

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 4, 1981

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

WELCOME TO STUDENTS

HON. MR. SMISHEK: — Mr. Speaker, I would like to introduce to you, and to the members of the legislature, a group of 25 students. They are grades 7 and 8 students from St. Michael School. They are accompanied here by their teachers, Mr. Peter Bresciani and John Burns. I'm sure the members of the legislature would like to join with me in extending to the students a warm welcome. (I probably should have drawn to the attention of the House that they're seated in the Speaker's gallery.) I hope that their stay with us this afternoon will be a pleasant experience and that it will assist them in their social studies. Time permitting it is my hope to be able to meet with them after 2:30, but I may be in estimates, so I may not be able to join them. In case there are other items on the agenda before that, I would like to spend a few minutes with them. So on behalf of the members of the legislature, I extend to our students a warm welcome.

HON. MEMBERS: Hear, hear!

MR. KATZMAN: — Mr. Speaker, members of the Assembly, I would like to ask you to join me in welcoming a group from Lawson Heights School in Saskatoon. They are from the new northern section of Saskatoon; they are 48 in number. They have driven down today to be with the House. I'll be meeting with them after and I would like you to all join me in welcoming them here.

HON. MEMBERS: Hear, hear!

QUESTIONS

Problems of Kamsack

MR. MUIRHEAD: — Mr. Speaker, a question to the Minister of Urban Affairs. One official of your department stated, after studying the loosely kept minutes of council meetings at Kamsack, that it is impossible to tell whether those councillors with vested interests in a council decision took part in the vote. Do you support the statement of your official, Mr. Minister?

HON. MR. SMISHEK: — Mr. Speaker, based on the information which my officials have provided me as to the way the minutes were kept, there are areas where it is difficult to know whether certain members of council voted on particular issues or not.

MR. MUIRHEAD: — Supplementary, Mr. Speaker. We have been stating that your officials have done their investigations very loosely. After question period, I will table four council meetings stating that not only did councillors Koturbash and Zabinsky vote, they made the motions where they had the vested interest. Will you now call for a judicial inquiry into the wrongdoings at Kamsack?

HON. MR. SMISHEK: — Mr. Speaker, it is quite obvious that the hon. members opposite want to take up the question period with Kamsack, plus the estimates (I think we started on the estimates last Friday). The hon. members raised a number of questions then talked out the clock. They didn't give me a chance to respond to a number of questions that they raised. We are certainly interested in helping Kamsack out. We are not certain, at this stage, whether an inquiry is the route to go. I have asked the Mayor of Kamsack to provide me with additional information so that we would be able to determine whether a judicial inquiry is justified.

MR. BERNTSON: — A question to the Premier. The Premier, I'm sure, will remember a telegram he received from the mayor and certain councillors of Kamsack. You will also remember meeting with a delegation from the community of Kamsack. More recently a letter was received from the Mayor of Kamsack spelling out in some detail certain allegations as to the wrongdoings of certain members of council. First, do you believe these allegations that were set out in some detail are serious enough to warrant an investigation? Secondly, did you instruct your Minister of Urban Affairs in any way as to how this particular situation should be handled?

HON. MR. BLAKENEY: — Mr. Speaker, I clearly have to be frank with the House and say that I do not remember receiving a wire but I may well have received it. I do not remember receiving a letter, but it has been brought to my attention some time later that I did. I do remember meeting with the mayor and with one other person. I'm not sure that he was an official of the town; I did not gain that impression, but I met with the mayor. He outlined certain problems. As I recall it now, this was confirmed in part by a subsequent letter. I recall referring the matter to the Department of Urban Affairs and asking them to take all the appropriate steps to see whether or not there were problems which called for action by the Department of Urban Affairs or whether they were problems that would be resolved by the town council or by the citizens of Kamsack using the normal channels which are available to citizens if they think their elected council is acting wrongly.

MR. BERNTSON: — A question to the Minister of Urban Affairs, Mr. Speaker. Could you indicate to this House whether at any time the member for the constituency of Pelly raised the matter with you or officials of your department as to the advisability of a judicial inquiry into the matters surrounding the Kamsack town council?

HON. MR. SMISHEK: — Mr. Speaker, the hon. member for Pelly and I have discussed the problems in Kamsack on a number of occasions. As I recall, it was shortly after I received Mr. Sasyniuk's letter that has been referred to as dated September 10, 1979, I did discuss the letter and the allegations; I asked for his views. Also, I had the letter examined by the officials in the department. I asked them for their recommendations and to get all the information that they could based on past experiences in other communities as to whether there are any similar experiences and how they have been handled. I do not recall the member for Pelly and myself ever formally discussing a judicial inquiry. We did talk about an investigation, a review of the situation and from time to time we did discuss the matter. I did conclude that it would be advisable for us to have our officials look into the matter closely, which they did. As I reported to this Chamber, two officials from the Department of Urban Affairs met with the Mayor of Kamsack in January of 1980. There was at least one other council member plus the administrator. They reviewed the allegations that were made by Sasyniuk.

MR. BERNTSON: — Supplementary, Mr. Speaker. Which side did the member for Pelly take? Did he ask for a judicial inquiry?

