economic Development minister. The *Leader-Post* is reporting today that the NDP's plan to own ethanol plants in Saskatchewan could kill an ethanol deal in Weyburn that was set to go without a single dime from this government.

According to the mayor of Weyburn, a plan to build a 30 million litre ethanol plant in Weyburn may not go ahead because the private sector investors do not want to compete with government owned ethanol plants.

Mr. Speaker, why is the NDP determined to force government ownership of new ethanol plants when government ownership is certain to drive private investment out of the province and out of the ethanol business?

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

**Hon. Mr. Lautermilch:** — Thank you very much, Mr. Speaker. I want to thank the member for the question. And I can clearly understand why she's posing the question today because I think after last night's events in her own constituency, she would want to do anything to divert from the candidate that . . .

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

**Hon. Mr. Lautermilch:** — . . . who will soon replace her, by

the way.

Mr. Speaker, I would want to tell the member opposite that I have met with the principals involved in the proposal for the Weyburn ethanol plant. I have discussed with those folks our direction in terms of developing ethanol. I've talked with the mayor of Weyburn and indicated to him my support for their initiative; and I want to say as well the proponents of that particular investment opportunity have met with Crown Investments Corporation officials as well I'm told, Mr. Speaker.

I want to say to the member opposite that she can rest with the knowledge that ethanol development will take place in this province and that we're going to work with the community of Weyburn to see if we can establish that kind of a development in their community as well.

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

**Ms. Bakken:** — Thank you, Mr. Speaker. Mr. Speaker, it's the NDP that should be worried about the Weyburn constituency, not the Saskatchewan Party.

Mr. Speaker, people in Weyburn and across the province understand very clearly . . .

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

**Ms. Bakken:** — Thank you, Mr. Speaker. Mr. Speaker, the people in Weyburn and across the province understand very clearly what is going on here. The NDP want to control the ethanol industry, just like they want to control most things in Saskatchewan. And the NDP is willing to spend \$100 million of taxpayers' dollars to do it.

Mr. Speaker, no private sector investor is going to make a major investment in ethanol if they will be forced to compete with this government. So communities like Weyburn have no choice — if they want an ethanol project to go ahead, they will be forced to accept government money.

Mr. Speaker, will the NDP do the right thing, will they get out of the way and allow the private sector investors in this province to develop the ethanol industry?

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

**Hon. Mr. Lautermilch:** — Mr. Speaker, I want to make one thing very, very clear. This government will work with the private sector investors to facilitate ethanol production.

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

**Hon. Mr. Lautermilch:** — And I want to say — and I want to say, Mr. Speaker — Mr. Speaker, what will drive investment dollars away is the constant attack by members of the Saskatchewan Party caucus on private sector individuals who have offered to come to this province with millions of dollars to create an ethanol industry.

That member from Weyburn and her colleague from Swift Current are doing more to jeopardize private sector investment in this province than any two individuals that I know.

And I want to say, Mr. Speaker, members from that caucus — the member from Tisdale and the member from Thunder Creek and the member from Wood River and the member from Shaunavon — should stand up and tell the people of Saskatchewan whether they support their communities who are putting together packages to attract private sector investment to create ethanol or whether they don't support them.

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

**Mr. Wall:** — Mr. Speaker, on behalf of the official opposition, Saskatchewan Party, let me tell that minister, that government and through them, the people of this province that this party supports the development of the ethanol industry in communities across this province, Mr. Speaker.

But the real difference is — the real difference is — that this party believes in and has faith in the ability of the private sector in the province of Saskatchewan and across this country to grow the industry and create jobs in the province. That's the difference between our two parties.

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

**Mr. Wall:** — Mr. Speaker, last week, the minister at least took one small step towards rescuing a failing approach to the development of the ethanol industry when he promised that this government would not enter into any exclusive arrangement with any company. We assume, Mr. Speaker, that he meant there will be no exclusive arrangement with CIC (Crown Investments Corporation of Saskatchewan) and there will be no exclusive arrangement with respect to the domestic market.

Now, Mr. Speaker, will he take the next step? Will his government acknowledge the fact that they did not give the private sector enough time to grow this industry? Will they step back and let private venture capital develop the ethanol industry in the province of Saskatchewan?

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

**Hon. Mr. Lautermilch:** — Mr. Speaker, I'm going to ask that member if he will stand in his place and absolutely and unequivocally state that they do not support the ethanol industry, because that's what they don't support. Mr. Speaker, they do not support the development of the ethanol industry because it's being done by this government.

And it's being done successfully by this government by creating the environment, creating the legislation, creating the mandate to allow it to happen by finding private sector investors who that member, Mr. Speaker, attacks on a daily basis. And I want to say that he should stand at his place and he should apologize to the people of this province who have spent months working together with the private sector to bring an ethanol initiative to the different areas of this province.

And I want to know if that member from Shaunavon supports what this guy is saying, Mr. Speaker. And I challenge the press to go outside and ask every one of those members right now today whether they support it or whether they don't.

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

**Mr. Wall:** — Mr. Speaker, what this, what this new . . .

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

**Mr. Wall:** — Thank you, Mr. Speaker. What this new ethanol minister has done to the work of the former ethanol minister, what he had done on this file, Mr. Speaker, is pathetic bordering on tragic. Let's just quickly review. Let's review.

Two months ago that minister, the former minister, indicates that the government of Saskatchewan wants the private sector to lead the ethanol . . . development of the ethanol industry. While those words are coming out of his mouth, this minister, and the minister for CIC, Mr. Speaker, are already cooking up a deal with the private . . . with the company out of the United States for 80 to \$100 million worth of direct investment, with the help of his political buddy, Reg Gross, who's brokering the deal.

Mr. Speaker, the government certainly intimates throughout that process that the reason that they're forced into this flip-flop two months later is that the only way we'll grow this industry is with the government. Yesterday the news out of Weyburn contradicts what the minister says, that the private sector can grow this industry.

(14:15)

So the question to the minister is this: is that his approach to ethanol development in the province of Saskatchewan? That he will chase around these ethanol projects with his bag of taxpayers' money, Frank Hart and Reg Gross in tow, Mr. Speaker . . . that he will drag those two around with his bag of taxpayers' dollars trying to get in on all of the ethanol deals in this province whether they want him or need him or not.

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

**Hon. Mr. Lautermilch:** — Mr. Speaker, what I'm hearing here today again is consistency from the member from Swift Current, because he's not going to let the facts get in the way of his questions or of his comments.

And, Mr. Speaker, he's going to do everything he can to destroy opportunities in this province to create ethanol and to create through that an intensive livestock industry. He's going to do everything he can in his power to destroy that opportunity.

But I'll tell you who he won't stop, Mr. Speaker. He will not stop the people from Shaunavon who have put months and months and months of work into this initiative and who have asked Crown Investments Corporation to work with the people who they have put together who have found some private sector capital. He will not stop them, Mr. Speaker, any more than he'll stop the people from Melville, anymore than he'll stop the people from Shaunavon, anymore than he'll stop the people from Tisdale.

And I'll tell you, Mr. Speaker, this government's going to stand behind them foursquare. We're going to be there, we're going to be there to put this proposal together. And I tell you I'm going to invite that member to the announcements when we . . .

**The Speaker:** — The member's time has elapsed.

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

### Drought Assistance for Livestock Producers

**Ms. Harpauer:** — Thank you, Mr. Speaker. Mr. Speaker, last week the Saskatchewan Party predicted that this year's drought could lead to a major sell-off of the cattle in our province. And the story in today's paper appears to confirm this.

Heartland Livestock Services sold 1,200 head of cattle at this week's sale. That's three times the normal number that they sell at this time of year. Mr. Speaker, Heartland's manager said he has never seen so many cows sold in May in over 20 years, and it's all due to a shortage of feed and water.

Mr. Speaker, APAS (Agricultural Producers Association of Saskatchewan) is predicting that the cattle producers may be forced to sell as many as 800,000 cattle this year.

What specific steps is this government going to take to prevent the massive sell-off of the cattle in Saskatchewan due to this year's drought?

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

**Hon. Mr. Serby:** — Mr. Speaker, in this year's budget we provided some incentives to ensure that the livestock industry in Saskatchewan would be protected, Mr. Speaker.

And one of the things that we did is we implemented this year the forage program, Mr. Speaker, which the member opposite stood up when we implemented the forage program and made a mockery of it, Mr. Speaker. Didn't support it, Mr. Speaker, for a minute. And that was one of the initiatives that we provided, Mr. Speaker.

Then, Mr. Speaker, we provided again, \$1.5 million last year for water. And the member opposite — who wasn't the member from Watrous, but the member from Kindersley who was here before — said that it was a joke, Mr. Speaker, that we put additional money into the livestock industry.

So today, Mr. Speaker, what we're doing, we're working with livestock producers. We're putting money through the Crop Insurance program for forage and for hay programs in the province. And I made a commitment to this House and to the media only a couple of days ago, where I said that our government would participate in the water program with the national government.

And because on this side of the House this government works with farmers; on that side of the House they work against farmers, Mr. Speaker.

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

**Ms. Harpauer:** — Thank you, Mr. Speaker. I will repeat what I've said before in this House. A loopy little lottery that only 2,000 producers in this province can qualify for is not providing feed and water for our cattle today, and they eat everyday — I hate to tell the minister — every single day.

Mr. Speaker, the NDP obviously has no plan to deal with this

crisis, so last week we suggested one. The Sask Water Corporation could immediately commit \$10 million for drilling wells, digging dugouts, and for pumping equipment.

And, Mr. Speaker, this drought is not a surprise to anyone. We've known for many months that there could be a drought in this province. Did the NDP come up with one single plan that would address the drought this year? No, they did nothing. And now over half the province's cattle herd could . . . may be sold off and it's going to take years to recover from this.

Mr. Speaker, if the NDP have no plan of their own, will they please adopt the Saskatchewan Party plan to help the livestock producers to deal with the crisis today?

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

**Hon. Mr. Serby:** — That's just what I thought would happen by this opposition party. It's only taken them a week, Mr. Speaker, to get there. I thought it would take them about 10 days, but they're in there a week.

Last week we said in this House and the Leader of the Opposition stood up and said, do you know what? We support the provincial government because we have international trade issues and that the federal government should be putting its money on the table. And he said that, Mr. Speaker. He said that to the conference that we had . . .

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

**Hon. Mr. Serby:** — At the forum on Friday the Leader of the Opposition stands in front of the mike and he said, do you know what? In Canada today by the early OECD (Organization for Economic Co-operation and Development) numbers, Saskatchewan puts the largest amount of money into agriculture than any other province in Canada.

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

**Hon. Mr. Serby:** — And then he goes on to say, Mr. Speaker, that the national government puts in 1.1 per cent — 1.1 per cent it puts in. And a day later in this House, Mr. Speaker, the member opposite from Watrous gets on her feet and says what we should be doing is we should be taking \$10 million of Saskatchewan taxpayers' money and putting it into water programming.

