

November 28, 1984

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Hon. Mr. McLeod: — Yes, Mr. Speaker. It's with a great deal of pleasure today that I draw to your attention, and through you to the attention of the House, to the presence today behind the rail on the government side, a long-serving member of parliament from Saskatchewan, Mr. Bert Cadieu, who served the constituency of Meadow Lake for more than 20 years – first elected in 1958, and left politics by retirement in 1979. I think that's a record that many people in our business would like to emulate. So I would ask all members of the House to join with me in welcoming Mr. Cadieu to the House today.

Hon. Members: Hear, hear!

Hon. Mr. Blakeney: — Mr. Speaker, may I add, from the official opposition, our word of welcome to Bert Cadieu. It seems to me the last time I saw him was some months ago at a pancake breakfast in Shellbrook, and I found at that time that he knew a vast number of people in north-west Saskatchewan, and, I suspect, that's still the case. We wish him many fruitful years of retirement, and we all hope that we can emulate his retirement from the political scene without the consent of the majority of the electorate.

Hon. Members: Hear, hear!

Mr. Johnson: — Thank you, Mr. Speaker. Today is again the time of the year that the Canadian Western Agribition is on, and, as I always have the pleasure to do since I got elected, I have the pleasure to introduce to you, and through you, some girls, princesses, that are sitting in the Speaker's gallery. They are out for the competition of Saskatchewan Hereford Queen, once again, for the year 1985 coming up. I would like to introduce them to you. They're from four parts of the province. First of all, Donna Samoleski, Clayton; Charlene Jacobson from Oungre; Delsey Roske from Hubbard – would you stand up girls as I introduce you? – Twila Feigi from Parkside. That is your 1984 participants. Stand up, girls.

Hon. Members: Hear, hear!

Mr. Johnson: — And also, Mr. Speaker, with them are their judges and their chaperon. The judges are Ed Clark from Kipling, Shirley McKenzie from Ponteix, and Helen Patterson from Spring Valley, and also Helen Holizki from Claybank. Would you like to stand up?

Hon. Members: Hear, hear!

Mr. Johnson: — Thank you, Mr. Speaker.

Mr. Engel: — On behalf of the official opposition, I, too, would like to congratulate the participants and welcome them to the session here, and welcome to Regina and hope you're enjoying Mexibition or

Agribition. And also to the judges and chaperon for the interest you have in the Hereford association and for selecting a beautiful set of princess and queen like that. Thank you.

Hon. Members: Hear, hear!

ORAL QUESTIONS

Brief on Social Services Cut-backs

Mr. Lingenfelter: — Mr. Speaker, my question is addressed to the Minister of Social Services. It has to do with the brief that was presented to him yesterday by his own employees, which talks about, in fact, the people who are on the front line dealing with the cut-backs in social services in the welfare reform, so-called by the minister.

Many of the employees in the brief explained that they are facing a crisis in terms of dealing with the large number of case-loads that they are attempting to handle at the present time. In fact, secretaries are being required to deal with and counsel individuals who are coming forward.

I wonder, Mr. Minister, if you can indicate to the Assembly, and to the people of the province, whether you find it acceptable that while the social workers are spending most of their time filling out forms because of the large case-load, secretaries are being required to deal with the counselling of individuals who come to your department?

Hon. Mr. Dirks: — Thank you, Mr. Speaker. I welcome the question from the member opposite because it seems to me that his comments have the same distortions and inaccuracies that the brief from the SGEU people yesterday did. And I want to comment, Mr. Speaker, that I have received many briefs in my time as Minister of Social Services, most of them well-written, well-researched.

The particular brief that I received over the last few days from the SGEU was without a doubt the poorest, the worst-researched, the most inaccurate and distorted brief that I have received from any particular organization in the province of Saskatchewan.

Mr. Speaker, I had indicated yesterday publicly, and again today, that I consider that brief to be an affront to the professionalism of social workers, and I consider it to be an embarrassment to the Saskatchewan Government Employees Union. If you take a look through that brief, you will find that it is full of unsubstantiated allegations and distortions. There's lack of specific information to back up claims that are made. The two or three instances where there are specific information that is provided, grossly inaccurate and distorted. And I would be happy to provide members of the Assembly with many examples of that.

The one particular one that comes to mind is in the brief they indicate that there was a 60 per cent increase in the work-load over the past year of Department of Social Service workers. In fact, there was a 3.2 per cent increase in the case-load in the province of Saskatchewan. How anybody with rational thought could conclude that a 3.2 per cent increase could translate into a 60 per cent increase in work-load certainly boggles my mind.

I will reiterate, Mr. Speaker, that this particular brief does not represent the thinking of Department of Social Service workers. In fact, when this brief was presented to my deputy minister yesterday, Saskatchewan government employee people had to go into the Department of Social Service offices in

Saskatoon and, in essence, twist people a little bit to get them to come to the meeting with my deputy minister yesterday because they weren't all that much in favour of their own brief.

Some Hon. Members: Hear, hear!

Mr. Lingenfelter: — Mr. Speaker, I find it interesting that the minister would take the approach that his own employees don't know what they're talking about. I believe, Mr. Minister that is the . . .

Mr. Speaker: — Order, order. This is a supplementary. Does the member have a question? There's no opportunity for lead-in.

Mr. Lingenfelter: — Mr. Speaker, in response to the long and drawn out answer I was given in the previous question which was allowed, I have a preface to my question which I would like to put, and it is this. I find it interesting, Mr. Speaker . . .

Mr. Speaker: — Order, please! If the member has a question, there is no opportunity for a lead-in on the supplementary, and I would ask you to get directly to the question.

Mr. Lingenfelter: — Mr. Minister, as you know, the brief states very clearly that the case-load that social workers in the province are having to content with is 233. In fact, in a newspaper report, a welfare recipient client organization tells us very clearly that the case-load of some workers is, in fact, 394 families.

I ask you, Mr. Minister, this: whether or not you are calling Mrs. Rhonda Dundas, who works with the welfare rights centre, inaccurate when she states the fact that some social workers have case-loads of 394.

Hon. Mr. Dirks: — Mr. Speaker, the average case-load quoted in this particular brief was, I believe, 233, as the member opposite suggested. In fact, that figure is inaccurate and distorted. When you take the overall case-load in the province of Saskatchewan, and you divide that by the number of social assistance workers that we have in our department, and if you want to include those from Moose jaw and Prince Albert – and they are local units that run their own affairs, in fact, the average case-load – and that's the figure that was quoted in the brief – the average case-load in Saskatchewan is between 180 and 189, not 233. And I would remind the member opposite that we have injected resources into the department during the past summer, over 20 new employees, to deal with the counselling that was required to assist welfare clients to gain the best possible advantage of education and training and job creation that is available to them – something that the members opposite neglected to do.

Hon. Mr. Blakeney: — New question, Mr. Speaker. I direct this question to the Minister of Social Services. The minister will know that on November 15th the Saskatchewan Conference of the United Church of Canada asked for a special meeting with you to express concerns about social assistance cut-backs and you will know that they presented a brief to you. Among other things, the United Church urged you to reverse the welfare cuts of last May and July, asked you to undertake a public review of the level of assistance and expressed concern about the unacceptable work-load of social workers.

My question to you, sir, is: do you consider that brief an affront and an embarrassment and, if not, do you propose to respond to the points they have raised?

Hon. Mr. Dirks: — Mr. Speaker, I want to indicate that I had a very amiable discussion with the officials from the United Church. Their brief was not very specific. We did deal more with generalities

and a philosophical discussion about what the role of government was in terms of its responsibility to assist people that were in need, and what the role of the private individual was, and I indicated, at that point in time, that I felt that the direction that welfare reform was taking in the province of Saskatchewan was a very common sense, rational, middle-of-the-road approach that reflected exactly what the citizens and taxpayers of Saskatchewan wanted.

And I would like to indicate, Mr. Speaker, that I have, since I've received that brief from the officials of the United Church, had a number of discussions with individual who are lay people in the United Church, themselves, and they indicated that, in fact, oftentimes the hierarchy of the United Church doesn't represent all of the views of lay people in their particular organization. In fact, I was just talking to one today.

So I want to reiterate, Mr. Speaker, what I indicated at that time when I spoke to the United Church, that this particular government and this Minister of Social Services is very pleased with the direction of welfare reform here in the province of Saskatchewan. It's a very rational, common sense, forward-looking approach, a direction that we will continue.

Some Hon. Members: Hear, hear!

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker. I want to ask a very direct question. The people with whom you met were the Reverend Thomas D. Powell, president of the Saskatchewan conference, and the Reverend Joan K. McMurtry, convener of the brief committee. Are you asserting that they do not speak for the United Church of Canada, which is what he said?

Hon. Mr. Dirks: — Mr. Speaker, I was indicating that, in fact, there are many people in their organization, as there are many people in any organization, that have differing viewpoints. I understand that in your particular political party not everyone agrees with what the Leader of the Opposition might say. And I happen, Mr. Speaker . . . In fact, Mr. Speaker, this very morning I met with a well-known individual in the province of Saskatchewan who happens to be a member of that particular religious organization that is being referred to, who personally wanted to explain to me that she did not agree with the position that was presented in that particular brief.

Hon. Mr. Blakeney: — Thank you, Mr. Speaker. The minister has said that the discussion dealt only with generalities and not with specifics. Would he agree that there was a specific request that the government reverse the welfare cuts which were implemented on May 1 and July 1. Is that not true? Was that request not made? And is that not a specific request?

Hon. Mr. Dirks: — I indicated, Mr. Speaker, to the media, that particular day after I had met with the United Church officials, that the brief, by and large, and our discussion, by and large, dealt with philosophical matters and generalities, and that there was only one specific request there, and that was that there would be a reversal of the decisions that had been made. I indicated that I did not think that that was what the taxpayers of Saskatchewan wanted; they were very pleased that this particular government was taking the forward-looking, positive, welfare-reform approach that we have. It is in the best interests of clients here in the province of Saskatchewan to become independent, to receive the training and education and job creation opportunities that are being made available to them. And I would remind the speaker and the members opposite that our welfare rates for families are the highest in Canada.