HON. MR. SMISHEK: — Mr. Speaker, I think I have already answered the . . . (inaudible interjection) . . . Yes, but I do not recall us discussing specifically a judicial inquiry. Mr. Speaker, we did discuss the matter of whether there should be any form of investigation review, and based on our discussions and conclusions we had two officials from the Department of Urban Affairs meet with the mayor, with at least one alderman, and the administrator to take a look at all of the allegations that were made by Mr. Sasyniuk.

MR. BERNTSON: — A question to the Attorney General. Would the Attorney General indicate to the House whether the Minister for Urban Affairs or the member for Pelly at any time consulted with you or your officials as to the advisability of a judicial inquiry into the matters surrounding the Kamsack town council?

HON. MR. ROMANOW: — Mr. Speaker, I, frankly, believe the question taken by the Leader of the Opposition about what a member of the backbench did to be clearly out of order. What the member for Pelly says to me, or what your backbenchers say to me, on any particular issue is something for which I do not feel obligated to answer. But in any event, to answer the question shortly, there has been no discussion about a judicial inquiry.

Lack of Government Presentation to Kent Commission

MR. LANE: — Question to the Attorney General. The federal government has charged Canada's two largest newspaper chains with illegally conspiring to reduce competition, and is proceeding on a secondary charge as a result of the shutdown of the Winnipeg paper.

I ask the Attorney General: given your long standing concerns about coverage in the press in the province of Saskatchewan, why did the Government of Saskatchewan not make a presentation to the Kent royal commission on newspapers in Canada?

HON. MR. ROMANOW: — Mr. Speaker, the Government of Saskatchewan does not have an official government position with respect to this matter so far as I know. Frankly, it is my personal view, as a member of the government (and I'm not necessarily speaking on behalf of it now), that the issues with respect to ownership of the press would be covered well by the various submissions that were made before the Kent commission.

My personal views, with respect to coverage and the like, are matters which are mine and mine alone, and not those of the Government of Saskatchewan.

MR. LANE: — I wonder if the Attorney General would be prepared to give to the people of Saskatchewan his views, or the government views, as to the desirability of establishing a press council for the province of Saskatchewan and, in light of the actions taken by the federal government with its concern about monopoly, whether similar concerns should not be shared by the Government of Saskatchewan, and whether a press council would be advisable in this province?

HON. MR. ROMANOW: — Well, Mr. Speaker, the Government of Saskatchewan has no position on the matter of press councils as a government. There would be individual views of individual members of the government, both in government and backbench, as it were, as I'm sure there are on the Conservative side. My own views on this matter are undergoing ongoing change. I would be pleased to discuss with the hon. member

what his views and his caucus views are on the desirability of such an institution.

MR. LANE: — I'm sure we're prepared to give our views in due course. I believe question period is for asking the government about its policy. Has the Government of Saskatchewan discussed the desirability of a press council, or the need for a press council in the province of Saskatchewan?

HON. MR. ROMANOW: — Mr. Speaker, we have not discussed this as a government. I note however the Conservative Party's urgings that such a consideration be made and that the Conservatives would want the Government of Saskatchewan to examine this. I frankly fear some aspects of a press council. I'm a little bit surprised that the Conservative opposition in Saskatchewan is articulating such a position of potential control by the media. That is not our position; we do not support it, but I note what the hon. member says.

MR. LANE: — The government of the United Kingdom, of course, is one jurisdiction that has had an independent press council for some time. I wonder, given the support for the press council in the United Kingdom, what would cause the Attorney General all of a sudden (he has been one of the great attackers of the press coverage in this province) to have concerns about an independent press council?

HON. MR. ROMANOW: — Mr. Speaker, I don't view myself as having been one of the great attackers of the press in Saskatchewan. Quite frankly, I view myself as being one of the great defenders of the press in Saskatchewan.

SOME HON. MEMBERS: Hear, hear!

HON. MR. ROMANOW: — As my friends in the press gallery will know, you always hurt the one you love the most, sometimes, and that's necessary even in political affairs.

I think, to be serious for a moment, the question generally of press ownership is a serious question and one which deserves some consideration by governments and political parties. I have modified my views. In fact I abandoned my views with respect to press councils some time ago. It is too subject to misinterpretation. In the end result, the quality of reporting and journalism can only be solved, in my judgment, by the journalists themselves and by the press ownership in the province of Saskatchewan. They must choose on their own voluntarily if they want to establish such an organization.

Matador Co-op Leases

MR. SWAN: — Question to the Minister of Agriculture. Last year the Matador community pasture broke up a considerable amount of land and seeded it to grass. It was not successful in producing a grass crop because of the dry year. I am informed that this year that land has to be seeded to a grain crop by the Matador Co-op farm. The indication I have is that there was no tender for the operation of seeding this land. There are a number of people in the area very close to the land who would like to have had that opportunity, but there was no tender. It was simply give to the Matador Co-op farm. Is this the case?

HON. MR. MacMURCHY: — Mr. Speaker, I'll have to take notice of the question.

