

April 11/91

The Assembly met at 2 p.m.

Prayers

ANNOUNCEMENTS

Introduction of Pages

The Speaker: -- Before we begin today's business, I wish to take the opportunity to introduce to the hon. members the pages who will be serving you during this session: Miss Nathalie Bellerose, Denise Kinney, Gary Merasty, Adnan Qayyum, and Laura Robinson. Please welcome them.

Hon. Members: mHear, hear!

ROUTINE PROCEEDINGS

READING AND RECEIVING PETITIONS

Clerk: -- According to order, I have reviewed the following petition that was presented at the last sitting of this House under rule 11(7), and it is hereby read and received:

Of certain residents of the province of Saskatchewan praying that the Legislative Assembly may be pleased to urge the provincial government to reverse its decision to relocate the Saskatchewan Liquor Board from its present location in the Market Mall to a new location on 8th Street, Saskatoon.

Some Hon. Members: mHear, hear!

PRESENTING REPORTS BY STANDING, SELECT, AND SPECIAL COMMITTEES

Special Committee on Rules and Procedures

The Speaker: -- I wish to take the opportunity to read to the hon. members the first report of the Special Committee on Rules and Procedures. I also wish to bring to your attention that I'm going to read the report, which is several pages long, not only for the benefit of members but for the benefit of the viewing audience, since the proceedings today will be of an unusual nature. Therefore if you will indulge me, I wish to read their report to you.

As chairman of the Special Committee on Rules and Procedures, I hereby present the first report of the committee, which is as follows:

On December 19, 1986 your committee received an order of reference which in part gave instructions to examine such matters as it deems advisable with respect to the rules, procedures, and practices of the Legislative Assembly. The committee was also instructed to include in its report, drafts of proposed rules to give effect, if adopted by the Assembly, to any

change or changes that may be proposed by the committee.

Among the matters considered by the committee has been the process for election of Speaker. Saskatchewan, like many jurisdictions in Canada, has a long practice of the Premier nominating the Speaker from the ranks of the government side of the Assembly by means of a substantive motion. Unlike most other jurisdictions however, Saskatchewan does not have a tradition of consultation with the opposition prior to the Premier making his designation.

The process of members voting for or against the motion constituted what has been traditionally called the election of Speaker. It is worth noting however, that the process does not stem from the Assembly's standing orders but from a practice inherited from the Canadian House of Commons, which in turn took its practice from Great Britain.

In fact the practice was handed down to the Assembly of the Northwest Territories through the statutory stipulation that "The Legislative Assembly on its first assembling after a general election shall proceed with all practicable speed to elect one of its elected members to be Speaker." The provision for an elected Speaker was subsequently carried over from The North-West Territories Act to The Saskatchewan Act of 1905 and then incorporated into successive Legislative Assembly Acts so that it survives today intact, exactly as drafted over 100 years ago.

While the Speaker is technically the choice of the House, it is evident that in current practice the position is awarded at the discretion of the Premier. This being true, it might be asked why the word "elect" remains at all in The Legislative Assembly Act, and not simply replaced with the term "appointed".

In historical terms the reason Speakers have continued to be elected is to symbolize one of parliament's earliest assertions of independence.

In the 17th century parliament's struggle with the sovereign for independence came to a climax, and it was during this period when the Speaker ceased to be merely the king's minion. To demonstrate its independence, parliament refused to accept the king's nominee for Speaker and established the right to choose one of its own. Today the election of Speaker continues to be such a fundamental declaration of parliament's independence that it is repeated at the beginning of each legislature and is contained in statute. This is the reason why the election of Speaker is so important, but it doesn't address the process of election which has come into question.

It is noteworthy that the model of Saskatchewan's practice for the election of Speaker, the Canadian House of Commons, has in recent times found cause to break with its own tradition. In 1984 a Special Committee on the Reform of the House of Commons proposed that the Speaker should cease to be nominated by the prime minister and that he or she should be elected by all members by secret ballot.

The House of Commons committee report pointed out that the Speaker is a

servant of the whole House, not a servant of the government nor of the opposition. The Speaker is not only the House's presiding officer but its head of administration and representative in all matters, with the effect that the Speaker is actually the embodiment of the House's prestige and authority.

The committee concluded that to perform this role the Speaker must enjoy the full trust and confidence of the House. Therefore it was recommended that the Office of Speaker would be better served if the House exercised more direct control over the nomination of candidates for the speakership. Accordingly in 1986 rules and procedures were adopted and the House of Commons elected a Speaker by secret ballot for the first time.

The House of Commons in Ottawa is not the only jurisdiction to elect its Speaker by secret ballot. Since 1937 Australia House of Representatives standing orders have provided procedure for the election of Speaker by secret ballot. More recently the Northwest Territories has elected its Speaker by secret ballot, and in 1989 Ontario also adopted rules for the election of Speaker by secret ballot, which were first used in October of 1990. Presently Newfoundland is considering rules for a similar process.

The committee recognizes that in the past Saskatchewan Speakers have worked very hard and successfully to uphold the important tradition of impartiality and dedication to the Legislative Assembly. None the less it must be also recognized that under present practice the impression of the Speaker's independence is sometimes tarnished by a government's influence in the selection process. In difficult situations, particularly during times when political stakes are high, it is vitally important that the Speaker have the trust and support of all members. When the manner in which the Speaker came to occupy the Chair comes into question, this of course makes the job of Speaker doubly difficult and does nothing for members' respect for the position.

It is your committee's view that, as rare as such situations may be, the Office of Speaker would be enhanced and better respected if members had a more direct role in the actual selection of their Speaker. It is your committee's view that it is time the independence of the Office of the Speaker is enhanced so that the occupant of the Chair is better able to fulfil his or her important duties.

Therefore your committee recommends that the method of selection be changed to provide for a Speaker elected by all members by secret ballot. The main features of this new process include: all members except ministers and leaders of recognized political parties are eligible for election; an eligible member can become a candidate by filing a written declaration with the Clerk; the vote would be conducted by secret ballot; a candidate must receive a majority of votes cast to be elected; the Clerk of the Legislative Assembly will preside for the election.

These principles are incorporated in the rules your committee recommends for adoption as attached in the appendix to this report.

It is now my duty and pleasure to table the report of the committee.

Hon. Mr. Hodgins: -- Thank you very much, Mr. Speaker. It's very much my pleasure this afternoon to speak to the tabling of this report, and at the conclusion of my brief remarks I will be moving a motion that this report be concurred in.

Mr. Speaker, I am part of the Rules Committee, the Special Committee on Rules and Procedures. I've served in that capacity for some time. And I, together with members on the government side of the House and members from the opposition party, have been pleased to review the general rules and proceedings of this Assembly. We are pleased to bring forth this day a report from this committee that in essence puts a historic change into the way we conduct business in this legislature.

Mr. Speaker, traditionally your role, the role of Speaker, has been an appointed role. I believe that it has served the people of Saskatchewan for a good many years. I think it's served the people well. But I also say, Mr. Speaker, that these are changing times, and things and ways that we have conducted business in the past do not necessarily present the best method of conducting business in the present and in the future.

And, Mr. Speaker, I think this is just a prime example of a reform per se that this legislature, on behalf of the people in Saskatchewan, should undertake.

Mr. Speaker, your role is a role that at times can be difficult. You are an officer not necessarily of the government, not of the opposition, but an officer of this legislature. You have conducted that role I say extremely well. I believe Speakers before you have likewise done admirable jobs.

But, Mr. Speaker, the time has come now when I think the public of Saskatchewan, the public of this country, and other jurisdictions, are saying let us change the way we do things; let us have democratic reforms. You simply have to open up a newspaper, watch the television, turn a radio on, and you will see, Mr. Speaker, that people all over the world are asking for reform of institutions.

I believe, Mr. Speaker, that this movement today is symbolic of a changing mood amongst the populace in Saskatchewan. You may ask, Mr. Speaker, or others may ask, well is this reform limited to election of a Speaker? I say no, Mr. Speaker, that we should reform a number of things.

In our Rules Committee, if you take note of the issues we have discussed, you will find a large number of reform category issues that I believe should also be changed. I speak of length of speeches in this legislature; I speak of ringing of division bells in this legislature; I speak of procedures for calling of quorum, procedures for presenting petitions -- simply, the operations of this House.

If I was going to make a prediction, Mr. Speaker, I would predict that in the not distant future, you will see rules, procedures, and courses of actions dramatically changed in this House.

Some Hon. Members: mHear, hear!

Hon. Mr. Hodgins: -- Mr. Speaker, I think what we have just witnessed, the concurrence of the opposition that rules and procedures in this House will change, is heartening to see. It is not always that we get agreement from government and opposition. And I want to say, Mr. Speaker, in all sincerity, that I applaud members of the opposition for having the courage to adopt this rule change, for having the courage to commit in this session, yet to make further changes to the rules and proceedings.

And, Mr. Speaker, I say from the government perspective that you will see not only this change of electing a Speaker, but in short order, with concurrence of the opposition, changes in other respects that I have mentioned before -- ringing of bells, length of question period, petitions, hours of operation. You will see many of those changes, Mr. Speaker, and it's my pleasure to be part and parcel of this historic day when we change from an appointed Speaker to an elected Speaker.

I would at this time, Mr. Speaker, like to move, seconded by my colleague from the constituency of Moosomin:

That the first report of the Special Committee on Rules and Procedures be now concurred in.

Some Hon. Members: mHear, hear!

Mr. Lingenfelter: -- Mr. Speaker, as chairperson for the Rules Committee, I'd like to take a few moments to speak of our concurrence with the report. When it comes to electing the Speaker in the Saskatchewan legislature, we think it's an important move.

But I want to say as well, Mr. Speaker, that no one should be fooled by what's happening here today in terms of the election of the Speaker. I know that all members of the Assembly will agree that here in Saskatchewan the move to elect the Speaker, I say again, is an important move in terms of opening up and making the House more democratic, I guess, as a principle that is well worth moving towards. And the previous speaker spoke of a changing world, and I believe in fact that this is recognition of how the world here in Saskatchewan is changing.

But I think it's important to recognize as well that there are many areas where that change is long overdue. It's interesting that on day 68 or 69 of the last session of this government would be the time, the opportune time to make even this small but important change.

Mr. Speaker, I want to say that accountability, open government, is important. And I want to let the people of Saskatchewan know and the members of this Assembly know, that in the Rules Committee that has been meeting for the past two years on a not-so-regular basis, but a number of times since 1989, that a number of changes have been proposed by the New Democratic caucus in the Rules Committee. I guess I would say I would be sorry if I didn't mention the fact that a number of changes that have been proposed by the opposition have been turned down by government members,

that would have gone a long way to opening up the process.

I want to say that several of these positions that were proposed even as late as last week were not accepted by government members. First of all, we proposed a lengthening in daily oral question period; secondly, requiring the government to respond in a timely way to questions that members put to government members. We all know the long delays that are taken both in written questions, in answering them, and also in oral questions that are taken notice of.

The third main point is enhancing the important role of private members. We offered up a solution whereby members of both the opposition and government on a daily basis would be allowed a period where they could bring directly to the House statements on behalf of their constituents. That too was turned down by government members.

The fourth main point that we thought was important, Mr. Speaker -- and I'm sure that you would understand and respect this position -- is also the election of the Deputy Speaker. In this Assembly, as in all assemblies, we know that Mr. Speaker is a very busy person and therefore often has to be away from the Assembly. I don't know what the percentage of time would be, Mr. Speaker, but probably 30 or 40 per cent of the time the Deputy Speaker is in the Chair.

We will now be in the interesting position, as a result of the government turning down our proposal to elect the Deputy Speaker, of having an elected Speaker for 60 per cent of the time and an unelected or appointed Speaker, appointed by the Premier, 40 per cent of the time.

Some Hon. Members: mHear, hear!