Some Hon. Members: Hear, hear!

Mr. Koskie: — Thank you, Mr. Speaker. I want to direct a question, also to the Minister of Social Services. As has been indicated in the previous question, Mr. Minister, the United Church is very concerned with your social services reforms. I want to indicate to you that the Roman Catholic Church is one of the many churches which also questions your policies. I refer to the editorial from the *Prairie Messenger* which says in part:

It is smallness, pettiness personified. It is hard to imagine that Mr. Dirks or anyone else really believes that people today can live on \$345 a month with any dignity at all. Is the government hoping to force the unemployed to other provinces? What is their objective?

I want to ask the minister: are you aware of the concerns expressed by the Roman Catholic Church and whether or not you have, in fact, met with the leaders of that church to discuss the concerns which they have expressed?

Some Hon. Members: Hear, hear!

Hon. Mr. Dirks: — Mr. Speaker, as Minister of Social Services I have made it a priority to meet with any particular organization or group that would like to discuss matters of importance relating to social services, and I have met with countless groups across the province of Saskatchewan. The particular organization that the member opposite is referring to has not requested a particular meeting with me. I certainly would be happy to meet with them at a time that would be mutually convenient, as I would with any organization should they request to meet with me.

Mr. Koskie: — Supplemental, Mr. Speaker. I'd like to ask the minister . . . Obviously in bringing forward your reforms you indicate that you have had many briefs. There has been a considerable amount of concern expressed by the church groups since you have announced your policy. Obviously you didn't take them into consultation when you set forth your policies. Have you, in fact, I'm asking you, met recently with the Catholic church or the United Church to discuss their big, major concerns?

Hon. Mr. Dirks: — Mr. Speaker, I want to thank the member opposite for his question and just correct him. In fact, I have received very few briefs from organizations regarding the welfare reform program. I have received many indications of support from individuals for that particular program. The question from the member opposite was whether or not I had consulted with, in recent days, the United Church officials or officials from the Roman Catholic Church. Yes, in recent days I have consulted with officials from the United Church. They met with me and presented one of a few briefs. And we just talked about that in question period today. The officials from the Roman Catholic Church have not requested a meeting with me today. Should they do so, I would be happy to meet with them, as I do with any group.

Mr. Koskie: — Final supplemental, Mr. Speaker. Before launching on a new program of social services reform, why would you not, in fact, meet with significant church groups throughout this province before developing the program? Can you explain why you did not, in fact, take them into their confidence to get their support? Because certainly, throughout the society, they do provide many of the services which supplement social services. Can you explain to the House why you did not, in fact, consult with these church groups?

Hon. Mr. Dirks: — Mr. Speaker, this party and this particular government, since assuming power has had a history of consulting with the people of Saskatchewan. And, Mr. Speaker, before this government assumed power, before this government assumed power, our Premier travelled the highways and byways of this province listening to the people of Saskatchewan. And what did the people of Saskatchewan say,

Mr. Speaker? They said that welfare reform should be a number one priority of this government. Ignored by the former administration for years and years, the time for consultation was over, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Dirks: — The time for consultation was over, Mr. Speaker. The time to act had come. And that's what this government has done, and we are proud that we have acted. That's what the people of Saskatchewan wanted.

Some Hon. Members: Hear, hear!

Mr. Engel: — Thank you, Mr. Speaker. In light of the minister's statement, in light of the minister's statement about welfare reform, has he consulted with the Lutheran Church? They write:

Welfare reform may be necessary at times, but hardly during a time of economic stagnation. We, like all Canadians, are aware of the need for budgetary restraint and good stewardship of resources, but we are also convinced that the integrity of society cannot be maintained when the disadvantaged are victimized by those in a position of power.

How do you respond to that?

Hon. Mr. Dirks: — Mr. Speaker, the member opposite is reading from a particular document that I haven't seen, and I must reiterate that the particular organization that the member opposite is referring to has not requested a meeting with me. But I do want to say again, Mr. Speaker, that, as Minister of Social Services, I have met with more organizations, more organizations in the past year and half than the former minister of social services for their particular government did. And this government is making it a point to consult with the people of Saskatchewan on major issues. And I would remind the member opposite, and perhaps they have forgotten, that when this government assumed power, we commissioned a study on the welfare system in the province of Saskatchewan, and that particular study took approximately a year. And the report was written and submitted to this particular government by Mr. Duane Adams – and that name will be familiar to members opposite. During the process of writing that reform, Mr. Adams consulted with many, many groups across the province of Saskatchewan. To indicate, to suggest that that particular report was ignored, or that consultation did not take place, is to misinform this House, Mr. Speaker.

Mr. Shillington: — Thank you, Mr. Speaker. I want to remind the minister of a letter written to you by the Very Reverend Duncan Wallace, Dean of the Qu'Appelle Anglican archdiocese, who said, in part:

Your proposals are simply an attack on the weak. It is disgraceful and shameful. Who will be next? Single mothers? The sick? The disabled? The elderly?

My question to the minister is: do you dismiss the Anglican Church as an irresponsible body, and their statements as inaccurate, distorted, and misleading?

Hon. Mr. Dirks: — Mr. Speaker, let's talk about the sick; let's talk about the single mothers, and the disabled, and the elderly, because that's the point the member opposite was making. Let's talk about the sick, Mr. Speaker. More money being spent today for health care in the province of Saskatchewan than ever before. Let's talk about the elderly, let's talk about the elderly, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Dirks: — Income supplements for the elderly doubled in the province of Saskatchewan . . .

Mr. Speaker: — Order, please! I'm calling for order, and it seems to me that this side of the House is making the most noise, and it's impossible to hear, but I would ask for both sides to retain some order so the minister can be heard.

Hon. Mr. Dirks: — As I was attempting to say, Mr. Speaker, income supplements for seniors doubled in the province of Saskatchewan in the last budget. He was talking about single mothers, implying that single mothers were going to be next. Well, what about single mothers? Well, Mr. Speaker, in fact we have expanded, we have expanded the teen mom program right throughout the province of Saskatchewan — a teen mom program now expanded right throughout the province of Saskatchewan.

So whether it's seniors, whether it's the sick, whether it's the elderly, whether it's the disadvantaged, the handicapped, Mr. Speaker, this government has taken more forward-looking decisions in the two years that we have been government — the two to three years that we have been government — than the former administration did in the 11 years that they were in power.

Some Hon. Members: Hear, hear!

Mr. Shillington: — New question, Mr. Speaker. I expect at any moment that I might hear a violin break out and we might get, once again, your speech on the gas tax.

My question, Mr. Minister, is, again, since you obviously didn't hear it: in light of the comment by the Very Reverend Duncan Wallace, which parallels the statements made by your own employees, do you also dismiss the Anglican Church as irresponsible, and the head of the Anglican Church as inaccurate, distorted, and misleading, as you've described your employees?

Hon. Mr. Dirks: — I want to say, Mr. Speaker, that I believe that the Anglican Church here in the province of Saskatchewan is a very well-respected organization that has contributed much to the tone and the kind of positive society that we have here in the province of Saskatchewan. And I appreciate the contribution that they have made.

As I indicated, Mr. Speaker, suggestions that the sick, the elderly, the disabled, single mothers are somehow being hard done by are, in fact, not accurate whatsoever. When you take a look at the facts, in fact, funding for all of those organizations has been substantially increased in the 1984-85 budget here in the province of Saskatchewan.

Mr. Shillington: — Supplementary. Mr. Minister, in light of the fact that you admit that the Anglican Church is a responsible body and that the Very Reverend Duncan Wallace speaks for that body, how can you dismiss the criticism as being other than informed, responsible, and thoughtful comment on an appalling situation? And why don't you correct the appalling situation which everybody's describing for you?

Some Hon. Members: Hear, hear!

Hon. Mr. Dirks: — Mr. Speaker, I would remind the member opposite that the particular individual who wrote that letter does not speak for all Anglicans in the province of Saskatchewan. He is not . . . That particular individual certainly is going to speak his opinions — certainly is going to speak his

opinions, and indeed he should, Mr. Speaker, just as I would expect the members opposite would speak their opinions.

And the particular member who asked that question, when he expresses his opinions, does not always speak officially for the New Democratic Party in the province of Saskatchewan. And I think the member needs to remember that.

Hon. Mr. Blakeney: — Does the minister agree that he received a letter from the Regina and district Lutheran ministerial association with respect to the welfare cut-backs which said, in part, “It appears to be a means of penalizing those who are some of the hardest-hit victims of our current economic situation.”?

Two questions: did you receive such a letter? And do you agree with the assessment set out by the Regina and district Lutheran ministerial association?

Hon. Mr. Dirks: — Mr. Speaker, in response to the second question, no. In response to the first question, I may have. I will check my files and see if I received such a letter.

Hon. Mr. Blakeney: — New question, Mr. Speaker. I would like to direct a question to the Minister of Social Services. And this has to do with the food banks which have arisen in Saskatchewan in recent months. And will the minister admit that in the first nine months of this year, over 27,000 people in Regina have been served by the food bank, and that many of these are social assistance recipients who are unable to feed themselves on the \$345 a month allowed to them by your department?

Hon. Mr. Dirks: — Mr. Speaker, this particular question is not one that can be answered in a moment or two, so I want to take time to ensure that the members opposite get the entire picture with regards to the matter that the member just referred to.

Number one, Mr. Speaker, welfare rates for families in Saskatchewan are the highest in Canada. Number two, Mr. Speaker, welfare rates for single employables are in the same category as those for Nova Scotia, Ontario, Manitoba, and British Columbia, and Saskatchewan, all groups together about mid-range for Canada. So certainly our welfare rates for families and single employables are reasonable.