MR. SWAN: — Mr. Minister, a new question. I have raised with you a number of times the Merrison lease; this particular lease was put out to tender. Some 50 people applied and in the process the Matador farm was also awarded a good portion of that lease. Now in the appeal process, they tell me that the case has been heard. It is springtime; nobody has had an answer. What is your department doing with that particular lease? Are you sitting on it, and how long is it going to be before we know who actually has the lease?

HON. MR. MacMURCHY: — Mr. Speaker, I will have to take notice of this question as well. I note, however that the hon. member says that the appeal board has heard this case and has not yet responded. If that's the case, it will be simple to ask the appeal board to indicate its decision because, I think, as the hon. member knows, the decision of the appeal board is final and binding.

Advertising of Short-term Leases

MR. TAYLOR: — Mr. Speaker, a question to the Minister of Agriculture. Mr. Minister, can you explain to me why that piece of land bank land that was terminated in December 31, 1980, and is coming up for re-lease would not have been adequately advertised and would have been subsequently awarded on a short-term lease basis?

HON. MR. MacMURCHY: — Mr. Speaker, I'll take notice of the question.

MR. TAYLOR: — Supplemental. When you . . .

MR. SPEAKER: — New question.

MR. TAYLOR: — New question. Would you at this time, then, inform this Assembly how the names for the short-term lease are awarded, and how people become aware of this when there has been no advertising of the land in the area?

HON. MR. MacMURCHY: — Mr. Speaker, when I respond to the previous question, I'll give the criterion applied by land bank in general and as it relates to this specific case.

MR. TAYLOR: — Supplemental. When you are responding, will you let us know if it is the policy of the government opposite, of the land bank commission to not advertise when there could be short-term leases involved?

Interest on Sask Power Deposits

MR. ROUSSEAU: — A question to the Minister of Sask Power. Mr. Minister, in light of the ever-increasing interest rates which we are faced with today (you will recall that I mentioned in Crown corporations the bill passed this year by the rentalsman to increase the interest costs for landlords to tenants from 5 to 10 per cent, and that you are holding \$6.5 million of customers' deposits on hand), and also in light of the fact that I asked you this question a month ago, are you now prepared to announce that you will increase the interest on the deposits held by Sask Power for customers by a minimum of 10 per cent?

HON. MR. McARTHUR: — Mr. Speaker, I think I indicated to the hon. member in Crown corporations committee that the matter is under review and an announcement will be made in due course once a decision has been made.

Dispute in Correctional Camps

MR. HARDY: — Thank you, Mr. Speaker. I have a question for the minister responsible for the public service commission. Mr. Minister, has your department received from the Department of Labour notice of how much overtime was due to SGEA (Saskatchewan Government Employees' Association) employees at these correctional camps? What has your department done to see that they are paid, if they have overtime coming? Also, what has your department done to get any of these employees back to work?

HON. MR. TCHORZEWSKI: — Mr. Speaker, it is my understanding that the Department of Labour officials working on this have spoken with both the union and the public service commission on some of the findings. I have not received an official statement on those findings. Efforts have been made, and are continuing to be made, to resolve the issue through negotiations. There were meetings over the weekend which adjourned, I think, sometime this morning. Management (through representation by the public service commission) is certainly most anxious to try to resolve it through negotiations and discussion. I understand Mr. Walters continues to stand by to assist in any way he can.

MR. HARDY: — A question to the Minister of Social Services. Mr. Minister, is it true that your department has given the employees at these SGEA camps (there are three of them) a written notice of transfer of their jobs to Prince Albert, Regina, and three other centres, effective immediately?

HON. MR. LINGENFELTER: — Mr. Speaker, I believe I informed the member last week that Challenge camp in Echo Valley had been closed some two months ago. Challenge was closed during the present dispute. As of today, I believe, White Gull is also closed as an interim measure until new staff can be recruited and trained to take over when the 5-5-4 work week comes into effect.

I want to reiterate to him that we have no intention of disbanding or lessening the impact of the camp situation, the camp type of corrections, because we see it as an integral part of the corrections program. So, I think it is fair to say that White Gull, which is presently closed, will be reopened as soon as feasible.

MR. HARDY: — Supplementary, Mr. Speaker. Mr. Minister, you just said, "new staff." Am I to assume that your department is in fact laying these employees off or transferring them, and then bringing in new staff to handle these three camps?

HON. MR. LINGENFELTER: — Mr. Speaker, at the present time, we have 21 full-time and nine temporary people involved in the camp program. These people will continue on if we go to a 5-5-4 work week. We will be looking at and needing additional staff. So, in the interim we will be beefing up in the correctional camps where we have a 5-5-4 work week. The camps which need new staff will be opened when new staff are recruited and trained.

MR. HARDY: — Final supplementary, Mr. Speaker. I have a copy of one of the transfers here. It says (and I will just quote one part of this):

As you are aware, recent circumstances have made it impossible to operate our former camps on the same basis as previously. Please report at 4 o'clock Wednesday, May 6, or as soon as your job is considered terminated.

I just wonder, Mr. Minister, would you not consider this a threat to either close the camps or to accept what your department is offering in lieu of whatever overtime they really have coming?