And what the *Leader-Post* says to that, Mr. Speaker, what the *Leader-Post* says to that is they see that as a dumb, dumb, dumb, dumb idea, Mr. Speaker, because it is a dumb idea and it contradicts the Leader of the Opposition in spades, Mr. Speaker — in spades.

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

#### Saskatchewan Government Growth Fund

**Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, yesterday the auditor's report released some very controversial information. It indicated that Cajon Leasing and R & R Leasing have received over \$50 million worth of Saskatchewan Government Growth Fund money which was used to buy cars

and equipment and lease it back to the government.

Over \$50 million worth of government leases, Mr. Speaker. There are many businesses in Saskatchewan who could lease cars and equipment to this government. I'm sure they would have liked the opportunity to bid on these contracts.

Mr. Speaker, were the \$50 million worth in leasing contracts held by Cajon Leasing and R & R Leasing tendered by the provincial government?

**Hon. Mr. Lautermilch:** — Mr. Speaker, I know that the member opposite is very, very curious with respect to the leasing arrangements and I respect that, Mr. Speaker. So I have asked the president of the Saskatchewan Government Growth Fund to be here today to answer the detailed questions that the member opposite is quite interested in.

I can say that there have been arrangements made with Cajon and R & R Leasing as it relates to procurement of arrangements for vehicles and for other equipment. I can say that it's been done, as I understand it, in a competitive fashion.

I can say that those leasing companies are competing with the rate at which government can borrow money as well.

I want to say, Mr. Speaker, that we will have all of the answers for that member. I can say that none of this has been any kind of a mystery. This is all above board and it's all very honestly done, Mr. Speaker.

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

**Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, from that answer I think we can conclude that indeed these contracts were not tendered.

Mr. Speaker, the NDP took \$50 million worth of immigrant investor money, money that was supposed to go to small businesses in Saskatchewan, and they used it to buy, buy government cars and planes.

What's worse, none of these contracts were tendered. That's what we just heard from the minister. So no other leasing company in Saskatchewan had access to \$50 million worth of leasing contracts.

Mr. Speaker, why weren't these contracts tendered? Why did no other Saskatchewan company have the opportunity to bid on these contracts?

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

**Hon. Mr. Thomson:** — Well thank you, Mr. Speaker. I want to make sure that people here in the House understand how this operates in terms of the government purchasing vehicles.

When the government goes forward to lease the vehicles there is a financing operation — this is what has happened in terms of Cajon and SGGF (Saskatchewan Government Growth Fund Ltd.). But in terms of where the vehicles come from, they are allocated from all over the province. We make sure that all the dealers across the province are able to participate in the

program.

So there's nothing untoward here. What we have simply gone with is a financing arrangement — an arrangement which is dealt with through SGGF, through the Crown Capital Partner program, which is incidentally a wholly owned subsidiary of Crown Life. There's nothing untoward here.

I know the members opposite desperately want something to help pick up their spirits that they can hang their hat on. I just simply encourage the member to move on; it's not here.

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

**Mr. Krawetz:** — Mr. Speaker, let's take a look at one of these specific companies. R & R Leasing. Mr. Speaker, R & R alone has received over \$15 million in SGGF money to buy equipment and lease it to Crown corporations.

Mr. Speaker, a corporate search that shows R & R Leasing is owned by Roy and Rose Lloyd of Saskatoon. The SGGF annual report shows that Roy Lloyd is an investment advisor to SGGF. So he's one of the people advising SGGF where to invest their money, and he's one of the people receiving money from SGGF.

Mr. Speaker, is this not a conflict of interest?

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

**Hon. Mr. Thomson:** — Mr. Speaker, let me pick up where I left off in terms of explaining how SGGF and the Crown Capital Partners work in terms of providing the money. What we have is that we have a board that lays out an investment policy within the rules. Fair enough — this is what the auditor has commented on.

Then there are a set of managers. These managers are from the Crown Capital Partner corporation. That is a wholly owned subsidiary of Crown Life. They are the ones that make the recommendation on whether or not these are good investments and which company should provide the financing. This is arm's-length from government — there is nothing at all here for that member to be casting these kind of aspersions against people about.

Let's understand that what is happening here is the government is leasing vehicles. Those vehicles are the same vehicles some members opposite drive, the cabinet ministers drive, that are in the CVA (Central Vehicle Agency) fleet. There's actual property there, there's a financial transaction there, the transaction meets the agreement and it fits in with what Crown Capital Partners tells us we can use the money for.

That's the way it works and I wish the member would understand.

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

**Mr. Krawetz:** — Mr. Speaker, the summary of SGGF III, IV, V, VI, and VII and VIII show that R & R Leasing appears to have \$15 million worth of SGGF money and has bought equipment and leased it back to the NDP government. None of

these leasing contracts were ever tendered.

Mr. Speaker, is this the same Roy Lloyd, who was chief planning officer in Allan Blakeney's office in the 1970s? And is this the same Roy Lloyd who was appointed acting president and CEO (chief executive officer) of SaskTel by Roy Romanow?

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

**Hon. Mr. Thomson:** — Well thank you very much, Mr. Speaker. I'm sorry, I was seven years old in 1970 . . .

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

**Hon. Mr. Thomson:** — Well thank you very much, Mr. Speaker. As I was saying, I was seven years old in 1974, so you'll forgive me if I don't have a current list of who worked in Mr. Blakeney's office at the time. The issue here is what is the process that's followed in terms of moving this money from the investor's fund over to purchase perfectly legitimate government equipment.

Well what's the process? We've moved the process to arm's length through Crown Capital Partners. This is a perfectly appropriate way for us to do it because it is an arm's length approach.

The government is not loaning itself the money, it has a fund manager, it goes through the process. We take their advice and where possible, we use them for financing. That's as simple as I can make it for the members opposite.

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

(14:30)

**Mr. Krawetz:** — We are talking, we are talking about a fund that is called the Saskatchewan Government Growth Fund, okay. We want to know why these two companies were chosen to receive a large amount of money, in excess of \$15 million worth of SGGF money and government leases. It seems to me that other Saskatchewan companies might have been interested in these contracts, yet they never got a chance to even bid.

Mr. Speaker, Saskatchewan people would like to know the terms of these contracts. Will the government release the leasing contracts with Cajon Leasing and R & R Leasing?

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

**Hon. Mr. Lautermilch:** — Well, Mr. Speaker, I want to say that we're pleased to be able to shed some light on this and there will be more shed in a few minutes. The members opposite will want to know that I've asked Mr. Benson, who manages Saskatchewan Government Growth Fund, to be here today so that he can explain to you the details of the arrangements, how they were reached and how they were achieved. And he will actually talk very slow so that even they can understand, Mr. Speaker.

Mr. Speaker, what we have are two companies in the private sector in this province who are doing legitimate work on behalf

of the Government of Saskatchewan in terms of offering the lease capacity to have CVA vehicles available to all the civil servants in this province and to the Leader of the Opposition.

Mr. Speaker, there is nothing untoward here. I can understand why members opposite are grasping. Mr. Speaker, question period in this place has been getting more and more dismal every day. They have no issues.

The Provincial Auditor — and I'll quote the headline in the *Leader-Post* — says:

Gov't doing OK: (Provincial) auditor.

. . . for the most part the nearly 135 government agencies and funds covered by the report have adequate financial . . .

**The Speaker:** — Sorry, the member's time is up.

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

**The Speaker:** — Order, please. Order. Order. Order. Order. Order. Order, members. Order.

#### INTRODUCTION OF BILLS

##### **Bill No. 58 — The Income Tax Amendment Act, 2002**

**Hon. Mr. Cline:** — Mr. Speaker, I move that Bill No. 58, The Income Tax Amendment Act, 2002 be now introduced and read the first time.

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

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

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

##### **Bill No. 59 — The Saskatchewan Financial Services Commission Act**

**Hon. Mr. Axworthy:** — Thank you, Mr. Speaker. I move that Bill No. 59, The Saskatchewan Financial Services Commission Act be now introduced and read the first time.

**The Speaker:** — Members, order please. Order. Order. Order please, members. Order.

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

##### **Bill No. 60 — The Saskatchewan Financial Services Commission Consequential Amendment Act, 2002/Loi de 2002 apportant des modifications corrélatives à la loi intitulée The Saskatchewan Financial Services Commission Act**

**Hon. Mr. Axworthy:** — Thank you, Mr. Speaker. I move that Bill No. 60, The Saskatchewan Financial Services Commission Consequential 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.

##### **Bill No. 61 — The Regional Health Services Act**

**Hon. Mr. Nilson:** — Mr. Speaker, in the spirit of taking action in this province, I move that Bill No. 61, The Regional Health Services Act, be now introduced and read the first time.

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

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

#### TABLING OF ERRATUM

**The Speaker:** — Members, before orders of the day, I wish to put on record that I did, right after prayers today, submit . . . table an erratum to the 2002 Spring Report which was given to me by Fred Wendel, the Provincial Auditor.

#### ORDERS OF THE DAY

#### WRITTEN QUESTIONS

**Mr. Yates:** — Thank you, Mr. Speaker. I'm extremely pleased today to stand on behalf of the government to table responses to written questions 227 and 238. And as a note, Mr. Speaker, I didn't think we could surpass the number of questions asked last year but we've already done it in less than 50 days.

**The Speaker:** — Responses to 227 to 238 have been tabled.

#### GOVERNMENT ORDERS

#### COMMITTEE OF THE WHOLE

##### **Bill No. 15 — The Queen's Bench Amendment Act, 2002/Loi de 2002 modifiant la Loi de 1988 sur la Cour du Banc de la Reine**

**The Chair:** — I recognize the Minister of Justice to introduce his official.

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair. Mr. Chair, to my right, someone most familiar to all of us, Susan Amrud, Q.C. (Queen's Counsel), who is director of legislative services in the Department of Justice.

#### Clause 1

**Mr. Heppner:** — Thank you, and welcome to the minister's official. We didn't spend very much time on Bill No. 15 earlier on because it's fairly self-explanatory and doesn't seem to create a whole lot of problems.

But we do have a number of questions that we have today. And one is, we noted in your second reading speech that was given by the minister, that recent court rulings had called into question the inadmissibility of all communications in the course of a pretrial conference. And I'm just wondering if the minister would please elaborate on that to some extent.

**Hon. Mr. Axworthy:** — Mr. Chair, in response to the member's question, the member might be aware that the Saskatchewan Court of Appeal held just a year ago that evidence of statements made during a pretrial conference was inadmissible in a subsequent court hearing, in spite of the Queen's Bench rules.

So essentially we are responding to that decision and responding basically to the call by the court that we make amendments to The Queen's Bench Act rather than have them simply respond on the basis of the rules of court. So we're responding to that Court of Appeal decision to ensure that there is the same protection from disclosure of statements made during a pretrial conference as exists for statements made during mediation.