Mr. Lingenfelter: -- I say again, Mr. Speaker, unfortunately, that the government members on the Rules Committee refused to adopt these proposals. However we remain hopeful, as the minister has indicated in his speech, that the government will move quickly to accept these changes.

And I think it's important to know that if the rules are not accepted now, another proposal, I guess, that would work would be if the rules were agreed to now to be implemented immediately after the next election. I think there's something to be said about changing rules that will apply when the new government takes over, whatever political stripe that would be.

I think it's not appropriate that this government would, on the final days, as if in deathbed repentance, move to pretend that after nine years they suddenly believe in open and democratic government.

Some Hon. Members: mHear, hear!

Mr. Lingenfelter: -- Mr. Speaker, I want to say that for Saskatchewan people we all know that in our free and democratic society that government members must themselves respect the law. People therefore become deeply concerned by a government which attempts arbitrarily, above the law, for

example to privatize SGI (Saskatchewan Government Insurance) and then are refused because they are not following the laws of the land.

And if we're talking about open government, we not only have to change rules that make this place work better, but also governments must follow the laws that they set out. People are generally concerned when reforms should make government more democratic and accountable. Saskatchewan people are fully prepared to accept the obligation and responsibility of democracy, but at the same time they demand the corresponding right of democracy.

That also means of course, the right of elected representation in this Assembly. People are concerned when constituents become vacant because MLAs (Members of the Legislative Assembly) resign, and then remain vacant for more than 15 months.

Now I say that it is important that we elect a Speaker. But I say to you, when you have 40,000 voters in this province unrepresented for up to 15 or 16 months, the cynicism of the public rises because they know the government needs no rule changes in order to elect members to those four vacant seats.

Some Hon. Members: mHear, hear!

Mr. Lingenfelter: -- Mr. Speaker, Saskatchewan people also want a fundamental institution, governments to be more open. They are concerned that major tax increases and hundreds of million dollars in spending are carried out behind the closed doors of cabinet, not because we can't call a session in earlier, but it's the political intent of the government to avoid the scrutiny on their spending and tax increases before the public. We don't need rule changes to bring the House back in to approve the spending. All we need is the commitment and will of the government. I say people want open government and a government that will open up the books to the public.

Above all, Mr. Speaker, Saskatchewan people want the government to be more accountable. They want it to be more accountable for the tax increases they impose on Saskatchewan families. They want it to be more accountable for how it spends those tax dollars. They see the media reports about the provincial deficit of more than four and a half billion dollars and they demand answers to the question, where did all the money go?

Some Hon. Members: mHear, hear!

Mr. Lingenfelter: -- That is why Saskatchewan people want democratic reform that would strengthen the Provincial Auditor, require public release of SaskEnergy annual reports, and provide for a longer, more efficient question period.

Those are just a few examples, Mr. Speaker, of specific proposals that have emerged from our work on democratic reform that was released by our critic, who has done a great deal of work over the past four years, and I want to congratulate him for that.

Some Hon. Members: mHear, hear!

Mr. Lingenfelter: -- Finally, Mr. Speaker, it should be emphasized that such reforms would help improve management in government and help government to avoid or prevent costly mistakes, and I won't list them out here. Such democratic reforms would help government to become more effective and more efficient. In short, such democratic reforms would not cost money, Mr. Speaker, in fact they would save a great deal of money for Saskatchewan taxpayers.

Some Hon. Members: mHear, hear!

Mr. Lingenfelter: -- In conclusion, Mr. Speaker, it is important that any proposed changes to the Rules and Procedures of the legislature be developed in a spirit of these basic principles: democracy, openness, and accountability. We now have before us one such proposal. It has been unanimously endorsed by both parties in the House and I invite all members to join in adopting it.

I am hopeful that in the days ahead significant rule changes and democratic reforms will be developed, mutually agreed by both parties, and adopted by this Assembly.

Some Hon. Members: mHear, hear!

Mr. Toth: -- Thank you, Mr. Speaker. Mr. Speaker, this is truly an historic moment for Saskatchewan. And I'm very proud and pleased and honoured to be a part of the moment in the discussion taking place this morning regarding the election of a Speaker -- indeed honoured to second the motion presented by my colleague, the member for Melfort.

Mr. Speaker, the motion presented this morning, as my colleague has indicated, is just part of an overall reform that this House, I believe, that since being elected first in 1986, must and should see in the near future. And as was indicated by the member opposite, Mr. Speaker, there certainly are, there is room for a number of changes, changes that I believe could be brought into effect in this House that would make it more effective and a more efficient place for government and how it operates. And certainly a number of the initiatives that have been put forward by both sides are no way lost, in the fact that the Rules Committee isn't sitting exactly today, but, Mr. Speaker, will be addressed in the near future. In fact, I would suggest that now is the time that we look at those rules.

As we sat the first time back in 1986 or 1987, Mr. Speaker, when you look at it, it's easy to become very partisan, and for one party to take the credit or suggest that the rules should be changed just for our benefit. The fact that we would look at rule changes and bring them into effect at the closing of the session or towards the end of a particular government and allow the next election to take place with all parties involved, knowing that the rules are going to change, is, I believe, the most effective and the most appropriate time for rule changes to be made and to



be brought into effect.

However, as the public is asking more accountability from government, they not only talk about accountability from the elected government, but the elected government is made up of government and opposition. So I believe, Mr. Speaker, it means all members of this Assembly. We are all accountable to the public, both whether we're in government or in the opposition.

For the first time in this Assembly, Mr. Speaker, I want to address the fact of electing a Speaker. The Speaker of this Assembly will be democratically elected by the members of this House. Now there are many people in the province of Saskatchewan, many people indeed probably across Canada that are not really familiar with the workings of this Assembly. The election of a Speaker may not seem to be a very important event or of very great importance. But to all members of this House, we, of course, realize that it is an important part of our reform policy.

Traditionally, the Speaker's role in the House has always been separate from partisanship, and I believe that this policy has held true in practice as well as in theory throughout history, no matter which party has been in power or which party has been the power of the government of the day. But by reforming the rules to allow election of the Speaker, we are guaranteeing that there will be no bias in the future either. And more than that, we are placing the support and trust of the entire Assembly behind the Speaker, whoever may occupy the Chair.

So for these and other reasons I believe election of the Speaker is meaningful and an important reform, and one that all present here today and all Saskatchewan people will support.

Mr. Speaker, Saskatchewan people will support this move, just as they have supported the many other reforms this government has undertaken since 1982. Reforms such as opening the Public Accounts meetings to the public and the media, for example -- a situation which, Mr. Speaker, prior to 1982 was not available to the public. Not until this government was elected were the public allowed or able to go and observe the goings on in Public Accounts meetings. It took this government to implement this simple, yet important reform.

And throughout our mandate we have continued to make changes that make government more accessible, open, fair, and effective for the people of this province. Election of the Speaker is just one more part of that commitment to reform, and should be seen as a part of the reform package that will be presented this session.

Another component will be the freedom of information and protection of privacy Act. This Act, together with legislation to allow plebiscites and referendums on important issues, will give the people of this province more access to and control over the government than any before.

And, Mr. Speaker, as far as access to government is concerned, this government has done more in that area than any other government in our history. Election of the Speaker gives the people greater indirect control

and secures an important parliamentary position.

And for more direct access, Fair Share Saskatchewan will move government out of the ivory towers in Regina and out to the communities and people the government serves. And, Mr Speaker, certainly in a number of my communities where government services are brought into the city, they're certainly looking forward to government services being available even closer to home again.

We have already done this with Crop Insurance, Agricultural Credit, Saskatchewan Pension Plan, Sask Water, and New Careers. And the people out there welcomed these reforms. Electing officers of the Assembly, introducing freedom of information, letting the people have referendums, strengthening the role of the Provincial Auditor, and bringing government to the people are things that many people across the province, and indeed not just the province of Saskatchewan but Canada and the world, are looking for. More and better reforms all down the line.

And I again remind the members opposite that this government is the one introducing many of these reforms. The fact is that these reforms are what the people want. And they are asking for them yesterday, but more importantly today, not tomorrow; and not after the election, but now. And certainly desperately casting about for any possible criticism that can be found is nothing more than political posturing -- posturing that is wasteful, counter-productive, and has no relation whatever to the problems that members here were elected to deal with.

But, Mr. Speaker, the reforms we are presenting, like election of the Speaker, do address the issues that are important to Saskatchewan people. Electing the Speaker, Mr. Speaker, I believe makes good . . . and it's good common sense.

The Speaker of any governing body in the democracy must represent the entire elected Assembly, no matter which party is in power. He or she must be seen as impartial, concerned only with administering the rules and the regulations of this Assembly. As I said before, I have every reason to believe that this has always been the case in this House.

Certainly while I have been here, the member from Last Mountain-Touchwood has executed his duties in an exemplary fashion. You have done in fact such a fine job, Mr. Speaker . . .

Some Hon. Members: mHear, hear!

Mr. Toth: -- . . . that I fully expect to see that you would allow your name to stand for election of being the first elected Speaker of this Assembly. But by changing the rules so that all members elect the Speaker, the office's impartiality will be preserved for all time in Saskatchewan. That can only benefit not only this legislature but everyone in the province of Saskatchewan. No matter how you look at it, this reform undertaken at this time is a good move for we in the province of Saskatchewan.

Mr. Speaker, I fully support the change. I will be voting in favour of the motion and encourage all members of the House to do the same. Thank you.

Some Hon. Members: mHear, hear!

Mr. Swan: -- Mr. Speaker, it's indeed my privilege this afternoon to speak to this motion. At the outset I would like to say to you and to all of the members of this Assembly that it is indeed an honour and a privilege to speak in this historic debate dealing with a rule change that will for the first time elect a Speaker for this House.

Mr. Speaker, I speak in this debate because I feel that the position of Speaker often is not recognized as much by the people around the province as it should be. This is indeed a very important position in the operation of the Government of Saskatchewan and the operation of this legislature. I want to assure you, Mr. Speaker, that it's very important that this legislature take time today to move in this direction and to make this rule change.

I know, Mr. Speaker, that you have been in this Chair now for a number of years, since 1986, and you have done a commendable job of being Speaker of our legislature. But I believe that it will only be strengthened by the fact that we elect the Speaker and that that position then will have more authority and more respect in the years to come. It's just one of the changes that our government is moving to make -- and it has made a number of reforms over the term of being government -- but I believe this is one of the very important ones.

When we first came to power in 1982, we moved at that time to open the Public Accounts Committee to be a public committee. Now, Mr. Speaker, that may not seem a big change to some, but I sat in that committee for a number of years prior to 1982 and indeed I chaired the committee, and the government of the day would not allow that committee to be open to the public. The news media was not allowed to come into the committee. And it was indeed a move in the right direction to open that committee so that the public could see how the expenditures of government were being accounted for by the government and to the public. That's indeed very important, and one that I think will be appreciated by the news media and appreciated by the public. So it was opened and has continued to be open to this day.

During the same period of time, we've put television in this Chamber, Mr. Speaker. It had been talked of prior to 1982 but had never happened. And so in 1982 the House here came into the position of having television to televise all of our operation of the legislature. A very important move, Mr. Speaker, and it was a leading edge for legislatures across our nation and indeed across the world.

Many people have visited Saskatchewan to observe the type of television operation we have, and in many cases have gone back to their own countries and have followed the example that we have used. One that I would indicate to you who did exactly that was Australia. They were building for the future of their country a brand new facility, a new legislature. And they've built it; they've incorporated into it almost identical television

equipment to what we have here, and that House has operated with that since that time.

Mr. Speaker, as you announced the rule change today to the Assembly, I was very pleased to hear of the change and to have the opportunity to speak to it. I want to inform you how much I appreciate the work that you, as the member for Last Mountain-Touchwood, have done through the years that you have been Speaker. And I believe that your constituents can be justifiably proud of the way that you have handled the job and how you have indeed operated this House in a very democratic fashion.