As it relates to food banks, Mr. Speaker, I think it's important to recognize that governments must take upon themselves the responsibility to assist those people in need, and that is what this government is doing. We take that responsibility very seriously. But what the members opposite forget is that there is a tradition here in the province of Saskatchewan of private individuals assisting those people who may be in need. The Salvation Army is a prime example. They have always assisted people in need. My particular church, Mr. Speaker, has a benevolent fund, and my particular church, through its benevolent fund, assists people that are in need – privately, quietly, not in some public sense. They have done so for many years, and they will continue to do so.

So we have two streams of assistance, Mr. Speaker. We have a government that takes its assistance responsibilities very seriously. And on the other hand we have two private individuals and organizations in Saskatchewan who have always taken their responsibilities very seriously, and will continue to do so.

Mr. Speaker, I think that Saskatchewan would not be the great place that it is to live unless both government and private individuals took upon themselves that responsibility and did so very seriously.

Some Hon. Members: Hear, hear!

ORDERS OF THE DAY

Point of Privilege

Mr. Sveinson: — Mr. Speaker, I rise on a point of personal privilege. In accordance with rule 6 on privilege, this is to advise you of a question of privilege that shall be raised in this legislature, and I raise it at this time.

Very recently, to quote only one example – but there have been many – Mr. Minister of Justice, the member for Qu'Appelle, spoke disrespectfully of me as a member of this Assembly, breaking rule 26 of *Rules and Procedures of the Legislative Assembly of Saskatchewan* 1981, page 23.

The example I quote was aired on the Harasen news line Friday, November 23, 1984. And it was an intemperate, inflammatory, and scandalous harangue against me as a member, as well as against the integrity of this legislature and the integrity of the people of this province. Furthermore, in making these serious accusations the member for Qu'Appelle was intimating that I conspired to break rule 93, page 53, outlined in the same *Rules and Procedures* mentioned above.

I request of you, Mr. Speaker, prompt action on the above matter. If need be I can read the examples into the record if you'd like to deal with it at this time. Otherwise I just ask for prompt action in this matter. Thank you very much.

Mr. Speaker: — If the member has things that he would like to read into the record, I would like to hear them before making any decision.

Mr. Sveinson: — Mr. Speaker, at the particular time that I quote, which was approximately 8:45 on the 23rd of November, the host of this open line asked one Minister of Justice what he felt my motives were. And I think in rule 26 it's outlined explicitly that the motives of anyone's vote in this House cannot be questioned by another member, publicly or otherwise. Mr. Minister of Justice answered that question with one single word, and that single word was "money." And I find that just an absolutely inflammatory, and if I can quote, "an intemperate and a scandalous harangue" against me personally by a member of this House who, as the Minister of Justice, has a special position of responsibility. And I feel that his actions against me as a member with that single word – and I can certainly go into a longer dissertation of other public reports of the same, that if he would like – I would request that you deal with that situation singularly. And if we have to, I can raise the same point on other publications that this one Minister of Justice was responsible for, or we could certainly retrieve the tape of that program.

I feel, as a member of this House, that I act responsibly and in accordance with the rules of this legislature. This one Minister of Justice has indicated that I do not act responsibly, and I suggest to you, Mr. Speaker, that it's a very grave accusation made on any member of this House. And I would respect your position in acting on this matter, relative to the other members in this legislature, and certainly relative to myself. Thank you very much.

Mr. Speaker: — this matter was brought to my attention, by letter, yesterday at 2:50 p.m. I spent a fair bit of time putting together thoughts on the situation, and I would like, at this time, to read a statement to the Assembly.

Yesterday at 2:50 p.m. I received written notice from the member for Regina North West that he intended to raise a matter of privilege. I have now listened carefully to the case as presented by the hon.

member and am satisfied that no further information has been added to what was contained in the notice. I have several observations to make on this matter:

1. Once a claim of breach of privilege has been made, it is the duty of the Chair to determine whether privilege is sufficiently involved to justify precedence to the matter over the Orders of the Day, and also to determine whether the matter has been raised at the earliest opportunity. (*Beauchesne's*, paragraph 84(1)).
2. With respect to the question of whether the matter has been raised at the earliest opportunity, the notice states that the words complained of were spoken at 8:45 a.m. on Friday, November 23rd, 1984. Thus, the member had the opportunity of raising this matter in the House on Friday, and on Monday, but did not give notice until Tuesday.

In order for a breach of privilege to be found, the words or actions complained of must constitute interference with a member's abilities to carry out his function as a member. (*May's*, 20th Edition, paragraphs 70 and 71.) The hon. member has failed to give the specifics of the offensive words or actions until today, and I am therefore unable to determine whether the reflections are of such a nature and such a character as to inhibit the member's ability to carry out his duties.

Further, the member has complained of certain rules of the Assembly being breached. As Speaker, my authority to enforce the rules of order applies only to words spoken within the Chamber during debate.

There are several precedents of this Assembly, where words spoken outside the House were found to be in contempt of the House. The case in question involved disrespectful and offensive language, which had been directed at the House itself, its committees, or an office of the House. (See *Journals of Saskatchewan*, December 19, 1977, April 24, 1980 and June 11, 1980.)

I also refer all members to *May's*, 20th Edition, paragraph 72, which states: “. . . it is only as a means to the effective discharge of the functions of the House that individual privileges are enjoyed by its members.”

Six: and further, I wish to remind members that a question of whether a breach of privilege has been committed can only be decided by the House itself (from *Beauchesne's*, paragraph 84). Therefore, it is important that when a matter of privilege is raised, it should conclude with a motion providing the House with an opportunity to take some action, or make some decision (from *Beauchesne's*' paragraph 81).

In light of the above points, I have found that the matter raised by the member for Regina North West does not fulfil the conditions necessary to establish that a prima facie case of breach of privilege has occurred.

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that Bill No. 105 – **An Act to amend The Legislative Assembly and Executive Council Act** be now read a second time.

Mr. Sveinson: — Thank you, Mr. Speaker. I rise again today to speak to an Act that, as an Assembly, we dealt with at some length last night. But, as an Assembly, the debate has only entered one day on its course. This is the fifth day that we've been here discussing a proposed piece of legislation, Bill 105, and upon retiring last evening I felt that you raised some good points, Mr. Speaker, and that possibly in debate last night I was somewhat repetitious, and I apologize if that were the case. The point that I basically made was certainly that I didn't feel that this debate in this legislature regarding this Bill deserves the attention it's had, and I certainly concur that the member from Thunder Creek should, as immediately as possible, be suspended from this House.

But as a diversion, if you would allow me, I would just like to read into the record a situation that was certainly written more eloquently than I could express it in my own terms, a situation that I think draws the attention to what is being debated in this House in a manner that all of us can understand, and certainly some of us have had a chance, I'm certain, to read from this book. But I'll just being, Mr. Speaker.

The next moment a hideous, grinding screech, as of some monstrous machine running without oil, burst from the big telescreen at the end of the room. It was a noise that set one's teeth on edge and bristled the hair on the back of one's neck. The Hate had started. As usual, the face of Emmanuel Goldstein, the Enemy of the people, had flashed on the screen. There were hisses here and there among the audience. The little sandy-haired woman gave a squeak of mingled fear and disgust. Goldstein was a renegade and backslider who once, long ago (how long ago nobody quite remembered), had been one of the leading figures of the Party, almost on a level of Big Brother himself, and then had engaged in counter-revolutionary activities, had been condemned to death, and had mysteriously escaped and disappeared. The programs of the Two Minutes Hate varied from day to day, but there was none in which Goldstein was not the principal figure.

Mr. Speaker: — Order, please. I don't believe that we take the time of the House to read excerpts from books, however interesting they might be. We're here to debate second reading of Bill No. 1105, and I would ask the member to get directly to the debate.

Mr. Sveinson: — Mr. Speaker, I request and indicate that, certainly within the confines of this House, and respecting Bill 105, and having already received from your direction the fact that I was being repetitious, I just felt that I had something that, read into the record, related and would add to my decision to support Bill 105. I don't believe one paragraph from the book that I'm reading, which is, I think, apropos in this case . . . It's *1984*. It's George Orwell.

And here we are in our Assembly. And I think there's a strong relationship between what Orwell predicted in 1948 and what happened here last Thursday. And basically what he relates to is strictly Two Minutes of Hate. And that's what geared big government in his opinion, and what would gear big government in his opinion. And I would just like to read.

I'm sure, Mr. Speaker, if you'll bear with me, I won't take a great deal of the House's time. I don't mean to read the whole book if that's what you're concern is. I just mean to read a few excerpts out of this book, which I feel cleanly and clearly relate to the case that we are here discussing today. So I will continue.

Mr. Speaker: — I just instructed the member that we were not here to read books in the Chamber, and I think that you have made your point. If you'll get on with the debate, please.

Mr. Sveinson: — A point of order, Mr. Speaker. Are you suggesting to me that if I have a book that relates to any issue that we discuss in this Chamber, that I have to . . .

An Hon. Member: — *Beauchesne's*.

Mr. Sveinson: — *Beauchesne's* is an example – that I have to come into this Chamber with all the information in my head, that I cannot . . .

An Hon. Member: — No, we certainly don't expect it.

Mr. Sveinson: — . . . that I cannot . . . And I know you don't expect it.

An Hon. Member: — Speak for yourself.

Mr. Sveinson: — I certainly . . . Speak for yourself is what the fellow member said. But I have a point that I would like to make. And I think it's in the interest of all of us in this House to listen to that point. And basically, on a point of order, I would request that this House allow me leave to continue. As I indicated earlier, I do not plan to read chapters. You can go home and read the book tonight, and I would suggest some members opposite may do that. But it does strike a parallel, and I would ask you, Mr. Speaker, if you would rule on my point of order.