The important thing being that people need to be able, in that process of pretrial mediation and conferencing, to be open about the issues without the risk of being prejudiced in later court proceedings.

**Mr. Heppner:** — Thank you. And as was explained, I believe that in most cases this situation was already covered in most cases and that we were just covering the thing in its totality. And so then this Bill is essentially just closing a few minor legislative loopholes that are there?

**Hon. Mr. Axworthy:** — That's right.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

**Bill No. 24 — The Powers of Attorney Act, 2002/  
Loi de 2002 sur les procurations**

**Clause 1**

**The Chair:** — I would invite the Minister of Justice to introduce his official.

**Hon. Mr. Axworthy:** — Thanks, Mr. Chair. Mr. Chair, to my right, again, someone who is familiar to most of the members here, Andrea Seale from legislative services in the Department of Justice.

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

Mr. Minister, Bill No. 24 is a response to a report, I understand, of a steering committee on the abuse of adults in vulnerable circumstances. And the intent of this Bill, as I understand it, was to protect vulnerable adults from potential financial abuse. So I just have a few questions, three or four questions, regarding some details of this Bill.

I understand that this proposed legislation came about as a result of that report and that report is nearly five years old. And we know that there has been a number of serious cases of financial misuse and abuse in that same time period.

What was the reason, Mr. Minister, for the delay in implementing the committee's recommendations?

(14:45)

**Hon. Mr. Axworthy:** — Mr. Chair, in response to the member's question, she's right about the purpose behind the Act and about the process which generated the Act, the consultative committee which was made up of members from across the community, a very large number of people who worked on these general issues of protecting those who could not make decisions themselves which would be in their best interests.

The government is bringing forward legislation from that consultative committee, and there are a number of pieces of legislation which we've been working on. The first with The Saskatchewan Evidence Act, later the adult guardianship Act, and then the public guardian Act.

And this is the fourth and it is the . . . it is simply been the case of going through the committee's recommendations and acting on them as appropriate. And the . . . it would be I think wise to thank the committee for their work because they did come across complex questions which required them to seek solutions that were not always the most straightforward.

And I think we've been, we've been diligent in moving forward with the committee's recommendations, and implemented those legislations and those recommendations in four separate pieces of legislation.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, I accept your explanation of the delay in implementing the recommendations partially, certainly not wholly, because it seems to me like five years is quite a long time. And as I've mentioned to you before there were probably a good number of serious cases of financial abuse and misuse during that time.

I would like to just move on to my next question. Do you know how many cases of financial abuse are prosecuted on an annual basis and what will be the anticipated impact of this particular legislation on that?

**Hon. Mr. Axworthy:** — The member asked how many cases there have been, how many prosecutions for fraud or theft against the resources of vulnerable people.

I don't have the number and I'm not so sure it would be easy to bring that number together. But I'll certainly check with the . . . with prosecutions to see whether or not they could respond to that question.

And I think that we would all agree that one case of taking advantage of a vulnerable person in this circumstance would be too many. But let me explore whether or not we have those numbers kept in that way.

This piece of legislation would be more — The Powers of Attorney Act — would be more focused on ensuring that a vulnerable person had someone making decisions for them whom they could trust and who had the interests of that person at heart rather than focusing on the commission on fraud or

theft.

But the two are plainly linked together because if there's a responsible, caring person making these decisions, whether it be as a result of a family connection or a friendship or a business arrangement, obviously we would be in a better shape . . . we would be in better shape in the sense that we would be less likely to have theft and fraud committed by those, by those attorneys.

And the legislation does set out, for example, who would . . . or what would disqualify someone from being an attorney. And those are things like the commission of criminal offences and being generally unreliable for this kind of work.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, in view of your last comment or the last part of your statement, and you talked about anyone that may have been involved in criminal activity, etc. I just want to expand on that bit of our debate here a little bit or our conversation.

Section 6(b) of the Bill says that:

6(1) No person shall act as an attorney:

(b) if the person's occupation or business involves providing personal care or health care services to the grantor for remuneration.

So with respect to the term, personal care, what specific occupations does this exclude?

**Hon. Mr. Axworthy:** — On a straightforward reading of section 6(1)(b), it would include people providing personal care or health care services either as their occupation, say a nurse, or in the context of a business, say running a personal care home.

It was the latter that was our primary focus. But the issue here is to ensure that someone with first of all a conflict of interest, and secondly someone who could exert influence over the person in question, would be precluded from being able to act as an attorney for that person.

**Ms. Julé:** — Well thank you, Mr. Minister. I'm not quite sure that I can accept or, in fact, understand your reply totally. I think probably if we deal with instances, it might be easier to understand and to come to some clarity as far as this clause goes.

So what I'd like to ask you today is: with respect to the term personal care, does that term apply to people that might be giving personal care for instance to a senior that is not . . . if that person is not a care home service provider?

So for instance if there were people coming in to do personal care for a senior, for instance hairdressing or any kind of aesthetics, would that person be included as a personal caregiver?

**Hon. Mr. Axworthy:** — The member raises here an interesting, an interesting point. And she could have also raised the example of somebody who was a friend or a family member who came and provided care but whose occupation or business

didn't involve that, and would that person be covered too.

And I think what the member highlights is the need to define that term, personal care, in the regulations. And we'll certainly do that. And I appreciate the member raising that.

It wasn't something we'd thought required a closer definition, but on reflection and on . . . based upon what the member has put forward, it plainly, it plainly does. So we'll address that phrase personal care in the regulations and ensure that we're talking about somebody who's providing these services in a . . . really for remuneration, either as a business or as an occupation.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, in section 5, the Bill says:

If a form of enduring power of attorney is prescribed, the use of that form is not mandatory.

What specifically is this referring to and how will this impact on someone's ability to act as power of attorney if he or she is so appointed?

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair. And thanks to the member for that specific question too. Section 5 is a relatively standard provision in legislation of this sort. It would also be contained, for example, in legislation dealing with health care directives and so on.

And it provides for two things. It basically provides for the regulations to contain a standard form as a guide to those who might decide to ask for a power of attorney or award a power of attorney. So what it says here is that the regulations might contain . . . it says:

If a form of enduring power of attorney is prescribed . . .

It's not required that the government provide that in regulation but most likely that is what we would do.

If that form is prescribed, it's just a model. It's not designed to be the only form of providing . . . of appointing the power of attorney or of appointing an enduring power of attorney, but it's just a guideline for someone.

So a lawyer for example might suggest another form but it's . . . the form would be there in the regulations just to be used if the parties thought it worthwhile.

**Ms. Julé:** — So, "if a form of enduring power of attorney," that phrase within itself, does the enduring power of attorney refer to just anyone a judge may pick or the courts may pick? Or is there a slate, for instance, of references that the courts may refer to in order to appoint another person?

**Hon. Mr. Axworthy:** — Mr. Chair, if the person is incapable of making any decisions for themselves then under those circumstances a court would . . . If the circumstances required it a court would appoint a representative of that person.

What we're dealing with here is someone who has some capacity, in fact, has the capacity to understand that they can't make decisions for themselves but nonetheless understands the

importance of having somebody making those decisions for them. So they would then basically be of the view of the need to appoint somebody to act for me because I can't make these decisions myself. And they would also be cognizant of what would happen when they were no longer capable of deciding they needed a power of attorney.

So what we're talking about here and what this Act is basically . . . and what this part of the Act in particular is basically about is providing for the ability, for the opportunity, to appoint the power of attorney which would continue beyond your capacity to understand that you needed one.

And so the reference in section 5 is further explained in sections 3 and 4, talking about what that power of attorney is about. And it points out in section 3 that an enduring power of attorney is not terminated by the lack of the capacity of the grantor that occurs after the power of attorney has been executed.

So in other words that power of attorney continues after somebody loses the capacity to decide they need that person. So it's providing for the opportunity for that power of attorney to continue after you no longer . . . the grantor no longer has the capacity to make any decisions for themselves.

So here we're deciding or here we're providing for a person who can make . . . who understands the need to have decisions made on their behalf but doesn't feel capable of actually making those decisions themselves. They understand enough to say I need somebody but they don't understand enough to make the decisions themselves.

But what happens when they don't have the capacity to know they need somebody? Well, the power of attorney will continue on their behalf.

(15:00)

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Chair, section 13 refers to interprovincial application of the Bill. Is that correct? Does section 13 refer to interprovincial application of the Bill? As I understand it, that's what I'm reading. I just want you to confirm or deny that.

**Hon. Mr. Axworthy:** — Mr. Chair, in response to that question, if a power of attorney has been executed outside of Saskatchewan, it would be a valid power of attorney here if it was . . . if in the place where it was executed it was valid.

And secondly, it provides in subsection (b) that:

. . . the power of attorney is not terminated by a lack of capacity of the grantor that occurs after the power has been executed.

So those two things have to be satisfied in order for a power of attorney outside of . . . which was executed outside of the province to be applicable here.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, I'm just going to ask you a subsequent question to that as far as interprovincial legislation regarding this issue. And I'm just wondering whether or not other jurisdictions . . . if you're

aware, rather, that other jurisdictions in Canada have legislation parallel to this piece of legislation in Saskatchewan?

**Hon. Mr. Axworthy:** — Mr. Chair, in response to the member's question about other provinces having similar legislation, certainly other provinces don't have this piece of legislation, but very similar responses. And certainly in terms of the extra-provincial powers of attorney, it's now, of course, common that people move from province to province and that families are in different parts of the country and even in different countries.

So these kinds of rules would be applicable in other provinces too. And would be, if there wasn't legislative power, these would be fairly reasonable and normal interpretations of how you would ensure the extraterritorial application of a power of attorney.

**Ms. Julé:** — Mr. Chair, to the minister. Mr. Minister, section 24(1) and (2) make reference to the transition of the legislation.

One of the concerns that we'd like to clear up is this: if power of attorney is signed before the new Act comes into effect, is that no longer valid without a certificate of independent legal advice?

**Hon. Mr. Axworthy:** — Mr. Chair, that power of attorney signed prior to the coming into effect of this Act will be valid and nothing will be required in order to . . . nothing extra will be required in order to make it valid.

**Ms. Julé:** — Thank you. So once this legislation is in effect, that means that all previous power of attorney contracts are still valid?

**An Hon. Member:** — Yes.

**Ms. Julé:** — Okay. They don't have to be redone in any way or form . . . (inaudible interjection) . . . Thank you, Mr. Minister. That's all the questions I have. And I thank you and your official for answering these questions on this piece of legislation.

Clause 1 agreed to.

Clauses 2 to 25 inclusive agreed to.

The committee agreed to report the Bill.

#### **Bill No. 16 — The Independent Officers' Remuneration (Amendment) Act, 2002**

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair. I introduce to you someone again who's very familiar, Madeleine Robertson, who's Crown counsel in legislative services.

