



Special Committee To Prevent The Abuse And Exploitation Of Children Through the Sex Trade

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**SPECIAL COMMITTEE TO PREVENT THE ABUSE AND EXPLOITATION
OF CHILDREN THROUGH THE SEX TRADE
2001**

Arlene Julé, Co-Chair
Humboldt

Peter Prebble, Co-Chair
Saskatoon Greystone

June Draude
Kelvington-Wadena

Ron Harper
Regina Northeast

Carolyn Jones
Saskatoon Meewasin

Don Toth
Moosomin

Kevin Yates
Regina Dewdney

The committee met at 9:05 a.m.

The committee continued in camera.

The Co-Chair (Ms. Julé): — Okay. Committee members, we'll get started with our committee meetings this morning. And we're very fortunate to have with us today, Communities for Children. It's an exciting morning and we're really eager to hear from them.

But before we do that, we feel it's necessary to just give a quick introduction again of committee members for everyone's benefit. And if you could give an introduction of yourselves to the committee, it would be helpful. We know the faces but sometimes the names elude us, so we'll just ask the committee members to give their names at this time. We can start over with Ron.

Mr. Harper: — Ron Harper, MLA (Member of the Legislative Assembly), Regina Northeast.

Ms. Jones: — Carolyn Jones, Saskatoon Meewasin.

Mr. Yates: — Kevin Yates, Regina Dewdney.

The Co-Chair (Mr. Prebble): — Peter Prebble, Co-Chair of this committee and MLA for Saskatoon Greystone.

The Co-Chair (Ms. Julé): — Arlene Julé. I'm the other Co-Chair of the committee and I'm the member for Humboldt.

Ms. Draude: — I'm June Draude and I'm the MLA from Kelvington-Wadena.

Mr. Toth: — I'm Don Toth from Moosomin.

Mr. Healy: — I'm Kearney Healy from Saskatoon, from Communities for Children.

Ms. Barclay: — And Jacqui Barclay from Saskatoon Communities for Children.

Ms. Bruneau: — Shantel Bruneau from Saskatoon Communities for Children.

Ms. Beacon: — Maggie Beacon, Saskatoon, from Communities for Children.

The Co-Chair (Ms. Julé): — Thank you.

The Co-Chair (Mr. Prebble): — Well we want to welcome you here. And we know that a great deal of effort has gone into your presentation. I remember when we held our formal hearings in Saskatoon, we made an invitation at the time that if people had other good . . . I think it was while Kathy Grier was presenting that we suggested that if there were other good ideas on legal solutions to these tough problems, we'd be interested in hearing them.

And we very much appreciate the fact that you took that request very seriously and I know have done a lot of work on putting

forward this proposal, so I would like to invite you to present it to us.

The Co-Chair (Ms. Julé): — I'd just like to add also my welcome. And it's so important that people at the community level are working diligently on this, and it's evident that you have been, so you deserve a great deal of credit. And we are eager to hear your presentation. Go ahead.

Ms. Barclay: — I'll maybe start, just sort of give a few introductory comments. Also on behalf of Saskatoon Communities for Children, we'd very much like to thank you for the opportunity again to appear before you this morning.

And I guess we'd like to introduce our presentation today to be able to say that this whole initiative comes out of a lot of frustration at a community level as well as a lot of interest and frustration coming at a level of different service providers, people who are involved in front-line work, working with children and youth who've been sexually exploited on the streets. And through Saskatoon Communities for Children, our working group to stop the exploitation of children, we'd struck a changes to legislation subgroup which we presented recently before the committee.

And I guess some of our deliberations . . . We were feeling quite frustrated, particularly for the lack of . . . looking at lack of resources and supports for children and youth who are survivors, but also a lot of the difficulties in terms of being able to get tough and take action against sexual predators, against johns and pimps.

And I guess it's in that spirit today, we've had the pleasure to have a presentation by Kearney, the drafter of this proposed legislation, and he's been working with our changes to legislation subgroup of the working group to stop the exploitation of children. And recently we had it presented to the central planning people of Saskatoon Communities for Children. And we're here today to support Kearney and the work that he's been doing and that we passed a resolution . . . or on consensus basis, we have agreed to the spirit and intent of this legislation.

In terms of a couple of issues, I guess first and foremost recognizing, as we've always said, that these children and youth are not criminals, they're not prostitutes, but they're victims and survivors. And also that we need to look at ways to provide support for healing as well as providing support for escaping the street life and being able to look at the betterment of their lives.

And one of the other reasons that we are very strongly supportive of the direction of this legislation and the content and spirit or principles, is that we also believe that it's very important to be able to look at initiatives for deterring and also holding accountable the sexual predators who are preying on the children who are on our streets.

So I'd like to just sort of mention that as kind of a, you know, kind of a context or introductory, and I might have a few comments later on. But with that, I'd like to turn it over to

Kearney to actually get into the real meat of the concept of this proposal.

Mr. Healy: — Okay. If it pleases you, then I'll go ahead and talk about it. Please, you know, any time that anyone wants to interrupt me, if that's how this committee works, then please do that. Don't stand on formality. You know, for my part I don't mind any interruptions.

The basic concept is this, is that as Jacqui says, if you spend any time with the children who are on the street, you'd be struck by (a) how few resources are available to them, and (b) how horrific their lives are.

And anybody who's actually looked at it in an organized way has been struck with . . . Well it's unique. It's unique in our society. I don't think that there probably is a more dangerous occupation for a child to be involved in. Or an adult. Or an adult — I shouldn't say just a child. There isn't a more dangerous occupation for anybody to be involved in. Maybe in the ghettos of New York, crack dealing is equally as dangerous. Maybe. I don't know. But in this beautiful country, in this beautiful province, I don't think there's another occupation, adult or child, that's more dangerous than the occupation that they're in.

But yet, they have no resources. There's no resources to kind of help them out. And the courage of this committee, of this all-party committee, to say, well we will search for a solution, you know, you deserve a lot of credit for that. Because it isn't as if us four at the table aren't able to get resources and you guys will just be able to snap your finger and every other MLA (Member of the Legislative Assembly) will say, yes, here's buckets of cash; tell us what you need and we're going to give it to you. I know that's not the reality. I know that you people are facing an uphill battle just the same as we are.

So where are we going to get the money, we said to ourselves. Where's the money going to come from? Well why shouldn't it come from the place where there's a rich resource?

Some people, some people live by high moral principles that they've developed on their own and I suspect that's us in this room. We have a code of ethics that we live by and that we stand by and we're ready to sacrifice for. But there's others who — and we know them — there are others who rely on their community to tell them what's right and what's wrong. And if they can get away with doing something that's immoral or wrong, then they'll do it if the community lets them. And if the community says no, don't do that, then they say okay, I guess I'm not allowed to do that.

These johns and pimps are endangering their own families. They're endangering the people the family is involved with. We don't know how far that string's going to go. They're a danger to our community. They're a danger to these children. They're a danger to themselves.

And so to ask them to give what little gift they have — and they do have the gift of money — to ask them to use their gift of money to make the situation better, and to make it clear to them that what they're doing is dangerous. This is dangerous activity

for these children and for themselves and for their families and for our community. What could be finer?

And I dare say to you that if your colleagues in the legislature . . . I don't know what anyone's going to say, you know, I don't have a clue. But if your colleagues in the legislature say that they don't want to spend any more money, so be it. We're saying there's another source. And it's an appropriate source. It's an appropriate source to sue the johns.

Now there's nothing really remarkably unique about this. I mean it's never been done anywhere in North America as far as I can tell, or anywhere in the world, so in that sense it's unique. But it is not unique that where someone has been harmed that the law comes to the service of those who are harmed and say, those who harmed you will have to compensate you for that.

It's not unique that if . . . in all my examples I'll try and make myself the bad person here. If I was to hit Jacqui and she happens to have what's called a thin skull and she is hurt very, very dramatically, from what's not really a particularly hard hit, the thin skull victim principle takes over. I'm responsible for all the damage that I've done, even though if I hit Peter, who may have a thick skull — I'm the bad guy here, right? Or Peter hits me; I've got a thick skull — there may be no damage and that's the way it works.

If a predator comes and asks a child for sex, he is in effect looking at a victim who's only there because of enormous problems in their lives and they are taking advantage of that. They are in effect having the thin skull victim.

So there's nothing unique about suing the person who harms you, and there is nothing unique at looking at the damage and saying, what's the damage and how do we make it so that the damage is repaired?

Indeed, in the legislation that was passed regarding motor vehicle accidents in no-fault insurance, of course we're very close to the same principle. Workers' Compensation; we're very close to the same principle. That is, we're not going to measure how much that machine cut off your finger so much as we're going to figure out how much rehabilitation you need in order to get back on your feet.

We don't want to get into . . . You know how when we were kids in high school you had to bring these forms — or public school — had to bring these forms home to your parents that said that an eye was worth \$5,000. One eye, your right arm, and two toes was worth 7,000. We don't have to do that. We don't have to do it that way. The law's very flexible. It allows us to say the question: what is that we need to rehabilitate this person so that they can take their rightful place in society? Nothing unique about that.

The power that you have as a legislature, the power that you have to make that happen is very clear in the law. As a committee we've gone and talked to at least five professors from the university who are experts in their field; Sanjeev Anand, who's an expert in constitutional law and was a drafter himself for the Alberta government; Dan Ish, Professor Ish, who was at one time the dean of the law school and is an expert

in many of these kind of areas, including constitutional law; Ken Norman who was the human rights commissioner of this province for many years; Ken Cooper-Stephenson who has written books on these kind of matters, not child prostitution but the matter of . . . I'm sorry, not sexual abuse of children but the matters regarding, you know, parties suing each other and how to accumulate damages. Indeed his comments have helped to inform this Act, helped to draft this Act. Professor Weigers, Wanda Weigers, who's a recognized expert in child and family law. And of course, Roger Carter, who wasn't one of the professors who . . . who was at the College of Law. He's retired now but, you know, is a highly respected legal scholar who, among other things, began the Native Law Centre which is a credit to Saskatchewan because many of our First Nations lawyers, Aboriginal lawyers come through that program.

So it's . . . there's no question, you know — I digressed, I guess, a little bit there — but there's no question that you . . . that we have the power to do this. You have the power — when it's occupational health and safety — to say no child can get into this kind of dangerous occupation. Any person who encourages a child to get into this dangerous occupation had better take notice. You've got to take notice. We do not like this. We are going to be looking at you to make — out of your own pocket — funds to assist in helping this child get out of this occupation that you encouraged her to be in.

It's far too dangerous an occupation for a child. Whether you use the power as your power under the law regarding children and the protection of children . . . you can do it there. There's no question that you have several heads of power under which you can do this.

And so we said, why wouldn't you look at these johns as these pimps. Many people tell us that they drive up in the most expensive of cars. Many people . . . you know, sometimes I'm sitting with street workers and they show me ads that are going on on TV. They say, we know that's a john. So there's no question that many of them have a rich resource. Okay so the obvious question . . . the obvious objection to suing the john, it would seem to me — or the pimp — would be how can we be sure that the money will be spent effectively. We don't want to have the money actually create a bigger problem than we are already.

And this is the next point that I really want to urge on you. It needs a dialogue. You need to be able to set up a statutory framework that allows the child and the child's supporters to dialogue with the very people who want the child off the street and want the child to move toward self-sufficiency. If you only have . . . if you only empower the people who want to take the child off the street without the dialogue with the child, I'm frightened that you're going to fail, because you're laying all of that . . . you're putting all your eggs in the basket on who are you hiring.

If you're lucky, you're going to hire Jacqui Barclay and a few other people who are going to move heaven and earth and won't care what you pay them and won't care how many hours they have to put into it. Their passion is going to be overwhelming and they're going to do the best they can. If you're unlucky, you're going to find somebody for who it's just a job and

they're going to do more harm than they have good . . . that do good.

So you have to, you want to set up a statutory framework that has the children informing the workers about what's good and you want the workers to be informing the children about what's good. You want to set up a statutory framework that allows that dialogue to take place.

The children have to be convinced that this is better and the workers have to be convinced that any action would be better. And when they both agree that this action would be better, then there's nothing that's going to stop them. It's only a matter of time before they achieve success. But if one says this is good and the other one says this isn't good, then they've got to dialogue some more. They've got to talk some more until they can reach a consensus where they can move together, much as I see you people are doing.