Having had the honour to serve as Speaker of this Assembly for a period of years, I appreciate perhaps more than most people the job that you have to do and the difficult position that you are many times placed in. And I believe, Mr. Speaker, that you have carried that job well and your constituency should be justifiably proud.

As we come to the election of Speaker, I am trusting that you are going to put your name forward as a candidate. And I'm sure, Mr. Speaker, that this House will reaffirm the position that you have done a good job and will do a good job for us again.

Mr. Speaker, I'm indeed pleased today that the parties on both sides of this House have indicated their support for this rule change. And as we move forward now to elect our Speaker, I look forward to this method being continued now and on into the future. It will only be for the betterment and for the democratic process of our government and the Government of Saskatchewan in the years to come.

Thank you for the opportunity of sharing in this debate.

Some Hon. Members: mHear, hear!

Motion agreed to.

Hon. Mr. Hodgins: -- Mr. Speaker, I would also like to at this time move a very routine motion that will in effect have this new procedure, that this House has unanimously adopted, printed in our rule book. And I would like to move, seconded by my colleague from the constituency of Moosomin:

That this Assembly approves and adopts the amendments to the Rules and Procedures of the Legislative Assembly of Saskatchewan as they appear in the appendix of the first report of the Special Committee on Rules and Procedures of the Legislative Assembly;

and that the Rules and Procedures as amended shall come into effect this day;

and that the Clerk and the Speaker be instructed and authorized to supervise the printing of the first report of the committee and the reprinting of the Rules and Procedures of the Legislative Assembly as amended and that they shall have such numbers of copies printed as deemed to be necessary for the service of the Legislative Assembly of the

province of Saskatchewan.

Motion agreed to.

#### RESIGNATION OF THE SPEAKER

The Speaker: -- Before proceeding to the next order of business, I ask the indulgence of the House to make a personal statement.

Today the Legislative Assembly has taken an important first step in reforming the procedures of this House. A new process is now in place for the election of Speaker by secret ballot. Both sides of the House have declared their support for these new rules and for the principles reflected in them. It is highly desirable that all members of the Assembly freely participate in choosing the member who is to serve as their Speaker.

To enable the Assembly to use this new process for the first time, it is my intention to resign from the Office of Speaker effective at the adjournment of the sitting day.

Accordingly the election of Speaker by secret ballot will take place when the House convenes tomorrow at 10 a.m.

I also wish to announce that it is my intention to allow my name to stand as a candidate in the election of Speaker.

Some Hon. Members: mHear, hear!

#### NOTICES OF MOTIONS AND QUESTIONS

Hon. Mr. Devine: -- Mr. Speaker, I give notice that I shall on Monday, next move:

Whereas strongly noting the commitment of the Government of Canada to provide a third line of defence as part of the complete farm safety net package recently negotiated by the Premier of the province, and whereas recognizing the urgency for farm families that the nature, extent and timing of this third line of defence be known, and whereas pursuant to the commitments made by the federal ministers, both in Saskatchewan media and in the House of Commons, that this Assembly now therefore calls upon the Government of Canada to honour these commitments by announcing the details of the third line of defence and urges that the government include sufficient funding to provide Saskatchewan farmers with the assistance desperately needed for their income stability.

Some Hon. Members: mHear, hear!

Mr. Pringle: -- Thank you very much, Mr. Speaker. Mr. Speaker, speaking of the need for greater democracy --and that is important -- I give notice that on Friday next I shall move first reading of a Bill to amend the Legislative Assembly and Executive Council Acts in order to require that by-elections be held within six months of a vacancy. Thank you very much.

Some Hon. Members: mHear, hear!

(1445)

INTRODUCTION OF GUESTS

Hon. Mr. Devine: -- Mr. Speaker, it's my pleasure today to introduce to you, and through you to the members of the Assembly, His Excellency the Ambassador of Sweden, Ernst Andres, who is sitting in the Speaker's gallery, and Mr. Ernst Keller, the Consul General of Switzerland in Toronto. This is His Excellency's first official visit to the province of Saskatchewan. While in Saskatchewan, he will meet with the Lieutenant Governor, the Speaker, and with the Departments of Agriculture, Trade and Economic Diversification.

I might add, Mr. Speaker, that His Excellency and I had a very good meeting yesterday with respect to GATT (General Agreement on Tariffs and Trade) negotiations, the various kinds of things we can look forward to in terms of the role that two countries like ours are involved with, with respect to food prices, agriculture prices, and more farm stability both in Western Europe as well as in North America.

So I would ask all members to please welcome His Excellency and the Consul General of Switzerland to the province of Saskatchewan.

Hon. Members: mHear, hear!

Mr. Pringle: -- Thank you very much, Mr. Speaker. Mr. Speaker, it is my pleasure to rise and to introduce in your gallery, sir, delegations from the constituencies of Kindersley, Indian Head-Wolseley, Turtleford, and Souris-Cannington, Mr. Speaker. These constituencies as you know have been vacant from 16 to 9 months, and I think their presence here today is a reminder of that to us. I'm pleased to have them here and I invite all members to welcome our many guests, and I invite our guests to stand and be welcomed by the Assembly.

Hon. Members: mHear, hear!

The Speaker: -- Order, order. Order, order.

Mr. Hagel: -- Thank you very much, Mr. Speaker. Mr. Speaker, I recognize in the east gallery two elected executive members and two staff members associated with the Saskatchewan Federation of Labour, which members of the House will recognize represents some 70,000 organized working men and women from every community across the province of Saskatchewan.

Mr. Speaker, I would ask the members of the Assembly to recognize the president of the Saskatchewan Federation of Labour, Barb Byers; the treasurer, Dave Maki; and staff persons, Don Anderson and Ted Boyle. If they'd please rise and be recognized by the members of the Assembly.

Hon. Members: mHear, hear!

ORAL QUESTIONS

## Introduction of the Provincial GST

Mr. Romanow: -- Thank you very much, Mr. Speaker. Mr. Speaker, on February 20 of this year, this unpopular government opposite here, announced by press release what probably is Saskatchewan's largest single tax increase, the provincial GST (goods and services tax). They did so, Mr. Speaker, not in a budget; they did so not in the legislature, but they did it by press release.

Mr. Speaker, my question to the Premier is this: is it not correct that you deliberately chose to do it this way, namely to avoid the legislature, to avoid the public and the press because you know full well this tax is wrong, unfair, and unnecessary, especially if you'd cut your own government waste in order to get the funds?

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- Mr. Speaker, I will acknowledge that the pre-budget announcement in February was somewhat larger than has been the practice of pre-budget announcements in prior years. The reasons for making the announcements that we did in February were twofold.

First of all, Mr. Speaker, we wanted to give business people across Saskatchewan the necessary lead time to do whatever technical changes they might have to their computers and cash registers to be ready for the tax change on April 1.

And secondly, as it relates to the announcement of grants to major third parties -- that being schools, universities, hospitals, rural municipalities, urban municipalities -- for some time when this cabinet and caucus has met with school boards, hospital boards, nursing home boards across Saskatchewan -- we hold meetings outside the capital -- they have constantly, since I've been a member at least, been asking for that kind of early notification. A number of other provinces do that. We too, Mr. Speaker, recognize the validity of their arguments. It allows them to do better planning. And given that this year there are modest increases, I think that made sense, Mr. Speaker.

Some Hon. Members: mHear, hear!

The Speaker: -- Order, order.

Mr. Romanow: -- Mr. Speaker, I have a new question, and I direct it to the Premier, the person in charge of this government.

Mr. Speaker, the Minister of Finance, in his attempt to explain what was done, says that this information had to go out early so that the business people and others would know about it. I say, Mr. Speaker, that there's a better way and a proper way to do it, especially on this day when the members opposite are heralding democratic reform, and that is to have called the legislature to have announced this tax increase.

Some Hon. Members: mHear, hear!

Mr. Romanow: -- Instead, Mr. Speaker, we've had government budget by press release; in effect we have tax increase by stealth. My question to the Premier is therefore the following: what legal authority do you have to do it this way, by press release; what legal or moral right do you have to act in such a high-handed and arrogant manner outside the legislature? Table your legal opinion.

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- Mr. Speaker, the process relative to the legislation for these tax changes will be the same as it has always been. Whether the announcements are made inside the House, Mr. Speaker, or outside the legislature, the practice always has been, and I suspect will continue to be, that a Minister of Finance announces a tax change. Very often it's effective midnight that day, and then a month or two, or two weeks or four weeks down the road, the legislation comes forward, is debated, and passed. That's been the procedure in the past; that will be the procedure again this time, Mr. Speaker.

Some Hon. Members: mHear, hear!

Mr. Romanow: -- Mr. Speaker, I have a new question.

The Speaker: -- Order. Order, order.

Mr. Romanow: -- Thank you, Mr. Speaker. Mr. Speaker, I have a new question to the Premier, and I really do implore the Premier to take responsibility of this government and to answer the question.

His Minister of Finance says that it's very common for tax changes . . . tax increases to be announced outside the legislature. He full well knows, the Premier does, that tax increases and tax changes are announced on budget day and are subsequently ratified by legislation, but that it is very uncommon and very unprecedented to have tax increases announced this way by this government in this high handed and arrogant fashion. The Premier knows that.

Some Hon. Members: mHear, hear!

Mr. Romanow: -- I ask the Premier to table his legal authority for doing this which he has done, namely imposing such a high, unfair tax which is going to affect all the farmers, the small-business people, and the labourers. Please tell us, Premier, how you do it. Why do you do it?

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- Well, Mr. Speaker, in so far as precedent for tax changes being announced outside the legislature, I would maybe remind the hon. member, who I think at the time was House Leader and Deputy Premier, in 1976, Mr. Speaker, what happened and what tax change was announced then outside the House. And I only use this by way of example to answer the



hon. member's question because there are a number of examples I could draw on.

To set the stage, Mr. Speaker, on or about December 8 in 1976, about six days after the legislature shut down that year, guess what the Minister of Finance of the day did six days after. He announced a five-point increase in income tax effective January 1. The House was not sitting. Whoops, I forgot. Now they had been sitting all fall. They had been sitting all fall under the guidance of that member as House Leader and Deputy Premier, then all of a sudden six days after the House shuts down they say, whoops, I forgot to tell you about a tax change effective January 1. What hypocrisy, Mr. Speaker. What hypocrisy.

Some Hon. Members: mHear, hear!

The Speaker: -- Order, order. Order. I'd like the hon. members to refrain from interrupting, and especially the Minister of Justice, I would like to ask him to refrain from interrupting.

Order, order.

Mr. Romanow: -- Thank you, Mr. Speaker. Mr. Speaker, I note again that it's the Premier who refuses to answer these questions, and I suspect for good reason. Because at least the Premier knows that he does not have the courage to make the kind of misleading statements that the Minister of Finance has just finished doing.

Some Hon. Members: mHear, hear!

Mr. Romanow: -- Yes, I have it right here too. Mr. Speaker, in 1976 the tax arrangements which were announced were the result of a federal-provincial negotiated, yes, EPF (established programs financing) arrangement, and they resulted in a zero tax increase, and not an increase like these people opposite have done. Zero. Zero increase.

Some Hon. Members: mHear, hear!

Mr. Romanow: -- Mr. Speaker, unlike the largest tax increase in the history of the province of Saskatchewan by the Premier opposite. I ask the Premier, Mr. Speaker, this question specifically. I ask the Premier, today we have representatives from four constituencies; they have no MLAs and representation; they have no voice; what about taxation without representation? What gives you the right in your fifth and last year of government to impose this outrageously high and unfair tax on the farmers and the working people of Saskatchewan? What gives you the authority?

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- Mr. Speaker, unfortunately the hon. member's recollection of history isn't as good as maybe it should be. The reality is the federal tax change, Mr. Speaker, didn't come into effect until April 1, and this tax change was made effective for January 1, Mr. Speaker, and that it was necessary to increase taxes -- to quote them.