#### **Clause 1**

**Ms. Julé:** — Thank you, Mr. Chair, and welcome, Mr. Minister. And I welcome your official today.

Mr. Minister, in regard to Bill No. 16, I note that the Bill comes into force on assent. Given that the Bill indicates that all three

independent officers salaries are deemed effective April 1 every year, which of course coincides with the government's fiscal year-end, I'm wondering if you're aware of any negotiated pay increases for a senior executive 2, which would be a Chief Electoral Officer's pay now or deputy ministers' pay increases or acting deputy ministers for this year?

**Hon. Mr. Axworthy:** — The short answer to the member's question is that the salaries for those officials, deputy ministers, and senior executive 2 range will be adjusted at July 1 by what is called an economic adjustment rate, which is a relatively modest amount.

The salaries for the auditor, the Ombudsman, the Children's Advocate, and the Chief Electoral Officer would already reflect those increases.

So the impact of tying the salaries of the Provincial Auditor, the Ombudsman, the Children's Advocate, and the Chief Electoral Officer to appropriate ranks in the civil service means that when there's an increase in July 1, it will be reflected . . . it is reflected in the salaries of those officers.

**Ms. Julé:** — Thank you, Mr. Minister. But as I've mentioned, the government's fiscal year-end is April 1. And so I'm wondering if there's going to be any retroactive pay for these three officers beginning in this fiscal year from April 1 onward, or is their increase going to start and . . . just start in July? And if so, will they not be granted retroactive pay after April 1?

**Hon. Mr. Axworthy:** — With regards to the Chief Electoral Officer, that position is not tied to the fiscal year. And so on April 1 . . . on July 1, I'm sorry, that person's salary will be fixed at . . . to the . . . at the . . . to the same level as the maximum for a senior executive 2 range on that date, July 1.

And in terms of the Provincial Auditor, the Ombudsman, and the Children's Advocate, their salaries will be adjusted on July 1 by the same amount as the average of the deputy ministers would be adjusted. So it won't be retroactive but it will take effect from July 1.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, I'm very glad that you could clarify that because I think it's very important that if there was . . . if there is going to be any retroactive pay, that the general public should be aware of it and should know about it.

Mr. Minister, I believe this is all the questions that I have regarding this Bill and I do thank you and your officials for coming forward today to give these answers. Have a good day.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 23 — The Registered Plan (Retirement Income)  
Exemption Act/Loi portant insaisissabilité des régimes  
enregistrés (revenu de retraite)**

**The Chair:** — And I would invite the Minister of Justice to

introduce his other official.

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair. To my right is Darcy McGovern who's in legislative services with the Department of Justice. I believe he too is a familiar face to the members opposite.

**Clause 1**

**Mr. Heppner:** — Thank you and welcome to the minister's official. It's fortunate he doesn't have more than 50 Bills this year or he'd have a large staff, I'm afraid.

The Bill that we're working on right now, No. 23, I think the government has actually achieved something very rare with this one. There's not a single person that we've met that has any objections to the concept of this particular item.

And the second thing is . . . that's very surprising is that this basically does what people have been looking at for a long time with the general direction where people are going with handling their own retirement funds. This one goes in that particular direction, which is quite contrary to where socialists usually want to go and that's to run everything for everyone. So this is really an amazing, amazing Bill.

The only thing that's a little bit worrisome is, is there some apocalyptic financial event that's occurring that makes the government want to get out of handling our pension funds? But I guess we'll know the answers to that in a little while.

As we related earlier on when we had this Bill in another committee, we did have one concern and that comes out of when this Bill will come into effect. And I'm . . . would like for the minister to make some statement when this Bill will actually . . . what the timeline for this Bill is, because we know that there are Bills that have been proclaimed that are still sitting on the shelf gathering dust.

This one, with the support that it seems to have from the public, we're wondering why this one is worded on being proclaimed rather than on coming into force on assent?

(15:15)

**Hon. Mr. Axworthy:** — Mr. Chair, a couple of responses. I understand the member's concern to move as quickly as possible on this review and that would be our concern as well.

This is a piece of uniform legislation across the country and our hope would be that a number of provinces, if not all, would be in the position to have this legislation in effect at about the same time, primarily because of the mobility of people and capital. We wouldn't though want to wait forever in the event that we couldn't see that. But we do also think that it's important for financial institutions to get their procedures in order so that they can respond effectively to these changes.

So our sense is that by January 1 of next year, we would be able to proclaim this. So what I'm saying is it'd be useful if more provinces implemented this legislation at the same time. We can't wait forever for that to be the case. And so we were thinking of January 1 as an appropriate time in order to move

this . . . to proclaim this legislation.

**Mr. Heppner:** — Thank you. And I think we share the government's desire to see this go through as quickly as possible. But also knowing this government's penchant for dragging its feet after they've made a public proclamation on something, when we get to the number . . . clause 6, I will be moving an amendment that this Act comes into force on assent. But those are all the questions that we have on Bill No. 23.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

#### Clause 6

**Mr. Heppner:** — On clause 6 we're very concerned that this could end up gathering dust. We also see no reason why Saskatchewan can't lead Canada — and I know we're not exactly in the lead on this one, because I believe there are a few provinces already ahead of us on this one, so we want to see this into force as quickly as possible.

And therefore, Mr. Chairman, I have an amendment that I propose that:

Strike out Clause 6 of the printed Bill and substitute the following:

**“Coming into force**

**6** This Act comes into force on assent.”

Amendment negated.

Clause 6 agreed to.

The committee agreed to report the Bill.

### THIRD READINGS

**Bill No. 15 — The Queen's Bench  
Amendment Act, 2002/Loi de 2002 modifiant  
la Loi de 1988 sur la Cour du Banc de la Reine**

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

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

**Bill No. 24 — The Powers of Attorney Act, 2002/  
Loi de 2002 sur les procurations**

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

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

**Bill No. 16 — The Independent Officers' Remuneration  
(Amendment) Act, 2002**

**Hon. Mr. Axworthy:** — I move this Bill be now read the third

time and passed under its title, Mr. Speaker.

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

**Bill No. 23 — The Registered Plan (Retirement Income)  
Exemption Act/Loi portant insaisissabilité des régimes  
enregistrés (revenu de retraite)**

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

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

### COMMITTEE OF FINANCE

**General Revenue Fund  
Justice  
Vote 3**

#### Subvote (JU01)

**The Chair:** — I would invite the Minister of Justice to introduce his officials.

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair. I'm pleased to introduce officials today. Again, most of whom will be very familiar to members.

To my right, John Whyte, the deputy minister of Justice and the deputy Attorney General. To my left, Susan Amrud, who's director of legislative services. To John's right, Murray Brown, who's the exec . . . acting executive director of public prosecutions. Behind me is Colleen Matthews, who's the executive assistant to the deputy minister. To her right is Elizabeth Smith, who's the deputy . . . is the director of administration. And behind Susan is John Baker, who's executive director of law enforcement services.

**The Chair:** — Did the minister introduce the individuals at the back as well?

**Hon. Mr. Axworthy:** — I can introduce them to you, Mr. Speaker . . . (inaudible interjection) . . . Okay. I think I have a list. To left, to the . . . at the end there is Rod Crook who is executive director of courts and civil justice — they must all be sitting in order; Keith Laxdal who is the associate deputy minister for finance and administration. Actually they're not sitting in order.

Betty Ann Pottruff is next to Keith, who's the director of policy, planning and evaluation. Gerald Tegart who's the executive . . . acting executive director of civil law — those are the only two not sitting in order; oh no, another one not sitting in order — and Rick Peach who is the director of law enforcement operations.

**Mr. Toth:** — Thank you, Mr. Chair. Mr. Minister, and to your officials, I'd like to do some follow-up. Last year we did . . . had some discussion — the past few years — regarding shared parenting, regarding the rights of fathers and some of the problems they've been facing. And it's interesting to note just

today one of the headlines in today's paper is, "Deadbeat parents tax courts, judge says."

I'm not sure if the minister's had a chance to look at this release in the paper. But basically I think what the judge is saying:

Too much . . . money is spent hauling deadbeat parents into court when they have no money to pay court-ordered child support, a Saskatchewan judge said in a recent judgment.

And it goes on to say that in many cases while the numbers aren't that large, there's a percentage of cases that come into the courts trying to extract funding from individuals who really do not have the resources any more.

And I think part of the problem arises from the fact that some of these individuals have resorted to alcoholism or other . . . or have just given up of trying to even find a quality job any more because every time they turn around their ex-spouse may be looking for more money or the awards that were granted were so exorbitant that there was just no desire or no ability any more to even try to work because you are basically left with nothing. And as a result they continually are brought before the courts.

And I think what the judge is basically saying is the courts are becoming a little exasperated with a number of cases that come to the courts where there really is no monetary value left and ability to actually extract any more funds from these individuals to provide the maintenance that has . . . was awarded originally.

(15:30)

And, Mr. Minister, it just seems to me that while it's a small . . . the percentage of individuals that we're talking about here is rather small; I don't think we're dealing with a lot of individuals who would be considered as deadbeat dads, or deadbeat parents as the article says. I guess we should use the word parents versus dads all the time, although the majority are dads.

The concerns — and I've raised them before — is the fact that there seems to be a real lack on the bench of acknowledging exactly where each individual partner is and how we deal with these situations and the problems that individuals face in trying to live up to the awards the court's made. And in many cases, I think, as we've discussed before, the awards that have been made have been based on the information that's presented to the courts. And probably, in most cases, it's the ability of one partner versus the other partner to actually be able to hire a lawyer who has a better knowledge about how to present a case in the courts when it comes to addressing custody issues as well as the level of maintenance.

Now, Mr. Minister, there's a group called Shared Parenting has made a proposal and I believe the federal government last year did a tour of Canada to see if they could . . . there were ways they could address legislation to bring some fairness and equity into this whole debate.

And I'm wondering, Mr. Minister, where the province is and if you're aware of any changes at the federal level regarding legislation that may bring some equality into this whole equation, if there's any changes coming or what individuals

such as the referral to some of these . . . the persons that this judge is making . . . where they turn to when it comes to maintenance agreements.

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair. Let me introduce the only official I didn't already introduce, Lionel McNabb who's director of family services, directly behind me. He was watching us from up there until you asked your question.

Let me just say in response to your first points, that it's not of course our . . . in anyone's interest to drag someone in front of a court when there's absolutely no prospect of them being able to respond to their responsibilities. Sometimes that . . . sometimes it . . . There will be examples in which perhaps we've been overzealous in that regard.

But generally, I'm informed that when people are brought to court, when parents . . . when the paying parents who are not fulfilling their obligations are brought to court, they generally pay. So it's an important enforcement mechanism to remind, whether it be fathers or mothers of their responsibilities.

But it's in no one's interest to be overzealous in that regard. In particular, also it's worth remembering that if a person can't pay then the court will — can and will — vary the order to respond to the ability to pay.

And the member, I think, raised some concerns about ensuring that courts in fact act in an appropriate way in that regard. As the member will know the courts are independent, respond to their own assessment of what is fair and what is not fair in the context of the communities within which they live.