So we propose that there then should be what we call a resource committee and the resource committee would be the young person, would be assisted by a friend. I mean we need the information from the young person. We do not want the young person to be intimidated by the fact that they're in a room with a bunch of adults. We want them to be able to talk.

In addition there should either be a parent, if the child's living with a parent, or there should be the person that the child is living with. So the child can say constantly, day in and day out, see, now I'm telling you, if I only was allowed to take dance lessons or if I was only allowed to take kick-boxing or if I was only allowed to take guitar or if . . . you know, things would be so much better for me. Whatever it is — I don't care. If only I was allowed to have this amount of spending money so that I could . . . whatever it is. Who knows?

In addition there should be a professional whose job it is, much like Ms. Barclay here, whose job includes assisting children to get off the street. Somebody who's well versed in these understandings and is able to act as a bridge between the understanding of the youth and what happens on the street and the other professionals.

Then seconded to the committee as part of their regular duties — as part of their regular duties — would be a social worker who would stay with this child forever until things are finished; an educator who would also stay with that child; a health care professional who would stay with that child. And whoever else would be necessary, whoever else the committee decides would be of assistance to them.

Now obviously . . . I've said that this won't cost the legislature any money. And right now I think everybody should probably be saying, oh just a second here, Healy, you just added some work to these people. But I've been involved in every institution — well not every institution but many of these institutions — and I know that they all have flex. I know that should there be . . . should Saskatoon school board suddenly find that rather than 200 or 250 fewer students or whatever it was, or 600 fewer students, they had 600 more students than they counted on, they have the flex to kind of work that out.

We're not talking 600 here in Saskatoon; we're not talking 600. I know that if suddenly one of us was to get some rare, unusual disease, the health system would be out to do something. Every organization has some flex. It may mean some shifting around resources. But it doesn't mean that we have to hire a new social worker who will only work on one child's committee. It can be a social worker who's got the regular caseload minus maybe 10 per cent or 15 per cent or whatever — they can work that out — which will be distributed among other social workers to free this person up to be available to go to the meetings that are necessary for this resource committee.

Now actually not only will that not cost you more money, I would guess, not cost the legislature any money, it will actually save it. Because let me tell you what actually happens.

I, for instance, or Jacqui, or someone who's working on behalf of a child who's on the street, will be going to several different agencies. We will for example say, this child needs some drug or alcohol treatment. We will eventually find somebody who will get them drug or alcohol treatment. But guess what. Even though we've maybe talked the health system into paying for the drug or alcohol treatment, if we have, as soon as that child comes back, they're going into the same house, maybe, in the same district that caused them to get into problems.

And so they come back fresh and clean and all ready to give it a shot again, and they're back in the same place. So that money that the health system spent just got wasted. Not only that, then you'd say, well we'd like them to be in school. Oh, they say. Guess what, they say. That's another thing. Well we can't do that today.

The problem often is, is that as we try and move children through the process, everybody's day that they want to work on this problem is a different day and they're separated wildly by months.

So when the school system's finally ready to take a kid into the school system, the drug and alcohol treatment has long since worn off and the housing situation has long since gotten worse and all the other things have disappeared. They're not going to school.

So that what you've effectively . . . what we're saying you can effectively do is say, okay everybody, get on the same page at the same moment and fix this problem so we don't have to be chasing it day in and day out for years and years and years. Let's get on with it right now.

So not only won't it cost you more money, I daresay it will save you a lot of money because you've told everybody: do it now; don't give us excuses about how our mandate really didn't, you know, isn't really focused on that, it's focused on something else. This is an emergency. There are children dying out there. There are children being raped. There are children being beaten. There are children being threatened with guns. There's children being threatened with knives. There are children being driven off, taking their clothes off, and dumped off in the middle of the wilderness — well, not in the middle of the wilderness but out in the middle of the street in the country.

It is appropriate for a legislature to say this is a crisis and this needs an emergency response. It needs an unusual response. But we're not . . . you don't have to say that you're setting a precedent for every problem the world's ever seen. There is no problem that's anything like this. This is a unique problem. This is very, very dangerous.

There are those who say that the dangers that the children on the street face are more and are greater than the dangers that even soldiers face on the battlefield. Or perhaps not on the battlefield, perhaps that's taking it too far, but greater than the dangers that people, young men who are of army age, of enlistment age, face per capita in the middle of the war.

Hey, we don't see these kinds of problems every day, so it's appropriate that you should say everybody get on the same page at the same time and that will save you money.

We also propose that indeed you make as part of the legislation a request to all government agencies and all government departments and all bodies that receive money from the government and all bodies who are interested in the good wishes of the government to seriously consider every request made by a resource committee and to respond. They don't have to do what the resource committee asked, but they at least have to respond. Everyone will understand what the message is.

As a community, we want an answer. And a thousand and one informal, small little ways that people can kind of move things they'll see that it makes sense for them to do those kinds of things. The bureaucrat who has the ability to be able to make a minor, minor adjustment within his or her own department that would make an enormous difference in the life of a child, they will know understand that the department . . . or I'm sorry, the legislature has asked them to do that. And they will have the ability to be able to do that.

However if they feel they aren't able to do that and they report back to the committee, I'm unable to do that for this reason or the other, then that gives the committee the ability to be able to quickly move through the ranks to see if there's another agency, another department, or another level of the same department that's able to adjust things minutely but nevertheless has great implications for the child.

It's the same thing again. Ask everyone to get on the page of solving the problem. It's not going to cost you money; it's going to save you money. That money that the health system spends on the alcohol, drug education, it won't be wasted. Because everybody's working together. You know that story about the seven . . . or the one stick, you know, anyone can break it. You put a bunch of sticks together, it's impossible to break.

A plan that's built around all the different facets of a person's being has a chance of actually making it. Especially if it has the co-operation and the consent of the very people who are involved with it. And by having the committee that's in a dialogue with the children and they say okay we're ready for this, and then you are able to deal with all the different elements of that plan by the very effective use of this resource committee and your request that every agency, every government

department, and every body involved with the government respond to this agency, your chances that you are going to have success story after success story is enormously high.

Add to that the fact that they can expect . . . we would expect approximately 5 or \$600 per month from the johns or the pimps. That's what we would say that you could reasonably expect. If you take the average salary in Saskatoon as being approximately 40,000 per year, we believe that a monthly payment of \$500 per month, while it's painful, there's no question, and somebody might have to sell the SUV (sport utility vehicle), and you can take into account assets under our proposal — well you might have to sell off the odd asset, you might have to sell off the cottage. It will not bankrupt anyone. It will not make the johns' children starve — there will be no starvation. But it will mean that you're going to have to be pretty careful about every darn dollar.

And maybe there's a second job there or maybe something else. Maybe there's another mortgage to be taken out on the house. It won't be forever — you know, it's not \$500 per month for the rest of your life. It's \$500 a month until the child is no longer a dependant, and hopefully that means upon graduation day from university or a technical school.

So this resource committee would have an effective . . . it would be an effective body such like there isn't right now. It would have an effective tool — that is the permission of this legislature to speak to every, every body that's concerned with it. And it would have effective resources, having money — none of which is costing you any money.

We would suggest . . . and I doubt that anyone's going to tell you. I doubt that . . . We realize what's going to happen. You guys are going to . . . This is going to go to the lawyers in the Attorney's General's department, and they're going to start to do the briefing notes, and then you're going to have, you know, committee meetings on is this idea a good idea, is that idea a good idea. I doubt you're very often going to hear that you can't do it.

But our next proposal, if the ones we have so far doesn't have a lot people saying you shouldn't do it, the next proposal may. Our next proposal is this shouldn't count against social assistance payments. In essence any money that the child receives from the john or the pimp should not be counted against social assistance payments.

As a committee, as a group, we saw that that made enormous sense. But there are going to be people, of course, who are going to say to you, wait a minute, we've got this income security program, and the foundation of it is that we take into account other income. And there's no question that that's true.

And we point in some of our materials to the existence of exemptions that already . . . that there already are, you know. The first \$10,000 for lawsuits with respect to sexual abuse of children while they're in residential schools is exempt from social assistance calculations. That's a clear precedent for what we're saying.

But then again it isn't really, because what we're saying is that

there are children who day in and day out are facing a horrific situation. There is no precedent for what these children are facing. I can't go over that often enough. There's no other segment of our society that we would allow to regularly have guns pointed to their heads and taken out to the country and stripped and told to walk back to the city. We would not permit that. That would be an emergency in every other area of our life.

And the only reason it isn't an emergency now isn't because — and don't let anyone say it is because we're too hard-hearted and we don't care about these kids — that hasn't been it. At least I don't think that's been it. In my conversations with every person around the world it isn't because of hard heart that we haven't done anything about it. We all care, we all want to do something. We've all been convinced there's nothing we can do. The problem's too big, we've been told.

Well we're here to tell you that it isn't too big. And it doesn't take a big adjustment in what we're doing, but one of the adjustments that it will take is that it not be counted against social assistance benefits. We're not setting the precedent for the rest of the world. This is urgent. This is an emergency basis.

We are proposing in the legislation that you review this in four or five years, to underline the fact that this is an emergency response, a horrific situation that presently exists and will continue to exist unless we do something unusual, because so far the usual things aren't working.

And we need a solution because we in Saskatchewan — I don't care what anybody else says, who anybody else is — if we can see a solution and we can solve the problem, we deserve no less. Because in Saskatchewan we don't care what other people are doing, we can do better. We can do better. This isn't good enough for us, to have a horrific situation carry on day in and day out and hide behind well, there's nothing we can do. We know we can do something.

So there will be people who will say to you no, no, no, no, no you can't do that. You cannot exempt it from social assistance benefits. And I'm urging you, don't listen to them. At least say for the first five years they will be exempt from social services benefits and then we will review it as a legislature in five years.

My hope is that with this initiative and with other initiatives that we may very well be able to defeat this scourge. Maybe in five years we won't even need this anymore. I don't know. Personally I would just as soon that it stayed forever. It's kind of a danger sign in the middle of the broken, of the thin ice, saying to johns, saying to pimps, this is a dangerous area. Asking children to have sex is a very dangerous thing to do. And we will be keeping this legislation forever, just as a warning sign to these people.

But we're asking you to do things that no one else has ever done. So maybe you only want to do it for a little while. I don't know. I don't know how, how the legislature wants to handle these kind of problems.

So I think I've given you the essence of it. I think that in terms of the lawsuit itself, what we've attempted to do is take all of

the different indicia of street activity that johns and pimps use. We've allowed . . . where there's community groups that have taken licence plates down, that information will be extremely valuable now. We can use that information. Where street workers have consistently seen johns and maybe have even gotten in fights with them — and that has happened — saying, you know, leave this girl alone. Nevertheless, they take the girl away in their car, in their Lexus or whatever. We'll be able to use that.

People, ordinary people, who report to me and to others on our committee, that they sit in their house, 3:30, 3:45 in the afternoon, Tuesday afternoon, kids are walking by near the stroll on their way from school, and somebody is yelling out, hey blow job boy, you know. Come here, I'll give you 10 bucks for a blow job or whatever. Those people can go out and they can take the licence plate number and they can talk to that child. That information is now useful, and according to the proposed legislation can now be used. It's no longer information that's just another horror story that people tell each other; it can actually be used.

Police tell me that they actually . . . that their information is that some johns of children actually go from city to city to city. This legislation proposes that that information would be available, could be made available to the court, and could be taken by telephone because the police departments maybe don't want to send a person to Saskatoon in order to testify. Why they wouldn't want to do that, I don't know. But I understand that may be the situation. That's fine. Courts today take testimony by telephone. Why not in this circumstance?

We're not asking, in this, we're not asking you to do anything unusual. As a matter of fact, there's very little in this that's asking you to do very much that's unusual except for the notion that every government department should respond in some manner or the other to a request by a resource committee, and that the assistance payments, that the amount of money that the person collects from these predators not be counted against social assistance.