Mr. Speaker: — I'll read to you one paragraph from *Beauchesne's*, paragraph 328:

A Member may read extracts from documents, books or other printed publications as part of his speech provided in doing so he does not infringe on any point of order. A speech should not, however, consist only of a single long quotation, or a series of quotations joined together with a few original sentences.

So I'll caution the member, and I'll hear a very brief comment from your book, but I don't want long dissertations from the book.

Mr. Sveinson: — Thank you very much, Mr. Speaker. I'm not just sure where I left off. But I think it was relating to Big Brother himself, so I'll start with a new sentence at least:

The program of the Two Minutes Hate varied from day to day, but there was none in which Goldstein was not the principal figure. He was the primal traitor, the earliest defiler of the Party's purity. All subsequent crimes against the party, all treacheries, acts of sabotage, heresies, deviations, sprang directly out of his teaching. Somewhere or other he was still alive and hatching his conspiracies: perhaps somewhere beyond the sea, under the protection of his foreign paymasters; perhaps even – so it was occasionally rumoured – in some hiding place in Oceania itself.

Winston's diaphragm was constricted. He could never see the face of Goldstein without a painful mixture of emotions. It was a lean Jewish face, with a great fuzzy aureole of white hair and a small goatee beard – a clever face, and yet somehow inherently despicable, with the kind of senile silliness in a long thin nose near the end of which a pair of spectacles was perched. It resembled the face of a sheep, and the voice, too, had a sheeplike quality. Goldstein was delivering his usual venomous attack upon the doctrines of the Party – an attack so exaggerated and perverse that a child should have been able to see through it, and yet it was just plausible enough to fill one with an alarmed feeling that other people, less level-headed than oneself,

might be taken in by it. He was abusing Big Brother, he was denouncing the dictatorship of the party, he was demanding the immediate conclusion of peace with Eurasia, he was advocating freedom of speech, freedom of press, freedom of assembly, freedom of thought, he was crying historically that the revolution had been betrayed – and all this in rapid polysyllabic speech which was a sort of parody of the habitual style of the orators of the party, and even contained Newspeak words: more Newspeak words, indeed, than any party member would normally use in real life.

And all the while, lest one should be in any doubt . . .

Mr. Speaker: — Order, please. The member indicated to me that he was going to read a very brief paragraph. I think the member is abusing the privileges of the House, and I would ask him to get on with the debate on the Bill.

Mr. Sveinson: — Allow me, Mr. Speaker, to pause in my readings and point out that this government convened a special session, a special session of this legislature in order to offer the often described “poor unwitting masses” – and I am one of those – a gratifying two minutes of hate. I proposed to prolong the two minutes of hate and have it weather consideration. I did so as a legislator.

In reality, the member that we’re dealing with today is no more of a threat than Emmanuel Goldstein. In reality, the judicial system has dealt with this particular member and is handling the matter concerning this member in a very organized fashion. And I reiterate, he has no place in this Assembly, neither is a subject of debate – which we have been here called in from all parts of this province in a special session to debate. There’s no reason we’re here debating this awful situation. This could have been done through a normal session of this legislature. A throne speech could have been read. We could have introduced this legislation and gone through it in an orderly fashion. Nor do I agree that he should be a member of this House with privileges of a legislator.

This government chose to hold a special session, and the innuendo . . . And if we read this book that I quote from, it’s a common practice of government, a common practice of big brother government to attack individuals with innuendo and accusations. What are they trying to hide? Why would they attack an individual, in this case? And as I raise my point of order, there’s been no reason given for having a special session other than innuendo that the Minister of Justice has directed.

Mr. Speaker: — Order, please. The hon. member continues to refer to a special session. This is the continuation of the session that was started last year, and this session is not special, but rather a continuation of an existing session.

Mr. Sveinson: — I’ll describe it as a continuing session – not a working session – a continuing session to deal with a special Bill. We’ve been here since last Thursday, and if it’s not a special session, why have we not undertaken to deal with other matters in this House?

Mr. Speaker: — Order, please. We’re debating one specific Bill. The government has the right to call whatever business it wishes before the House. This is the Bill that is before the House and the Bill that you have the floor to debate, and I would ask you to get on with your debate.

Mr. Sveinson: — Thank you, Mr. Speaker. The government chose to hold this extension of the last session, but to deal with only one single matter. I suggest they chose to lead somewhat a frenzied, gratifying hate that has been developed around this single issue. I say we’re above that as this legislature. We will deal with that in an orderly fashion with the two-minute session outlined by George

Orwell. And the ministry of truth who sit down, or at least gaze down upon this House to my right, they needed time to shake themselves from their mesmerizations and the accusations that were levelled and directed at me.

I would like to return to my readings. The parallels are deliciously appropriate.

An Hon. Member: — You're supposed to speak, not read.

Mr. Sveinson: — A member says that I'm supposed to speak, not read. Well, I can certainly undertake to deliver his request. I assure the member that if he would like to sit and listen for the rest of the afternoon today, I can certainly accommodate that request. But I may choose not to, Mr. Speaker. I think the point has been clearly made. I felt that in the readings that I propose here this afternoon, there was a parallel, and there is a parallel. And I felt that this House may, in fact, enjoy that diversion. We can afford a little more time as a legislature to be diverted from the use of innuendo. While we're here there's not much innuendo thrown around to divert our lives from special investigative units, to divert our lives from civil service witch-hunts.

In short, it's bankruptcy, Mr. Speaker. The leadership of the Conservative Party is trying to hide something. I am just trying to stay on a normal course of proceedings that this legislature would normally follow through in accordance with a Bill before the House. And that Bill is before this legislature and I, as a member, have had some certain misgivings about some of the Bill itself.

So in summary, Mr. Speaker, while I realize the Assembly doesn't want to hear the rest of this dissertation, but I would suggest that I'm only on page 15 and that 1984 is the year, and that it's certainly the year of the parallel where this situation is concerned.

If I am not free as a legislator to continue to at least make a point through a book that I feel is very apropos at this particular time, but certainly while it's not in the best interests of the point I intended to make, I think I've delivered likely enough in this debate to promptly encourage others who would like to see the parallel to at least arrive at their own conclusions.

Now I hear giggles and catcalls throughout the House and I certainly feel this situation is a more serious situation than taking it that lightly. And I think I've drawn that in this debate that we can't take any legislation, any amendment to any legislation in any light than outside the nature of a very serious debate.

I certainly felt that I haven't had an opportunity. You did give me leave to continue to read. I'd like to read, if possible, one more excerpt out of this book – and it's not that long – which drives home the point, drives home the point, and which is in many ways the reasons we're in this House, to deal not only with 105, but to deal with society itself, and how it responds, and how they respond to their fellow man. It's three-quarters of a page, Mr. Speaker. If you would give leave, I would appreciate having the opportunity to read it into the record.

Mr. Speaker: — In your first reading, the point or order that I raise is irrelevance. The points that you were making from your book had no relevance that we could see, or that I could see with the point that we are discussing today, and for that reason I ruled it out of order. If you think that the next point has some relevance, then I guess we'll hear it. But if it has no relevance, then I would like that to be the last reference to that particular book.

Mr. Sveinson: — Well, it's an opinion only, Mr. Speaker. I feel this book has a lot of relevance.

Mr. Speaker: — We're not here to argue whether my points of order are right or wrong. I have made my point, and that's the one you will have to abide by.

Mr. Sveinson: — Mr. Speaker, you've given leave to read one more dissertation from the tax. I'll read one more dissertation from the text, and I'll put it down. But I, in my opinion, if allowed to develop the argument which I obviously am not allowed to develop in this House today, that it is very relevant . . . And I would just have to ask those of us who are interested to pick up a copy and read it. But this certainly outlines, in a measure that's beyond my eloquence, how it can develop, and how the situation that has enveloped us for many weeks can come in the culmination, and its culmination can be hate. I'm just reading from the text:

April 4, 1984. Last night to the flicks. All war films. One very good one of a ship full of refugees being bombed somewhere in the Mediterranean. Audience must amuse by shots of a great huge fat man trying to swim away with a helicopter after him. First you saw him wallowing along in the water like a porpoise, then you saw him through the helicopter's gunsights, then he was full of holes and the sea around him turned pink and he sank as suddenly as though the holes had let in the water, audience shouting with laughter when he sank, then you saw a lifeboat full of children with a helicopter hovering over it. There was a middle-aged woman who might have been a Jewess sitting up in the bow with a little boy about three years old in her arms. Little boy screaming with fright and hiding his head between her breasts as if he was trying to burrow right into her and the woman putting her arms around him and comforting him although she was blue with fright herself. All the time covering him up as much as possible as if she thought her arms could keep the bullets off him. Then the helicopter planted a 20 kilo bomb in among them terrific flash and the boat went . . .

Mr. Speaker: — Order, please. I fail to see any relevance to the situation at hand in the article that you're reading, and I would ask the member to put the book down and get back to the debate.

Hon. Mr. Berntson: — I wonder if I might have leave to make an announcement.

Mr. Speaker: — The House Leader has asked for leave. Is leave granted?

Leave is granted.

ANNOUNCEMENTS

Date of Throne Speech

Hon. Mr. Berntson: — Mr. Speaker, it would appear that our procedural road-block has not been resolved. Logistically it would be impossible, or at least unfair, to ask the protocol people and the guests that would otherwise be coming in from across the province to attend the throne speech delivery tomorrow. I have therefore, Mr. Speaker, taken this opportunity in requesting the leave, to advise the House that those members who would want to inform their guests that would otherwise be coming into town, that the proclamation will be amended to read: "Thursday, December the 6th."

The House will continue to sit, Mr. Speaker, until this matter is dealt with. Thank you.