So there are opportunities for someone, who is brought before the court to fulfill his or her obligations, to indicate to the court the difficulties they face and to seek a variance of the order. And as I say — and it worth, I think, for restating— generally, I'm informed when non-paying parents, who are responsible to pay, are brought before a court they respond appropriately to their responsibilities.

You asked in the second point . . . your second point was about child support guidelines and where we are across Canada after the various consultations that have taken place, where we are with regards to changes.

And the Minister of Justice . . . the federal Minister of Justice just a month ago on April 29 presented his report to parliament which did include suggestions for changes to the child support guidelines. So we will beginning the process . . . we'll be engaged in the process of consultation with Minister Cauchon in the near future as we work on this together.

The member will know that we've . . . there've been federal consultations, provincial consultations in which the one point of agreement is that the solutions here should be child-centred and child-focused. The differences tend to come in what that phrase actually means.

And it's always particularly important and particularly difficult for the non-custodial parent who is not feeling that he or she is receiving access to the child as they might want. And also

particularly difficult to the custodial parent when problems of payment arise.

So these are constant and difficult questions. I know the member has a long-standing interest in resolving these questions as do we. So the consultations in short will be taking place in the near future. And once again, it'll be a question of federal and provincial governments across the country trying to find solutions to what is, I think the member will agree, a very difficult question.

**Mr. Toth:** — Mr. Chair, Mr. Minister. I thank you but I guess the question is when can we see the legislative changes that may be necessary to actually change some of the forms, if you will, that will really address the questions that have been raised, that have come forward through the consultation process both on the federal and the provincial side?

Because I think we've talked about this for a number of years. We've talked about the recognition of thinking about the children and making sure that there's . . . there is, if you will, that equal shared-parenting time even though the courts in the current system will award custody and then will also grant access when they give their orders.

But it seems to me that for a good period of time we've been debating this issue and we haven't come up with a common ground or a common bond that would address the questions that still arise currently in the system as we know it today.

So, Mr. Minister, I'm wondering if you can give us an idea of when we will finally have some direct guidelines, if you will, and changes that will address the inequities that have been discussed over the past number of years?

**Hon. Mr. Axworthy:** — The member asks when can we expect some changes, I think is essentially his point.

The federal minister will be introducing his . . . or will be reporting to . . . in the fall, his custody and access consultation document, which is the product of the discussions that have taken place under the federal aegis over the last while.

We would then anticipate changes to the Divorce Act and some further consultations. It's anticipated I think that the earliest date by which the federal minister would respond with changes would be probably the spring of next year.

But it is the case that this is the federal government's responsibility to ensure that provisions under the Divorce Act are . . . or to introduce changes to the Divorce Act, so we'll be actually tied to his timetable, but he I know is cognizant of the need to move as quickly as possible on this. The consultation process has been ongoing for a considerable period of time.

**Ms. Draude:** — Thank you, Mr. Deputy Chair. Mr. Minister, and to your officials welcome.

Mr. Minister, I have a specific case. I have to ask where you believe I could go to help a parent out. We have a child custody case where a father has been paying his maintenance support and he's tried to have . . . the court has appointed or given him some allocation of time to see his child.

The child is three years old now, and they were divorced when the child was one. He really hasn't seen the child at all.

And he's taken all kinds of steps — he's gone to a lawyer, he's actually gone with the RCMP (Royal Canadian Mounted Police) to the house where the child is and the mother keeps saying the child doesn't want to see you. And the child is crying and all this type of thing. So I mean the child doesn't even know his father and yet the father wants to get to know his daughter.

I know that the interests of the child is of prime concern at all times, but at the same time we have a father who is longing to see his child. He's taken all the steps that he can think of to do. He doesn't want to unduly influence the child, he doesn't want to hurt anybody, he just wants to see his child.

Is there any steps that you can give me . . . any ideas that you have that may allow this father to actually be a parent to his daughter?

**The Deputy Chair:** — Why is the member on his feet?

**Hon. Mr. Nilson:** — With leave to introduce guests.

Leave granted.

#### INTRODUCTION OF GUESTS

**Hon. Mr. Nilson:** — Thank you, Mr. Deputy Chair. It's my pleasure to introduce two guests who are in the Speaker's gallery. And I'd like to welcome Joan Anderl, who's from Minneapolis, Minnesota. She's a project analyst with the Minnesota Department of Children, Families & Learning. And she is accompanied by Kjersten Hordern of Regina.

Joan and Kjersten are graduates of Concordia College in Moorhead, Minnesota. And they are catching up on old times, and also building those links between Minnesota and Saskatchewan that are so important for many of our residents.

And I'd like all members to welcome them here today.

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

#### COMMITTEE OF FINANCE

##### General Revenue Fund

##### Justice

##### Vote 3

##### Subvote (JU01)

**Hon. Mr. Axworthy:** — Mr. Chair, the member raises what is not an uncommon situation and which is plainly a troublesome one for a parent who is trying to have . . . to build a relationship, as she points out, with a young child who may not in fact remember the father in this case, and who maybe is subject also to discussions with the mother which are not exactly conducive to the building of this relationship.

The first part of my answer is really not an answer at all in a situation of this sort. But generally, the first step would be to

engage the mother and the father — and sometimes the child — in mediation to try to find a solution to the problem which is child focused. It doesn't sound like this would be a very viable option in this case.

And the only option then available to the father — to the non-custodial parent in this case — is really access to the court, to explain to Queen's Bench, which is not always the easiest or cheapest process, but to explain the situation he or she . . . he faces himself, in this case, and to seek a further order from the court.

Now the other problem that flows from this — and I think I'm not being terribly helpful here — but the other problem that flows from this is then, whatever that order says, how do you enforce it? And you've indicated that he's attempted at different times to enforce it.

The solutions in the longer term are of course to try and find ways to ensure that the mother and the father understand what child . . . what the child's centred response should be; that it is appropriate for that child to have access to both parents. But if one parent does not want to respond, then other than to seek remedies for not responding to the court order, there is little available to the father in this case.

But the consultation — the consultative documents — the consultations that have taken place across Canada and here in the province indicate the significant challenge that this presents. And we can't just say well, so I guess this father's not going to see his child; and I guess we can't just say well, I guess this child is not going to see her father.

(15:45)

So the product of the consultation suggests that there is a fair bit more work to do to try to find ways to provide services and support so that people can in fact come to the conclusion about what is appropriate for the child. The law of course can do a whole pile of things, but it can't force mothers and fathers to pay attention to the best interests of their child if they choose not to. But we can provide mechanisms to make sure that that is more likely rather than less likely.

**Ms. Draude:** — Thank you, Mr. Minister. I think at the beginning where you said you didn't know if you had any real solutions — and I guess maybe there isn't any real solutions — the idea of collaborative law or . . . is something that I understand is working in some cases.

The father in this case has contact, has gone through court. It cost him an extra \$5,000 and he's gone back to see if he can . . . if he could see his daughter. That's when the RCMP got involved. That's when he went to the house and that's when the child couldn't be torn from the mother's arms, screaming — and that's not what he wanted either.

So is there ever any case when you go back to court that a letter is written or that information is given to the custodial parent that the law has said this and that you must make an opportunity available for the child to see this . . . the non-custodial parent?

**Hon. Mr. Axworthy:** — I don't think I have very much that's

helpful to say here either. But it's, I think, the course that you might consider that that's normally the case and that it would be nothing very unusual . . . (inaudible interjection) . . . Well I didn't mean it.

There are a number of things that, you know, that plainly do, do have to be tried and one certainly is . . . And we know this is taking place in a trial way in the province and has taken place in other provinces prior to separation, and it probably is useful to engage discussion as early in the, in the breakup as possible.

Things like mandatory parent education, obviously, I think an important contributor to having parents understand the impact of the separation on their child and the impact that they can have further if they make, if they make decisions which are not focused on the interests of the child but are focused on their own personal interests as mother or as father.

In the event that an order is made, that order essentially will be an order to the custodial parent — in the instance the member is raising — to provide access. And there are a number of enforcement measures that flow from that, none of them very helpful in terms of being child focused. I mean the person who — the mother in this case — who refuses to abide by the court order is subject . . . could be subject to contempt of court or subject to a fine. This is not necessarily terribly helpful to finding out a solution to the child.

So you know, there are a range of suggestions coming out of the consultation, which all are about intervening early and intervening in a constructive way and providing some education and supports to parents in the hope that they will make better decisions, make more child-centred decisions.

But I think it does again come to the point that if mothers and fathers are not thinking about their children first, while there are measures that can be taken to enforce those child-focused remedies, they are not terribly useful.

In the final result, the court could order that the non-custodial parent become the custodial parent and take the child away from the non . . . from their present custodial parent. Again, you know, not a terribly . . . not necessarily a terribly helpful response.

Those are the range of responses to what is, as the member points out, a dilemma that requires supports from both parents and for them to truly put the interests of their . . . of the children first.

**Ms. Draude:** — Thank you, Mr. Minister. I guess getting a child-friendly solution isn't happening very easily. And I understand that education on sharing responsibility of parenting is of the utmost importance. And we're talking about children who are involving emotions here.

Mr. Minister, the other issue here is the grandparents. And I know that previously that I spoke to the previous minister of Justice who had indicated there is a type of grandfather or grandparent legislation which would allow a grandparent to have some access or at least be able to see a grandchild. Could you explain that to me? What, in effect, is possible to allow grandparents to see their grandchildren in a case of divorce.

**The Deputy Chair:** — Why is the member on his feet?

**Hon. Mr. Calvert:** — Leave, Mr. Chair, to introduce guests.

Leave granted.

#### INTRODUCTION OF GUESTS

**Hon. Mr. Calvert:** — Thank you very much, Mr. Chair, and thanks to the minister and the critic for the interruption in the proceedings.

It's my pleasure to introduce to members of the House 29 students from grade 6, St. Mark School in the constituency of Riversdale in the city of Saskatoon who have joined us in the gallery. With them are their two teachers, Mr. Strasky and Mrs. Bassingthwaite, and a number of chaperones whose names I don't have but look forward to meeting in just a few moments.

I would invite all members to welcome the students and I look forward to a chance that we're going to have in just a few minutes to have a photo and then you can ask me some questions. And somebody tells me they've got some news for us.

So welcome to the Assembly and I ask all members to join me in welcoming these 29 students from St. Mark.

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

**The Deputy Chair:** — Why is the member on his feet?

**Hon. Mr. Belanger:** — Mr. Chair, to ask for leave to introduce guests.

Leave granted.

**Hon. Mr. Belanger:** — Thank you very much, Mr. Deputy Chair. It gives me great pleasure to join the Premier and welcome the guests from Saskatoon. And in that group, Mr. Deputy Chair, is a very special guest for me and it's my daughter, Taylor. And Taylor is part of the group.