The basic bottom line is that these children lead lives of no resources. If you ask many of the children, as I do — and maybe other people get a different story but I doubt it — if you ask them what they use the money for it's to buy chips and pizza for the family. And maybe it's to buy . . . to support the family in some way. It may be to buy a whole bunch of booze and drugs for all their friends. But it is a circumstance where, where they come from lives of terrible, terrible lack of resources; terrible lack of resources, and food and clothing and housing are very big deficits.

They come from those circumstances and they respond in such a way so that if they have any money sometimes they use that to support others who are stuck in that life of little food, little resources, little clothing, whatever. And sometimes they use that money as a strike out and say I'm going to put on a party for all my friends. I'm not trapped by this poverty.

So unless we have the courage to say enough's enough. This is unique. This is unusual. This is drastic. This is dangerous. Unless we have that courage, then we won't have the ability to

be able to face those who say no, no, no we can't change what we're doing that much.

The resource committee is required by the proposed statute. The resource committee would be required to spend every nickel, every penny of that money towards certain ends. And now that's not to say that there wouldn't be spending money for the young person. If the resource committee — which the child would of course be a part of — if the resource committee determines that spending money is the right way to go, then they'll do that. And if it turns out they're wrong then they can cut it off. But every penny would go to the resource committee and every penny would be spent by the resource committee.

Now this is important because there are going to be those who will tell you the evil child scenario. You know, the sinister person under the whatever — the boogie man under the bed. There's going to be . . . People are going to say to you what if there's some really evil girl who's going to say I want to sue somebody and get a whole bunch of money. Well for any girl that wants to sue, first of all they've got to inform the resource committee if they're going to go through this particular procedure. And the first thing the resource committee is going to have to say is you're going to have to go through court and expose yourself — that's the first thing.

Now we've tried to make that as painless as possible, and we've tried to make it so that the resource committee is actually handling the action so that the child can just kind of tag along. We've tried to make it so that there's as many supports as possible. But if you're just doing this for your jollies . . . you understand, that's the first thing.

The second thing is: if you're just looking for a party . . . guess what? You've just invited a social worker and a health care worker, an educator; you've just invited them into your life continuously. And guess what, guess what? If all you want to do is party, you know . . . and I've got no problems with party — that's good. That's what my kids want too, you know. I mean, lots of kids want to party. That's not a problem.

But if what you want to do is live a dangerous life so that you're . . . you won't be able to move forward, but only get stuck farther and farther into a pit, we've got this money — maybe we're going to spend it all on hiring somebody to hang out with you all the time, you know. They'll hang. They'll go to the parties too and say come on, let's go. Let's get out of this party. This is going nowhere, you know. It won't work.

I'm not saying that this is what will happen normally. But for any evil child — and I don't believe they exist — but should people say to you, what if there was the evil child, it won't work. Because this resource committee is there everyday or . . . no, it won't be there everyday, but they're there constantly. They're consistently talking to each other. They're consistently studying your life, and they're consistently looking at ways to make sure that you don't spiral down.

So if you think you're just going to get some money to spiral down, this is the worst thing you could do because you're actually funding the people who want you to spiral up.

If people say to you well what if it's just viciousness, they want to get their revenge on someone. This is the evil child who doesn't care about the money, just wants to get their revenge on somebody. Okay. The evil child, the legislation requires that the court, or encourages the court, to look at indicia of street prostitution, look at the indicia of prostitution at the very least — if it isn't street, then at least prostitution.

So that, I'm the bad guy in this example, at least . . . well, no. Okay. I'll be Kearnietta. I'm Kearnietta and I want to sue Jacqui Barclay who's a really fine person. I'm just a kid, and I'm saying, Jacqui Barclay invited me to have sex for money. I'm 14. I can be corny, because I used you. Okay. I'm 14. There's only so much I can say about Jacqui Barclay, right? She works at the Saskatoon District Health street outreach van. She has an office here. She also works for Communities for Children. And she told me she would give me sex for money.

No one's ever seen any unexplained time that Jacqui was on the stroll. Any time that she was on is actually work related. No one can ever say, yes, Jacqui asked me for sex too. No one can . . . I can never point to a time, because unfortunately she's such a busy person, she probably documents pretty well wherever she is. So I can't say, well actually on March 8, you know, at about 11 o'clock in the morning she was out on the street on the stroll on 21st Street in Saskatoon and picked me up. Because I run the danger that at one point this fine person will say no, I was actually in Regina and, blah, blah, blah. And I call Carolyn Jones as my witness.

It's going to be a very, very difficult process. But maybe I'm wrong. What we have is a fanciful bogeyman under the bed on one side. Maybe she exists, maybe he exists, maybe not. We don't know. I haven't seen him. We're talking about very unsophisticated children who are having trouble getting through school — I'm not saying they're not smart, but you know it's not as if they spend a long time stickhandling their way through the adult world; if they could stickhandle their way well through the adult world, then they wouldn't need to be on the street — versus maybe as many as a hundred children who are getting beaten, are getting raped, are getting sexually abused, are running the risk of dying very early, are running the risk of enormous diseases. I know they exist.

So ask those people who want to bring the bogeyman out of the bed, under the bed, and say this is so real. Ask them, do you want to vote for a fantasy which we don't even know exists, or are you going to vote for those hundred kids — or more than a hundred kids because this is a province-wide problem — are you going to vote for those hundred kids we know are going through horrors that the rest of us can't even begin to imagine?

You can do what we've set out. We've checked this out with law professors; we've checked this out with judges; we've checked this out with a dozen lawyers; we've checked it out with children on the street; we've checked it out with the workers who've been involved with them. I don't know who else we can check it out with. You can do it. And it will be a significant alteration in the balance of power between the predators and the children who are being abused on the street. And I urge you, I urge you all to don't miss this opportunity.

If they say to you, no, we don't want to do this; then say, what better do you have? What better do you have in mind? What better thing are you prepared to fund? Where will you be finding this funds then? If you don't want to do this, where will you be finding the funds?

The Co-Chair (Mr. Prebble): — Thank you for a very powerful presentation. Now I know that you have a matter that you need to attend to. I'm also conscious that . . .

Mr. Healy: — Actually I've solved that problem so I can wait as long as you want.

The Co-Chair (Mr. Prebble): — Okay. And I also know that Shantel and Maggie and Jacqui may have comments that they want to make before we move into questions. So let me just . . . before we move into questions . . . and you're not needing to rush away is what you're saying, Kearney, okay.

Maggie, were there any comments that you wanted to make?

Ms. Beacon: — Yes, I'd just like to clarify some things.

The Co-Chair (Mr. Prebble): — And, Shantel, anything you'd like to say.

Ms. Bruneau: — Yes, I have a few things to say.

The Co-Chair (Mr. Prebble): — Okay, why don't you go ahead then, and say those now.

Ms. Beacon: — Okay. I don't know, like it wasn't really clear to me about the money that these children are going to be getting. That money is not going to the children and to the family in cash value. It's going to purchase food, which will be, you know, done with a committee that's set with them. Recreation, food vouchers, sports, schooling, you know, extra schooling that they want to take. And small amounts of spending money, you know, depending on the age.

So it's not like they can go and sue this person just to get the cash, because they don't get it. It's not something that's a reality; they're not getting the cash. It's not going to be a lump sum of \$500 or \$1,000 a month, because they're not getting the cash.

This legislation will not only help these children that have never been able to be a children . . . child, most of them. They're grown up way beyond their years. Even from being small, as babies, learned you know, from that age to start fending for themselves. And it's time that we are able to support this legislation and support that these men should be paying for the damage that they've done.

And it may not be just the first guy. You may be able to get to, you know, sue the first guy. It may be the second, third, 100th or 200th or 1000th, you know, man, but one of them, as all of them have committed this crime.

And this way these children . . . because as we know if they're not living at home and they're supporting by, you know, by solely working the street. Or social assistance — they get \$200

a month. You can't live on \$200. I mean you guys all know how much it takes to raise a child and how much money you have to spend to raise a child. It's 10 times more, you know, than what it costs us to live.

To expect them to live on \$200 . . . And that's even lower . . . If they're in a room and board situation, these children get from \$30 to 70. That's to last them a month to live on. It's not even nearly enough so deducting it from their benefits would leave them with absolutely nothing, which puts them right back in the boat of the vicious cycle that goes around and around and around that for some reason the government seems to home in on that. I don't know. Social Services seems to keep these people going around and around in a circle.

You know, I'm finally not on assistance any more. I'm still going to have major money to pay back, but I'm not on assistance.

And like any other civil suit, this will have to be proven. It can't be just an allegation. It has to be proven. I mean you can't just walk in and by your own voice say, you know, this is happening and have it proven. It has to be proven through witnesses and whatever else.

We've run into a dead wall. We can't get these men. I mean it's already said. You know, you can't pick up a child under 18 years old. But to arrest these men, you have to sit there and watch the act being committed before we can arrest them. And it's illegal to watch that act being committed. This way the act doesn't have to be committed, just the onus of wanting to do that and applying to somebody that you want to do that is enough.

So I'm fully, wholeheartedly supporting this legislation, and I really hope you guys consider it because this is an emergency and for the time that we're sitting here, two to three children are dying. We need to do something right now. Thank you.

The Co-Chair (Mr. Prebble): — Thanks, Maggie.

Ms. Bruneau: — I'm in support of this for the reason I've been on . . . I was on the street for many years as a youth and an adult and it's scary. It's really scary for these kids to be left alone out on the street, out in the country. It's scary and they don't need that.

And if I had it when I was younger, I would have loved something like that, because it's just not good for the kids. These days it's getting worse and worse every day. And I see it every day. That's all I'd like to say.

The Co-Chair (Mr. Prebble): — Thank you, Shantel.

The Co-Chair (Ms. Julé): — Shantel, we really appreciate your thoughts and your words on this. And we've had just an excellent presentation from Kearney and from both of you, what you've said. And certainly everybody's going to take a moment here to dry our eyes because . . . But it's a good sign that people care.

We're going to just take about a three-minute break, if that

would be all right, just so people can just take a couple of breaths of fresh air here. And then we'll get into committee deliberations with you people who have given us this presentation. If that's all right with you.

Jacqui, you seem . . . do you want to say something before we do that?

Ms. Barclay: — Yes. I can wait until after the break, but I also had . . .

The Co-Chair (Ms. Julé): — Okay, go ahead. I'm sorry, I didn't mean to . . .

Ms. Barclay: — Actually there's just a couple of very quick points I wanted to mention. One, and this is to follow up on what Maggie and Shantel said. I don't think we need to speak to the dangers at all. I think Shantel just summed it up, you know, from the heart and so powerfully.

In terms of what Maggie was sharing, in terms of the some of the elements of the legislation, I guess what we want to say as well is we're not looking at this as a replacement to focusing on the criminal approach and looking at the strengthening of the laws and the enforcement of the criminal laws.

What we're looking at is to use this kind of legislation in support or as a tool to look at other creative Made in Saskatchewan approaches. To actually be there in support for the healing and recovery of these children and youth and to, you know — as Maggie said this is a crisis, this is an emergency — to take action against the sexual predators who are out there.

The other comment I wanted to mention on a very positive note is that I would like to bring greetings from Sarah Ninnie. She wasn't able to be here today, but she's actually in Vancouver. She has been brought there to do some work on a short-term basis by Canada Save the Children, YASESO, youth against sexual exploitation speak out. And she wanted to be able to mention this organization in the transcripts and to bring greetings and to say that she's here in spirit. And to also say that they're going to be from here from March 22nd or 20th to 22nd in Saskatoon, and the 23rd to be meeting with youth, and they'll also be in Prince Albert, and I think in Regina. And what they're looking at doing is looking at ways that they can support the empowerment of working with child and youth victims and survivors.

And we have a lot of interest in BC (British Columbia), Faddy, one of the staff persons who's working with this project is interested in trying to look at a way to get together some funding to actually hire and train survivors, youth survivors, to actually be working directly with the youth doing peer counselling but also being able to encourage youth coming forward who want to take advantage if this legislation should come about. To be able to look at ways to be resource people to work with the children and youth. And so I just wanted to add that and to say that she's doing really well and doing great work on a national level.

Mr. Healy: — Could I just say a couple of things? I've just got a couple of notes from the back row there, and somebody

mentioned to me that I didn't point out that, you know, O.J. Simpson, no one found him guilty of murder but O.J. Simpson was sued successfully. And that's a good analogy actually for what we're doing today.