The essential argument here, Mr. Speaker, is I don't think there is an argument between either party about the necessity to harmonize the tax base, Mr. Speaker. No question. I mean that's been well stated by both sides of the House, Mr. Speaker, inside and outside the legislature. There's no question that raising taxes are not popular and some sectors are particularly hard hit.

But the reality is, Mr. Speaker, if we're going to make it simpler for the business person and the consumer, and if we're going to back up the rural economy for the good of the entire Saskatchewan economy, these kinds of changes are necessary, Mr. Speaker.

Some Hon. Members: mHear, hear!

Mr. Romanow: -- Mr. Speaker, I have a new question and I'll try one more time, I suspect in vain, to the Premier, who is frankly ducking out of his responsibilities here, and I'm very sorry about that. It seems that the Premier is leaving it entirely to the Minister of Finance, but I'll try one more time as a new question to the Premier, Mr. Speaker.

Mr. Speaker, this government has no game plan, they have no credibility, no mandate to tax, tax, tax. Mr. Premier, you could have found the money if you needed to by means other than huge and unfair taxes, but you chose not to do it. If you can't or you won't do it, why not shelve this tax until the voters elect a government than can do it the right way?

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- Well, Mr. Speaker, the hon. member talks about credibility and talks about shelving the tax, but the reality is, in this legislature and outside this legislature they have called consistently for the harmonization of the taxes; that there should be one tax base. It's in Hansard here on more than one occasion, Mr. Speaker.

There is no division in terms of if the GST is reality, which it is, that we should have one tax. That's been said time and time again by members opposite, Mr. Speaker. That's what we're doing. Legitimate enough to have a debate about the rate and why we left it at 7 per cent. And the reason we left it at 7 per cent is we believe in backing up the farmer, the farm economy, and if you do so, you'll be backing up the entire Saskatchewan economy. And that's why we're doing it, Mr. Speaker, and we stand behind it.

Some Hon. Members: mHear, hear!

#### Penalties for Non-Collection of Provincial GST

Mr. Shillington: -- Just as an aside to the Minister of Finance -- you certainly have the farmers in this province backed up all right, backed up a long ways.

My question is to the Premier, if he has the courage to answer it. If not,

I assume he will pawn it off. Mr. Premier, it is obvious to any fair-minded observer that this province is on the verge of a tax revolt. The public of Saskatchewan are seething with anger at the level of the taxes which your government's imposed.

Mr. Premier, the high-handed and arrogant manner in which you flout public opinion on the question of taxes is galling enough, but it is unacceptable to be imposing penalties for the non-collection of taxes under a law which has not been passed. That is just intolerable, Mr. Minister.

Mr. Premier, my question to you is: is it really the intention of your government to haul small businesses into court, to harass them because they haven't collected a tax under a law which does not exist? Is that really your intention?

Some Hon. Members: mHear, hear!

(1500)

Hon. Mr. Hepworth: -- Mr. Speaker, I can only repeat that the process for enacting the legislation will be the same as it has always been. The Bill comes forward a week or two or four or six after the announcement has been made. It's debated and it's passed and it's made retroactive. We've said that clearly. That'll be the case here again in this instance, Mr. Speaker. And that's as the practice has always been and that will be the practice again, Mr. Speaker.

Some Hon. Members: mHear, hear!

Mr. Shillington: -- New question, Mr. Speaker. Mr. Premier, I want to read for your benefit -- because you seem to need to be reminded -- I want to read a passage for your benefit. And it reads:

A person charged with an offence has the right . . . not to be found guilty . . . of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law.

Mr. Premier, that is section 11 of the Charter of Rights. Mr. Minister, it is true that your government has behaved in office like a rogue elephant. You have flouted the Canadian law and Saskatchewan law whenever it suited your purposes. But surely, Mr. Premier, this is different. Surely when you are trampling on the rights of citizens under the Charter of Rights, surely that's different.

Mr. Premier, I ask you again, is it really your intention to haul small businesses into court, harass them for not collecting the penalty under a law which you apparently didn't have the courage to present . . .

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- Mr. Speaker, there will be no change in the practice. It will be the same as when the Leader of the Opposition was Deputy Premier and House Leader of the day back in '76 in terms of how that was handled.

It's the same as when tobacco taxes have changed virtually every year in the last 15 years. The practice will be the same into the future as it has been in the past, Mr. Speaker.

Some Hon. Members: mHear, hear!

Mr. Shillington: -- New question to the Premier. Mr. Premier, perhaps as much as anything, what has the public of Saskatchewan so angry is the manner in which this whole thing began. Mr. Premier, it's obvious to everyone in Saskatchewan that this tax was not intended as a revenue measure. It was a cheap, crass election gimmick which you did not expect to present to the legislature before an election.

Mr. Minister, the election which this measure was designed to serve has been aborted. Won't you agree, Mr. Minister, that you ought to abort the child of that and abort this thing as well?

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- Well, Mr. Speaker, I've been accused of a lot of things over the last while, but raising taxes, which is always difficult . . . I've never been accused of using that as an election gimmick. I can tell you that much, Mr. Speaker.

There's no question that the decision to raise \$125 million by leaving the rate at 7 per cent . . . we're agreed on harmonization. What we're really arguing about is the rate and by leaving it at 7 per cent this year we'll net out and we'll raise \$125 million. Why did this party and this Premier and this caucus think it important to raise \$125 million, Mr. Speaker? Two reasons.

First of all, it would be irresponsible to let the debt and the deficit rise by another \$125 million. Secondly, we need it to pay the bill, the premium, that will lever . . . because of this new generation of farm programs that our Premier has negotiated, it is necessary to lever \$1.3 billion into this economy. And that's \$1.3 billion that's going to help stabilize and revitalize every rural and urban community across this province, Mr. Speaker.

Some Hon. Members: mHear, hear!

#### Effects of Provincial GST on Border Communities

Mr. Kowalsky: -- Thank you, Mr. Speaker. My question is to the Premier, Mr. Speaker. Mr. Premier, one of the major negative effects of your unfair provincial GST is how it's harming Saskatchewan's retail business people. This is particularly evident for those communities near the Alberta and international borders who are losing customers because of this provincial GST imposed on top of the Mulroney GST.

Mr. Premier, do you have any contingency plans to compensate these businesses who are losing business because of your illegal and your unfair tax, or are you just going to tell them, tough luck?

Some Hon. Members: mHear, hear!

Hon. Mr. Hepworth: -- I sense from the member's question that he may not understand totally how harmonization works, Mr. Speaker. Because effective January 1, '92 -- and one of the reasons for going to this kind of system -- is that the business people in Saskatchewan who have been faced with Alberta that had no tax, those businesses will now be on a level playing field compared to the Alberta businesses. Through the input tax credit, Mr. Speaker, through the input tax credit, they now will see . . .

The Speaker: -- Order, order. Order, order. I'm sure the hon. members are having difficulty hearing the minister. I am. And I'm sure our guests in the gallery would certainly like to hear the debate. Now I know it's the first day back after a long time away from the Assembly, but I'd ask you to just refrain somewhat from interrupting too vociferously. Next question.

#### Vacant Constituencies in Saskatchewan

Mr. Pringle: -- Thank you very much, Mr. Speaker. Mr. Speaker, my question is also to the Premier. And for this question, the Premier is clearly the one to respond, Mr. Speaker. Mr. Premier, there are people in the galleries today, as have been introduced, watching the proceedings because this is the closest they can get to the democratic process, Mr. Premier. The people of Kindersley constituency have gone without representation for almost 16 months, the people without an elected member; the people from Indian Head-Wolseley, almost 15 months without representation; in Turtleford, almost 10; Souris-Cannington, almost 9.

In the 11-year history, Mr. Premier, of the previous administration, no election vacancy was anywhere close to this length of time. Is this what your government calls a commitment to democratic practice?

Some Hon. Members: mHear, hear!

Hon. Mr. Devine: -- Mr. Speaker, I want to say to the hon. member that in talking to the various constituents in a year of an election, that we've asked several of them in saying, do you want a by-election and possibly a general election at the same time or within months? And they, Mr. Speaker, said look, if it's in a year of an election we might as well . . .

The Speaker: -- Order, order. Order, order. Order. Order! We're having difficulty in hearing the Premier and we're going to give him the opportunity to add to his remarks if he wishes; otherwise we will go to the next question. But we were having difficulty hearing him.

Hon. Mr. Devine: -- Well thank you, Mr. Speaker; I appreciate you calming the House down. I will just say to the hon. member, in discussing the issue of by-elections and general elections with the constituents and the people in the ridings that he mentioned, they would say to me, if you're going to have a general election soon, then why should we bother having a by-election and then have a general election at the same time, Mr. Speaker.

And what we found out is perhaps that not all would agree, but an awful lot of them would say, don't go through the expense of by-elections and then go through the double expense of a general election on top of that, Mr. Speaker.

Some Hon. Members: mHear, hear!

Mr. Pringle: -- Thank you, Mr. Speaker. New question to the Premier. Mr. Premier, your cause to reluctance has been that there's no use holding a by-election in any of these ridings when a general election would be in a matter of weeks. You started saying that last fall, Mr. Premier. And I don't suppose you've had any requests not to call a by-election. Your interpretation of a matter of weeks has stretched into months and months and months, and again the second budget in a row coming within 10 days, the people of Kindersley and Indian Head-Wolseley have not had any representation, Mr. Premier.

Mr. Premier, will you admit that the only reason the people of these communities have been deprived of their most basic right, which is to have representation in the Legislative Assembly, for more than a year has been that you're afraid to put your record to the test of the people in the province?

Some Hon. Members: mHear, hear!

Hon. Mr. Devine: -- Mr. Speaker, as I said before, as we talked to those constituents and we said that there may be the possibility of a general election as in a four-year term which would have been last fall or this year, they said if there's going to be a general election in the next few months, then why have by-elections and then force us through another election.

So we agreed, Mr. Speaker, particularly during a time of constraint. And the opposition has said, well don't be wasting the people's money; we said fair enough, if that's what your wish is, we'll do it all at the same time in a general election, Mr. Speaker.

Some Hon. Members: mHear, hear!

Mr. Pringle: -- Thank you very much, Mr. Speaker. A new question to the Premier. Mr. Premier, I have given notice today of a private member's Bill which would restrict the time a constituency could go unrepresented to up to six months. If you are serious about democratic reform, as you claim today, you would see the necessity of this Bill. We are serious about this, Mr. Premier; the people of Saskatchewan need proof that you are.

Will you give this House your personal assurance that you will support this Bill and do all that you can to speed up its passage in this House?

Some Hon. Members: mHear, hear!

Hon. Mr. Devine: -- Mr. Speaker, the hon. member knows that there will be an election within the next six months. He also knows, Mr. Speaker, under

the British parliamentary system that it has been in the call of the government and the Premier with respect to the general election and the date. Under the American system we know that the date is set every four years; you know exactly when it is. The British parliamentary system that we operate under, it is the Premier that will pick and have the opportunity to choose that date. Now, Mr. Speaker, we have looked at the history of the British parliamentary system. I only say to the hon. member in the next few months he can rest assured that there will be an election.

Some Hon. Members: mHear, hear!

Mr. Pringle: -- Thank you, Mr. Speaker. Supplementary, Mr. Premier. Will you give your personal commitment right now that as soon as question period is over, that you will meet with this delegation of people who have driven many many miles to come here to express their concern about no representation? Will you meet with them after question period?

Some Hon. Members: mHear, hear!

Hon. Mr. Devine: -- Mr. Chairman, I would say that there is certainly . . . the candidates from various ridings are probably in the legislature today. I know our candidate from Kindersley, Mr. Bill Boyd, is in the legislature and he probably is quite prepared as well to represent the people of Kindersley and looks forward to that opportunity. And, Mr. Speaker, I'm sure that all the members of the legislature will be more than too happy to participate with the constituents at any particular time, Mr. Speaker.