Mr. Lingenfelter: — I would appreciate the opportunity, Mr. Speaker, if I could, to respond to the statement made by the Government House Leader. Mr. Speaker, I rise to inform the Assembly and put

forward the position of the New Democratic caucus that we are very concerned about the fact that the throne speech debate is going to be delayed for yet another week. Our caucus has been calling on the government since September 6th that we should be dealing with the throne speech debate, which would outline a platform and a strategy for dealing with job creation and the farm crisis which we now find ourselves in as a result of government inaction.

I find the announcement today by the Government House Leader yet another example of a stumbling government unable to deal with the critical problems faced by the people of Saskatchewan, not even able to deal with the business of the Assembly.

Mr. Speaker, I believe this Bill could have been and should have been brought in in the normal manner in a new session. And I say to the minister that that option is still open to you even at this late hour. The option of dealing with the throne speech debate tomorrow, the reading of the throne speech tomorrow, and dealing with this Bill as an ordinary piece of work of the Assembly, is still in order, and we believe very firmly that's what we should be doing. And I find the decision by the government to put aside the throne speech in order to force through their Bill upsetting, and I find that many, many people in the province will be saying the same thing when they're told that the throne speech will be delayed yet another week.

Mr. Sveinson: — I would also like to speak to the announcement of the House Leader that was made. And I think the points that the opposition, the official opposition, have made should be taken very, very seriously. I, in this whole debate, have only heard from this House Leader on once occasion since the debate started, and that was around noon today when he indicated to me that my choice was singlefold: it was to wrap this thing up this afternoon or to wrap it up, or we will cancel the throne speech.

The question is: why wasn't the throne speech brought in on the 22nd? For no reason, no logical reason. And now we're looking at another one-week delay. And what this government is doing is again, through innuendo, is going to go around this province indicating that one member – the opposition didn't stand on this particular issue – but one single member is responsible for calling off a throne speech. Now how can a government that's able to govern this province make such a tremendous tactical error?

I would say the only answer – and I'm willing to deal with this legislation, and I've said so all along – all they have to do is outline their reason for haste. And they chose, Mr. Speaker, out of hand, to deal in innuendo and deal somewhere that we can't even really identify. We don't even know what the source is.

But I speak to that, Mr. House leader, and I would request, I would suggest that he resign. And I would suggest that a house leader that's able to govern this House . . .

Mr. Speaker: — There was an announcement made. The articles in the announcement are the things that you can discuss. It's not the opportunity for a long debate.

Mr. Sveinson: — I'm sorry, Mr. Speaker, I just felt there is a solution. I reiterated to the House Leader this morning in conversation that, rather than using it as a tool of threat to have me succumb to this House, I said let it die on the order paper if that's your position, and reintroduce it tomorrow. And I'll see it through the House tomorrow. I've made my point. I've made my point. And I would see it through this House tomorrow.

I think it's well demonstrated who the opposition is. And it certainly isn't the eight, seven, or six beside me. I suggest to this House that I will co-operate. I will come back. We'll go through all three readings

of that Bill – and that they should not delay the throne speech through proclamation or whatever tool they have. And let's get back to the business that the province of Saskatchewan expects of this legislature.

Are we still debating Bill 105? Second reading, is that . . . There seems to be some confusion.

Mr. Speaker: — Order. Order, please. Order, order.

Mr. Sveinson: — Are we still on the announcement, Mr. Speaker?

An Hon. Member: — No, we're on Bill 105.

Mr. Sveinson: — Well, I mentioned early in this debate today that I would not be holding up this House for long.

An Hon. Member: — You did not.

Mr. Sveinson: — I mentioned early in the debate that I would not be holding up the House for long. I requested the opportunity to read into the record some parallels that I felt were of value for making a decision – maybe not for the front benches of the government, but certainly for some of those people in the back benches who don't understand, who don't understand the implications of this Bill.

An Hon. Member: — I know more than you ever will.

Mr. Sveinson: — And I hear the member from Qu'Appelle saying he knows more than I ever will.

An Hon. Member: — That's Melville.

Mr. Sveinson: — I can remember the U.S. government challenging Henry Ford on the same question. And I won't get into it now, but the answer was very clear. And I'll let the member from Melville research the answer, but it certainly is there.

But, Mr. Speaker, I believe I've said enough on the second reading of Bill 105. And I believe I've made some very important points. And I just ask this government, if they reintroduce the Bill tomorrow or if it finds law today in our House, I ask them to have some reason in dealing with the two points that we've raised that are concerns with respect to the Bill.

Hon. Mr. Lane: — Thank you, Mr. Speaker. I have listened, as I know hon. members have, to the words from the member from Regina North West. The difficulty I have, and I say it with respect, is that what he was talking about does not relate to the legislation before us.

Let's keep in mind what the legislation has done, and why we are here. The legislation does not address a specific member. It doesn't. It does not. It deals with the fitness of a member to hold office in this Assembly. Those rules are decided by this Assembly. Let me indicate – we set rules, for example, that a person must be at least 18 years of age. The legislature sets the rule. We set the rule as members that a person must be a Canadian citizen. We set those rules. We set specific rules for disqualification. Because of advice that all members were given from the Clerk's office, there is a question whether the assumed rule of the ability to expel is satisfactory, and that specific provision should be made, I suggest, if nothing else, out of abundant caution.

I have some difficulty, and gain with respect to members of the opposition, which position they're taking. Because on one hand, they said they would support the Bill; on the other hand, they wouldn't. And it's not, it's not . . . (inaudible interjections) . . . Well, all right then, the hon. member . . . I will apologize to the NDP, Mr. Speaker, because I obviously misinterpreted the remarks of the member from Quill Lakes, who I interpreted as saying that they would oppose.

Having, having said that the matter was done in haste, and I . . . Just to read into the record, we do have *Hansard* of Monday from the member from Regina North West that he found nothing wrong, that he would be supporting the Bill, and there was a subsequent change in plans . . . (inaudible interjection) . . . I said the member from Regina North West.

But let's keep in mind, let's keep in mind the sequence of events when the member accuses the government of rushing. We attempted to meet with the . . .

Mr. Speaker: — Order, please. Order, please!

Hon. Mr. Lane: — On November 7th, in the morning, my office called the hon. member's office to arrange a meeting with him. He advised us that he would not be available until November 14th, one week later. We then attempted to notify the leader of the Liberal Party on the same day. The leader of the Liberal Party, we requested a meeting to see if a meeting could be arranged. He advised my office that he would call back, and he never returned the call.

On November 20th, a copy of the legislation was signed by the hon. member from Regina North West. Here we have eight days. The opposition, the member from Regina North West, was given eight days to review the legislation. I have very much, a great deal of difficulty. If the hon. member is saying that he had two days, an understanding of the process, and I think this was a bit unfortunate — if the hon. member had understood the process and had given leave for first reading, he would have had a copy of the Bill formally presented, much less the informal practice that we followed.

Anyway, having said that, I think it fair to say . . .

Mr. Speaker: — Order, please! I find it very difficult to operate the Assembly when members are shouting the way they are at this point, and I would ask for some decorum.

Hon. Mr. Lane: — So I have some difficulty with the argument that the matter was rushed forward. I suspect that if one is to be fair, that the opposition was given ample time.

I have some difficulty, and I'm sure the public will judge with his argument on the one hand that we are doing something that he is getting a great number of letters saying that the public opposes it, and then on the other hand saying we're being political. And I'm responding to the member's debate.

I would like to respond to a matter raised by the official opposition, and that was the question as to whether the two years was unduly harsh. And if I may call to the hon. member's attention as I've indicated publicly, and as I think I've indicated to members, the reason for the two years was a decision that the two years is seen, in our view, as a threshold in the public's mind between what would constitute perhaps less serious and more serious. The two years, of course, being two years or more one is sentenced to a penitentiary, two years less a day or less, to the provincial correctional centre.

In the province of Quebec it's also designed as two years. In the British parliament the rule is that if a member is convicted and sentenced for more than one year the seat is vacated. In other words, it is

automatic. We don't wait for appeals. There's no rules or anything else, it just simply becomes automatic.

Secondly, I don't think any – with all respect to the Leader of the Opposition – I'm not sure that anyone ever contemplated the circumstances, and I say that with respect. Having said that, the British parliament, as I indicated in my second reading remarks, the British parliament saw fit in 1870, as the hon. member says, to statutorily deal with the situation.

British Columbia has it one year automatic for conviction or upon conviction for, and I quote, “an infamous crime.” Whatever that may be defined, and historically that has some advice, and historically that has some reason for that term. But having said that, it is a rather general provision.

Again, I wish the hon. members would go back to the initial question about the need for the legislation. And it's because there are particular rules for expulsion set out in The Legislative Assembly Act that it doesn't deal with the situation at hand, that the advice was that, in fact, it should be specifically set out. We have endeavoured to do that.

I have some sympathy with the argument of the member from Quill Lakes. We did put in the provision that should a member be convicted and a certificate of conviction filed, that the legislature would have the option. The question and the amendment, as I explained, was designed for the situation where supposing a member is convicted of the offence that would bring the Act into play, that the matter goes through appeal, that an appeal court rules that there shall be a new trial and bail may be granted. We did not think it appropriate that a member out on bail should be seeking election. I'm not swayed from a practical point of view as to the argument that should a member be allowed to run in a by-election – let me finish – run in a by-election, however, and I say that from a practical point of view because once we have a crime the seriousness of which would bring the legislation into play, all the court challenges, it may well be that a by-election would have already been held. However, however I am . . . (inaudible interjection) . . . No, that's correct, that's correct. I'm going to respond to the hon. members if I'm given a chance.

I think a more practical situation may well be where the hon. member or a member may be found not guilty through all the processes and chooses to run in another by-election that may come up during that term. And I think realistically that may be a more, or perhaps a likelier situation.

Having said that, I will be proposing an amendment during the debate, or during committee, and I will read it, if I may, to respond to the hon. members, or have you received a copy?

Some Hon. Members: — No.