And the other thing was is that in terms of the resource committee itself, a thing called the children's services integration project in '92 or '93, looked at different families, and we're horrified by how many different service people and how many different service agencies were involved with one family and were never able to create a coordinated program and indeed often contradictory treatment plans. You had to pick your treatment people. Piss off one; get praise from another, you know.

But the record was in two years, two years, one family had been marginalized, had 140 — 140 — service providers from 40 different agencies. Not one clear voice amongst the whole group of them. And so that kind of a situation, in private industry, we would never have — and also in private industry in one hat — we would never let something like that happen. That would be terrible.

But in a couple of years before '92, '93, that's what this one family had. The strength of the resource committee is that you have a consistent, coherent group with the ability to redevelop and move the agenda forward.

The Co-Chair (Mr. Prebble): — Well listen, thank you very much. We're going to have a very short recess, and we'll come back after that recess with questions from committee members. And I'm sure there'll be a great many questions. So it should be a very interesting discussion. So we will come back and start about 17 minutes after 11.

The committee recessed for a period of time.

The Co-Chair (Mr. Prebble): — Well, members of the committee, I think the time has come for questions on this and I'm wondering who would like to lead off. I'll recognize Kevin Yates.

Mr. Yates: — Thank you very much for the presentation. And I like the spirit of what you're attempting to do. But I have a number of questions and most of them will be focused to you, Kearney, with your legal background.

I have some concerns around the evidentiary standards and the types of things that are laid out in the legislation. No problems with what you're intending to do, but I'm questioning whether or not we would be able to withstand challenges to this and actually make progress on the issue. Because when we come forward with the legislation the first time, people are going to want to see some results. And if we end up being challenged and set back, it may be a greater period of time before we are able to deal with it in any detail.

So I guess I want to talk about a couple of key things that are concerns to me. And we go to section 11 and I'm going to.

Mr. Healy: — I wonder if I could just take a second . . .

Mr. Yates: — Sure.

Mr. Healy: — . . . which is which now?

Mr. Yates: — It deals with what the court may consider as evidence, right?

Mr. Healy: — Okay, yes.

Mr. Yates: — It's laying out in a civil matter what the court or the judge may look at and then goes on to say that you can consider anything that they deem to be appropriate.

But laying out in a piece of legislation what sort of the standards are of evidence that supports, you know, being responsible for something, is not . . . it's unusual to some degree. It's leading the court to believe what the evidence should be or what the standards of guilt should be. And I have some concerns whether or not that would be upheld in the long run.

And I guess because some of the standards talk about being observed in the area, understood by the police, it doesn't necessarily say in the standards anywhere that you had to have done something that is concrete towards the act, like, having actually asked or something like that so that there is actually harm. Because under civil law, of course you're responsible for the act or responsible for some form of harm. And although O.J. Simpson was not convicted on a criminal issue, in fact he was convicted that he was responsible for the act of his wife's death. And those standards, you know, aren't necessarily laid out in what we're talking here, and I'm wondering if that's a direction . . . you know, where you see those standards being.

And secondly, whether or not we would face a challenge on that we are in fact constructing or writing through the back door of criminal law, which is really the purview of the federal government; and whether or not, you can access a monetary penalty without finding somebody or . . . you know what I'm saying? What's the methodology to doing that when there isn't necessarily in any ways that's been done in the past basically there is some relationship between the two parties, even in an issue of insurance and so on and so forth. How we get around that issue of the relationship issue here in order to enforce payment?

Mr. Healy: — Okay, can I . . . I'm going to answer your questions as well as I can. Let me just start with section 11 and the standards. Now what section 11 says is that in addition to the child's testimony, which is absolutely essential . . . you know, I'm finding it hard to imagine a case where the child wouldn't have to say this john asked me for the sexual favour and offered this amount of money, you know; whether it's a child on the playground as a john drives by and yells at them or whether it's a child who gets into a car, there is that testimony. And section 11 doesn't say that you don't need that testimony.

But it says that in addition to that, you may want to consider other pieces of information. For example, some children can tell you the dog's name, of a john, who they have no business knowing. You know, some in Saskatoon . . . well in Regina here; you're from Dewdney. You know, some girl who lives

over by Kitchener high school for example — maybe that's near you — or Davin. Not Davin. What would be near you? Scott, okay, lives near Scott Collegiate, knows the dog's name and somebody who lives over in University Park — if that's what that place is over by shopping heaven over down that way east of here — knows the dog's name, knows the cat's name. Can navigate right through the whole house; can tell you whose picture is over the bed. Now is that persuasive? If you were a judge would you find that persuasive? This guy has no business knowing this kid, has no reasonable explanation as to how they know that kid. Is that a piece of persuasive evidence for you? It would be for me.

Mr. Yates: — That much detail would, yes.

Mr. Healy: — Or that the respondent has been regularly observed in areas understood by police or street outreach workers in which persons regularly request other persons to perform sexual . . . that's the strip. And somebody saying, yes, yes, the little seven-year-old or eight-year-old or nine-year-old or whatever comes to court and says this person asked me for sex, you know.

They can't say very much. He said that if I touched his weenie or maybe they don't even know the words, but everybody knows what it's all about. And somebody says, yes, you know, you can practically set your watch for it — 9:37 this person, I don't know, maybe he leaves a meeting or maybe he leaves a curling club or whatever, at 9:37 there he is. And next thing you know a little kid gets into his car. They're gone for an hour; the little kid gets dropped off. Do you find that persuasive? I do.

And these are things that can be in addition to the children's . . .

Mr. Yates: — The children's testimony has to be there.

Mr. Healy: — The children's testimony, ordinarily.

Mr. Yates: — Okay, that seems clear to me. Or some testimony that . . .

Mr. Healy: — Yes, yes. Now it doesn't necessarily have to be the child's testimony can be there. Okay. And the law is a little bit more flexible than that. Let's say Jacqui and I are out together. And how do I make myself the bad person here? I don't know. But Jacqui is scouting for me, right. And I'm afraid to do . . . to testify because I'm a very, very shy boy.

Mr. Yates: — Direct testimony of the act.

Mr. Healy: — But Jacqui is there to say, yes, I was standing right beside him. I'm supposed to guard him, and the john came up and said, hey, and that happens — that's right.

So what we're saying in 11 is, you know, if this hasn't occurred to you, make sure. It's as much saying to the street workers — gather this evidence — gather this evidence because this can be useful. That cone of protection that . . . I mean there's hundreds of girls out on the streets. And it's been going on for years. And somehow they've been doing it with impunity. And everybody is under the impression there's nothing we can do.

Okay. Here read this, read this. Start gathering this evidence because if you people have the courage to pass this and be the first in the world to do this and have everybody else follow in your footsteps, which I expect they will, then this is the information that you should gather. And we're not helpless; we're not powerless. So that's section 11.

Now in terms of, you know, section 12 says, the court, if satisfied on the balance of probabilities. That was probably too cute. We could have just as easily said, if the court was satisfied that the respondent did request sexual acts, because as a matter of fact, that's the rule. Balance of probabilities is the rule on a civil suit.

Yes, so it probably was a red herring and it probably shouldn't have been in there and it didn't matter because that's the rule anyways. The courts are going to do that automatically without us telling them, or you telling them, or anyone telling them what to do, you know. It's like telling people to drink coffee when they're going to drink coffee, smoke cigarettes when they're going to smoke cigarettes. Well of course they're going to do it anyways, no matter whether you say it or you don't say it.

In terms of . . . And this is a very good question, the one about criminal law. This is a very, very, very good question because that is . . . You know, in every legal mind that I've ever talked to — well not every legal mind but pretty much many of them — the constant thing is, what if we're infringing on the criminal law power of parliament? Okay? And I know that Peter has some questions about that too.

Professor Carter yesterday in the . . . he's the guy who started legal aid by the way, was a dean of a law school, is an expert in many, many areas of the law, and started the Native Law Centre from which most First Nations and Aboriginal lawyers have got their start, you know.

He says, he says in this news conference, what if you have a john, right, and a girl from a very wealthy family is able to prove that this john actually did ask her for a favour? What would the court do next? And the answer is, the court would then go to section 12, yes, okay, they would talk to the resource committee and they would say, what money does this child need in order to get adequate clothing, adequate housing, adequate food, to be able to have educational abilities? And the answer would be none — none.

So that john would walk out of the — or a pimp — would walk out of the courtroom with the court having to say, this legislation says it isn't to penalize the john. There's no penalty here. There's no penalty. It's to repair the damage in which this person has participated in.

But in order to financially set up the situation in order to make sure that this child has adequate resources, if you have an extremely rich family whose daughter has gone out on the street, what do you need from the john? Nothing, in terms of money. It isn't criminal law. There is not one penalty in here. There's no penalty. And certainly, like if I'm the john right, I'll stay the bad guy here, and if I'm the john, that's sure how I'm going to call it. I'm going to say, there's no penalty. Okay, well

so what. From talk on coffee row, you can call it anything you want, but legally it's not a penalty.

What it is, is the money necessary in order to restore a situation that should have existed at her birth, or his birth, the child's birth. Restore her to a standard which we in the province think that all children should be able to have as a bare minimum.

But there's no penalty here. The judge can't send anybody to jail. The judge can't say there's . . . we were even careful not to put punitive damages in here, which civil courts can do. But we were careful not to put that in there for that very reason. The criminal law power is the one that we were the most frightened about. And we have consistently, consistently, not allowed it to become anything like a criminal law matter. We have consistently said . . . you are in effect saying this is too dangerous an occupation for certain people to be in. Much as you would say with fire fighters; you wouldn't let a 14-year-old become a fire fighter. Much as we say about police officers; you wouldn't let a 14-year-old become a police officer. And any police department, or any fire fighting department that says we want to hire a whole bunch of 14-year-olds and send them into the fire because you know us other guys don't want to risk our lives anymore — of course we'd be horrified.

We have the right, if somebody said, you know 19 . . . 14-year-olds should be able to go to the bar, we have the right to say no, there are certain activities that we do not want children engaging in because it's too dangerous for them. Going to the bar, being a fire fighter, crane operator, a police person, you know, it's too dangerous. You have the right to say this is too dangerous. And in order to show people that this is too dangerous, we are going to make them responsible for any damage that's incurred, because they encouraged this person to be a part of this dangerous occupation.

So there is no criminal law element to it. It's not replacing criminal law, it's not to add adjunct to criminal law, it's not to enhance the criminal law . . . and if you wish, if you wish, you could actually put it in the legislation that no testimony that's used under one of these court proceedings may be used in a criminal proceeding. Write it right in there. Let those people in parliament know you're not trying to encroach on their power. They can do whatever they want with their criminal law. And you can, at the same time, advise your prosecutors that you do not want children who give testimony to be forced into giving testimony in criminal proceedings.

Now I would hope, I would hope that at one point, when a child is feeling strong and healthy and good and she finds . . . and it's made known to her that, even though there's some johns who have been sued and are paying a lot of money are still out on the street for whatever insane reason that they're doing that, I would hope that one girl would say, I think I'm ready now, I think I'm . . . you know. And if that's their choice, that's fine.

But you can clearly delineate as a legislature that you do not want this as a criminal law matter. And of course, when I was speaking to the law professors, that's one of the things that they were, of course, very concerned about. Now it was their opinion, by the way — Professor Norman and Professor Sanjeev Anand and Professor Dan Ish — that it would

withstand, as it is now, a criminal law challenge. It would withstand a criminal law challenge. However, you know, you can do more. You can do more. And if you want, we can talk about different ways that we can make sure that it can withstand a criminal law power.

In terms of the monetary penalty, there is no penalty. And I never want to hear anybody say that we're suggesting that there should be a penalty. Okay. There is a financial contribution, and we use the word contribution — not compensation, but contribution — that the john or the pimp should make in order to establish a certain basis that we think every child should have. Adequate clothing, adequate housing . . . clothing, housing, food, education, you know, and an ability to be able to become self-sufficient. That's what we expect that every child should have, and it's their contribution — not compensation — contribution. You have the right to demand that.

But it's not criminal. You're not doing that under your criminal law power. You're doing that under your power under property and civil rights.