#### INTRODUCTION OF BILLS

Bill No. 52 -- An Act to provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly

Hon. Mr. Lane: -- Thank you, Mr. Speaker. With leave, I give notice of motion to move first reading of a Bill respecting An Act to provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly.

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

#### ANNOUNCEMENTS

##### Constituency Vacancies

The Speaker: -- Before orders of the day, I wish to announce resignation of members of the legislature and I wish to . . . It is my duty to inform the Assembly of the following vacancies in representation. In the constituency of Souris-Cannington, due to the resignation of Mr. E. Berntson, and in the constituency of Turtleford, due to the resignation of Mr. C. Maxwell.

I now lay on the Table the original letters of resignation.

#### PRIORITY OF DEBATE

Penalties for Non-Collection of Provincial GST

Mr. Shillington: -- Thank you very much.

The Speaker: -- Order, order. I think I'm going to have to ask the hon. members to show some courtesy to the House. We've had a fairly interruptive, if I may put it that way, question period and I believe now we're moving to new business, and I'm asking hon. members to allow the new business to proceed in an orderly manner.

(1515)

Mr. Shillington: -- Thank you, Mr. Speaker. Following on today's question period in which we outlined the turmoil in which businesses find themselves with respect to the imposition of the penalty for not collecting the tax under the GST, I move, pursuant to rule 17, that leave be granted to make a motion for priority of debate on a matter of urgent public importance. The nature of that motion would be:

That this Assembly recognize the urgent need for the Government of Saskatchewan to table immediately in the Assembly the legal opinion upon which it bases its threat to impose, in violation of the Canadian Charter of Rights and Freedoms, a fine or penalty on persons who refuse to collect the provincial GST before it has been introduced and passed in the legislature, and that that now be given priority of debate.

Some Hon. Members: mHear, hear!

The Speaker: -- The notice regarding this matter, proposed for priority of debate, was received by the Clerk's office at 11:47 a.m. today for which I thank the hon. member.

I have no doubt in judging this matter to be serious and important and of significance to the authority of the Legislative Assembly and to the public interests. The proposed matter is in compliance with the conditions set out in rule 17(10).

The question that remains to be addressed is the issue of urgency. In such notices for priority of debate, members must clearly establish the urgent need to debate the matter today in order for the Assembly to set aside its regular business to debate the matter immediately under rule 17(1). I submit that the hon. member has not sufficiently demonstrated in his notice the urgency of debating the issue today.

There are other avenues available to the hon. member. Rule 39 may be used by the member, thereby enabling the question to be debated by the House if it considers the question sufficiently important to debate today. The member could also place a motion on the order paper in the usual manner.

I therefore rule that while the question is a matter of substantial public importance, the urgency of the issue has not been sufficiently established to warrant a debate today, and that there are other opportunities available



to the member as mentioned above for this question to be debated.

MOTION UNDER RULE 39

Penalties for Non-Collection of Provincial GST

Mr. Shillington: -- Thank you, Mr. Speaker. Taking up by your suggestion, I'm going to move, pursuant to rule 39, a motion which we regard as urgent and pressing. A brief word of explanation with respect to the urgency of it seems to be necessary, although it's necessary probably only to the members opposite.

Businesses in this province, Mr. Speaker, are in a turmoil with respect to this tax. They are meeting enormous consumer resistance, and the consumers say to them: we don't like the tax, it hasn't been passed by the legislature, and we don't have to pay it. And on all of those points the consumer is right.

So far as I'm aware, Mr. Speaker, there is no penalty on any consumer who refuses to pay it. The consumer can tell the business people . . .

The Speaker: -- Order. I believe that now the hon. member is actually entering debate, and the remarks must be very brief, as he is well aware. I ask him to stick to that rule and then propose the motion so that the hon. members know what they are agreeing or disagreeing to.

Mr. Shillington: -- Mr. Speaker, outlining the urgency of it, businesses have to know they are being asked now to collect something which they are in real doubt about. The least that this government under its new guise of an open government, the least this government ought to do is share with the business community the legal basis for imposing this. We frankly don't think it exists, Mr. Speaker. We have read others who have said the same thing.

I'm therefore going to move pursuant to rule 39

That this Assembly recognize the urgent need for the Government of Saskatchewan to table immediately in the Assembly the legal opinion upon which it bases its threat to impose, in violation of the Canadian Charter of Rights and Freedoms, a fine or penalty on persons who refuse to collect the provincial GST before it has been introduced and passed in the legislature, and that that now be given priority of debate.

Some Hon. Members: mHear, hear!

Leave not granted.

MOTIONS

Referral of the Report of the Provincial Auditor to the Standing Committee on Public Accounts

Hon. Mr. Hodgins: -- Mr. Speaker, before orders of the day, I'd like to

move just a couple of motions here. I would firstly like to move, seconded by the Deputy House Leader, the member for Rosthern, by leave of the Assembly:

That the Report of the Provincial Auditor for the fiscal year ended March 31, 1990 be referred as tabled, to the Standing Committee on Public Accounts.

Leave not granted.

The Speaker: -- What's your point of order? What is your point of order?

Mr. Lingenfelter: -- The point of order, Mr. Speaker, I want for point of clarification, we have no copies of the report.

An Hon. Member: -- Nothing's tabled.

Mr. Lingenfelter: -- Nothing is tabled as far as the opposition is concerned. So we have a difficult time dealing with the motion being put by the minister.

The Speaker: -- In response to your point of order, hon. member, this motion is in fact in order. It's a normal motion moved at the beginning of House sittings. It refers . . . the operative clause or phrase is "to be referred as tabled", and therefore when tabled it becomes . . . this motion is effective. However, I might add to the hon. member that later this day I'll be tabling it.

Order, order. Order, order. Having made that brief explanation to the hon. members, I once more ask if they grant leave for the motion.

Leave granted.

The Speaker: -- Order. Order, order.

Motion agreed to.

#### Referral of Public Accounts to Standing Committee on Public Accounts

Hon. Mr. Hodgins: -- Mr. Speaker, I would like to move another routine motion that is moved traditionally at the start of the session. And I'd like to move, seconded by my Deputy House Leader, the member for the constituency of Rosthern . . .

The Speaker: -- Order. Order, order. Order!

Hon. Mr. Hodgins: -- Thank you very much, Mr. Speaker. I apologize for the technical error in timing, but none the less I would still like to move, seconded by the member for Rosthern, by leave of the Assembly:

That the Public Accounts of the Province of Saskatchewan for the fiscal year ended March 31, 1990 be referred as tabled to the Standing Committee on Public Accounts.

Motion agreed to.

#### TABLING OF REPORTS

The Speaker: -- I wish to inform the members of the Assembly that the Auditor, Provincial Auditor, has sent me the following letter:

Dear Sir: In accordance with Section 14(a) of The Provincial Auditor Act, I present herewith my report to the Legislative Assembly for the year ended March 31, 1990. In accordance with Section 14(b) of the same Act, I request that you table this my report for the 1990 fiscal year.

I now table the report.

#### CONDOLENCES

Hon. Mr. Devine: -- By leave of the Assembly, Mr. Speaker, I would like to move, seconded by the member from Riversdale:

That this Assembly records with sorrow and regret the passing of a former member of this Assembly and expresses its grateful appreciation of the contribution he made to the community, his constituency, and to the province.

Leave granted.

Hon. Mr. Devine: -- Thank you, Mr. Speaker.

Edward Milton Culliton, who died in Regina on March 14, 1991, was a member of the Legislative Assembly representing the constituency of Gravelbourg from 1935 until 1944, and again from 1948 until 1951.

Mr. Culliton was born April 9, 1906 in Grand Forks, Minnesota, and came to Canada with his parents in May 1906. He grew up in rural Saskatchewan and was educated in Elbow. Mr. Culliton went on to the University of Saskatchewan where he earned a Bachelor of Arts and law degree in 1928. In 1930 Mr. Culliton was admitted to the bar, whereupon he moved to Gravelbourg to practise law.

In 1935 he launched his political career by winning the Gravelbourg seat in a by-election. In the general election of 1938, Mr. Culliton retained the Gravelbourg seat. Later that year he was appointed to cabinet as Provincial Secretary. In 1939 Mr. Culliton married Katherine Hector of Dysart. He remained Provincial Secretary until 1941, when he resigned to serve in the army with the Royal Canadian Artillery as a legal officer. Mr. Culliton was posted overseas and remained in the army until January of 1946. While in the army he continued to be a member of cabinet, serving as Minister without Portfolio. He held that post until his defeat in the 1944 election.

In 1946 Mr. Culliton contested the leadership of the Saskatchewan Liberal

Party but was narrowly defeated. Two years later, in the 1948 general election, he was again elected to represent Gravelbourg. Mr. Culliton served as his party's Finance critic until 1951, when he quit politics to take up a judicial appointment with the Saskatchewan Court of Appeal.

During Saskatchewan's golden jubilee year in 1955, Mr. Culliton helped to organize various events and celebrations. In 1962 he was appointed Chief Justice of the Court of Appeal and continued in that position until his retirement in 1981.

As the head of Saskatchewan's highest court, Mr. Culliton had a distinguished career. After retirement, however, he continued to serve his province in a wide variety of ways. In 1983 he headed a commission on freedom of information and most recently a provincial electoral boundaries commission.

Throughout his life, Mr. Culliton devoted much of his time to volunteer work. He served organizations such as the Red Cross, the Canadian National Institute for the Blind, and many others. Mr. Culliton was also a very dedicated Roman Catholic and was recognized by the Vatican, being named Knight Commander of St. Gregory the Great.

Mr. Culliton has been widely recognized for his many contributions to his province and country, most notably by being named a Companion of the Order of Canada and being named a member of the Saskatchewan Order of Merit.

I know that members of both sides of the House join me in paying a very sincere tribute to a great Canadian and this outstanding leader from the province of Saskatchewan, this man, Ted Culliton. Every premier of Saskatchewan since William Martin in the 1920s knew Mr. Culliton and valued his advice. Parties of all political stripes recruited him for both commissions and inquiries on important matters.

(1530)

Our own government and myself personally were certainly no exception to this, Mr. Speaker. I treasured the opportunity to discuss current issues with the man. I found him wise, objective, helpful, and blessed with an abundant degree of common sense. He knew Saskatchewan and its people like the back of his hand and he dedicated his life to their well-being.

I had the privilege of calling on Ted Culliton to be the first chairman of the advisory council of the Saskatchewan Order of Merit when it was established in 1985. He was the ideal choice for our new provincial honour. Under his firm and visionary leadership, the order quickly became prestigious and respected all across Canada. It was fitting that he himself received the order in 1988.

Ted Culliton, in my view, Mr. Speaker, and I believe in the view of the members of the legislature and those who have been members of the legislature, will go down in history as one of Saskatchewan's greatest sons. He will indeed be sorely missed by all of us.

And in recording its own deep sense of loss and bereavement, this Assembly will express its most sincere sympathy with the members of the bereaved family.

Mr. Romanow: -- Thank you, Mr. Speaker. I rise to second the motion advanced by the Hon. Premier with respect to the contribution of the late Edward Milton Culliton. The career of Mr. Culliton, as described by the Premier, is certainly one of outstanding service to the people of this province and, I would say, to the people of Canada.

This was truly a unique person -- a prairie jewel, if there are these things, and there are these things in actual life. In certainly human terms, that was the case with Mr. Culliton. He glittered in everything that he did, whether it was a legal career or political career, judicial career, and ongoing service to the people of Saskatchewan and Canada with respect to numerous studies.

As the Premier has pointed out, his political career was perhaps somewhat shortened, inasmuch as he was elected in the late '40s and then retired in the period of 1951.