HON. MR. LINGENFELTER: — No, Mr. Speaker, I don't look at it as a threat. I think it is fair to say that all the jobs of the people who are presently employed in the camp situation are guaranteed and will continue to be, and no one's job is threatened in any way. I think to comment further on that point would make little sense. The jobs of all the employees who are presently involved — the 21 permanent and the nine temporary — are secured in place at the present time.

Temporary Employees in Tax Rebate Division

MR. KATZMAN: — A question to the Minister of Urban Affairs. Mr. Minister, your department looks after the property tax rebate division. Why are so many of the employees in your department classed as temporary? Does that mean that the tax rebate program will be cancelled? What does it mean?

HON. MR. SMISHEK: — Mr. Speaker, that branch administers three programs: the property improvement grants, the senior citizens tax rebate program and the renters rebate program. We find that there are many peaks and hollows in the administration of those programs. I would inform the hon. member that in the current budget more of the staff were designated as permanent employees now that we have had more experience with the three programs.

MR. KATZMAN: — Mr. Minister, temporary employees are only allowed to work two years out of three; that is basically what it means. I understand the employees could work more time, almost the full three years or 30 months. Why will you not class these jobs as they should be or make more of them permanent than just six as is indicated?

HON. MR. SMISHEK: — For the information of the hon. member, we did have a grievance brought to our attention in respect to some of the employees. The matter has been negotiated between the Saskatchewan Government Employees' Association and the public service commission. It is my understanding that the problem has been or is on the verge of being resolved.

Practice of Sask Tel in Collecting Accounts

MR. ROUSSEAU: — A question to the minister responsible for Sask Tel. I have in my hand a telephone bill and I will reveal the name of the customer in my supplementary. The billing date is March 13, 1981. This customer was sent a threatening reminder saying that unless payment of the overdue amount is received by April 20, the telephone service would be disconnected. This reminder was received exactly 30 days after the billing date as shown on the bill. Is it normal practice for Sask Tel to send this kind of threatening reminder within 30 days of the billing date?

HON. MR. CODY: — Well, Mr. Speaker, I can't really answer the question very definitively because I don't know who the customer is. I don't know what the customer's practices have been, and so on and so forth. There are different ways of collection. Let's face the facts. If the person is one who has not been paying on time for many months, we will watch it very carefully to ensure that if there are moneys owing each month and

they are not being paid as quickly as they should be, we will have our security people and collections people talk to the customer. We call them first and if there is no response a note will be written to them. Naturally, there is only one thing we can do if people don't pay the telephone bill, and that is to disconnect the telephone; I suppose this is one of those cases. If he would like to give me the name and the person's number, I would certainly investigate and hopefully we could rectify the situation.

MR. ROUSSEAU: — Supplementary, Mr. Speaker. I would be happy to give you the name. It has been mentioned in this House a couple of times prior to today; it's one Mr. Elton Marshall. One Mr. Elton Marshall has had a telephone service with Sask Tel for eight years and has never once had a delinquent account. I will pass all of the information on to you, Mr. Minister.

My supplementary would be: I wonder if you would mind getting together with the others of your caucus to decide whether you want Mr. Marshall to get on his hands and knees and beg your forgiveness, and at the same time, will you call off your hounds?

HON. MR. CODY: — Mr. Speaker, I haven't any idea who Elton Marshall is. I wouldn't have any idea if I saw him. I'm sure if you went to Sask Tel and talked to the people who sent the note to him, they wouldn't have a clue as to whom this individual is. I can assure you that nothing I have done as the minister in charge of Sask Tel, or that the president of Sask Tel has done, has anything to do with the situation with regard to Mr. Marshall.

INTRODUCTION OF BILLS

Bill No. 95 — An Act respecting the Stabilization of Returns to Beef Producers in Saskatchewan

HON. MR. MacMURCHY: — Mr. Speaker, I move that a bill respecting the Stabilization of Returns to Beef Producers in Saskatchewan be now introduced and read a first time.

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

ANNOUNCEMENT

Congratulations to Prince Albert Raiders Hockey Team

HON. MR. HAMMERSMITH: — Mr. Speaker, before orders of the day, I wish to inform those members of this Assembly who didn't have the opportunity to witness the event on television, that yesterday the Prince Albert Raiders became the first junior hockey team ever to win the Centennial Cup three times. Members will know that since its inception this has been a very successful organization which has brought a great deal of honor to not only the city of Prince Albert, but to Saskatchewan and to all western Canada, which has been represented by Prince Albert on many occasions in this playoff.

I would ask that members of the Assembly join with me in extending our congratulations to coach Terry Simpson and assistant coach Rick Wilson, and the entire Raider organization. I would like to inform the Assembly that the president of the Prince Albert Raiders is Mr. Lyle Rowland, who also happens to be director of the financial services branch in the Department of Northern Saskatchewan.

Tomorrow has been declared Raider Day in Prince Albert, with a parade, and an official

civic ceremony recognizing the achievements of the Raider's schedule. I ask that all members join in recognition of the accomplishments of the Prince Albert Raiders and in communicating our congratulations and best wishers to that organization.

HON. MEMBERS: Hear, hear!