The relationship question. If you don't want to be sued, don't go out on the street and ask kids for sex. If you choose to establish that relationship, you may only intend to have a relationship for 10, 15 minutes, however long it is, as brief as you can possibly make it, we're sorry. The only reason that child's out there is because they've been abused time and time and time again. And the only reason that you're going to have the opportunity to have anything to do with that is because you've chosen to take advantage of their circumstances.

It's as if I . . . This is really foolish. I can't think of a really good example. I just think of somebody lying on the street bleeding you know and you want to suck blood. It seems to me . . . that's a really ghoulish example and I'm sorry that my imagination can't get any farther. But that's in essence what happens.

We have children who are bleeding and they're suffering and they're going through terrible, terrible agony and somebody comes along and says, I could get a little pleasure out of this. Well can you? Okay. And we can get a little bit of money out of you for that too.

The Co-Chair (Ms. Julé): — We're going to have to move along. I'm just looking at the clock and recognizing that we have about 15 minutes left.

Mr. Healy: — I'm really sorry. I just really think that it's really clear that we understand that, you know, that you have the right to do this. You have the power.

The Co-Chair (Ms. Julé): — We want to enable the other committee members to continue with their questions. Don Toth, you had some questions.

Mr. Toth: — Yes, I've got a couple of thoughts here but, pardon me, I'd have to say I'm not exactly sure that this would really fly. I'm like Kevin, I've got some concerns. I'm somewhat skeptical.

We've heard from a number of people over the past number of months regarding children on the street. We've heard situations where actually children have been on the street because their families have put them there.

One of the big questions I have, is this just another avenue of monetary gain for families? Now you I think maybe answered it a bit in the fact that of the resource committee responsible for allocating funds. But if the resource committee would allocate some funds and provide for food and housing, that just takes that much less of a responsibility off the family. They've got more funds, if you will, for maybe the drug habit that they've got that has been brought to our attention.

I'll tell you knocking on doors in Elphinstone, I saw some situations I didn't really believe existed and I don't know. This will not address, at least I have a hard time believing this is going to address some of those issues and concerns. So that's a question I've got to throw back at you and just get a response.

Ms. Barclay: — I think I'll only make a couple of comments and I can see Maggie is ready to respond.

I think one of the beauties of having the resource committee set up, the fact that there is a recognition that the youth and child is involved in the committee but also has that power to be able to designate people on the committee but that you're having front-line service providers, professionals who are also on that committee, accompanying over a longer term of time is really critical and important.

And I think one of the issues that we've talked about before is that you need to intervene and to work with the child and the youth, but as Kearney had mentioned when he first started the presentation, if you just focus on the child or youth and then put them back in the same environment you're setting up maybe even worse in terms of them sort of feeling like now they're a failure. And so I think the consciousness would be that the resource committee is working with the child and youth, but also from that ongoing, constant intervention in their lives the committee is also becoming involved or very aware in terms of the family situation.

And as Maggie said before, I mean, we're not just looking at throwing money at a problem or situation. What we're looking at is resources, and the resources might be finances in terms of shelter, or it might be looking at a program in terms of dealing with issues of abused, dealing with issues of addiction whether it be the child or the youth themselves or members of the family.

And you might be looking at a situation where you're having to work with the whole family or maybe for a period of time removing that child or youth. But believe me, once you start building that trust and you're involved in that child or youth's life, you start to find out what's happening in the family and you're probably in a better situation to be able to intervene.

And in some cases there's situations where there've been children or youth who've gotten off the streets and maybe go back on — not because they're requested by their family or put out, but because they feel an obligation or responsibility that

they want to help provide for that family.

I know of a situation of a woman who's off the streets now who was a victim of abuse through her family situation and figured, well, I've already been abused, I might as well be out there getting paid for it. You know, it was sort of a single-parent situation and she didn't want her brothers, or her 12-year-old brother or 11-year-old sister to end up down the same path as she had been. So she figured she was the sacrificial lamb. I'll make that money so they can be guaranteed to have enough food to eat and to have clothing and shelter because they weren't getting provided.

So hopefully in that situation a resource committee could be in place to help work not only with that child or youth but to recognize that there's other issues within that family.

Ms. Beacon: — Yes, like Jacqui says, I mean the committee is set up and the committee can take different measures. I mean if the chance comes that the child is being forced out by their family — and forced, I mean told that they have to do it — then obviously the family is not healthy. And it's not going to be a healthy environment to try to heal in. So she'll have . . . it'll have to be . . . some other measures will have to be taken.

It's not often that a family puts their child out there. The parents love their children very much but the parents are sick also. You know, they're plagued with the disease of addiction and they're plagued with poverty. And you know, horrible poverty. I mean, who lives off of noodles and macaroni cheese and hot dogs? Like, yet these people do. That's what they live off of. They can't afford to buy their children fruit.

You know, so these girls go out of obligation to help their family. Because they've had to grow up many years before, you know, it was their time. So their obligation as the caregiver of these children when their parents are sick and the family is ill, is that she will have to do this. And this is something that she'll have to sacrifice to help her family.

I've got to mention that if we don't do something now, this is becoming a trend. Picking up girls on the street is becoming a trend. Boys talk about it in high school. I go to career campus, men are talking about it. You know, ha well, we'll go to Showgirls, we'll pick up a couple of girls and then we'll go to the bar you know, we'll drink. You know, this is becoming a trend; it's becoming okay. And it's not okay, you know, and if we don't put a message out there now we're going to lose the opportunity.

The Co-Chair (Ms. Julé): — Carolyn, did you have questions?

Ms. Jones: — I'll try to be quick.

Ms. Draude: — Is there any chance that we can go over just so we don't have to rush because this is such an important issue?

The Co-Chair (Mr. Prebble): — Yes, I mean I'm certainly . . . I wanted to raise that as well.

The Co-Chair (Ms. Julé): — Okay.

The Co-Chair (Mr. Prebble): — So thank you. Let's just do that for a moment now. How many . . . are members of the committee available to stay beyond 12 o'clock? Or do some members have commitments that take them away at 12.

The Co-Chair (Ms. Julé): — I'll have to leave by about five after.

The Co-Chair (Mr. Prebble): — Okay. Are you comfortable, Arlene, with us continuing?

The Co-Chair (Ms. Julé): — No you go ahead. I'm . . .

The Co-Chair (Mr. Prebble): — Because you should ask your questions before you need to leave in that case.

The Co-Chair (Ms. Julé): — Okay.

The Co-Chair (Mr. Prebble): — So let's go to Carolyn. Let's say we will continue until at least a quarter after.

Ms. Jones: — I just have a couple of just kind of little things that nag at me. I don't want to find any bogeyman either.

But I'm wondering what . . . I note in section 12 and I have to admit that I haven't read this word for word recently. In section 12 you refer to where a john is, you know, charged more than once. So it's a possibility that he might be paying damages to two or more children, but I didn't see anything about whether or not a child could charge more than one john. And I'm wondering about that and how the resource committee might handle bringing forward more than one charge. And I'll just kind of run down my little list and then you can respond to them, how's that?

I'm also wondering about dual charges, both criminal and civil, and how that might sort out. Let's say it was a particularly nasty sexual encounter that amounted to rape, or physical . . . you know, an assault type of charge, and whether or not there might be concurrent or simultaneous civil and criminal, and if we'd lose the civil opportunity as a result of a criminal charge. Because in all likelihood their penalty would be far less under a criminal charge than it would . . . and I shouldn't use the word penalty, but the consequence would be — the consequence would be far less under a criminal charge than it would under a civil charge.

I also wonder, in section 12(4), I think it is here, about . . . when we're talking about people under 18 being allowed to bring the action, and payments continuing until age 21. Not that it's a big concern to me, but I wondered what the rationale was.

And the final one is not so much a question as a comment. But in your opening remarks you talked about occupational health and safety, and I wondered if any thought had been given to deeming these lovely people employers, and making them responsible under another Act. So those are my kind of questions and comments.

Mr. Healy: — Can I just speak to just a couple of technical ones? And actually the Act suggests that a child is a child up to the age of 18. However, if a harm is done to a child up to the

age of 18, then that's covered under the Act. However, if someone's 19 or 20, the way I envision it anyway, and I think the way the committee envisions it, they would be able to sue for what happened to them before they were 18. That's how we envision it.

And when we talk about youth being able to sue their johns, I mean, you know, this was always wrong. And we're saying . . . we're inviting you to use your power to do that.

In terms of 21, much . . . you know, the truth of the matter is that what's happened here is that we've cut and pasted different provisions from different areas of the law to serve children, as opposed to adults. And this actually happens to be a direct, kind of lift-off from the Divorce Act, and is a lift-off from The Child and Family Services Act of this province which is . . . and it's kind of standard that you say that payments will continue until the child is 21 or financially independent. And indeed most maintenance orders say that.

And the rationale for it is that sometimes children need that long in order to get through university or SIAST (Saskatchewan Institute of Applied Science and Technology) or whatever, so why not? We want independent self-sufficiency, right? We do not want more people on welfare.

So the other questions I'll think I'll leave to Jacqui or one of my other committee members — can you sue more than one john?

Ms. Beacon: — I'm under the impression that this takes the same as any civil suit. If you have one civil suit going, that civil suit has to be finished before any other claims can be filed against this man. This is my understanding.

I'm in a couple of different civil suits as we speak, and that's my understanding and that once the civil suit is done, whatever settlement comes out of it, it's usually that no criminal charges will be taken after that because he's already paid for his crime through the civil suit. And then if he's already been charged for the crime, then he can't sue. The person can't sue because they've already paid for their crime.

I don't know if I'm right but that's the understanding that I have that this Act will follow.

Mr. Healy: — You can sue more than one john. You can sue more than one john. Just as one john can be sued by more than one child, one child may sue more than one john.

And with all due respect to my committee member, I think they can exist concurrently. The problem with a criminal suit or a criminal charge being there at the same time as the civil suit is that the person may be in jail and may be unavailable to make payments, financial contributions as we call them. They may not be able to but there's nothing stopping them.

Your idea of declaring them employers is very creative and no, I hadn't thought about that and that's very interesting.

Ms. Jones: — Think about that; let me know what you think.

Ms. Beacon: — I don't know about creating them employers

because then there's the whole thing about, you know, there's taxes, CPP (Canada Pension Plan), you know, Workers' Comp. Come on. Then there's the government coming in and collecting all that little cash, you know, now . . . (inaudible interjection) . . . Oh no? Oh really? I suppose self-employment, yes.

Ms. Jones: — Thank you for the answers.

The Co-Chair (Mr. Prebble): — We're going to turn it over to Arlene so that she can raise her questions before she goes.

The Co-Chair (Ms. Julé): — First of all, I need to just once more quickly commend you on this wonderful brainchild. It will be considered by the committee and, if in fact it's adopted as a recommendation by the committee, I can see that it would be groundbreaking legislation and legislation that perhaps should have been in place a long time ago in Canada.

It's my understanding, from just a little bit of research that I've done, that this whole concept was brought before other provincial committees and that for some reason or other they could not come to consensus on it; the task force or committee or whatever that was in play just could not come to consensus on it.

However, I have heard too that there has been at least two instances in Canada — one here in Regina in 1992-93 — where in fact a person that had been offended by a pimp was very successful in putting forth a suit and was successful in winning that suit. So that gives me great hope and I was really thrilled that that could be. I think that with just a little bit more work on it and some really good organization as you've put forward here — obviously you've done a lot of thought, you've done a lot of research — and you've put forward why this can work and that's wonderful.

What we found or the committee has heard is that a number of young family members or friends of families are pimping their own children. Now Maggie has just mentioned that it's not often family members, but contrary to that comment, Maggie, we've heard that there are a number of family members that are doing that for whatever reason. So I'm convinced — especially hearing from Aboriginal people — that they would not be willing in fact to put the finger on their own families. In fact what they're wanting is healing for their families and avenues of healing.

So my question I guess to the presenters here today is that even though I can see that johns would certainly get the message loud and clear, and they should because this is a heinous crime. It is something that's urgent. It's something that we must do something about immediately, and I really believe it would be effective with sending a message to johns. It's a major deterrent, as well as it is an avenue to be able to fund the needs that are there for the children that are being abused. However, the pimps in this case are not going to be affected very much for it, by it rather, unless they're transient pimps.