And, Mr. Speaker, there's no question that as far as I'm concerned, she's the best child at age 11 in my family, in the whole world. And I would sing the baby song I sang to her when she was small, but it's a kind of a personal song, Mr. Deputy Chair, so I won't do that.

But I want to take extreme pleasure in welcoming my daughter and to thank her class and her staff for making this trip and to again joining the Premier in welcoming them all here today. Thank you.

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

#### COMMITTEE OF FINANCE

##### General Revenue Fund Justice Vote 3

##### Subvote (JU01)

**Hon. Mr. Axworthy:** — Thank you, Mr. Deputy Chair. Let me thank the Premier and the Minister of the Environment for giving me the opportunity to think of the answer to that question and also to take the opportunity to welcome the students and staff from St. Mark.

The member, if we recall, asked a question about the access on the part of grandparents to children who, generally, will be children who are in the custody of not their child but the other partner in the former relationship.

There is legislation which provides access to, on the part of grandparents, to their children both in the provincial Children's Law Act and also this can apply under the divorce Act. So there are opportunities for grandparents to seek access to their children.

I should say that the test is once again what is in the best interests of the child. And so it is not based upon a relationship between grandparent and child, but based upon whether or not it is in the best interests of the child to have . . . for their grandparents to have access to them. That follows in the normal run of child-centred responses here.

So the issue is not whether there is a formal relationship of grandparent to child, but whether or not that person . . . Or I should say it's not driven by the formal relationship between grandparent and child, but is driven by what is in the child's best interests.

**Ms. Draude:** — Mr. Minister, normally then the custodial parent will be the parent of the grandchild that . . . So basically then this custodial parent gets to make the decision. And this is the question: who actually gets to decide what's the best interest of the child? If it's the custodial parent, then often that's not the grandparent that they want them to see. So as a grandmother, I know that this would be very upsetting to me if I wouldn't be able to see my grandchild.

So my question to you is who actually gets to make the decision?

**Hon. Mr. Axworthy:** — The grandparents would make access . . . make application to a Queen's Bench justice to make the argument that it would be in the best interests for them to have access to the child. If the judge recognizes that it is important to the child, beneficial to the child, for that access to be available, then he or she will order it.

So it'll be a judge of the Court of Queen's Bench who will make that decision based on what is in the best interests of the child. And the grandparents can make application, and of course present arguments as to why their access would be in the best interests of the child.

**Ms. Draude:** — But then it is kind of still sort of the chicken and egg, because even if they go to the court and the court decides it's in the best interest of the grandchild to see this . . . to see the grandparent, if the parent that has the child doesn't want them to, it'll be no more worthwhile than having a court order saying that the parent could see the child.

So really, it's again, it's going to have to work in collaboration.

And if this case that I'm talking about specifically, I'm going to have to go back to the grandparents and say, yes, you can go to court; yes, you can get the application. And if you can talk your former daughter-in-law into seeing the child, then perhaps you can see her, but otherwise it's not going to be possible. Am I correct, Mr. Minister?

**Hon. Mr. Axworthy:** — Well the member begins by being . . . by accurately stating that the challenges to grandparents seeking access . . . or seeking to enforce an access order are essentially the same as for a parent enforcing an access order.

I should point out that only about 3 per cent of all cases are of the nature the member has presented — only about 3 per cent are these, what we might see as outrageous or egregious, cases of not focusing on the interests of the child.

The norm is compliance. The norm is the parents will respond appropriately to the court, to the court order. And also the norm is that parents respond to what is in the best interests of the child. It doesn't help those . . . the 3 per cent of the . . . in those 3 per cent of the cases where there are these challenges.

The other kind of aspect of this particular challenge is that if a custodial parent refuses to respond to a court order, then there are repercussions . . . or there could be repercussions when they seek other orders or when they wish to pursue other interests. In other words, if they don't enforce a court order and they wish some other remedy in the future relating to the child and the other parent, they may not get it.

So I think the core of the response is that only 3 per cent of cases are these serious problems. They require a response, plainly, in order to ensure that those children are protected and their interests are enhanced as well. And that is what the consultations have addressed and that is the challenge we face. And that is the challenge we're all working to respond to. And it's, as we've said and as we've agreed I think, not very easy when the parents don't fully participate.

**Ms. Draude:** — Mr. Chair, Mr. Deputy Chair, Mr. Minister, I am in the different position of saying that I'm agreeing with the minister right now, and I know this is a situation that we all feel strongly about. And I know that 3 per cent isn't a large percentage of people, but at the same time every one of those children are one . . . and parents are ones that are being hurt.

(16:00)

We've had a number of very frustrated parents, both fathers and mothers, that are non-custodial that are saying, I have to pay the dollars, I pay my maintenance amount of money every month and yet on the other hand I'm not allowed to see my child.

I have two questions. Is there any cases across Canada where they're saying, if you don't allow access as allowed or suggested by the courts, that then the dollars will be withheld? And secondly, does Saskatchewan Justice have any suggestions to make to the federal government as they're coming forward with their legislation or what they feel should be done? What is your government doing to say, this is something that I'm suggesting?

**Hon. Mr. Axworthy:** — The member raises again an issue which we will have all received letters about, people who . . . non-custodial parents who dutifully pay their child maintenance on a regular basis and are concerned to ensure that their children have the material needs . . . their material needs met but who find themselves denied access and who reach a level of frustration to . . . which leads them to argue that they should not provide support because they're not getting access.

I think the important public policy and social policy here is to ensure that we treat support and access, both, as rights of the child, that they are not things which we trade off.

So the courts will endeavour to ensure that . . . and of course the maintenance enforcement office will endeavour to ensure that support payments are made. And the courts and the appropriate authorities, the police and so on, will ensure that access orders are enforced as well.

So there is not . . . Or it's not wise, I think, to have a link between these two things such that a person could not provide for the financial support for their children because they're not able to have access to their children. But I know from many years in political life that people are very concerned about this. They get frustrated. They don't know what to do and so they kind of take it out, in a sense, on the child by saying, I'm not going to provide the support.

Now the solution . . . the member asked what kind of solutions. Well these . . . the kinds of solutions that are in . . . that will be in the minister's report in the fall address these enforcement challenges and do so in the kind of supports and program and mediation ways that we've talked about before. But again, this is another one of those difficult, if not intractable, problems.

**Mr. Toth:** — Thank you, Mr. Deputy Chair. Mr. Minister, I just want to do a follow-up in regards to maintenance and the custody and access.

I think one of the major issues . . . And while, as I indicated earlier and then you've indicated, the numbers, the percentages of people who renege in the area of access or custody and access to custody, while they're still required to meet their maintenance obligations, it would seem to me that the maintenance department should have some authority whatsoever.

If a court orders that you're responsible, the one parent is responsible for so many dollars a month for the care of that child and custody is awarded to the other parent but we're also awarding access to the one parent, that maintenance should have the ability, if you will, at the end of the day to basically say, when the one parent begins to complain, of saying listen, we've . . . there's a court order here that says this is what the requirements are; obviously you're not following through on your part of the court order. Because maintenance can come down very heavily against the person who is required to make the payments and yet, on the other hand, kind of shrug their shoulders on the access side.

So it seems to me that it should be . . . if the court order is such that the one individual should not have to go back to court to ask again for access or for the courts to . . . or an avenue

whereby they . . . the person has to comply with that court order. And it would, I think it would be very simple for maintenance basically to say, at the end of the day, there's a part of this court order that not . . . is not being followed up on, therefore we are going to have to proceed in a different manner when it comes to maintenance.

And I think if there were some teeth in that area, we might get away from this problem of — especially of MLAs, and I'm sure on both sides of the House we face this — this debate of the fact that the access agreements are not being adhered to.

And so, Mr. Minister, I would suggest that there should be a balance there and that if maintenance can come down very hard on the . . . on what we many times refer to as the deadbeat dads, they should at least have the option on the other side of saying the court order is such, and before we can comply with the total court order, there must be compliance on the other side.

**Hon. Mr. Axworthy:** — The member proposes a kind of a link between lack of access and non-payment of support and argues that the maintenance enforcement office might take the lack of access into account when . . . or I think he's saying, should take into account the lack of access when enforcing the court orders dealing with child support.

The maintenance enforcement office, as a matter of practice, does advise the custodial parent to respond appropriately to the court order dealing with access — partly because it makes it easier for maintenance enforcement to ensure that the non-custodial parent pays. So there is that kind of threat, if you would, on the non-custodial parent to respond.

But I think the point remains that if support were not enforced because of access not being granted, you simply harm the child twice. And you harm the child because the support isn't forthcoming and you harm the child because access to their non-custodial parent isn't available. So I think a solution which links access and the payment of support together, further kind of harms the child.

But, as I said, maintenance enforcement does encourage the access order to be complied with so that it's easier to raise . . . or to make sure that the non-custodial parent pays.

**Mr. Toth:** — Mr. Deputy Chair, Mr. Minister, maintenance can order that a person's licence be suspended if they're not receiving those payments. Like I mean they have a fair bit of authority on the one hand to disrupt, totally disrupt a person's life.

And in the article today, this . . . the gentleman by the name of Baynton — I can't pick out his first name — talked about the fact that:

. . . also noted that having a parent's driver's licence suspended for non-payment can prevent the person from getting a job so they can make the payments.

And this, we discussed this last year because I had three situations right on my desk of that similar nature, where parents . . . where the individual that was ordered to make the payments actually finally found a decent job, only to have the

maintenance on the back of their employer for access to that employee's cheque, and find that they're without the job because the employer did not want the hassle of the paperwork.

So maintenance can be fairly, fairly . . . come down very strong against the person who's making these maintenance payments. But on the other hand . . . So therefore I don't see why they cannot be somewhat . . . You indicate that they can indicate to the other, the custodial parent, you have an obligation as well. But I think being a little stronger in that indication would just balance the equation so that at the end of the day the children are treated fairly and they have actually equal . . . more equal access to the parents so that there's the involvement of both parents.

And so, Mr. Minister, I guess I would have to say I take some offence to the fact that maintenance on one hand can be very strong and very . . . and basically rule with an iron fist in going after payments, whereas on the other hand they basically do not have a lot of responsibility. And I think there should be that link to act so that there is a balance and that the child has . . . both parents have equal opportunity to have some input in the development and raising the child.

**Hon. Mr. Axworthy:** — In response to the member's question, Mr. Chair, the hope is that the report of the federal consultation and indeed of our consultation too will reflect on ways in which we can begin to ensure more effective enforcement of those . . . of access orders and to ensure that they are effective and fair and in the best interests of the child.

The member links the maintenance enforcement office authority to take away someone's driver's licence or to ensure that the person loses the driver's licence with the opportunity to vary the court order based upon — regarding access — court order on payment, based upon lack of access.

I mean I would only say that the maintenance enforcement office has the legal authority to take . . . to ensure that someone loses their driver's licence for non-payment. But the court order providing for access is not something that the maintenance enforcement office can vary or can question the fairness of. That's something only the court could do.