I remember talking at one time with the late Tommy Douglas who was a long-time former CCF (Co-operative Commonwealth Federation) premier of the province of Saskatchewan, about some of the political personalities of the day. And Tommy's assessment of Mr. Culliton's political capacity was such that he felt that if the Liberals had chosen -- this is always the big word in politics, I suppose in life, the word "if" -- if they had chosen Mr. Culliton the leader, the campaign in 1948 might very well have turned out differently. It certainly would have been a very much more difficult one for the CCF and Mr. Douglas.

But none the less, that's the way it works out. And his contribution having been completed in the political field, then saw him move to the judicial field where he served with absolute distinction. I have a recollection of my very first appearance as a young lawyer before the Court of Appeal with the Chief Justice sitting on the bench. It was a rather serious case; I was defending an individual who had been charged with murder. It was my first case before the Court of Appeal. And one thing I learned, that you could simply not count on receiving very much tolerance room with respect to your arguments. They had to be succinct and to the point and made very efficiently and made very directly.

The dossier had been studied completely. His knowledge of the law of course was superior and superb, and from that experience I learned that when you appear before his court and his matters that he dealt with, you had to come well prepared and well briefed.

Afterwards, as life turned out and I served as Attorney General for the province, like the Premier I had occasion on many, many instances to sit down with Mr. Justice Culliton to receive the benefit of his advice. Frequently that advice was tendered very -- how should I put it? -- diplomatically and carefully. Sometimes it was tendered very vigorously, saying it diplomatically. And it was particularly vigorous when it came to

matters pertaining to the court -- the structure of the court, the functioning of the court, the efficiency of the court, funding the judicial system in such a way which met these very demanding standards.

And then of course after his retirement, as the Premier has pointed out, his contribution to the province and the country in a variety of other consultative ways is well-known.

I had occasion during this period to engage from time to time in personal reminiscences about his career, and as it so turned out, my career, which was certainly, in the political world, in a period of hiatus at that time. And one could see that this is a person who had depth of knowledge and a passionate commitment to views and ideals -- and most importantly, a person who kept up to date with the issues, not only in the country but in the world. And one could always learn, as I did in my talks with the late Ted Culliton.

The passing certainly is untimely and unexpected. We very much grieve for his widow and for his family. The contribution, however, of Ted Culliton will live in the history of the province of Saskatchewan -- a great individual, a great civil servant, a great public servant, and a great adornment to the Canadian family. And it's in that spirit that I second the remarks made by the Premier.

Hon. Mr. Lane: -- Thank you very much, Mr. Speaker. I take a great deal of pleasure in joining with my legislative colleagues in recognizing Ted Culliton and remembering Ted Culliton. I have some difficulty and I know all hon. members who attended Ted Culliton's funeral will share the same difficulty of matching Dr. John Archer's eulogy which so epitomized Ted Culliton and his contribution to Saskatchewan society.

I, like the Leader of the Opposition, had the experience of appearing before the Court of Appeal. The Leader of the Opposition remembers, as he said, quite well, the need for a very succinct argument. That was one of the hallmarks of Mr. Justice Culliton's court.

But as well, I'm not aware of a circumstance where a counsel was not treated with the most utmost courtesy by Chief Justice Culliton on the Court of Appeal. I had seen very young counsel treated with respect and courtesy. And as I say, that was very much a hallmark of his court.

As well, one was constantly struck by the intelligence and the breadth of knowledge and experience of the individual. He was aggressive -- aggressive in a polite way in that he didn't hesitate to phone you up and say, you know, think about this, or have you considered this, or what are you doing here, and can we talk about a matter of interest.

I had the pleasure over the last few years as Minister of Justice of getting to know Ted Culliton even better, and it's one of the highlights of my life. And I do remember in his later years how much interest he had in various commissions that he was appointed to. Every time there was an opportunity to serve, it just seemed to pick him up and he was enthused. And for someone 80 years old, in his 80's, to have that awareness,

intelligence, desire to serve -- and the youth. He always, as the Leader of the Opposition said, he was very contemporary in his thinking. He was always up on the issues.

The province of Saskatchewan will miss Ted Culliton and his contribution. He was, as it has been said, probably the ultimate public servant -- as a judge, as an MLA, as a lawyer, as a retired judge. Above all, he believed that he had a contribution to make and that he could continue to serve the public right up to the time of his death.

To Mrs. Culliton this will be a tremendous, and it is a tremendous loss for her, and our sympathies go to her. But again, Ted Culliton's death is a great loss to the people of this province, and we thank him for his service.

Mr. Mitchell: -- Thank you, Mr. Speaker. I want to add some remarks of my own which will be of a personal nature, and I want to say that I listened carefully to the remarks of the Premier, the Leader of the Opposition, and the Minister of Justice. It certainly struck responsive chords in me as they spoke of Mr. Culliton, Chief Justice Culliton as I knew him, and the contribution that he has made to the life of this province.

I had the experience, indeed the pleasure of arguing many, many cases in front of the Court of Appeal at the time that he was a Chief Justice. And I am acutely conscious of the contribution that he made to the jurisprudence of this province during his years on the bench.

He was not, of course, always the Chief Justice. He entered the court as a relatively young man, relative to the ages of the other justices who were on that court and who had been on that court, Mr. Speaker, for many, many years.

Indeed at that time the Chief Justice was a former premier of this province, Mr. Martin, Chief Justice Martin. And Mr. Culliton did his apprenticeship on the Court of Appeal under Chief Justice Martin's leadership. After his elevation as Chief Justice, we began to see Chief Justice Culliton moving the court in important new directions and establishing lines of authority within this province, which in a number of instances led the country.

I give you, for example, the deference which the Saskatchewan Court of Appeal began to pay to the administrative tribunals in this province. The one that I was most concerned with in my practice were decisions of the Labour Relations Board. And under the leadership of Chief Justice Culliton, the Saskatchewan Court of Appeal, and as a result all of the courts in Saskatchewan, began to pay appropriate deference to the decisions of the Labour Relations Board. And I think it no exaggeration to say that the principles laid down in the cases he decided have been picked up across this country, refined, and now form the basis of administrative law as it relates to deference paid by the courts to the decisions of administrative tribunals. And he will certainly be remembered, and remembered very, very . . . with great respect by lawyers who work in this field, and I among them.

On a personal note, I recall the terror that I felt the first few times that I stood up in front of the Court of Appeal and began to advance my case. One thing that the Minister of Justice referred to in an oblique way, and I'd like to enlarge upon, is that you knew where you stood when you argued a case before Chief Justice Culliton. He didn't just sit there and allow you to waste the time of the court, making arguments that didn't go anywhere or that he didn't agree with. If he challenged, if he didn't agree with what you were saying, he would say so and he would get into an argument with you, a discussion with you, testing your ideas, testing to determine whether he should change his own thinking. But there was no question, Mr. Speaker, about where he stood.

One of the most perplexing experiences or one of the most unsatisfactory experiences for a counsel in court is to make an argument to a judge who doesn't respond, who sits there and takes it in, and you don't know whether you're making an impression or not, or whether the judge is understanding the point that you're making. With Chief Justice Culliton, that was never the case. You either knew that he was agreeing or you knew that he was disagreeing, and that gave you the opportunity in the latter case to try and reach down and find ways to try and persuade him, and through him the court, as to your client's point of view.

(1545)

His comprehensive knowledge of the law and his understanding of the law are well accepted by all of the bench in this province and greatly admired and respected for it, as well as his incisive mind and his analytical ability. And I want to join with the Minister of Justice in recalling the courtesy and the kindness with which he treated lawyers of all ages and all experience. And when we walked away from his court room, we felt good about the job that we had done and the experience that we had just had.

I'm not going to repeat the remarks that have been so well stated today about other aspects of his career except to say, Mr. Speaker, that we in Saskatchewan are very fortunate that this man lived among us and made the contributions that he made to us and to our way of life.

Hon. Mr. Schmidt: -- Thank you, Mr. Speaker. I'm pleased to stand here in the Assembly today, Mr. Speaker, and say that I knew Ted Culliton and that I knew him as Chief Justice Culliton, as I knew him in my legal career.

I want to tell you, Mr. Speaker, that I first met him in the most unusual circumstances. As a law student in my second year of study of law at the College of Law in Saskatoon, I was walking out of the college, down the sidewalk to the parking lot when I met Chief Justice Culliton coming up the sidewalk to the College of Law.

Recognizing him I said hello, Chief Justice. And he said hello, are you a student here? And I said, yes I am. He stopped on the sidewalk and he carried on a conversation with this somewhat lowly law student. We had never met before. And not only did he speak to me as the Chief Justice, but as a fellow student of the law. He showed me a great deal of respect



as a law student, and thereafter always I showed him a great deal of respect as Chief Justice of Saskatchewan.

He was very open that very day I met him on the sidewalk in front of the College of Law, and he was that way all the days that I knew him during the course of his life.

I might say that later, once I'd been elected to this Assembly, one day when we had an opening ceremony, he was here as our guest, and I raised the incident with him. And while he did not recall, he said, certainly we in high places leave a different impression upon people than we realize. And I thanked him for the kindness he showed me at that time, and he said that he always tried to treat people that way and he was pleased that he could show me kindness that day.

Well later I had the pleasure of appearing in his court where he was the Chief Justice of Saskatchewan. It's a very unusual feeling when you appear in a court, Mr. Speaker, and you discover that the Chief Justice has been on the bench longer than you have been alive. Certainly it is a humbling experience. Having met the Chief Justice before, I had no fear, for I knew that he was a fair and honest and polite and reasonable man.

And that is the way he always treated us young lawyers in the Court of Appeal for Saskatchewan -- always with politeness. He always took time, as has been indicated earlier, to point out the errors in our arguments, to agree with us on occasion. But he certainly did participate so that you knew where you stood. In some way he was an example to me that you should, when you are in office, let people know where you stand.

Well in his court, Mr. Speaker, he was always polite, as I indicated, but above all he was always fair and he was always in control. As a matter of fact, you might say that he ruled the court. And that is the way it should be for a Chief Justice, to be in charge.

Well I can say, Mr. Speaker, that not only was he a man of the law, a man who understood politics and leadership, but he also had a heart.

I recall one day being in the Court of Appeal waiting for my client's case to be heard when a man from northern Saskatchewan came before him. This man had burnt his own house down in anger against his family. I remember the man coming without a lawyer, asking that the Chief Justice reduce his sentence because he was truly sorry for what he had done.

I will never forget the Chief Justice, Chief Justice Culliton, sitting there, the chief judge of Saskatchewan, but more like a father to this man, saying to him, now you know what you did was very bad. And the man said, yes he understood and he was truly sorry, and he wanted to go back north and be with his family. I remember Chief Justice Culliton scolding him and then reducing his sentence and telling him to go back and take care of his family and beware that he ever come back to his court again. I'm sure that man never did come back and I'm sure his family is better for it.

I want to say in conclusion, Mr. Speaker, that Chief Justice Culliton sat

and judged people on earth here for many, many years -- for decades. And I am certain with the way he lived his life and with the way he treated his fellow human beings that when he arrives in heaven he will be there with high marks, and that when he is judged by God, that the outcome will be as fair and generous as when he judged here on earth.

So I wish him well in his new life and I want to congratulate him for the life and for the things that he has taught us here in Saskatchewan and for what he taught me personally.

Thank you, Mr. Speaker, and I second the motion.

Hon. Mr. Klein: -- Mr. Speaker, I too wish to join with all the members of this Assembly in paying tribute to the late Ted Culliton, a former distinguished member of this Assembly and a man who had enjoyed a long and distinguished career in the service of the people of this province. He was one of the leaders that we follow in building a loving and caring society that we all cherish so much in our province, that he certainly had a lot to do with establishing. He seemed to take the service of his fellow citizens as indeed the entire mandate for his life.

When the judiciary called in 1951, Mr. Culliton accepted the appointment to the Saskatchewan Court of Appeal that began a 30-year career with the Court of Appeal that saw Ted eventually serve as our Chief Justice for some 19 years from '62 until he retired in '81.