Hon. Mr. Lane: — As I have indicated . . . (inaudible interjection) . . . Well, obviously a copy has not been sent. I will read it to the hon. members so that they can deal with it. As I've indicated, I would be putting it into committee. I'm prepared, because the hon. member is obviously upset, to leave it till we get to committee. I'm sorry, I'm prepared to read it in now if I get the courtesy of doing it. And I will send copies. And the hon. member may well have a situation to deal with it that is even better.

I have made it clear publicly that I was prepared to entertain suggestions to deal with the situation that when an hon. member, having had a seat vacated, goes through all the political processes, all the proceedings are disposed of, if at the end of all that, the former member is found not guilty, we will be suggesting to the hon. members the following:

That the Bill be amended, clause 40, subsection 1, subclause 3(b) is amended by striking out “that,” and substituting the following:

Less and until following the disposition of all proceedings in the matter, he does not stand convicted of that offence.

That, and the rest will come into play.

We will be forwarding that to all hon. members. But I think that deals with a concern that was raised . . . Well it’s certainly, my advice is, my officials is, that it certainly more than deals with the situation. Having said that, Mr. Speaker, that will be the intention of the government.

I ask all hon. members to come back and reconsider the position. This legislature must maintain its dignity in the eyes of the public, and I do believe that the public expects the legislature to act. I have also indicated that we have an obligation to maintain the integrity of this House. And we do have the legal right to establish criteria for membership in this Assembly. And it is done in obvious ways, and I have indicated that at the outset of my remarks. We set criteria on age, citizenship, etc., and ordinarily a resident in the province of Saskatchewan is another criterion.

Having said that, I would hope that the hon. members would support the legislation. I would hope that the hon. members keep very much in mind the need for the legislation. I would hope that, partisan debate aside, which we all participate in and respect, that we recognize that the integrity of this House must be upheld in the public’s eyes. And I do believe that the public expects all of us to act in these circumstances.

Mr. Speaker, I therefore move second reading of Bill 105.

Motion agreed to on the following recorded division.

Yeas – 48

Muller
Birkbeck
McLeod
Berntson
Lane
Taylor
Rousseau
Katzman
Pickering
Hardy
McLaren
Garner
Smith (Swift Current)
Baker
Hepworth
Schoenhals
Duncan
Currie
Sandberg

Dutchak
Embury
Dirks
Maxwell
Young
Domotor
Muirhead
Petersen
Bacon
Sutor
Hodgins
Parker
Hopfner
Myers
Rybchuk
Caswell
Hampton
Gerich
Boutin
Schmidt
Tusa
Meagher
Glauser
Sauder
Zazelenchuk
Johnson
Martens
Weiman
Morin

Nays – 9

Blakeney
Thompson
Engel
Lingenfelter
Koskie
Lusney
Shillington
Yew
Sveinson

Bill read a second time.

Mr. Speaker: — When shall this Bill be considered in committee?

Hon. Mr. Lane: — By leave now, Mr. Speaker.

Mr. Speaker: — Is leave granted?

Mr. Lingenfelter: — Mr. Speaker, if I could make a comment . . . (inaudible) . . . propose to give leave?

Mr. Speaker: — The member has permission to make a comment. He asked for leave.

Mr. Lingenfelter: — Mr. Speaker, our caucus has taken the position and is of the opinion that we will give leave and agree to give leave to move to committee stage on this most important Bill, if the other members of the Assembly are to agree with us that we should be dealing with the throne speech tomorrow, that we reverse our decision to cancel the throne speech and move back to having the throne speech tomorrow. And if that were in agreement we would give leave to proceed with the Bill today.

Hon. Mr. Berntson: — Mr. Speaker, it was the member opposite who, a few minutes ago in rather an emotional tirade, said that this wasn't the forum for negotiation, this was the forum for debate. We have always wanted to deal with the throne speech tomorrow, and we're prepared, assuming that there is the commitment here to deal with this legislation today – to stop the clock until it's concluded.

We're prepared to call a cabinet meeting again tonight and ask the Lieutenant Governor to reverse the amendment that we've just asked him to put in place. But logistically, Mr. Speaker, it's causing us a great deal of difficulty. We want to deal with the throne speech. It's got jobs; it's got farm debt problems; it's got all kinds of things that we have to deal with, we want to deal with.

And, Mr. Speaker, I recall one week ago when this session was resumed. Members from that side of the House, members of the media, both said, why so much time-lapse between the introduction of this Bill and the throne speech? Obviously, Mr. Speaker, we didn't leave enough time, and we're not in any way trying to limit debate on this very important Bill. We want everybody to have every opportunity to get their position on record and vote on it, protect the integrity of this House, and get on with the throne speech. I don't know how you can possibly expect to run a House when you can't get any kind of co-operation from members opposite.

Mr. Speaker: — Order. Order, please. Give the House Leader an opportunity to make his points, and then we'll get on with the business of the House.

Hon. Mr. Berntson: — Mr. Speaker, the short answer to the question of the member opposite is, if I have a commitment from both parties opposite to proceed with this Bill until its conclusion and the resolution to follow . . . (inaudible interjections) . . . The word, Mr. Speaker, of the member opposite is "forget it." I would invite him to put it on the record.

Mr. Speaker: — Does the House want a brief opportunity for the whips to talk? Do the whips want a brief moment to get together before the House proceeds? We'll recess for approximately ten minutes. We'll be back at five minutes to 4.

Hon. Mr. Berntson: — Mr. Speaker, because the throne speech had been scheduled for tomorrow night – I mean tomorrow afternoon; pardon me – and because plans by hundreds of people to come in as guests of the legislature to hear the throne speech delivered and participate in the traditional opening night dinner – because plans are well down the road, I expect, for many of those people – the concern was raised by members opposite that perhaps we could come to some agreement to deal with this legislation before the House and the subsequent motion, related to the legislation, and go on with the throne speech tomorrow.

My understanding, Mr. Speaker, of the whips' agreement or the discussion between the whips is as follows: that all leaves necessary to proceed in that fashion be granted, and that the clock will be stopped

until the legislation, Bill No. 105 and the related motion, are dealt with and at which time the House prorogue, Mr. Speaker, and we will come back and deliver the throne speech at 2 o'clock tomorrow.

However, Mr. Speaker, it is not our intention in any way to limit debate on either the legislation or the resolution, but if the resolution . . . And this is the condition that I put on as House Leader: if the resolution and the legislation are not dealt with by 2 o'clock tomorrow, when the throne speech would normally be read, the throne speech, of course, will not be read at that time, and the House will continue until this legislation is dealt with.

Mr. Speaker, I would invite members opposite to indicate whether or not the understanding as I've just set it out is accurate, Mr. Speaker.

Mr. Lingenfelter: — Mr. Speaker, I would indicate to the members opposite that our agreement is to stop the clock, hopefully taking a break at 5 till 7, under the normal rules, to allow our critic who will be working a couple of hours or three hours or however long it takes, without a break, that we would not put undue duress on any of the members and the Minister of Justice who will be handling it from your side, coming back at 7 and dealing with it until its completion. We would anticipate from our point of view that that would occur this evening. We would anticipate, as well, based on our agreement, that we would have the throne speech at 2 pm. tomorrow.

Mr. Sveinson: — Well, I'm not a party whip as the leader alluded to, but I do agree that we should proceed with the Bill, and I do agree that we should proceed with the throne speech.

Mr. Speaker: — The question before the Assembly at the time that we recessed was leave to proceed to committee. Is leave granted?

Leave is granted.

Mr. Speaker: — Committee later this day.

COMMITTEE OF THE WHOLE

Bill No. 105 – An Act to amend The Legislative Assembly and Executive Council Act

Mr. Chairman: — Would the minister introduce his officials?

Hon. Mr. Lane: — I'd like to introduce, Mr. Chairman, Mr. Ron Hewitt and Mr. Doug Moen of the Department of Justice.

Clause 1

Mr. Koskie: — Thank you, Mr. Chairman. I want to commence with a few general comments in respect to the Bill, the principle of it, Mr. Minister. The Bill really sets out two actions in which . . . The legislation provides for two actions: that is the suspension or the vacating.

On the basis of the Manitoba legislation clearly in the situation of dealing with someone that was convicted, under that legislation that Assembly decided that what they would do to keep the integrity and the dignity of the legislature was, in fact, to go for the basis of suspension pending any appeals or the termination of any appeal period. They indicate that during that period of time there would be a suspension of all the privileges and rights of the member, including pay.

And what I want to ask the minister: why do we in this particular type of legislation have a dual approach to it? That is, the House may suspend or the House may, in fact, expel or vacate the seat. I was wondering, is there any rationale for the, so to speak, dual approach to it – that is, the option of a suspension of a member, or declaring the seat of a member vacant?

It is our contention here that what we, indeed, are striving to achieve is to determine that anyone who has, in fact, committed a crime, has been convicted, is incarcerated – in jail, in other words – with that charge and conviction hanging over that person's head, or a member of the legislature, it is our contention that that member is indeed unable at that stage to carry out the duties as an MLA.

And we feel that what should, in fact, happen is that there should be a suspension, but that anyone who has been convicted . . . And let's face it, cases are reversed. There can be convictions, and then it goes to the court of appeal, and a conviction can be overturned. And we feel that we can still maintain the dignity of the House that you spoke about yesterday, by even using the member of Thunder Creek, taking the position of suspending the member, terminating all of the benefits and privileges associated with that, but doing that until such time as the appeal procedure has either been abandoned or pursued and, in fact, exhausted.

I would like a comment by the Minister of Justice why, if indeed in the Manitoba situation . . . And that doesn't have to be the only way that you can proceed, but it seems such a logical and reasonable way, is to suspend the member, delete all the privileges from him, including salary, and allow him to go through the normal channels.

Because we have to remember one thing clearly: we are not here, nor can we punish the member of anyone that would come under the purview of this Act. That is not the job of the legislature. The job of the legislature, as you've indicated, is to maintain the dignity of the legislature and the integrity of it.