MR. LANE: — Mr. Speaker, on behalf of the opposition, I would like to join with the hon. member in congratulating the Prince Albert Raiders. I had the pleasure, during one of the few times of rest and recreation, to watch the game yesterday afternoon. The thumping they gave was much appreciated by a Saskatchewan resident. They put on a very fine display of well-disciplined hockey. The players and all of those associated with the club are to be congratulated for a fine victory.

HON. MEMBERS: Hear, hear!

HON. MR. BOWERMAN: — Mr. Speaker, I never like to lose the opportunity to raise the point that Terry Simpson, the fellow who contributed to much of the success of the Raiders, is a local lad from Shellbrook. I want to remind the members of the legislature that he was inducted into the Saskatchewan Sports Hall of Fame last year. He is one of the local Saskatchewan boys who has made good. Terry, indeed, is a fine sportsman. He has brought to the Prince Albert Raiders much of the success which he brought to the Shellbrook Elks when they (six years in a row) were successful in meeting the intermediate B championship for Saskatchewan. I want to raise that point again and offer to Terry Simpson the congratulations of the legislature for his fine coachmanship.

HON. MEMBERS: Hear, hear!

ORDERS OF THE DAY

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 90 — An Act to amend The Department of the Environment Act

HON. MR. BOWERMAN: — Mr. Speaker, it is my pleasure to outline the amendment to The Department of the Environment Act. The department's experiences with the PCB (polychlorinated biphenyl) spills at the Federal Pioneer plant in Regina and the Moose Jaw River mercury problem, as well as a number of small problems which have arisen in the last number of years, have clearly demonstrated that the existing legislation is limited in its scope and ability to cover the complexity of the problems we are facing with respect to chemical spills or spills of a nature that need to have immediate and consequential action. Therefore, these amendments seek to consolidate and expand upon the powers to issue reparative orders related to clean-up and restoration of hazardous substances in the environment.

The shortcomings of section 12.21, Mr. Speaker, I want to outline briefly, if I may. After working with the existing legislation, we have found several areas of shortcomings and oversights which, through experience, have become obvious and necessary to the proper and adequate workings of a piece of legislation. For example, section 12.21 only applies to discharges. It was originally only designed to deal with spills in the traditional sense. Therefore, the interpretation of discharge is expanded upon and clarified.

Further, an order under this section may only apply to discharges which took place

after the amendment came into force in 1980. We were, therefore, limited in our authority to deal with spills or pollutants, such as at Federal Pioneer and the Moose Jaw River mercury problem, which were accumulative over a number of years or developments prior to the authority granted to us in the legislation. Also, an order under this section can only be directed to the person who controlled the pollutant immediately prior to its first discharge, a technical problem which became very evident in the application of the act.

Finally, Mr. Speaker, this section failed to provide for storage or disposal of the pollutants once they were removed or cleaned up. In other words, we made provision for cleaning them up but we didn't contemplate or think at the time of the necessity to either make provision for adequate storage or for adequate disposal of those materials that were cleaned up and removed from the environment.

The section has now been modified to expressly state that it applies to discharges which took place prior to the section coming into force, and therefore, legitimately comes retroactive in its application. The changes reflect the fact that even if no discharge can be determined as to time and fact, it does not mean that a harmful or potentially harmful situation does not exist.

The amendments will also expand the measures that can be contained in the order. Experience with situations such as the Federal Pioneer PCB spill has taught us that an extremely complex order may be required to adequately correct or deal with that particular situation. Amendments will allow for interim orders to be made where changing technologies make it necessary to occasionally stage an order, to make an order, to revoke an order, and to make a new order. The ability to amend or to revoke an order, as well as the ability to add further detail to the order, will enable us to better handle the changing situations which occur on site.

The new section clarifies the way an order will be served and seeks to avoid technical arguments with regard to the specific nature of the service of the orders.

Another addition to the amendments, Mr. Speaker, is one which provides for the appointment of a project manager to oversee the carrying out of an order. We found that it was not possible to adequately deal with the matter. For example, let's take the situation at Federal Pioneer Ltd., where we would issue an order and as a result of either removing the soil or putting in place a restraint, it might be necessary to change the provisions of the order and draft some other particular mechanism to deal with that problem.

We found that the project manager could only come back to the minister's office. We could draft another order and present it to Federal Pioneer and the project was ongoing. This way, a project manager to oversee the carrying out of an order is present on-site. Not only that, but the presence of a project manager, with the authority to direct the on-site operation, will greatly facilitate a proper and more expeditious carrying out of the order. It will help ensure that the order is carried out according to its true intent. It will allow for some flexibility on site as interpreted by the project manager, and perhaps the person who is required to clean up the spill, as well. It's hoped that it may be beneficial to both.

Section 12.4 generally recognizes that the powers to issue a clean-up order are not always going to be sufficient. In some circumstances it may be difficult to determine who owns, or who controlled, the pollutant prior to the first discharge or who is

responsible for the presence of the pollutant.

In such circumstances it is necessary that there be powers to rectify the situation by effecting the measures that would otherwise have ordered the responsible party to take. This particular section then, Mr. Speaker, introduces the power to order a person responsible for the presence of a pollutant to carry out measures specified in the order. In other words, we have a situation occurring where the pollutant is there and it can be determined who may have been in charge of that pollutant at the time of the spill. Now that the pollutant is present in the soil, the authority is there to clean it up and those who were in control of it or who owned it at the time would be responsible for the clean-up.