And Mr. Culliton was indeed a tireless worker and never seemed to accept the meaning of the word relax. And I would like to speak for a moment I suppose on that side of his warm personal attributes and would like to share some personal remarks regarding the limited time that indeed he must have had to spend in relaxation that I was aware of fortunately and because of the tireless energies that he spent elsewhere.

My wife, Shirley, and I have had the pleasure of knowing the Cullitons through our church and through our golf-course for many, many years. And there is no question that his love of golf and maybe more importantly, Mr. Speaker, sharing most of his time spent on the golf-course with his wife. And we enjoyed watching as they shared their quiet moments together on the few weekends that they must have had to enjoy each other. And my wife, Shirley, and I enjoy our time together on the golf-course as well, and so we often watched the Cullitons as they played and shared that time that was available to them. And this sight I know, Mr. Speaker, will be missed by all of the members of our golf-course.

We know too that for many, many years they left for Hawaii shortly after Christmas on their annual vacation. And as they journeyed there, I know that they would play golf together almost daily during their short vacation period. So I mention this because of the small amount of time that he must have had to set aside for relaxation, only because throughout his life he devoted such a tremendous time to all of the efforts that he put in elsewhere and that I won't repeat.

Except I must mention a couple of volunteer activities that I know, through

my discussions with him, he had a great deal of time for. One of course was the Canadian National Institute for the Blind and the other was the Red Cross. He also gave much attention throughout his entire life, as we have heard, to his Alma Mater, the University of Saskatchewan, where he was a member of the university board of governors and served as the chancellor of the university.

We have heard throughout his life he gave freely of his time to many, many inquiries and commissions. Indeed that was his life, Mr. Speaker, giving freely of his time to the service of the people of this province as a lawyer, as a soldier, as an MLA, as a cabinet minister, justice, volunteer worker -- a life of service to his fellow citizens.

I know that all the members of the legislature join me in paying tribute to Mr. Culliton and extending condolences to his wife, Katherine, his sister Magdalena Flegel of Saskatoon, and indeed to all of his nieces and nephews.

Mr. Brockelbank: -- Thank you, Mr. Speaker. I rise to say a few words about Mr. Ted Culliton. I refer to Mr. Culliton in that fashion because my relationship with Mr. Culliton was of a more informal relationship than those which have been cited previous to my comments.

Mr. Culliton was elected to this Chamber in 1935, and that preceded my father's election to this Chamber in 1938, so therefore they were peers in this Chamber and adversaries. This is not to say that their adversarial role bore any long-term recriminations of any kind whatsoever. I recall meeting Mr. Ted Culliton when I was quite young, with my father. And later on when my father passed away, Mr. Ted Culliton was one of the principal contributors to his memorial service where he uttered generous comments about my father's political life in Saskatchewan, for which we were thankful.

It's clear from the comments that have preceded mine that most of them have been directed to the formal legal career of Ted Culliton. And that's understandable because it, at least in my mind, is a period of time during which he really established himself as part of the history of Saskatchewan. Not that being in the Assembly is not part of the history of Saskatchewan; that is important as well.

I can recall that Mr. Culliton and my father were, as I said, adversaries, but were always on a friendly footing and I followed in that same relation with Ted Culliton. It was a pleasure to know him. I hereby acknowledge his accomplishments in the legislature and in so far as I am capable of, in the legal circles of Saskatchewan. It was fortunate for the people of Saskatchewan to have a person of that stature involved in the public life of the province. In conclusion I want to extend my sincere condolences to Mrs. Culliton and members of the family.

Hon. Mr. Martin: -- Mr. Speaker, I knew Ted Culliton through family relationship for many, many years and I really appreciated what others have said here today in terms of his contribution to the law which was obviously a great . . . made a great impact on law in this province and probably in the country -- also his personal impact on the lives of young lawyers who

have spoken here today, when they were young, the impact he had on their lives.

Others have talked about his contribution to society as a whole -- his work with the CNIB (Canadian National Institute for the Blind) as a president for many, many years and also his extensive work with the Saskatchewan and Canadian Red Cross.

He was a man of immense intellectual capacity. He was a man of immense compassion for his fellow man and in addition to that he was a fine, fine person -- very generous with young people as one of the members opposite had spoken about earlier.

Now I did not know him in the legal capacity. I did not know him in a legislative capacity, on a professional basis by any means. I knew him more as a friend and I knew him as someone who sat beside him at the Saskatchewan Roughrider games for many, many years.

Every time I think of Ted Culliton . . . and by the way, I saw him recently. I saw him after his recent hip operation, the first hip operation he had at the Pasqua Hospital and he was just getting ready for his . . . or I guess he'd had the second hip operation just shortly before he died. The reason that he wanted to be mobile again was because -- and the member for Regina South spoke about his golf -- was because he loved to walk on the golf-course. He abhorred the idea of anyone using a golf cart. I admired him for that. A man in his 80's who insisted on walking on the golf-course in this day and age is someone to be admired, I assure you. He took his golf very seriously.

He took his football very seriously too, Mr. Speaker, because in sitting beside him, he had a great pair of elbows. And when he would be . . . when the Roughriders were doing well, the elbows would be flying and he'd say, throw the ball, throw the ball, etc., etc., getting really into the game. He was a man of intense emotions at a football game. And I enjoyed some lively arguments with him, I might add too, about things that were going on in the field at the time. And I didn't always agree with him but he always had the last word.

(1600)

He was really fun to be with. And I know that those who were very close to him for many years will miss him for many reasons. Others have spoken about their reasons here today. He was a nice man and he was fun to be with. And I know that Mrs. Culliton will miss him a great deal as will many of his friends.

I want to join with others here today in extending my condolences to her, and tell her that those of us who knew him well will think for many, many years how kind he was to us and what he meant to our lives on a day-to-day basis. Thank you, Mr. Speaker.

Motion agreed to.

Hon. Mr. Lane: -- Thank you, Mr. Speaker. By leave of the Assembly, I would like to move, seconded by the member from Saskatoon Fairview:

That this Assembly records with sorrow and regret the passing of a former member of this Assembly and expresses its grateful appreciation of the contribution he made to the community, his constituency, and to the province.

Walter Adam Tucker, who died in Saskatoon on September 19, 1990, was a member of this Assembly for the constituency of Rosthern from 1948 to 1953. Mr. Tucker was born March 11, 1899, at Portage la Prairie, Manitoba, where he was educated at Nairn Rural School and Portage la Prairie College Institute. In 1918 he graduated from the University of Manitoba, receiving a Bachelor of Arts and a gold medal for academic achievement.

Shortly thereafter, Mr. Tucker enlisted in the Royal Canadian Army Medical Corps and served overseas as a stretcher-bearer with the 12th Canadian Field Ambulance. He was discharged from military service after surviving a poison gas attack at Valenciennes, France, in 1918.

After the war, Mr. Tucker settled in our province and taught school at Hudson Bay Junction. In 1923 he moved to Saskatoon to attend law school at the University of Saskatchewan where he graduated as a gold medalist. And in 1925 Mr. Tucker established a law practice in Rosthern, the town where he would live until 1958. He was elected town councillor in 1927 and in May of 1929 married Hertha Friesen of Rosthern. They had nine children. Mr. Tucker was made King's Counsel in 1937 and elected as bencher of the Law Society of Saskatchewan in 1940. From 1925 through 1935, Mr. Tucker served as secretary to the Rosthern Agricultural Society.

In 1935 he successfully contested the newly created federal seat of Rosthern and was re-elected in 1940 and 1945. The Second World War interrupted his parliamentary career when he rejoined the Canadian Army in 1942 to serve with the 19th Infantry Brigade. He returned to parliament in 1944, served as Rosthern's Member of Parliament until 1948 when he resigned his seat in the House of Commons to successfully contest the provincial Rosthern seat during the Saskatchewan general election. Two years earlier he had won the leadership of the Saskatchewan Liberal Party.

As a member of the Saskatchewan Legislative Assembly, Mr. Tucker served as leader of the opposition from 1949 to 1953. He was re-elected in the 1952 election but resigned his seat and the leadership of the Saskatchewan Liberal Party to again successfully contest the federal Rosthern seat in the 1953 election.

He retired from active politics in 1958 and moved to Saskatoon where he practised law. In 1963 he was appointed a Justice of the Court of Queen's Bench, a post he held until his retirement in 1974.

In the meantime, Mr. Tucker served in 1965 as the chairman of a provincial task force studying nursing education in Saskatchewan. He was a member of the Canadian Bar Association, the Royal Canadian Legion, a Freemason, and

was also active in the United Church of Canada.

In recording its own deep sense of loss and bereavement, this Assembly expresses its most sincere sympathy with members of the bereaved family.

If I may say a couple of personal words, Mr. Speaker, I did know Mr. Justice Tucker. I didn't spend a great deal of time with him, but I knew several members of his family, and one of his sons was a class-mate of mine at law school.

So I would like to take the opportunity to thank the Tucker family for their contribution -- former Mr. Justice Tucker for his contribution to not only the political life of this province, because he was a very active participant in the political life of this province, but also the public life and the judicial life of our province. We thank him for his service, and our most sincere sympathies to the members of his family.

Mr. Mitchell: -- Thank you, Mr. Speaker. It's an honour for me to be able to second the motion with respect to the Assembly's expression of sorrow and regret with respect to the passing of Mr. Justice Tucker. Again I refer to him in that way because that is the way in which I knew him best. I remember Mr. Justice Tucker's appointment quite well. I was then a beginning lawyer, a very young lawyer, and I appeared in counsel on the first case that he tried as a judge.

It was a case that is also memorable to me because the lawyer on the other side was Percy Gordon, P.H. Gordon, Q.C., who had retired after about a hundred years on the Court of Appeal in Saskatchewan and was at the time the leading legal light.

And he was a handful for Mr. Justice Tucker and for me to handle during that trial because he had easily forgotten more law than I knew, and probably had forgotten as much law as Mr. Justice Tucker knew too, which is no reflection on Mr. Tucker but rather a comment upon the legal abilities of Mr. Justice Gordon, as we'll always remember him, who was a very distinguished judge on the Court of Appeal in Saskatchewan.

Mr. Justice Tucker decided against me on that case and I think he came to a proper decision. But it was a long and difficult trial and I think every time we met after that, Mr. Speaker, he would recall that trial and we would exchange a few words with respect to it. It was indeed our point of contact and was a springboard to the many conversations that we had in subsequent years.

My first memory of Mr. Tucker was when he was the leader of the Liberal Party and he appeared on the same platform as Premier Douglas in debates in the open-air amphitheatre at Crystal Lake. Now I was born and raised in Sturgis just a short distance from Crystal Lake and my family has summer cottages at that lake. And as a very young boy I attended the debate between Mr. Douglas and Mr. Tucker in that open-air amphitheatre and it was jammed with a crowd that I don't suppose you could number. The whole hillside was covered with people, and people among the trees and on the roadways, listening to Mr. Douglas and Mr. Tucker debate.

We thought that Mr. Douglas won the debate hands down. That probably is not an unbiased judgement and particularly not from a young boy like I was at the time. But I, in remembering it more objectively, I think he certainly held his own and he held his own in an environment which is not all that easy to do because it was on the CCF grounds. And how he ever got talked into accepting a challenge to debate in that forum I'm not sure. But he certainly was appearing before an audience that was unfriendly and showed a great deal of personal courage and debating skill in maintaining his side of the arguments against a very, very skilled debater in former premier Douglas.

I, like the Minister of Justice, am personally acquainted with Mr. Tucker's family, a very distinguished family; a family of lawyers, Mr. Speaker, who have contributed a great deal to the legal life of this country. His daughter Shirley is a long-time civil lawyer with the federal Department of Justice and has spent many years in very senior positions with the federal government. And his sons in Saskatoon are well-known for the contribution that they have made to the life of this . . . legal life of this province. And I know them well and have a great deal of respect for that family. And I want to express my sorrow and regret at the passing of Mr. Tucker and the very high level of my respect for the contribution that he made to the legal and the political life of this province.