And it seems to me that when we get into the second phase of the Bill, that is vacating the seat and then going on into the particular clause that you indicated you'll be amending, and I'll come to that . . . But can you comment why you saw it necessary to maintain the dignity of this House, which you said is the imperative reason that we're here and why that Bill is here, why we are not able to achieve it by proceeding on the basis that we have indicated and our party has indicated, and that is the suspension of the member until such time as all appeal has been used or exhausted?

Hon. Mr. Lane: — The difficulty I have in responding to your comments is that the legislation itself gives either option. Certainly we've made it known what we propose in the resolution, but the resolution does not deal with the legislation. I don't want to constrain debate. If you want to argue the point on resolution as to why we're vacating as opposed to suspending, the legislation gives the legislature either choice . . . (inaudible interjection) . . . Well, if you're asking why the choice is, the reason for the choice is that we did not want to bind future legislatures to one particular course of action. Circumstances may come up where they may wish to take either action and, you know, I hope there's no difficulty with that, but that's the reason: that future legislatures or future incidents will have the choice that they deem appropriate at the particular time. That's why the choice is given.

Mr. Koskie: — Well, what I will ask you then, if the purpose of having the particular legislation is, indeed, as you indicated, for this House to be able to maintain the dignity of the Assembly, what I ask you then: why do we need the options? And you say, well, we don't want to tie the hands of the legislators.

What I am saying to you, as an opposition member, is I do not think my hands are tied by a reasonable Bill that has been put forward in the Manitoba legislature, where they clearly do two things: one, allow for the suspension of the member, take away his privileges, but pending the due process of law. And I can't see what's wrong with that, and how you're tying the hands of the legislature. What you have done here is, by giving the option, is that you have someone – whoever is in power at the time – has a choice. Because if you have the majority of members and if you have a particular case that is an embarrassment to you, you can say, let's go by the second method and bury him. Because if you take the second option to its conclusion, what you do is prevent him from even sitting in the legislature during . . . even if he had had an appeal overturned.

Hon. Mr. Lane: — As I indicated in second reading debate, it seems to be reasonable in some jurisdictions that upon conviction and sentence to one year or more, it's automatic, that there's no discussion. And I've referred you to the British parliament – England, the province of Quebec, and the province of British Columbia, where it is just plain automatic. I raise with you, perhaps, the question in the Criminal Code, so in some jurisdictions it is simply automatic, and on conviction or sentence to one year.

So I think that the wise course is to give legislatures the option. There are differences of opinion in different jurisdictions; I freely admit that. But there are arguments in other jurisdictions that it, in fact, be automatic, that the option for a suspension not even be there.

Mr. Koskie: — Well, Mr. Minister, what we have in this particular Bill: if it were simply a suspension, as we have been advocating, then everybody here and in the future – all future members - would know precisely, exactly, what the particular law is in the event of a conviction of an indictable offence for two or more years. It seems to me that what we have built in here is not merely . . . You're saying it's not tying the hands of the legislature because it's putting two options: you can suspend or vacate.

By the very reason of putting in the option, the fear that I have is that a huge majority – and I'm not referring to your particular situation – can take it upon itself. There's a judgement that has to be made of whether or not you are going to suspend, or whether you are going to vacate, and I'll tell you who's going to decide that is going to be the large majority, the government.

I think, to keep the integrity of the House, that this Bill should provide, as it does in Manitoba, the clear direction as to what happens, and that is my concern. And I'd like you to address that concern: that if indeed it is not a concern that, since you have the two options, somebody is going to, in the future, make the decision. For instance, you could say, a government would say, "Well, it's one of my members, I'll go for suspension. And I have the majority." And they could. Or conversely, they could say, "It's one of our members, and we want to get rid of them, so we'll take the more serious vacation of the seat."

And so what I'm saying is it seems to me that if we're really only concerned with the integrity of the House, that certainly not having the member sit in the legislature during the period of incarceration, pending the appeal, is the reasonable route to go. And I don't understand your reasoning. And can you explain that having the two options here could, in the future, lead to the majority abusing that privilege?

Hon. Mr. Lane: — Well, if your argument is that a future government would exercise its power to suspend on behalf of its own member, are you then arguing that we take away the power of suspension? And I've said that this legislation gives this legislature and future legislatures the option. If one is to argue that members in the future are going to use, because they have a large government majority, the power to take away a riding or a member's seat, I think that . . . I mean our democratic system is such

that the powers of expulsion are inherent, although there is some difficulty as the brief from the Clerk's office would indicate, and that the powers of expulsion have tended to be explicitly set out.

This only gives the power of expulsion in the case of a member having been convicted for an indictable offence for which he has been sentenced to imprisonment for a term of two years or more. We have attempted, when we drafted the legislation, to give legislators the option of how they want to deal in a situation where a member has been convicted of an indictable offence and sentenced to imprisonment for a term of two years or more.

I suppose the clean argument, with respect to the hon. member, is that of Britain, where in Britain, if there is a conviction and a sentence for a year or more, it is automatic that the member is expelled and the seat vacated. Really, the logic of your argument is to take away the power of suspension which you are arguing.

Mr. Koskie: — In the paper on the review of the options in which this legislature could deal with the situation, is it the view of the member, the Minister of Justice, that we could, in fact, have proceeded on the basis of just a resolution of this House based on the common law right of the House to, in fact, determine and maintain the dignity and the integrity of the House? Could we have, in your view?

Hon. Mr. Lane: — Well, as I indicated during second reading, the Clerk's office had some concerns and to quote, as I did earlier, that in their conclusion, and I refer you to page 19 and 20, and why I specifically quoted from it:

Precedents from many jurisdictions reveal that where imprisonment renders a member incapable of carrying out his legislative functions, expulsion is justifiable. If it is desirable to expel a member on the grounds that the person has been convicted of a criminal offence and imprisoned, then the foregoing analysis indicates the best way to implement this policy is by amending The Legislative Assembly Act to create a standing disqualification from being a member.

Mr. Koskie: — I refer you, Mr. Minister of Justice, to page 16 of the submission that you read from. And it says:

One advantage to legislation is that it could be framed so as to suspend the member after the initial conviction, but to withhold the final penalty of vacating the seat until the conviction was upheld and all avenues of appeal were exhausted.

And that is our position. What we should be doing is going with the suspension, and what I'm asking you: in the recommendation that we have before us – and one of the advantages of the legislation is set out here – what I'd like to know is why wouldn't you, in fact, adopt that position of taking the advantage of having legislation for the purpose of suspending until and withholding the final penalty of vacating the seat until the conviction was upheld in all avenues of appeal? Why haven't you done that?

Hon. Mr. Lane: — The legislation gives the option. It gives the option. I mean that's a valid debating point on the question of the resolution as to whether it should be vacate or suspension. I mean the argument and the question is: is their legislative power need to be specifically passed to deal with a suspension? And the recommendation from the Clerk's office, as I've read on a couple of occasions now, is that it is desirable.

With regard to the question of dealing with it just be resolution, if you look at page 10 in the brief from the Clerk's office:

It could be argued, however, that there are two weaknesses present in using the resolution approach: (1) validity rests on the necessity of the action being interpreted as non-punitive, and (2) the lack of statutory authority for expulsion particularly when many other powers have been legislated in the Legislative Assembly Act.

So that's the arguments that were given against proceeding by way of resolution. And, as I say, the legislation gives the option.

Mr. Koskie: — Yes, I appreciate that the legislation gives the option. The problem that I have with the . . . Well, our position is clear as I indicated. But I just wonder if the minister has in mind any criteria which one would decide on which option one would proceed with. How would one, on the basis of the choice, that is what criteria would you use when you're going to use the option of suspension? What criteria would you use with the option of vacating the seat? It seems to me that you must have had in mind some criteria, some need to reach out beyond what suspension would do, and to wait for the court of appeal or the appeal process to take place.

Obviously, there must be something in mind, because it seems to me that I would have a very difficult time. I have no difficulty in dealing with the integrity of the House by suspending the member. But I would have a difficult time, if there were two particular cases, deciding one should go this way, one should go that way. And I just ask you: do you have any particular things in mind which in respect to having committed an indictable offence – two years or more and imprisoned – as to what criteria you use in respect to those options?

Hon. Mr. Lane: — Well, I mean that's going to be the difficult decision for each legislature. And each legislature is going to have to make the decisions on the merits of a particular case. And I don't think it's going to get any easier for any other legislature to make that decision. But that's something that the members are going to have to decide at each particular case. I don't think you want to lock in future ones. Are you going to choose that . . . (inaudible interjection) . . . Except I've given the arguments that the Clerk's given against the suspension power. Having said that, I don't think you want to delineate the specific criterion. The power will be there, and it will be up to each legislature and the members therein to deal with the specific circumstances, whatever may come along.

So I'm having some difficulty seeing the member's argument when the option is given, and the option will be given to future legislatures, assuming that they maintain the section, and they will deal with the circumstances at the time. And they may decide that a member who is convicted of a theft of \$200, but who is sentenced to more than two years, should only be suspended. It may well be that a future legislature says that a member convicted for more than two years, but sentence to rape, should be expelled. That is going to be the difficult decision that each legislature will have to deal with.

Mr. Koskie: — Mr. Minister, you talk about future legislatures and the need to have the discretion to be able to choose either option and make it on the merits of the individual case. As I indicated yesterday, history will show that this is not an occurrence which has happened in this legislature very often; indeed, once previously where there was a motion of expulsion by the legislature. And it seems to me, certainly in this instance, that in respect to vacating the seat and the correlative to that power, the Bill provides for, it seems to me what it does is to provide more than merely looking after the integrity of this legislature but, in fact, almost goes into the area of punitive actions as against the particular member. Surely if you are concerned with the integrity of the House, I want to ask you specifically, why wouldn't just straight suspension provide that? Why the option? You say there may be different cases, but if the

member is indeed suspended and his rights are taken away pending appeals, why is not the legislature protected for each instance and any instance that you can think of? I don't follow your reasoning.