There are also provisions to enable the government to recover the costs of work undertaken in that situation, as well as the cost of investigating that situation if it becomes necessary. In other words, if the contaminant is in the soil (if it is present there or present in the environment), the department now, under the authority of the amendments, can investigate the matter. It can determine whether or not the pollutant is of significance and should be removed. If there is no person (or owner) in control, then the department can remove the contamination. As a result of its investigation, if it finds the owner or the controller of the pollutant (or the cause of the pollution), those bills can be subsequently addressed to the person.

We found, Mr. Speaker, in the liability section that provisions of the present legislation were too onerous and that the liability was unlimited. We found industry coming to us, as a result of the passage of the legislation, saying that they were not able to assure against the liabilities which we had brought upon them. Therefore, they were appealing to the government to render some decision with respect to their absolute liability under all situations — even where they were not at fault, or where negligence had not been established. There was no way they were always responsible and, therefore, they were having some difficulties covering themselves in that respect.

So, in consideration of that, the amendment now allows the person who either owned or controlled the pollutant prior to its discharge to set up a defence of due negligence. The person who suffered the loss need not prove that the defendant was negligent or establish fault. But if the defendant can prove that he took all reasonable steps to prevent the discharge, then he is not liable. It should be noted that a person suffering loss or damage has the rights that exist in common law in addition to those created in this act. The Contributory Negligence Act provides rules for reducing liability where the plaintiff himself has contributed to his loss, and for apportioning liability where more than one person is liable. However, that act is based on fault or negligence, and liability under The Department of the Environment Act is not. A new subsection clarifies the basis upon which the principles of The Contributory Negligence Act are to apply in such cases.

Another point which we have taken into account, Mr. Speaker, is the regulation of chemicals. That act's provisions to regulate the use and application of a chemical are incomplete controls, because the chemical can still be offered for sale. To round out the powers which we believe were originally intended to be granted under this section, the words "sale and disposal" have been added to the provisions of the act. Thus, if the Department of the Environment finds that a chemical is being banned or is banned or should be banned, sale and disposal of such a chemical could be within the jurisdictional powers of the department.

The reference to insecticides and herbicides has been deleted because it may tend to

restrict the intended definition of chemicals. So we have taken it out; it's not a direct reference to herbicides and to insecticides as was the case in the existing legislation.

In some instances, Mr. Speaker, the only effective remedy is to prosecute an offender. An example of this is where air pollution has been discharged contrary to the minister's order. An amendment is therefore introduced to make it an offence to fail to comply with an order. We've had some experiences where orders have been issued for a polluter to restrict either the emissions by way of stack or by the ground burning of certain materials. Those orders are now effective in the sense that it makes it an offence to fail to comply with those orders, if the operator determines that he will not comply or fails to do so.

In conclusion, Mr. Speaker, I'll sum up. The amendments are intended to firm up parts of the act which recent experience has shown contain some deficiencies. These amendments will help us to better protect our population from hazardous substances which enter our environment. They will also serve to make people more careful, we believe, at least with the hazardous substances that are ever more present in our environment and ever more present in the industrial society in which we live. This is particularly true for industry, where the use of these substances is growing. I needn't elaborate on that. We are all aware of the tremendous increase in the use of a variety of chemicals to do a variety of jobs.

Therefore, it gives me a great deal of pleasure to move second reading of a bill to amend The Department of the Environment Act, Bill No. 90.

SOME HON. MEMBERS: Hear, hear!

MRS. DUNCAN: — Thank you, Mr. Speaker. I would like to say that we on this side of the House agree with the intent of the proposed amendment. We feel that protection of the environment is a responsibility that must not be taken lightly.

There are a few areas which, I feel, do cause a bit of concern, particularly 12.21 (6). Perhaps in committee of the whole I will question you on that, Mr. Minister. As I said, considering the world we live in today, especially in regard to Saskatchewan coming into the forefront of the modern world with the use of pesticides, herbicides and chemicals of all types, I think it is important that we have pertinent legislation in place to make sure that we protect the environment for all time. As I said, Mr. Speaker, we on this side of the House agree with the intent of the bill, but we do have questions we'll be raising in committee of the whole.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

Bill No. 58 — An Act to amend The Air Pollution Control Act

HON. MR. BOWERMAN: — Mr. Speaker, this is really consequential on the passing of The Department of the Environment Act. The Air Pollution Control Act, sections 5 and 9, are to be repealed because the minister's powers to make orders have been, with certain exceptions, revised and consolidated in the act which was just given second reading. Therefore, Mr. Speaker, without any further comments, I move with pleasure the second reading of The Air Pollution Control Act.

Motion agreed to, bill read a second time and referred to a committee of the whole at

the next sitting.