So my question for the committee is: within your resource committee that you would have, have there been some thought put to using the wraparound concept for healing so that the

request, especially of Aboriginal people, for whole family healing and the components of that healing would be recognized, and that some of that financial resource that you would now have would be put towards that?

I mean it's pretty evident that there is a major problem with alcohol and addictions that accompanies this activity on both sides of the equation. And so it's . . . I think, in response to the people of Saskatchewan who have mentioned that and the need for really holistic healing, we need to make sure that that kind of a thing is incorporated into how these finances are used. Has there been consideration given to that?

Ms. Barclay: — I think, like definitely in terms of the spirit — and I could stand to be corrected — but in terms of the spirit of the legislation it is very much looking at the strengths of a wraparound process or having different resources in place.

And the idea is to have that constant and continuous presence of the resource committee members, or whoever . . . whatever resources that they draw in, to be present in the lives of the children and youth. And also to be able to, you know, make connections or to work with the family as well. Because definitely, if you're coming into a situation with one child or youth affected, quite often, in terms of my experience, there is other family members that are being impacted as well or possibly either being drawn into the street or sort of following down the same path.

Also in terms of the proposed legislation itself, I think another thing that we have to look at is that there's going to be case examples or there's going to be the first few that happen. And after that in terms of the success and the awareness, the public awareness, but also the children and youth being able to speak out as well, there's going to be a greater awareness of this as an option or a choice. And so in my mind some of the first cases that will be coming forward would be real obvious, evident cases where, as was mentioned, a child or youth says enough is enough, you know.

And there is a lot of anger and hatred. And that's one of the strengths, you know, for adults, for john schools, is some of them are very shocked when they actually hear from the women or from the survivors what exactly they think — like what their real lives are like, the struggles that they've had, but also what they really think about these johns.

And I know even as an outreach worker, I mean sometimes the comments that are mentioned are very blunt and striking.

So I think in terms of children and youth coming forward, I mean the ones that they'd be going after are going to be the more clear-cut cases. You know, you probably won't have a family member turned in or turned over, but you'll have other cases. And you're looking at the resources of helping and supporting those persons and . . . or those children and youth, and the message getting out to others. And you're looking at their healing.

But I think the whole process as well is looking at the empowerment of the children and youth themselves as well. Like it's not just providing resources for the self-sufficiency,

but part of that healing too is that empowerment. And, you know, so hopefully that's going to be an example for a child or youth who is in a situation, a family environment which is very unhealthy. It's going to be a strong message to the johns, but also it is a strong message, you know, in terms of those who would be involved in also profiting off of the fact that there are these sexual predators cruising around.

And I think the other comment would be: if you're drying up the supplier, the source, then you're kind of cutting the source of income for those who would be pimping as well. You're making it a lot more difficult for that possibility to survive, you know, for somebody who is, you know, profiting off of pimping a child or youth.

Ms. Beacon: — I was going to make this comment before when I was talking but I thought . . . I knew that question was going to come up. So the money, if possible, if the family's plagued with, you know, whatever things, you know, depression, addiction, alcoholism, you know, all those other things, I mean the family is a family but it's ill. And it needs help to combat this disease. And so this money will also be put together to work as a whole family.

Because there's children, most of them who haven't, you know, been abused severely sexually or anything, love their family, love their family very, very much, and it's the most important thing to them in the world. And to have their family well and happy and productive is, you know, some of their dreams. So I mean the money will be going also, not only to just the child for recreation and everything else, it'll also go to heal the family.

And with your comment about whether the pimp gets sued or the john gets sued, this is the child's choice. I mean this isn't something that we go out and encourage. We let them know that this is there and this is an option, and then it's their choice to make that decision. If it's not the pimp that's putting them out, then it's the john that's also abusing them. So I mean whichever way that this child feels the need to go, then that's the way it's going to go.

The Co-Chair (Ms. Julé): — Okay. Thank you. Maggie, just for the sake of the darn clock I want to mention how very happy I was that you brought forth the concept, all of you. That it's important that there is a consistency in the service providers being there for the child when in fact there are determinations being made about the kind of services that child needs.

Because I think what we've heard in this committee and what a lot of people recognize is that oftentimes one child has so many service providers, and it is so dysfunctional in itself and disjointed, that there's no way that you can effect some good success and good outcome. And that is one message we've been hearing consistently: interagency/interdepartmental co-operation, collaboration, and working together; and a consistency so that the child knows and can expect to see the same worker that they become familiar with.

You know my thoughts are that we would have to make sure that there are people in place that genuinely care about this and that are . . . you know it takes special kind of people to do this, and so I take it that you've considered all of that.

In your considerations as far as who the members of the resource committee may be, have you determined that the scope of those people that would be part of that group would be very wide? In fact, it would maybe include probation officers, police officers that work in intercity . . . so the sort of justice side of the equation?

Mr. Healy: — You know certainly we could . . . One thing I just want to say. You'll notice that 6(1)(b) of the resource committee says that:

a person chosen by the child except that the person chosen may not be a person who has encouraged other persons to engage in prostitution;

If you wished you could make that for every person who serves on a resource committee. The problem you're going to meet is are you going to be excluding family members who, under very difficult circumstances, some way acquiesced in the child going out on the street but don't want her on the street but nevertheless did acquiesce. And it's a very thorny issue in relation to family members.

In terms of justice people, yes we thought about that. The problem is this — and it's Mr. Yates' very astute observation — you've got to steer away from the criminal law stuff. So every . . . when we thought about it and when we considered each and every option, we said people are going to say you're trying to do criminal law. So we stayed away from justice people in there, so that everybody sees we don't want nothing. We're not trying to steal parliament's thunder here. We're not moving in.

But yes, an advocate who's a person whose employment includes assisting young persons who are on the street. Joceline Schriemer would fit in very nicely in there. Craig Nryfa, in Saskatoon, would fit in very nicely in there. Matter of fact, they would be great. And I wholeheartedly encourage children to consider those people if they . . . and there are, no doubt, people who have a faith background, whose faith may be consistent with that of the child, who may be very good people in that category, who may be ministers.

But in terms of, you know . . . I've said enough. That darn parliament, you know.

The Co-Chair (Ms. Julé): — Yes. Overall, I think that the spirit and intent of the legislation is fantastic. I think it's certainly something that merits a lot of really strong consideration, I think.

And I don't doubt for a minute that as we go through our deliberations we're going to probably be faced with a thing of, you know, this act, this is a crime. It is under criminal law, you know. The very act of communicating and so on is criminal.

And so, you know, how do you do this? Do you do this under criminal law and then have a civil suit following that?

And I recognize what you're saying; that you've done all the work to make sure that it's not criminal law. I'm just saying I expect that we're going to be meeting these kind of questions

and these kind of things will be brought forward towards us.

But nonetheless you've done a lot of inner work and research and so we'll be hoping that we can shorten things by looking at all of that.

Sorry, but I do have to leave right now. And some of the other committee members have already asked questions that I was going to bring forward, so I'm grateful for that.

We'll just turn over the questioning then to Ron Harper, I guess will be next.

Mr. Harper: — Thank you. I have a number of questions but, in light of the time, I'll probably try to keep it to one.

I certainly first of all want to commend you on your proposal here. I think it's a very bright proposal and one that we're certainly going to be considering. I think it has some real potential to it, personally.

But I would like your opinion on the resources, as they exist in the community today. I believe that there's a number of agencies out there who are acting with the best of intentions to assist individuals who finds themselves on the street and want to get off the street and straighten their lives out and so on and so forth.

But am I correct in assuming that these various agencies are not necessarily working together to provide a continuum of support to the individuals so that they can make that healing process, make the steps off the street, go through the healing process and have the support for as long as the individual requires it?

And would a resource committee be able to coordinate these activities between the various agencies? Would this resource committee be able to overcome the turf protection that many agencies have exhibited in the past?

Ms. Beacon: — I think to answer your question, the whole thought of the committee is all these agencies, the agencies that these children need are all going to be in this room. So it's not going to be, you know, a turf war or anything else. It's going to be them all there, you know, so they all work together. Because it has to be very stable.

I mean a lot of the agencies in Saskatoon we all know have very, very good intentions, but their intentions aren't stable. There's, you know, there's a child, you know, goes to treatment and gets clean and — you know I think you mentioned it — and come back and they're clean and, you know, they're ready to go to school. Got to wait till next semester. That's four months down the road, you know.

They want to get into counselling from other . . . you know, Calder or the addiction services downtown. That's a six-month waiting list. Counselling, I mean, through child and youth services, what — you're looking at a year or two years just to get into that. And by that time it's all fallen apart again.

So we, by the committee, we bring all these people together on an emergency basis, because this is an emergency. When a child

is coming out of this, it's an emergency. So we bring them together all on an emergency basis to work all together to help this child.

Mr. Healy: — And in addition — if you pass this and I urge you to — you've said to every organization, every government department, you respond to these people. You have now given this committee . . . All they have to do is write a letter saying, get lost. And if they write a letter saying, get lost, it may come right back to you. It may come back right to this legislature. Because this legislature said, we want you to respond. And that means don't go giving us, get lost, we're not interested in you; it means spend some time thinking this through and really be important to think this through.

So will this committee be able to handle it? It will be, I would suggest, an extraordinarily influential committee — extraordinarily influential committee. And it will be able to marshal the resources very quickly because you've given it your blessings to respond to it on an emergency basis.

Mr. Harper: — Pardon me. Would a starting point then say, before the legislation was passed, would a starting point be established in a resource committee to coordinate the activities and the resources that are presently available?

Mr. Healy: — If the legislation was passed, yes. The first step would be a resource committee would be established. And they would have to do several things. They would have to make sure the child was safe. Because you certainly don't want to be dragging a child through a court proceedings without it being safe, without the child being safe.

You know, you want to make sure that they're in a position where they can go to court. So that it may mean you may have to deal with some addictions issues before they go to court. I don't know. You know, you have to make sure that they have some counselling and you may want to do those things before you get them into court. But at some point the committee will also prepare the child for the court.

Now let's not beat ourselves up here. Okay. What I'm talking . . . what we're talking about are the disconnection of all the different resources. It's not a Saskatchewan problem. I'm telling you right now, I don't know of a jurisdiction that solved this problem, this particular problem in and of itself. You will solve this problem if you do this. People will say to you don't do this because you're setting a precedent. You should say to them, there is no precedent for the dangers that these children are facing. This isn't a precedent. This is a dangerous situation. It's akin to a wartime emergency.

Ms. Beacon: — Just to answer, because I think you had said get the committee together before the legislation is passed. We're not going to be able to bring them together unless the legislation is passed. Like you said there's turf wars and everything else. We need to bring the legislation; put the committee together is the first step in everything. That's the very first step. The committee comes together because it's on an emergency basis. It is an emergency and it needs to be done right away.

And I believe putting this together and passing this legislation is

going to put a halt. It's not going to cure it, not by any means. But it's going to put a halt to these men. They're going to know, you know, that what they're doing is wrong. It's criminalized and using money to justify sexually abusing a child, youth, that this, you know, it's wrong. And the word's going to get around and things are going to stop. It's going to make them very, very aware of, you know, what's happening.

So, but I mean I think the legislation would have to be put in place before the committee would be able to assemble on an emergency basis.

Mr. Harper: — Thank you.

Ms. Draude: — Thank you, Peter, and thank you very much to the committee. I can see that you've got just unprecedented devotion to this issue and I think that's great.

I'm going to be the devil's advocate for a minute and say that . . . (inaudible interjection) . . . again. I pretend I'm a mean and evil person and I decide that I want to get somebody. And because there's a tie, a child doesn't have to testify. It could be the person that's standing beside him and you say that this person picked up my child. And, you know, is there any real way to protect . . . and I'm not trying to protect a john, I'm trying to protect somebody that maybe wasn't guilty.

There is . . . when I look at some of the things that have to be done, if you were creative you could know the name of the cat, you could know what picture was above somebody's bed, especially if it was your ex. You know, if you just decided you wanted to pick on your ex. Is there any protection for someone who isn't guilty?

Mr. Healy: — You know, you've . . . June, you've . . . or Ms. Draude, you've put your finger on the weakness of the law in everything that we've ever . . . every law that we've ever passed. There is no way that it can be protected. That's why we pay the judges the big salaries, you know, they're to deal with these thorny issues.