Hon. Mr. Lane: — Well, I mean, let's go back to the previous situation or the first time that this legislature has dealt with expulsion in 1917. The individual member was found, by a royal commission, to have accepted a bribe. Without waiting for a court judgement on the matter, this Assembly, by resolution, declared the member to be expelled and the seat vacated. They didn't even wait for a criminal or a court resolution of the matter. The issue is, as I attempted to argue, the issue that we have to deal with, and the issue that future legislatures will have to deal with . . .

An Hon. Member: — Hopefully never.

Hon. Mr. Lane: — Hopefully never. I agree with the hon. member. I hope to God it's never. But it may happen. And if that's the case, they will have to deal with it as they feel appropriate at the time. I've given the arguments for the option. We don't want to bind future legislatures. They may, as I've said, and I've given some examples . . . Take a situation where a member may be accused of theft over \$200, sentenced for two years. They may decide to suspend. There may become a question of rape, where an individual is sentenced to more than two years. They may wish to expel. It's not going to be any easier in the future, if circumstances arise, than it is today, but it's a decision we have to make.

Mr. Koskie: — I want to just indicate, and we'll get into it clause by clause, Mr. Minister, on this, but I want certainly the record to be clearly stated on behalf of our party, and that is that the reason that we are not prepared to support the legislation is because we believe that it should be modelled after the Manitoba legislation, that the option should be suspension, taking away the rights of the member, and including salary, pending appeals.

What I think that that does is to allow the due process of law to proceed. And I think that makes sense. I think in the legislation that we have here that that derogates that proposition. And certainly you have — and we'll come to it — put in an amendment. And just for the convenience of the minister, I'd like to propose that we will — and I'll give you an advance copy of an amendment that we wish to introduce in respect to the Bill. And so I'll send you a copy of that at this time.

So having clearly enunciated our position here of what we are in agreement with, and that is as set out, that there should be solely the suspension of the member, take away his privileges and salary pending the expiry of the appeal. If, in fact, all appeals are abandoned or have exhausted, then the member is disqualified as the member and the seat is vacated. We feel that this certainly does the job of maintaining the integrity of the House, that no member will sit in the legislature during a period that the House feels that there is a cloud over that member. And I believe that adding the section that has been added, declaring the seat vacant, goes beyond what is necessary to achieve that purpose. I'm prepared to leave the general discussion and now get into the particular clause by clause.

Mr. Sveinson: — I would just like to add to the general part of this discussion that I think the position of the Liberal party on this issue somewhat parallels the position of the official opposition relating to suspension of the member until the process of the law is completed, relating to the processes that are allowed which, of course, are appeal, to whoever may be convicted, and future legislatures, or in fact, in this particular legislature. I've listened to the arguments of the minister. I don't expect you to repeat your arguments.

You mentioned that the integrity of the House is at stake, and that the option that is included in the Bill, that option, somehow, will maintain the integrity of this legislature. I would certainly argue that. I don't

think there is any doubt that if, in fact, that option were removed, that the integrity of this House would remain and that justice could be seen. I don't think that the Manitoba legislature who dealt with a conviction in excess of two years and arrived at a conclusion in legislation that it not be necessary to have that option that the member would have his privileges or would lose his privileges, the option which would, in fact, make vacation of the seat available in this House, was not included. I would suggest to this House that their integrity in that House with that legislation was certainly maintained.

I would like maybe to ask the minister to sort of outline, and maybe in more detail, how, if this particular Bill that we are discussing were to omit that part, how it would affect the integrity of the members who, in fact, sit in this House and support that particular omission?

Hon. Mr. Lane: — Well if your argument is simply that the House only have the power to suspend, then I think that would be a highly dangerous ground, particularly when we can look at serious offences having been committed. And if the House only has the power of suspension, I can easily . . . (inaudible interjection) . . . Well, the argument was limiting the power of expulsion. If the House only has the power of suspension, I can think of situations where there's serious crimes and the House really may have its hands tied, even during the course of appeals, and you can take a look at appeal procedures going on two years. Surely the House has to have the option, and as I say, each legislature will deal with it. And as we've said, we hope it never happens again. But each legislature will have to deal with each case on their merits.

The argument about the Manitoba: I think it fair to say Manitoba is not accepted as a general principle. It was very carefully crafted to the immediate circumstances.

Probably a better argument is the one that England and British Columbia and the province of Quebec have that in certain circumstances – and in the province of British Columbia it's conviction for an infamous crime and sentenced to more than a year, in Quebec it's two years, and in the British parliament it's one year – that it is then automatic, period. Just plain automatic, and that the member is expelled and the seat vacated.

We have attempted in the legislation to give this Assembly and future assemblies the option. How they deal with each circumstance is going to be up to the assemblies of the time, and I've said it's not going to be any easier or less difficult. And it's designed that each House is going to have to be responsible for maintaining its own integrity and its position in the eyes of the people of its jurisdiction.

And that's going to change, and we could hypothesize as to the number of crimes. I think I had a page where it listed, I don't know how many – several pages of possible crimes that if an individual is sentenced to more than two years that the House may deal with from time to time. I think on the positive side we have to remember that in our 79 years as a province that this is only the second time that a legislature has had to deal with a serious situation.

Mr. Sveinson: — Your argument is somewhat based on, it seems to me, that legislating hoping that the situation doesn't happen again. I think you mentioned in your argument that there was some hope involved. Well, I think we all wish, and we certainly don't entertain the possibility of this ever happening again. But my question was simply: how is the integrity of the House affected if suspension only until after the process of appeal is exhausted? And the particular situation that we're dealing with, may it be this legislature or another, if that appeal process is exhausted through judicial process and they do deal with the situation in a very fair-minded way and the individual who, in fact, is affected is found to be exonerated of the crime, why isn't suspension enough to allow that individual, until after that appeal process is exhausted, to come back into this House?

Hon. Mr. Lane: — Well, I suppose one argument is: what if that appeal takes two years? You're asking for answers. Secondly, I go by the precedent in the Saskatchewan Assembly where without even a court order – a finding of a royal commission that a member had accepted a bribe – his seat was vacated and he was expelled.

I suppose that there may be times where the general public says perhaps possession and sentence for more than two years is not that serious. You know, in my own mind, the better argument is the British Columbia and the Quebec one. We have an obligation as members of a legislature to set a higher standard and, once the courts have ruled that we haven't. Then surely we have to act. And to delay it and to delay it and delay it . . . It's not like a civil matter where a party, upon a judgement, can stay the actions. In a criminal matter the accused is, in fact, found guilty, and stays guilty until some court may subsequently say not guilty. Until that time you don't go away with the guilt by virtue of the time during appeals.

So I really think that the argument's far stronger, given the stature that we must have as elected members, really only one of 64 in a province, that we have to judge ourselves certainly not harder – perhaps we should – but certainly we have to be very conscious of our position. And we have to be very conscious that the image that this legislature gives must be maintained in a positive way. And it's not like a civil matter where one party perhaps can stay judgements and what not. The guilt is still there.

Mr. Sveinson: — Well, I'm not questioning the guilt or innocence, and I'm not questioning the measure of seriousness of the matter. I think a crime that deserves a five-year sentence is only in the minds of the judiciary possibly more serious than one that requires a 15-year sentence. I think that they're both serious crimes, and they have to be dealt with in a manner that this legislature and its membership can live with.

The question being in the minds of people: is the system that we have as a justice system, is the day that the conviction, in the case of the conviction before this House, the day that the conviction comes down, and although we do have a process that allows the convicted to continue on to, in fact, elect to request exoneration, don't we, in our justice system, honour that commitment of continuing the judicial system? Until it's complete isn't there still room for fair play? I'm not suggesting that we not suspend the member. I'm just asking in the event that there was some doubt – and there have been many cases that have been appealed and cases that have been won on appeal – shouldn't the member have the right to come back and sit among his peers from a situation and from a position that he had prior to conviction?

Hon. Mr. Lane: — I suppose one of the difficulties I have, perhaps not a fair one, is that the courts have . . . Assume the courts have made a ruling. They have made a determination, and a jury has made a determination of guilt. I suppose a counter argument may be: are we imposing an assumption of innocence? The guilt, under our judicial system, on a criminal conviction, is there after a finding or after a conviction. It is there. It remains. If we have a situation where a person convicted of a criminal offence appeals, may be put out on bail pending appeal, the person is still guilty, and it's not taken away pending appeal.

As I say, logically, I come back to the British system where it is automatic that we make the ruling that the individual is unfit to hold the office of a member upon a conviction. One runs the risk, I think, of saying that, pending an appeal, we are taking a different decision than the courts. And I say that guardedly. But the public could certainly see that, and certainly put that interpretation if in the future a legislature refused to act, and we have to be conscious of that.

Hon. Mr. Berntson: — In order to deal with a supper break – and I’ve consulted with the two opposition parties – we can do it two ways: we can either bring in a motion and ask for an adjournment from 5 until 7 at which time we come back and deal with this until the conclusion of our previous understanding, or we can informally agree to recess between 5 and 7 and come back operating under the stopped clock until the conclusion of our previous understanding. And my understanding of the consultation just had with the other two parties, Mr. Chairman, is that we informally understand that we will take this recess from 5 until 7 and come back and act under the stopped clock, so we stay in committee. Otherwise we have to bring the Speaker back in and go through the motions and ask for extended sittings and all of that. And my understanding, from the opposition House Leader and the independent Liberal member, is that they’re prepared to go along with that.

Mr. Chairman: — Is the House Leader asking for leave to recess?

Hon. Mr. Berntson: — Yes, I am asking for leave to recess from 5 until 7, and that the clock be stopped when we get back, to continue in committee, to meet the previous conditions of our previous understanding.

Leave is granted.

The Assembly recessed until 7 p.m.