Bill No. 65 — An Act to amend The Water Resources Management Act

HON. MR. BOWERMAN: — Similarly, Mr. Speaker, this is consequential on The Department of the Environment Act. Sections 31 to 40 inclusive of this act are to be repealed because the powers to make orders under The Department of the Environment Act have now been given second reading. We're hopeful that they will pass third reading (with certain exceptions of course), revised and consolidated into The Department of the Environment Act. Also, a section is to be added to this bill stating that the Crown is bound by the act. The Crown is already bound by several other acts administered by the Department of the Environment, and it is considered advisable that the act be made binding upon the Crown as well.

By way of information, at present approximately 25 approvals have been issued under the act for water and sewage works to government agencies. Therefore, the department's philosophy in considering applications from Crown agencies has been that they should be considered in the same light as those from the private sector. Therefore, Mr. Speaker, without any further comment on the fact that sections 31 to 40 are being repealed, and only that one minor section is being included, it gives me a good deal of pleasure to move second reading of a bill to amend The Water Resources Management Act.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

Bill No. 91 — An Act to amend The Provincial Court Act (No. 2)

HON. MR. BOWERMAN: — I move second reading of Bill No. 91 — An Act to amend The Provincial Court Act.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Kaeding that Bill No. 50 — **An Act to amend The Rural Municipality Act** be now read a second time.

MR. MUIRHEAD: — Mr. Speaker, I would like to say to the Minister of Rural Affairs that I'm sorry for the holdup on this bill, but what I did with this bill was to take it out to several municipalities in my constituency and surrounding constituencies so they could study this bill. I've had all the results back and they all tell me that the sooner this bill can go through the House the better. I have nothing more to say on this except congratulations for this bill and I'm sorry for the delay.

SOME HON. MEMBERS: Hear, hear!

Motion agreed to, bill read a second time and referred to a committee of the whole at

the next sitting.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Robbins that Bill No. 53 — **An Act to amend The Fuel Petroleum Products Act** be now read a second time.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. MacMurchy that Bill No. 59 — **An Act to amend The Provincial Lands Act** be now read a second time.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. MacMurchy that Bill No. 60 — **An Act to amend The Department of Agriculture Act** be now read a second time.

MR. BANDA: — Mr. Speaker, I rise to give my strong support to the amendments to this Department of Agriculture Act which is now before us. I am sure that I am joined in this support by the grain and livestock producers in my constituency. The allocation of some \$25 million for a farm lab agriculture research program is a bold step forward in my view. It's a step forward by this government which will be of invaluable assistance to farmers in meeting the challenges of production in the 1980s. Never has the new knowledge that research can bring been more needed than it is today, Mr. Speaker.

At the same time we have been asked to dramatically increase production. We are faced with increasingly unpredictable and difficult weather conditions — to the point where questions such as optimum crop rotations and proper tillage practices cease to become matters of academic debate. They start to become questions to which we must have the right answers, if our agriculture industry is to grow and prosper.

Mr. Speaker, I do not believe there can be much disagreement among members of this Assembly over the goals of the farm lab program. Investing tax dollars in research and demonstration projects, which will give farmers the knowledge they need to increase production, is something that even the most contrary and negative elements among the members opposite would have a great deal of difficulty arguing against.

I know that the farm lab program will give some of them trouble, because it is a program to which they should clearly offer their full support on behalf of their constituents, who depend on a healthy agriculture industry. Yet they are caught in a bind because they have come to believe that the only role of the opposition is to be negative and critical of every major piece of legislation that comes before it. I hope that members opposite will be able to resolve this little dilemma, Mr. Speaker, and offer their unqualified support to a program which so richly deserves it.

Just as there should be no argument over the goals of the farm lab program, I believe it is clear that the structure which has been put in place to carry out that program should be recognized by all members of this Assembly to be a sound one. I was disappointed to hear the member for Indian Head-Wolseley critical last week of the process that has been set up. It is sound, Mr. Speaker, because it ensures not only that the necessary

research will be done at the University of Saskatchewan but also that the results of the research will be given practical tests and demonstrations in the many and diverse areas of our province. And it's hard for me to visualize why the members opposite would be against such a process.

The structure also ensures that farmers will have direct input into the program as testers, as demonstrators and as advisers. Mr. Speaker, it is, again, beyond me as to how the member for Indian Head-Wolseley can be against that type of structure. The structure that has been set up for delivering the farm lab program follows a pattern which has been established by many other programs initiated by this government. That pattern, Mr. Speaker, is one of providing funds and impetus for a program and then stepping out of the way so that, as much as possible, local people are involved in delivering that program in each area of the province and in deciding how it best can serve their needs.

Day after day in this legislature we hear members opposite stand up and demand that the provincial government step in and undermine local control or administration of one program or another. We consistently reject those calls for government interference, Mr. Speaker, because we believe the people of Saskatchewan are ready, are willing, and are able to do things for themselves.

Since there is not much room for criticism of the goals or the structure of the farm lab program, potential detractors are left only with the list of research priorities for 1981. It is a list which covers the production problems that face me as a farmer and, I would guess, just about every production problem that confronts farmers in other areas of the province.