There's nothing that we can put in any legislation that will protect somebody smarter than the drafters of the legislation from taking advantage of it. It's just not possible. You know, the Twinkie's defence, you know, I would never have, I would never have thought of that. You know, I would never have known that junk food would have made somebody commit a murder, and yet, people have used it. But you can't, you just can't outsmart.

But the question is, in my mind in this particular issue, that we've done nothing to make it easier for judges to be outsmarted. There is not one thing in this legislation that makes it easier for a child who wants to be malicious today. We haven't made it one bit easier for them to be malicious. If there can be an explanation for the testimony of someone then it can be shown in court.

If I want to use my child in order to get back at somebody and say, yes, I stood there by the car while X went and asked my kid to, you know, perform a sexual favour for money — and that would be a horrible thing — there's nothing stopping them

from doing that tomorrow.

But don't forget, even if I'm the parent of Jacqui here and I decide that I want to do that, I've now invited several people into my life who are going to run it. And if they sniff that Kearney Healy is kind of a manipulative so-and-so, they're the ones who are going to decide whether or not to launch a suit. It's not the child who launches the suit; it's the resource committee. So that in (f) not only is it to their benefit, but we've added another layer of protection for false claims by having it go through the resource committee first.

The resource committee can spend a lot of time talking to Jacqui and find out what's the real relationship here, Jacqui, with this father of yours? And when the hints start coming out that this guy is perfectly capable of forcing Jacqui into making any kinds of wild accusation, the resource committee has every right to say, I don't know; I don't think we're quite ready for court yet. We're not really believing this. So it's more protection than exists now.

Ms. Draude: — I know that we all will have read lately of the Martensville case from a few years ago where a child or children, they actually pulled the wool over a number of people's eyes — a lot of people's eyes — and it ruined some lives. And I know that nobody wants that to happen, but we have to be on guard that we're not setting that type of thing up again because when we think of all the people that actually were hoodwinked by that.

But, okay, on the other side I know that Maggie talked about the parents — and I know that the parents love their children and the children love their family — and if the parent says, okay, I have a . . . this is a way — maybe my child hasn't been abused — but this is a way for my family to get the wraparound feeling of more resources. They haven't . . . They don't want their child to be abused but is it possible for this to make it look like it could happen and get the resources or give you more money than Social Services, get people in your children's lives who would be good to you? Maybe we might think they're in our face, but maybe it's good to have a social worker and some of these people around our children if we are living in poverty.

And don't look at me like I'm really a mean thing because I'm trying to make sure we get all sides of the story here and that we don't set ourselves up for something that would be a fall, because if we're overlooking a detail we could make — and children could really benefit from this — the whole thing could be thrown out and we could say this is for nothing.

So I'm just wondering. Is there any way that the children . . . that somebody could set this up?

Mr. Healy: — No. I'm sorry. Don't forget that it always got to go through a resource committee, and before there is a suit, before there's a lawsuit, it has to be cleared by the resource committee.

If parliament, for example, decided to increase the penalties, they're going to face the same problems that you're suggesting. Some person decides that they want their neighbour whose dog barks all the time to go to jail so they make up some allegation.

Every change in the legislation faces the very problem that you're talking about.

But in terms of a well-meaning family, not the evil family but a well-meaning family who would like the advantage of a resource committee, and their child seems to be very close to going on the street, if they're not even on the street, is it such a bad thing that they have a resource committee?

Maybe the resource committee can say okay, we're not sure about this sexual abuse, and being on the street she's close, you know, we've got to say she meets the profile, you know there's enough indicia that she might have gone on the street because she's living in the neighbourhood, her friends are, you know, she knows the lingo, etc. But we're kind of iffy about this. And you get a resource committee but you can't actually sue anybody because you're not confident about the testimony, is it such a bad thing that they get a resource committee?

It probably isn't such a bad thing. I think that it would save you a lot of money. It would be a pretty smart thing. And you may find that you will want more resource committees. And you've put your hand on a very, very key point.

You see, in my mind, and I could be wrong about this, but in my mind, the money from the johns is secondary, almost, to setting up the resource committees. It's almost secondary. But it would just be really nice if the resource committees could have some money, because no one else is going to give these kids money.

Ms. Draude: — Thank you. The resource committee would be a good idea then, and that's what everybody wants. That's why we have these multitude of agencies that seem to be at odds with each other. So if there isn't somebody actually taken to court or made to pay some kind of damages, that the child still has the advantage of the resource committee, that would be good.

Mr. Chair, I just have two short questions. First of all, what would happen if the child . . . this all went through and a child was getting some funding and then they went back on the street. Would that mean that this whole issue would . . . would the john then stop paying? Would they say this child is back on the street anyway, and so it's okay to do it? You can charge them, then go back on the street two or three or four times?

Ms. Beacon: — No, it wouldn't change a thing. I mean we all know that the road to recovery is a process of returning and going to get well, and returning and going to get well. I myself, before I got well, you know, 15 treatments in detox centres, and counsellors and psychiatrists and social workers. It took me a very long time.

And by the time that these children are on the street they've been damaged so terribly much and so filled with anger that it may not be the first time that they are rescued. It may be, you know, many times. But they still have to have that resource there. But whether or not, if they're going back, that money is still coming so the resources are still there when they need to exit, when they need to get well, and they want, they want change, then that resource is there, and it's built up, and there's

a lot more resource to work with.

Ms. Draude: — My question is if the john or pimp is out of the province, and lots of times it is transient, this legislation can't reach outside of Saskatchewan, can it?

Mr. Healy: — Unless you are able to convince other provinces to take advantage of things like reciprocal enforcement of maintenance orders and that kind of thing, which you already have — you already have protocol. If you can write into the protocol that this will be treated as a maintenance order, then absolutely you could, yes. But it isn't at this moment and it would take negotiations with other provinces. But it's already been done and the framework's already there so it could slip in quite easy. And I'm sure they'd be . . . (inaudible) . . . to do it.

No province wants to be seen as . . . Saskatchewan takes the leap forward, but we want to protect those johns — darn it. I don't think any province wants to take that position.

The Co-Chair (Mr. Prebble): — Thank you, June, very much. I have a few questions too, and then I know members of the committee and our witnesses will want a break.

The first question that I want to raise pertains to I guess asking the john, whether we're asking the john here to pay an undue amount. And I think everybody knows that I'm very much on record as clearly saying that the current penalties that johns do end up paying are not adequate for the offence. And I'm not speaking here on behalf of the committee, but just my personal view.

But what I want to make sure is that we're not getting into what I call disproportionate consequence here. And if you look at the current Criminal Code and you look at the sentences that are dished out right now — and often they're not very severe — the penalties that are dished out to johns right now are often in the hundreds of dollars. And I think a lot of people on our committee feel very frustrated that that's not enough. And often you'll see you know a harsh sentence will be a conditional discharge. I mean we saw that in the Jack Goohsen case, four months I believe and a conditional discharge.

And generally speaking the conditional discharge is at the higher end and the fine is at the lower end in terms of the . . . You know, if you're looking at the continuum of penalties, a judge will only tend to look at a fine when they've dismissed the conditional discharge. And I'm certainly not aware of any john ever being fined 20,000, \$25,000 up until now.

So what I'm worried about is, I think this legislation has done a really good job of making it clear that it's steering clear of the role of the federal government. So clearly, we'd be within our authority as a province to implement this legislation.

But let's just say that a young woman who's being sexually abused by her john or her pimp, lays a suit at age 16, and then seeks damages from her john or her pimp through to age 21 at \$500 a month. That's \$6,000 a year times five years, that's \$30,000. Well let's just say it's less. Say it's just \$20,000. That is currently a lot more than any — a pimp is a different question — but in terms of a john, than any john would be asked to pay

by the courts.

So what I'm worried about is not whether the sentence is inappropriate because personally I think it's quite appropriate, the current penalties it seems to me are not adequate. But whether we will be deemed to be out of step with federal legislation by virtue of the fact that the consequence that the john is being asked to pay is disproportionately unfair. Because I guess what I'm trying to say is that I'm, you know, I'm worried that if we create provincial legislation that is seen to be too draconian, more draconian than the Criminal Code, that we could be getting ourselves into difficulties in terms of it being struck down.

And so I'm interested in your thoughts on that. And I mean this is intended to be a friendly question even though it's a tough one, because I think your proposal has a great deal of merit. But I'm wondering about this arena and I'm wondering if any of you have any thoughts on it. This probably falls particularly to Kearney because it's really a legal question, but if anyone else has thoughts as well, I'd be interested in hearing them.

Mr. Healy: — I'm begging you, please, always separate in your mind penalty and financial contribution.

The Co-Chair (Mr. Prebble): — I know that this is the second part of my question, but we'll get to that in a minute, because I know you're not asking for a penalty here.

Mr. Healy: — That's right.

The Co-Chair (Mr. Prebble): — You're asking for a financial contribution.

Mr. Healy: — That's right.

The Co-Chair (Mr. Prebble): — But I'm worried about the perception by the courts that this will still be seen to be draconian, because the net effect in terms of financial loss to the john will exceed any penalty that would currently . . . is currently likely . . . financial penalty that is likely to be faced by a john under the Criminal Code.

Mr. Healy: — Okay, what you just said is referred to in legal circles as judicial resistance. And I can't tell you how the judges are going to take this.

I can tell you that these judges have constantly seen these little girls in court and I've seen them practically wipe the tears away from their eyes when all that was left them is to order this girl to go into incarceration. And they know that wasn't right. But the choice is to have a child out there and run the risk that they're going to die.

So I don't know how much judicial resistance we're going to have. It's very possible judges are only going to order a hundred dollars a month from johns. And I've estimated 5 or \$600 a month because I think that judges are waiting for something that will give them the opportunity to no longer feel like the devil incarnate while they sit on the bench and tell some little girl that she's going to jail because we've got nothing else available.

Secondly section 12(b)(iv) says:

the court shall consider the Respondent's ability to pay when considering the monetary contribution and shall not order a monetary contribution that would cause an excessive on the Respondent.

So you know there's a break on it, no question about it, no question about it. And so it's not a penalty and it's very important that we keep that in mind.

Okay, now let's just think about the difference between criminal law and civil law for just a moment. Let's assume — and I'm going to have to ask you to follow along on a fanciful example here for a moment — let's assume that people like to import cattle with hoof and mouth disease. Let's just say people like to do that.

The Criminal Code can make it a criminal offence for people to import cows with hoof and mouth disease or foot and mouth disease. They can do that, right? We know that because it's causing a problem. They ban the importation of marijuana or cocaine. You know, it's just another commodity brought into our country that causes damages. They can do that. Okay.

But the province finds that there are a lot of cattle who now have foot and mouth disease. And as we did in the past, we may decide . . . the penalty may be a hundred dollars or \$500 for importing hoof and mouth, but we find that there are herds and we may find that we're impecunious. We don't have any money. But we may decide these cattle have got to be destroyed on this person's farm, and we're really sorry but we've got to destroy them. So somebody brought in the cow that gave all our cattle in Saskatchewan the foot-and-mouth disease; they got a hundred fine; we killed a million dollars worth of cattle. And we may not be able to compensate that person for it.

Yes, there's disproportionate if you want to look at it in terms of penalty. But you can't do it like that. That's not what the Canadian Constitution gave you. They gave you the right to look at property and civil rights.

And so the ultimate question becomes a moral one then. Is it fair to ask the johns to pick up this much of a burden? I don't know. You know, you might be right. Maybe as a society we should increase our taxes and spend more money on these kind of . . . I'll go for it. If people want me to do that, I'll offer to pay more taxes. If you want, I'll develop a petition to pay more taxes, to have money available for girls. I'll do that if that's what you want.

But right now, it just seems to me the real politic is that if we're going to get any money, we've got to find a source. And here's a source. They're volunteering to be the source. They need to be told that this is wrong. They need to know that this is wrong. Their families need our protection. Their partners who aren't of their families — I hope there isn't too many of those — they need the protection.

This is now . . . I'm going to use federal government kind of powers but you have the same kind of powers. If the federal government decides that we have to defend ourselves or we

have to enter into a war, we ask certain people to pay the ultimate sacrifice, put their lives on the line, and maybe die. Is it fair? I don't know.