So there's not actually a similarity between the legal authority the maintenance enforcement office has to ensure someone loses their driver's licence and an authority to amend or to vary the court order regarding access . . . regarding support, I'm sorry.

But our hope is that the federal report will find . . . assist in finding ways to address this issue and in fact the other issues that both members have raised.

**Mr. Toth:** — Mr. Deputy Chair, Mr. Minister, I guess that's the part we're arguing. We're not arguing about the fact that the maintenance office would vary a court order.

We're suggesting that the maintenance office take a look at what the court order is and when a custodial parent comes and says, my ex is not keeping up to their part of the bargain, that the maintenance office basically has some authority to say, well are you keeping up to your part of the court order?

And in that case, if you're not honouring your part of the court order, then there seems to be a one-way street here. And the court order is a two-way street where we're trying to not only guarantee that the child is looked after and provided for through maintenance payments, but the child actually has the same opportunity to have time with the other . . . with both parents.

And I think that's the issue that's being debated here, not changing the court order. Because if there are changes to come in the court order, again I think you're . . . the avenue to change that is to then go back to the courts for that change. But to just follow through with what the original court order was or whatever the changes are and make sure that both parents are living by the order that has been presented.

(16:15)

**Hon. Mr. Axworthy:** — The kinds of discussions the member is talking about do take place between maintenance enforcement office personnel and the custodial parent. I mean those kinds of ranges of discussions take place. But at the end of the day, the maintenance enforcement office's job is to enforce whatever the court order says. And if the court order provides for support, then that is the job of the maintenance enforcement office.

Now that's not to say that that's the end of it. But I think there would be some caution regarding changing the legislation without some pretty serious thought as to what the implications would be for the child. But our sense is that the federal report, on its consultations, will move us forward to trying to find solutions to this challenge.

So the job of the maintenance enforcement office isn't in a sense not to mediate between the parents, although it does that, but it is to enforce the court order.

**Mr. Toth:** — Mr. Chair, and, Mr. Minister, just one follow-up. And I guess what I'm saying is we're just basically suggesting that the maintenance office actually have the authority to apply both ends of the court order and make sure that both individuals comply with that court order rather than . . . so that you have the opportunity for the child to have access to both parents and have . . . and the child to actually have an opportunity to have that bonding, and grow up with a greater understanding of . . . and have parenting both of the mother and father.

And that's what we're asking. We're not really asking for the maintenance office to actually start changing court orders, but to follow through on the court order and to use that to guarantee that there is . . . that that child has equal opportunity to both parents.

And the question I would have to ask, Mr. Minister, is while there's been this ongoing discussion and debate, there's been this consultation, what is your office doing to address these concerns, and to make sure that there's . . . that we address those court orders fairly on both sides of the court order?

**Hon. Mr. Axworthy:** — There are two points in response to this question too, Mr. Chair.

The first I think is that it is not very often in these cases of high

conflict to get . . . it's not very often easy to get to the bottom of what actually is taking place. There will be conflict between the two parents in terms of what each says happens and what each says didn't happen.

So there will be concerns about . . . there'll be issues about non-custodial parents going to the home, the custodial parent saying the child is sick. Is the child sick? Well it's not always clear. Did the non-custodial parent turn up when they were supposed to turn up? Well one parent will say yes, the other parent will say no.

So I think it's, in these very highly conflicted, conflictual cases, it is very difficult to find out what really the facts are. And the judge does his or her best to assess what the facts are to the extent necessary to decide what is in the best interests of the child. So I think these are complex factual cases and it's important to bear that in mind.

The other point I think worth making in response to the question the member raises, and these are questions I think we all anguish over and in particular when faced . . . where these challenges become very, very difficult cases for parents, but if there is a denial of access, then what is the appropriate response? The member is suggesting maybe the appropriate response on the part of maintenance enforcement is not to enforce the support order.

Well our view is that that's not good public or social or family policy and would not be in the best interests of the child. So then we need to find some other ways in order to work in the best interests of the child, ensure access, and ensure that support payments are made.

As I said, maintenance enforcement advises the custodial parent to respond to the appropriate . . . to the access order. And the consultations which have taken place federally and provincially dealing with these questions we anticipate will provide some avenues to address these kinds of questions.

What are those avenues? Well they are all about mediation, parent education, intervening early so that parents understand what these kinds of conflicts can do to their children.

**Mr. Toth:** — Mr. Chairman, Mr. Minister. Mr. Minister, last year we discussed at length a specific type of a problem an individual was having — and it seems to be an ongoing thing — and that is regarding the level of maintenance that's awarded and if a change takes place in a custodial parent's income. And I believe at that time the indication was you can go back to the court to have the court review and see if there's a balance in regards to the maintenance versus what the custodial parent may now have as an income.

Now if in . . . as in the one case that I'd raised and certainly it came since our discussion, where the person did go back to court trying to find a balance because of the number of days that the current . . . the individual's employment was where the individual actually was on EI (Employment Insurance) because of the down days in the industry that that individual was involved in, and about three days after the court appearance found out that actually his ex-spouse had employment in another mining sector which actually was paying higher than he

was getting on his job.

Now I think the argument they could go back to court . . . but when would you be able to go back to court because normally it seems to me the court would be looking at taxation documents that would indicate that this person is now receiving that income and therefore will make a decision based on the income either/or.

Could a person . . . would you have to wait until the end of a taxation year to have that taxation period filed or would it be a matter of being able to prove to the court that the other person is now in . . . has quality employment and to have that balance, the maintenance equation, balanced out in regards to what both persons were actually making as an income for that year?

I'm wondering, Mr. Minister, if you could give us an idea of where you go on that regard?

**Hon. Mr. Axworthy:** — The member asks, first of all . . . asks a number of questions. First of all, when is it appropriate or when can a parent go to court to vary the various orders that have been made, in this sense, the order requiring support? Essentially that can happen at any time when there's been a variation of the person's situation.

So if for example a person finds that they no longer have the earning capacity upon which the support order was made, then they can go to court to point that out and to get a variation.

The other question the member asks is: what if the custodial parent's earnings increase significantly? The custodial parent's earnings are not of any significance when the court decides what should the non-custodial parent pay to support children being looked after by their custodial parent.

Now it's not so easy when there's shared custody. And in that instance, the parent . . . both parents' income will have an impact on the amount paid by the, by the parent when they are . . . when the . . . on a monthly or other basis.

The member also asks or gives me the opportunity to talk a little bit about the support variation pilot project which we, which we have underway. And in this pilot project an out-of-court alternative is available to lower income parents who can agree on varying their Saskatchewan child support order when children have been moved from one parent to another, or graduated, or circumstances have changed.

And the project is designed to assist low-income parents and will facilitate communication between them, will manage the exchange of financial information, will prepare the required forms and the draft agreement or order and bring it to the court for the judge's approval. And it will also — the support variation pilot project — will also be an information . . . there will also be an information centre where parents can obtain help to fill out the various self-help variation kits, child calculation forms, financial disclosure forms, and so on. And where other services are necessary, the referrals will be made so that they can . . . so that those services can be, can be accessed.

So the member raises an issue which we share as a concern and which we are addressing in a pilot project way, first of all with

low-income parents.

**Mr. Toth:** — Mr. Deputy Chair, Mr. Minister, I guess as we'd been discussing and certainly just listening to your answer again, one of the biggest problems still continues to be the fact that we've always got to rely on the court, you got to back to court. Which means it costs money and for some parents becomes a real challenge just to try and get some fairness, because you're forced back into the court system into a costly measure of trying to, trying to address a problem.

And I guess I'm just going to end my discussion at this time on the fact that I, since hearing it, I think the collaborative law avenue, there's a lot of things that certainly I think can bring some positives if we can . . . I think at the end of the day we would all agree that the confrontational mode that our court system has had — and probably in some cases our legal community have through the years played a major role in this confrontational aspect — if the legal community can begin to realize that maybe it's time we started putting aside our differences and the avenue of, well if you do this, you'll get this and let's see how we can work it out — especially when it comes to family law — we might find a more amicable way of dealing with these problems and save ourselves a lot of confrontation.

And as MLAs maybe it'll take . . . cut down on our workload. To be honest with you, I wouldn't mind if that actually took place because I think at the end of the day we still think . . . we're thinking of the children, we're thinking of the individuals and the fact that a love relationship or a . . . (inaudible) . . . hate relationship is much better off.

So I certainly would encourage your department as well to give even more serious thought in working with how we can make the collaborative law form, if it's one of the positive methods, work much better and bring people . . . bringing people together rather than driving them apart.

Thank you, Mr. Minister, for your time, your comments, and your officials. Thank you.

**Hon. Mr. Axworthy:** — Thank you. If I might just comment briefly on the member's words, and I thank him for his thanks, I guess.

And he's quite right and we've had, as he says, we have had many discussions about this in this forum, and plainly access to justice is a problem because if there . . . if you don't have the resources, you don't have the access. Or at least the access is delayed.

And he's . . . the member is also right that the confrontational nature of the way in which decisions are made in the legal system don't always work so well in a family environment. But it is nonetheless important that when there is not agreement between the parents which is in the best interest of the child — and it's easy to conceive of agreements between parents which are not in the best interest of the child — but if there are . . . if there is a need to decide, for an independent person to decide, what is in the best interests of the child, then we don't have a whole range of options.

And certainly we have chosen — Canada as a whole and most countries have chosen the judge to be that independent decision-maker. We can, I think, look back and say that this confrontational adversarial legal system is not best in this context but . . . and we could I suppose blame lawyers in that sense, but it's also lawyers who are bringing forward the collaborative approach and recognizing how important it is to work together.

And I think it's also important to recognize that the pilot project dealing with variation is a big help here too.

So I think I share the . . . At the risk of being non-adversarial in this place, I share the member's concern and the need for us all to focus on what would be the best alternatives. And they are, after all, always child focused.

(16:30)

**Ms. Julé:** — Thank you, Mr. Chair. And good evening once again to the minister and good evening to your numerous officials here with us this evening . . . (inaudible interjection) . . . Good afternoon. Well, it's almost evening.

Mr. Minister, I just have one comment that I'd like to make regarding maintenance enforcement in Saskatchewan and then I'd like to go on to other issues regarding family law.

This is not going to be a lengthy dissertation on maintenance enforcement except that, throughout my years as a representative for the Humboldt constituency as well as hearing from many people throughout the province on maintenance enforcement, there remains yet and still a great deal of frustration that people cannot get through to the maintenance enforcement office. One person told me that they had been on the phone for four days trying to access someone in that office and were unable to do so. They either got a message manager . . . Most of the time that's what happened and it took a full four days before they were able to access and talk with somebody in that office.

Could you explain, Mr. Minister, why this is happening. And I think I'm going to start to suggest that we should go back to maybe a fuller complement of people to answer those phones rather than have to put them through answering machines, especially when it takes that long.