Hon. Mr. Neudorf: -- Thank you very much, Mr. Speaker. I too would like to join with members of the Assembly this afternoon in sending condolences to the Tucker family, and certainly to express our appreciation in the Rosthern constituency for the life and the work that Mr. Tucker has done for the Rosthern constituents. I know that he became the first Member of Parliament back in 1935 in the newly formed Rosthern constituency at that time.

And as previous members have outlined his distinguished political career already, I do not have the advantage at this time of having known Mr. Tucker personally. I certainly know of his family in Saskatoon as was mentioned by the previous speaker. But also I think second best perhaps is what I did when I learned of the passing of Mr. Tucker. I started to phone some of my constituents and listen to some of the comments that they had about Mr. Tucker.

I know that my dad used to talk about him. That was back in the days of the horse and buggy. And when a politician rolled into the small towns in those days, it was an event. And they would certainly turn out in the schools of Pembroke, as my dad used to say, to hear and listen to Mr. Tucker and they were always very impressed with him.

And the gentlemen that I talked to last night and the day previous about these kinds of conditions that Mr. Tucker was involved in, had nothing but praise for Mr. Tucker and the way he conducted himself. And I think that when we look at what he has done for the constituency of Rosthern, the province of Saskatchewan, and indeed for the country of Canada, I think we can be very, very proud of his contribution.

And I would like members of this Assembly now to recognize that along with me, and also to pass on condolences to his children and to his grandchildren for a service well done to our country. Thank you very much.

Mr. Romanow: -- Thank you, Mr. Speaker. I shall be very brief in my remarks because I think the remarks of those who have spoken before me have covered off the very distinguished career of Walter Tucker. But I would be remiss if I didn't rise in my place to remember him. As a lawyer, I've had experiences with him on the bench. As a young law student, I remember a lecture which he delivered to several of us on various aspects of what it means to be a practising lawyer.

I have viewed Mr. Justice Tucker to be one of the very insightful and, in my mind, witty people that I'd ever run into. He had a dry sort of sense of humour -- at least that was the impression that I had -- but he was a very thoughtful person, almost an intellectual, in his descriptions and analyses.

(1615)

Sometimes as a student listening to him -- perhaps it was my inability to understand -- I felt that his description or his analysis of a particular problem was so complex, and perhaps based from an intellectual point of view, that a lot of us weren't quite sure where he was heading. At the end of the day, at the end of a lecture, the message came home but he was very engaging and very stimulating in the consequence.

When he retired from the bench, he lived in Saskatoon and I happened to meet him on a number of social occasions where, again much like Ted Culliton and the people that we have honoured thus far, Mr Culliton, he displayed -- Mr Justice Tucker did -- this worldliness about him, this interest in the events of the world, and more than just sort of commenting in a passing way, as we might by reading the popular press, but commenting from the basis of some deep understanding, some deep knowledge about the facts and the circumstances surrounding the particular event which was the topic of our discussion.

I've known members of the Tucker family, as the Attorney General has and others in this Chamber. John Tucker, for example, served as a judge of the Provincial Court for a number of years and a lawyer, and this is a very distinguished family. It's a large family, a very distinguished one. And it's sad and in a way perhaps typical or maybe not so typical but I think typical of Saskatchewan that today we're remembering in Ted Culliton and Walter Tucker giants among us. They were people who really had so much to contribute in victory and in defeat in public life, in legal life, and the community at large.

And I just simply want to pass on my sympathies and regrets to all the Tucker family from myself and my wife, and to remember as the member from Rosthern, current member from Rosthern says, remember a life well spent in service of the other citizens of our province and country. Thank you, sir.

Motion agreed to.



Hon. Mr. Lane: -- Thank you, Mr. Speaker. I move, seconded by the member from Saskatoon Riversdale:

That this Assembly records with sorrow and regret the passing of a former member of this Assembly and expresses its grateful appreciation of the contribution he made to the community, his constituency, and to our province.

Donald Gilbert MacLennan, who died in Ottawa on December 28, 1990, was a member of this Assembly for the constituency of Last Mountain from 1964 to 1971.

He was born on August 24, 1936 in Regina and was raised in Lebret, where he received his early education. He graduated from Campion College in Regina before attending the University of Saskatchewan, and in 1968 Mr. MacLennan married Crystal Walker. He was also a member of the Knights of Columbus.

In 1960 Mr. MacLennan ran unsuccessfully in the provincial general election. In 1964 he ran again but this time was elected. The following year he was appointed as Legislative Secretary to the Premier and given responsibility for the Saskatchewan Emergency Measures Organization. He was reappointed as Legislative Secretary to the Premier in 1966.

After retaining his seat in the 1967 general election, Mr. MacLennan was appointed Minister of Labour in September of 1970, a post he held until the 1971 election when he and his government was defeated. In 1970 Mr. MacLennan took the opportunity to attend the school on parliamentary procedure at Westminster.

In 1972 Mr. MacLennan took a position in Ottawa at the Unemployment Insurance Commission. He worked at that Commission until his death last year.

Recording its own deep sense of loss and bereavement, this Assembly expresses its most sincere sympathy with members of the bereaved family.

Mr. Speaker, if I may, I had the pleasure of knowing Don MacLennan and his wife Crystal. Don, as it is obvious, died at a relatively young age. He was born in 1936, died, I understand, of cancer, in the last year.

Don was a very, very vigorous partisan and participant in not only the debates of the day, but in the Liberal Party he was always considered, because he was a young age when he first ran, as being "the" young Liberal in the Liberal Party, and the former premier Thatcher always looked upon him that way.

He had a great deal of political experience in the battles. And I remember when I first ran in 1971 -- Don MacLennan's riding of course of Last Mountain adjoined mine -- he was the experienced political and I was the rookie, and we bordered at the community of Craven. And for those familiar with Craven, there is the small river bordering that. And we debated

through the course of the 1971 election -- he and I and his campaign manager and my campaign manager -- as to which community Craven was in or which riding Craven was in. And as a result, I was convinced I was right that it wasn't and MacLennan was convinced that it was, in my riding.

The upshot of the 1971 election, neither one of us campaigned in the community of Craven and it wasn't until after the election that Don MacLennan phoned up and said, well I checked it out and you're right. A little late at that time but we chuckled about that debate for some time after, when we would occasionally run into each other.

But as I say, he was a very vigorous debater; he was a very vigorous participant in the political life of this province. And I would like to extend my personal condolences to his family. Again it's with even more regret that someone has passed away at such a relatively young age, and I know all members will join with me in extending our sense of loss to Don MacLennan's family.

Mr. Romanow: -- Thank you very much, Mr. Speaker. I too want to join with the Attorney General and say a few words of remembrance about the late Don MacLennan.

Don MacLennan and I served in the legislature actually together. I was elected in 1967, which basically covered a portion of his time of service in this House. He was elected, I think, first in 1964 in the government which elected the late premier, Ross Thatcher. I came in in 1967. And what the Attorney General has said about Don is my recollection as well.

This was the consummate politician -- a person who held his views very strongly and debated them very passionately. And for quite some time I've been trying to figure out where the present Attorney General picked up so much of his political prowess. And if the story he says is only a small sample of the number of times that he and Don MacLennan talked about politics or perhaps had their paths cross, then I know that he picked up a lot of it from a person like Don, who as I say, in my judgement, was the consummate politician.

It was quite a Chamber in those days, Mr. Speaker -- 1967 to '71. The debaters were a combination of hard and eloquent -- people like the late Premier Ross Thatcher who really was a dynamic personality and a very effective speaker. Allan Guy was in the same category. Cy MacDonald was the minister in the Thatcher government; of course, Woodrow Lloyd, Premier Blakeney, as he came to be, post '71.

And Don MacLennan was not quite, in my judgement, of the same calibre, in the context of the dynamism of the debate. In fact, I almost got the feeling that he shied away from the debate. This was not his forte; that his forte really was doing work at a constituency level in the cabinet room for the political party, doing grass roots work for the political party.

But none the less in that period of '64 to '71, or in my period '67 to '71, you pretty well had to be a pretty good speaker to be anywhere near the field, if you wanted to be listened to or heard, and Don MacLennan was one

of the people who, whenever he rose in his place, some of us sort of stiffened up a little bit because we thought there was going to be a pretty tough political attack, not a personal attack, but a pretty good attack on policies and differences and sure enough he never disappointed.

I think sometimes one would have gotten the impression that perhaps that this was a person who was so partisan that he was harsh in his personal relationships. I certainly didn't know him as well as my colleague the Attorney General did, but in my acquaintances and contacts with Don MacLennan that was not the case. He was, at the end of the day, a pretty decent guy, one who you could talk to, at least I could, discuss quite frankly mutual problems, put aside political partisanship, be able to discuss quite freely and openly without worry that it would appear on the floor of the House in a misconstrued way. And I think his contribution in that regard is very important because he was able to use this personality trait, facility, to do the job that he and his Premier and his leader and his party wanted done.

I'm very saddened by his death. As the Attorney General says, it's an awfully young age, it's a young age I guess at whatever age when it's our time, but certainly I think Don's contribution to public life, to the country, might have been and would have been much longer if not for this illness which ultimately cost him his life.

I'm very sorry to have to rise to remember him, a man of such youth, but none the less on the positive side it was a contribution to our province and I too share the fond memories and the congratulations, if I may put it that way, to Don, the memory of Don, and to his family with respect to his years of service here.

Thank you, Mr. Speaker.

Mr. Brockelbank: -- Thank you, Mr. Speaker. Don MacLennan and I arrived in this Chamber at the same time. And as I recall the situation, Don was one of the very young members on that side of the House. I recall it well because on this side of the House I was the youngest member, and Don MacLennan is five years younger than I was, and there were others younger than him. So he was in the position where he was around the edge of the activity in the cabinet in that first term of office.

However, he did rise to the position of cabinet minister at a later time. And I recall that Don MacLennan was a person, while he made a very strong speech in the House and which contained its share of partisan view, he was not without humour, and that humour occasionally showed itself in the twist in the speech, and the repartee across this Chamber.

So I got to appreciate Don MacLennan in this Chamber and had the opportunity to have our paths cross a few times after he had departed from this Chamber.

So on the whole, I was a person that appreciated the contribution that Don MacLennan gave to the province and to the legislative picture of this province, and regret the passing of him at what is a relatively young age.

I want to extend my sincere sympathy to members of his entire family.

The Speaker: -- Before putting the question I would ask leave of my colleagues to say a few words.

Leave granted.

The Speaker: -- I thought it would be fitting to just say a few words regarding Mr. MacLennan since he served Last Mountain, as has been mentioned, for the years 1964-71.

Last Mountain represents approximately half of the constituency which I now represent. When he was a member it was Last Mountain, and where I lived actually was Touchwood. As a result, I haven't had the opportunity of knowing Mr. MacLennan personally, so my observations are only those which I have heard this afternoon from my colleagues and from the constituents who have spoken of him over the years, in the eulogy which I listened to at the funeral which I attended.

(1630)

At that eulogy, Mr. MacLennan was recognized highly for his love for his wife and family. He was recognized for his love for his country, and this was spoken of at some length, and also the dedication he had to his constituents and to his province.

In my constituency I have heard constituents speak about the dedication of Mr. MacLennan and his competence while he was a member in this House, and therefore I would like to recognize the contribution that this man has made to our province, to our country, and unfortunately had a relatively untimely death at a young age. I know that his family, his friends, and all those who knew him will miss him. Thank you.

Motion agreed to.

Hon. Mr. Lane: -- Mr. Speaker, I would like to move, seconded by the member from Saskatoon Riversdale:

That the resolutions just passed, together with the transcript of the oral tributes to the memory of the deceased, be communicated to bereaved families on behalf of this Assembly by Mr. Speaker.

I so move.

Motion agreed to.

The Assembly adjourned at 4:32 p.m.