You know, the moral question really comes down to . . . I don't know whether or not a society should be contributing more for these children or whether or not it's okay to look at the johns. I don't know. Or the pimps. I don't know. But we've got to do something.

The Co-Chair (Mr. Prebble): — On the moral side of things, I have no problem with this. You see what I've been . . . I mean we've been exploring as a committee a number of ways in which we can make . . . you know, we can recommend that the Criminal Code statutes be made tougher, but we can only recommend as it pertains to anything over two years.

We can try to make provincial statutes or areas or penalties that would be deemed to be in provincial domain, you know, whether they're fines or under two years, two years less a day sort of penalties. I mean we can do what we can to try to make those tougher but I guess what I'm worried about is that we may find that we get those things struck down. Because if we start to have consequences in our provincial legislation that are greater than would be the case under federal criminal law, it seems to me we could get ourselves into some difficulty.

And that's really what the question's about and that's why it's a legal question and not a moral one. Because I have no moral doubt about the fact that the johns should be paying a bigger penalty. My question is strictly legal.

Mr. Healy: — And that's what I was trying to say about the foot and mouth disease. Was that the consequences and the penalty are two separate categories. And I invite you to talk to your lawyers, talk to your people. It's okay in law for you to take action that has enormous cost on an issue. There's also a penalty which may be quite minor.

In order for you to effectively exercise your powers to protect the people of Saskatchewan and the ranchers of Saskatchewan against foot and mouth disease, you may have to take very draconian measures that are totally disproportionate to the penalty of the importation of the cattle. It's okay. It's okay as long as you're careful to keep them separate.

And I think your lawyers are going to tell you that. As long as you keep the concepts separate. And so if you're saying that we are looking for this — we have chosen for whatever reason not to increase taxes but to look at this as a resource, it's okay, as long as you are using that as a resource to do something that you have the right and the responsibility to do.

If you're going to use this as a penalty, then yes, that's right. And I'd urge you in your debates and everything, don't ever use the word penalty. Don't ever use the word charge. Don't ever use the word conviction when you're referring to what we're doing. Remember that you have a right to save children and get them to some place where they can be safe, where they can be okay. You have that right. You have that responsibility. You're charged with that.

And all these other things, you know, I think that our committee will all agree that all these other things are beside the issue because they don't help the children. They don't get them somewhere safe. They may satisfy my longing, my anger at people who could abuse people who are hurting, but it won't do anything for them.

And so they miss the issue and the problem's going to get worse. One person asked, you know, what about, you know, how many people are going to sue their pimps?

Fortunately, right now in Saskatchewan — I can stand to be corrected — we don't really have an organized corporate entity of pimpdom. But they do in other cities, they do in other provinces, and we could get it. So you know, you're probably right: we won't be suing all that many pimps. We don't want to be suing any pimps that are organized in a corporate way . . . or corporate's the wrong word, but in an organized, very business-like fashion. We don't want those guys.

The Co-Chair (Mr. Prebble): — I just have one other question and that relates to the role of the police in this whole process. Are the police involved in the process?

Mr. Healy: — In this? Would they be involved?

The Co-Chair (Mr. Prebble): — Would they be involved in this process? Just for clarity on that question?

Mr. Healy: — This is a civil suit, so the police would ordinarily not be involved. The police must be looked to at some point because there's going to be — there may be, may be, I'm not saying there will be — but there may be persons who will try to put inordinate pressure on a youth or child who decides to take advantage of this Act. And at that point the police have to step forward and say they will not allow that to happen. They have to step forward.

But in terms of everything else, no, it doesn't require the police. If the police wish to become involved, I mean, they would be enormously welcome. As I say, you know, if Joceline Schriemer wanted to become part of a resource committee or Craig Nryfa, I think everybody would be welcoming them with wide-open arms.

The Co-Chair (Mr. Prebble): — But they wouldn't be part of the investigation process.

Mr. Healy: — If they choose to be part of the investigation process, that would be wonderful. We didn't suggest that they be part of the investigation process, because we didn't want to impose on the power of the criminal courts. And we're trying as hard as we can to build this firewall so that you guys can do something and not be charged . . . and not be accused of getting involved in the criminal law.

So the police, of course, if the police have . . . if you pass this legislation without reference to the police, any police department would be very, very, very smart to immediately say any information that we have we will freely make available to assist people to identify the actual johns.

And indeed that would be a safeguard, wouldn't it? That would be one of the safeguards if the police are able to say we have consistently, as independent observers, observed this person on the stroll.

And I would be very happy if they could become part of it. But the problem, and maybe your lawyers are sharper than I am, you know, maybe there is a way that you can mandate the police to become a part of that and to be part of the process, you know. But the problem they're going to have, I think, I think they're going to have, is they're going to say it's very difficult for us to be involved in a civil lawsuit. And if they say it's difficult for us to be involved in a civil lawsuit, does that mean that rather than an enabler of children being able to sue their johns and pimps, they become the bar to them suing their johns and pimps. In that their hesitancy about being involved in a civil lawsuit causes them to come to the point where they're too cautious, they're far too cautious. And children lose hope that they ever will be able to sue their johns and pimps.

And I mean . . . I mean no chief of police is going to chat with me for very long; it'd just be a waste of time. But they'll chat with you and maybe that's something that this committee may want to talk to them about, you know. Can you set up the kind of protocol so that we can make sure that these children are enabled, not barred?

The Co-Chair (Mr. Prebble): — Maggie, you were going to say something, and then Don, and then I think we'll wrap it up.

Ms. Beacon: — Okay. I wanted to go back to your first question to do with the assets. I mean, you know, this man, if he was sued civilly, you know, for any other sexual abuse case, like there's three of us girls ranging from — when we started, 16, older now, but when their 16 — we're suing for sexual abuse, mental abuse, you know, neglect, and everything.

Our settlement is going to be, you know, in, you know, hundred thousands. I mean we're not walking away with a small amount, you know. So asking these men to pay, you know, a monthly amount, and all their assets are taken into consideration, your know, and their income and their property, and everything's considered. You know, what they owe, what they, you know, bills, credit cards, everything is taken into consideration before the amount is established. So the man isn't going to be, you know, in hardship. He's just not going to have another credit card, you know. Or he's just not going to be able to go pick up that girl with that \$100 that he's paying to support another one, because of the abuse that he caused her.

You had said something about . . .

The Co-Chair (Mr. Prebble): — I think you misunderstood my question. Because, like I said, this is not a debate at all, in my mind, about the morality of this. Because I think it's all morally, totally appropriate. It was only a question about the legality of it relative to the Criminal Code. I'm not debating . . . Like you know personally, just speaking personally, if we had fined these guys \$20,000 I'm all in favour of it. That's not the question. The question is whether it was disproportionately harsh penalty in comparison to what someone would suffer if they were charged under the Criminal Code. Because if it is I'm

worried about it being thrown out. You see what I'm saying?

Mr. Healy: — What if the man was sued a hundred dollars? Or not sued, I'm sorry, fined a hundred dollars for an act that Maggie then — and it's perfectly conceivable this could happen — Maggie sued him for and she got a hundred thousand dollars. Isn't that your question? Aren't we setting up a system whereby the penalty might only be a hundred dollars in the criminal court but it might be hundreds of thousands of dollars in the civil court? And she did answer your question.

The Co-Chair (Mr. Prebble): — And then whether that would be thrown out in legal terms and you're saying it wouldn't. Okay then you've answered the question.

Mr. Healy: — She would be able to collect a hundred thousand dollars in the civil court and the federal government would collect a hundred dollars in fines.

The Co-Chair (Mr. Prebble): — Yes. Yes, that's very important. That helps a great deal. Thank you both.

Ms. Beacon: — Just to add a little bit to that. The hundred dollars you know, or jail sentence for sexually abusing or raping somebody, the amount that it costs the government to house these people in jail for whatever, the six years, the two years, whatever they're doing; far outweighs the amount of money that this man is going to be paying and you guys are going to be paying in the long run. That's going to triple because this person is you know . . . the government agencies and you know going in and out of penitentiaries and prisons. I mean the money that is going to be poured out is just outstanding which is unnecessary.

Ms. Barclay: — And I think what you're also highlighting too — which is sort of beyond your scope — but also in terms of making recommendations, I mean you're sort of also highlighting some of the issues or problems with the Criminal Code in terms of being able to take action and to penalize. So I mean that's the whole other side of it. In terms of being out of step, you can say well no this is not out of step at all on a provincial level or civilly, but it really highlights the inadequacy criminally in terms of responsibility.

Mr. Toth: — Kearney, I think you make the comment that you wouldn't sue the pimp. Why wouldn't you?

Mr. Healy: — Right now? You know I made the comment that we probably won't be seeing many suits against pimps because usually I think the people who are encouraging children to go out on the street, generally and maybe completely right now in Saskatchewan, are people who don't have much money. They come from the same milieu.

The notion of a pimp comes from more organized cities than Saskatoon or Regina where there's a person who's able to buy themselves a nice car and they have lots of jewellery. They have lots of money for this, that, and the other thing. And boy, if we find somebody like that, you know, then I think that that jewellery and that car is hers. That's how I see it.

Mr. Toth: — That's the point I'm bringing up. If someone's

making . . . like they're deriving revenue by abusing someone else, then there's no reason why you shouldn't sue. And I guess that was . . . the feeling was that there's no reason . . . there shouldn't be any restrictions or restraints that would say that you wouldn't sue the person that is taking advantage of you for their financial benefit.

Mr. Healy: — Absolutely. You're absolutely right. Absolutely.

Ms. Beacon: — I just want to say something. In that kind of a case, the woman and child or youth is put out there through fear, and the man profits because of the fear. I don't doubt that in that case there would be any problem suing this man.

But in the cases mostly that we're working with are boyfriends that are putting their girlfriends out, their family members, and you know, out of their accord. So that's why the process will be slower to do with that.

The Co-Chair (Mr. Prebble): — My friends, we should bring this to a close. I want to thank you . . . I want to thank members of the committee who have stayed, for their patience, and I want to thank our witnesses for an excellent job well done, and for spending a lot of time with us and accepting a pretty exhaustive set of questioning process that's gone on I think now for almost two hours. So I hope you see that as reflecting the seriousness with which we take your presentation.

I want to thank you very much for all the work you've put into this, and it's been an enormous effort and it's a really, really major contribution to the process. So thank you, and we'll look forward to getting you copies of our final report. We're going to be starting our deliberations this afternoon.

This is it in terms of wrapping up. There will be one or two more witnesses but basically the hearing process is about to close.

Ms. Beacon: — It's the first thing you talk about.

Mr. Healy: — Thank you, all of you committee members. I know that this has to have had . . . you have to have had some personal courage, because I know that when we started on this, it looked like an insolvable, insurmountable problem that you could only nibble away at the edges and maybe not even do anything good even on the edges And it often looked like you took one step forward and you would be in a quicksand. And you took another step backwards and you'd be in quicksand again. And I know that each one of you must have enormous personal courage that you would take on such a difficult and thorny issue.

We hope that . . . we want thank you. I know that I speak for all the committee members that we want to thank you for listening so patiently and sharing with us your doubts, because it's very important.

If you are convinced, we want to arm you as well as possible to go on to the next battle, which we can't fight. We've gone as far as we can go right now. We can support you. We can be backup to you but we're just the chorus as you guys take over the centre stage.

And we want to thank you very much for your work.

Ms. Jones: — And, I want to wish you all happy International Women's Day.

Ms. Beacon: — I also wanted to thank you guys, all, because the committee was put together with very special people. I mean, you guys are full of heart. You feel what we feel. And it's very rare that we find somebody in your status . . . and I put to you, you know, you're so high up and I'm down here. And to find that you guys have so much heart and feeling and —I don't know what the word is — oomph to do something, it makes me hopeful which I wasn't before.

The Co-Chair (Mr. Prebble): — Well, we'll do our very best.

So we'll stand adjourned I think until, I'm going to say 20 to 2 so that there's enough time for people to eat. So I was thinking originally 1:30 but we'll say 20 to 2. So we'll come back here at 20 to 2.

The committee continued in camera.

The committee adjourned at 4:59 p.m.