**Hon. Mr. Axworthy:** — The member raises the question of access to maintenance enforcement office over the telephone. And for the vast majority of the month, phone calls will be . . . phoners will only have to . . . well, will have to wait about 15 minutes is as much time as they will have to be on the line.

The beginning of the month is when most of the problems arise because that's when people don't make their payments. At that time, there is some delay.

There are now two people answering the phones, so we've added the resources to the process. And also there's a . . . the telephone system is automated, so you can easily access without speaking to a person — the latest payment information, balance of your account, and enforcement actions and so on. So there's a process to find out a lot of information without having to wait.

There are 14 incoming lines. They operate 24 hours a day and they receive about 11,000 calls each month.

I mean I'd say to the member this is a perennial challenge to be as accessible as is necessary. Certainly when a person phones, they're not phoning because it's a minor issue of which they don't have much concern. It's an important question that needs to be addressed, in their estimation, quickly. And we do our best to respond as quickly as possible. I think this will . . . this is less of a problem than it was, but I think it will always be a bit of a challenge in those, the early days of the month.

In the context of maintenance enforcement, I know the member will agree that this is a very successful project in the sense that it collects millions of dollars a year for custodial parents. And in that process also saves Social Services money, but even more particularly, makes sure that parents fulfill their responsibilities and the children have the resources they need in order to lead the lives that they are entitled to lead.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, I thank you for your response, but the fact of the matter is that many people trying to access the office of maintenance enforcement need to talk in detail usually about some dispute between the office and the non-custodial parent for instance, or the payee, as to whether or not payments have been made, when there's a dispute with that, and there may be a necessity to point out some transaction that was overlooked or made by the custodial parent rather than through maintenance enforcement.

So it's about disputes with . . . between maintenance enforcement, I guess in a way, the office, and the non-custodial parent. And those disputes cannot be resolved when you're talking to a machine. It doesn't matter how many messages you get about services that are available or that kind of thing, these kind of disputes are not resolved and they're very frustrating.

And in the meantime, as the member from Moosomin has mentioned to you just a few minutes earlier, when this happens it is the MLA's office that usually gets the phone calls and then we start on the phone trying to access maintenance enforcement.

As you well know, there is a great number of issues that we deal with as elected representatives and certainly we expect to represent our people well. But I do declare that there must be a better way to have these issues addressed on a more immediate . . . in a more immediate way so that this constant delay and frustration does not happen.

Mr. Minister, I was wondering if you could just answer me one more question in this regard. Has the staff been increased in the maintenance enforcement office for . . . in this budget year? And if it has been, how many staff have been added? I would hope to goodness that it has not been decreased.

**Hon. Mr. Axworthy:** — Yes, the member is quite right when she says that when a person needs to talk to an official at maintenance enforcement, they need access. They're not going to find that by tapping in a number and getting another machine.

But 50 to 60 per cent of the calls are about, are about seeking an

update and can be done easily through the automated system. That doesn't deal with the other 40 to 50 per cent who need someone to speak to.

And the member asks, so do we have more people and do we have more in investment in maintenance enforcement? And I can tell the member that the budget for maintenance enforcement, which is now called the family justice services branch, increased from 2.75 million to 3.15 million in 2002-2003. That's an increase of about 9.3 per cent.

And that translates into five positions — new positions — last year and one new position this year. Last year there were two enforcement officials, a telephone answering person, two client services people, and this year we have another enforcement officer.

**Ms. Julé:** — Thank you, Mr. Chair. To the minister: Mr. Minister, that clock is ticking away and I have a lot of questions to ask you, so I'm going to ask you to be very precise in your answers and I'll try to be very precise in my questions.

Could you just repeat, please, what the difference now is in the budget compared from last year to this year.

**Hon. Mr. Axworthy:** — Because it's such a significant increase, Mr. Chair, I'd be more than happy to do that. It increased from . . . It increased by \$256,000 — about 9.3 per cent.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, \$256,000 is substantial. Five staff members for \$256,000, pardon me, is not very substantial. I'm just wondering if that budget increase pertains to the maintenance enforcement office, then \$256,000 should have hired more people to deal with the office. If it hasn't — and I don't know what the salary for people is in that office — if it hasn't, I would suggest that if there's a lot of that money being directed into telephone answering machines and the likes of that, then we're making a big mistake.

So could you please tell me how that funding is broken down so that we can assess whether it's a worthwhile expenditure or not?

**Hon. Mr. Axworthy:** — The member will, I'm sure, be happy to know that this is a good investment and she wouldn't have had any questions as to whether it was a good investment, I'm sure.

About half the increase is salary, is for salaries, Mr. Chair, and the other half is to establish the support variation pilot project that I mentioned which will assist low-income parents to obtain variations to the orders that have been made by Queen's Bench judges when circumstances change.

**Ms. Julé:** — All right, I'll have to dig into that part of it another day . . . (inaudible interjection) . . . Yes, if you would send me an explanation of that I would appreciate it, Mr. Minister.

Mr. Minister, the problem that I have mentioned with a delay for clients — I prefer to call them people — who need to access services through maintenance enforcement is also a problem that is being experienced through the Rentalsman's office,

okay. There is the whole issue of people phoning and getting a recording. And so this is another office that is very frustrating to the people of this province when they're trying to access some help.

So, Mr. Minister, I'd just like to go into family law for a moment with the time that we have left. And I know that the Federal-Provincial-Territorial Family Law Committee was formed in 1990. And I know that their mandate was to look into maintenance, custody, and access. And we're talking today a lot about custody and access and the need to deal with that issue as well as maintenance payments.

Mr. Minister, what I'd like to ask you today is did the Saskatchewan government work with that committee, with the Family Law Committee? Were you there as one of the provinces when this committee was formed and have you been working with them throughout the years that that committee sat?

**Hon. Mr. Axworthy:** — Mr. Chair, let me first thank the member for drawing my attention to problems with regards to the Rentalsman's office and access over the phone. I'll look into it and provide her with an explanation and with an indication of what responses have been made to . . . or what responses we have made in order to deal with that situation. But I want to thank her for drawing my attention to that.

The member asked have we been involved in the consultations, the federal consultations over custody and access. And Betty Ann Pottruff tells me she's been intimately involved with this since 1981. So we have had many meetings with provinces and the federal government over this matter. And I think that . . . aren't you the Co-Chair, yes . . . that in fact Betty Ann Pottruff is the Co-Chair of the committee looking into this work.

So we, through Ms. Pottruff, have been intimately involved and integral to this work.

(16:45)

**Ms. Julé:** — Thank you, Mr. Chairman. Mr. Minister, I guess I need to be more, sort of, specific. Did the Saskatchewan government support and participate in the joint Senate-House of Commons committee?

**Hon. Mr. Axworthy:** — When the House of Commons — was it a joint committee, I think, who knows — when the committee came, it was argued that it was better for citizens to present their views to the committee.

We as a government have many opportunities to participate and to provide information. We've obviously provided all the information and research we had, but left the time for presentations at the committee to ordinary citizens who wouldn't have all those other opportunities to have their views heard.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, I'm just wondering why the . . . why your government did not make a submission to that committee.

**Hon. Mr. Axworthy:** — Well it was our view that — and

we've followed this practice in other instances, too — that we have many opportunities to make our views known to the federal government, to senators, to members of parliament, that we can do that at any time, that we work closely with federal and other provincial and territorial officials so we have many opportunities to engage in debate there, and that it was, in our view, more appropriate for those who didn't have all of that access to make presentations to the committee.

I mean, I think it's worth remembering that we are, through Betty Ann Pottruff, really very active in the federal/provincial/territorial process, and that we are also very active at the ministerial and the deputy ministerial level.

**Ms. Julé:** — Thank you, Mr. Chair. Mr. Minister, I guess I need to have some clarification on your comments that Ms. Pottruff is active in that committee because from the information that I have, the report from that committee was submitted in 1998 already, so I don't know how we could be ongoing with consultations and so on with that committee.

In fact I understand that a report entitled *For the Sake of the Children* was released and it was a very good report. And unfortunately, for some reason or other, on May 10 of 1999, the Hon. Anne McLellan and her Federal-Provincial-Territorial Family Law Committee rejected the joint Senate-House of Commons committee report.

So it's taken so long already. You know, we're dealing here with custody and access issues. We're trying to come to terms with how we're going to act as an entire country so that all provinces are in alignment with these issues of custody and access as well as with maintenance, and have some common terms, some common goals, and some common resolutions to these problems. And the federal minister rejected the joint Senate-House of Commons committee report.

So it's too bad that it's taken this long but, I mean, it's going to take even longer yet. This has been going on since 1990.

And then in November of 1999, from the information I have, the FPT (Federal-Provincial-Territorial) Family Law Committee came out with another consultation process, a review of technical issues and proposed solutions, feedback booklet. I mean, from what I understand, that booklet was an absolute flop because the results of the consultations were held in secret in the first place and the context of the questions put forward showed really very clearly that the Family Law Committee didn't know very much about what they were doing.

In fact, I'm wondering if you can tell me what the purpose of the whole FPT Family Law Committee was. What was their mandate? I mean it states a mandate but in fact I don't know if they've put any major objectives into place, or goals or outcomes, and they just didn't seem to understand what the purpose was that they were getting together.

So if the minister could please talk to me about that right now and give me some idea of whether he was under the influence . . . or not under the influence, but under the impression, under the impression that there was a real purpose for this committee and that they knew what the outcome was going to be.

**Hon. Mr. Axworthy:** — The member indicates a certain frustration with, I think, the time that it has taken to address what are, I think, extremely complex issues which do not present very easy solutions.

I should say that the joint Senate-House committee report that the member refers to was presented to the Family Law Committee of which Betty Ann Pottruff is the Co-Chair. The committee did not reject it, the Minister of Justice did not reject it, but passed it on to the Family Law Committee.

And the Family Law Committee was primarily responsible for ensuring consultations on the approaches that needed to be made with regards to children, child access, with regards to the consequences of separation and divorce on children and families, and was charged with dealing with not only the substantive issues which are wide ranging and complex, but also proposals for how to respond.

So I would merely say to the member, not to prejudge the response of the Family Law Committee. It will be discussed in Quebec, I think, next week, the publication of the report. And we certainly look forward to moving forward as quickly as possible in this area.

But I think it is important to remember that these . . . the reason that these issues are taking time is because first of all they're extremely complex and secondly there is no consensus on how the challenges might be met.

There certainly are . . . there certainly is agreement that the best interests of the children should prevail. There certainly are . . . there is agreement that there are roles and responsibilities for parents after separation or divorce, that there are issues of high conflict in these relationships, and that we have to find solutions.

But this is not easy. It takes time. There is not easy consensus. But as I say, I would ask the member not to prejudge the Family Law Committee report and it will be available shortly and I'm sure we will be discussing it further.

The committee reported progress.

The Assembly adjourned at 16:59.