Some members opposite feel inclined to protest the inclusion of plant breeding on the list, because public involvement in this essential service in Saskatchewan will lessen the impact on federal Conservatives and Liberals, who abdicate responsibility in this area. It will also lessen the profits for their corporate friends, who are poised to gobble up the profits once the federal government plant breeders' legislation is brought into place. One can only hope, Mr. Speaker, that in this case the members opposite will keep the interest of Saskatchewan farmers in mind, and leave their federal counterparts to carry the ball for the multinational seed corporations.

Mr. Speaker, I believe that the farm lab program will be a major success in bringing together the skills of agricultural researchers at the University of Saskatchewan, and the experience and knowledge of Saskatchewan farmers. Fortunately, the agricultural people at the University of Saskatchewan are concerned with helping us do a better job of farming.

With the departure of the Conservative leader from the college of agriculture, fortunately, there are no more studies and research devoted to getting rid of 80 per cent of our farmers. Mr. Speaker, it is clear that the farm lab research program, which will be made possible by the amendments before us, is a program which will be of great and lasting benefit to the agricultural industry in Saskatchewan. We can make no better investment in our future in this province. I'm sure that money spent today on developing better farming practices will return many times over in the years to come, for all of us.

I urge all members to join me in supporting this legislation.

MR. SWAN: — Mr. Speaker, I would like to make a few comments on Bill No. 60. I think it is a step forward to see the Government of Saskatchewan finally putting some money into the agricultural research area. This \$25 million was proposed last year and yet nothing happened. This year an amendment comes forward under the form of Bill No. 60, which should make something happen, but I would guess that with the timing we're going to see little, if any, take place because of the amendments in Bill No. 60.

The Minister of Agriculture said that by the year 1985, we are going to need 50 per cent more grain to meet the world market. If you don't start your research until 1982, don't expect to see an increase of 50 per cent by 1985, because the time line is not there. Research takes time and if you're going to do on-farm research, you can't make very many conclusions with the results of one year's work. So I don't expect to see any results from this research until after 1985 sometime. If we are going to see this type of change beneficial to Saskatchewan agriculture, we're going to be looking about 10 years down the road before it can really have much impact.

For a number of years, many people in the farming industry have encouraged the Government of Saskatchewan to look into the licensing of new varieties of grain that have been produced in other countries. Our neighbor to the south, the United States, has some grains in the form of feed wheat which are much higher production grains than those we are producing. Yet it is illegal for us to bring that type of grain across the border.

They tell us that we must maintain our high protein content wheat if we are going to maintain our market. While this may be true in some areas, a lot of the world is now looking for no. 3 and no. 4 wheat to supply much of their need for food. I believe that the research should be expanded to the point where we are looking at what others have done in the field, and also the program that is projected here, that we will do some of our own research.

I'm a little critical of the government opposite for its use of the Saskatchewan Research Council, another area where they have put a lot of money into research in our own province. Yet, when I questioned the Minister of Industry and Commerce on Friday about the use the Saskatchewan government has made of the Saskatchewan Research Council as it relates to its proposed ethanol plant, I was informed that they haven't used it. They haven't even consulted with the Saskatchewan Research Council to see if it is able to do the necessary research. They haven't gone to the POS (protein, oil and starches) plant in Saskatoon at the university to see what processes might be available to decide whether or not they should use aspen pulp, or whether they should use barley, or whether they should use wheat. They haven't made one contact with the research capabilities that are already in place in the province. So, I say to you, what value is an additional \$25 million if you are not going to use it?

I would encourage the government opposite to at least use the facilities which are in place in the province. When they do that, then perhaps research will start to be beneficial.

I have been critical, and I meant to be critical because of the past performance where we haven't seen much action. If this new program is put into place in the manner that was outlined and is being made use of, then it can do great things in the field of agriculture. I am going to watch with interest over the next couple of years to see if indeed it is put into place and used.

Mr. Speaker, we intend to support this bill in second reading. There may be some areas that we would like to discuss again in committee of the whole.

Motion agreed to nemine contradicente on the following recorded division, bill read a second time and referred to a committee of the whole at the next sitting.

YEAS — 37

Allen	Vickar	White
Kaeding	Hammersmith	Solomon
Snyder	Thompson	Chapman
Romanow	Feschuk	Berntson
Smishek	Cowley	Birkbeck
Bowerman	Cody	Duncan
Tchorzewski	Koskie	Taylor
Robbins	Lusney	Rousseau
Skoberg	Prebble	Swan
McArthur	Johnson	Hardy
MacMurchy	Lingenfelter	Pickering
Mostoway	Long	Katzman
Banda		

NAYS — 0

COMMITTEE OF FINANCE

CONSOLIDATED FUND BUDGETARY CASH OUTFLOW

URBAN AFFAIRS

Ordinary Expenditure — Vote 24

Item 1 (continued)

HON. MR. SMISHEK: — Mr. Chairman, I notice that the Leader of the Opposition and the member for Arm River, who are two parties most interested in this area, are not here. Perhaps somebody from the opposition could send out a courier for them, unless they've decided to take off for Kamsack.

I know that all members would like to get on with the discussion of the estimates for Saskatchewan's Department of Urban Affairs; however, it is obvious that the issue of the actions of the town council in Kamsack over the past few months must be dealt with before we can move to the estimates and other issues which members may want to

discuss. I would therefore like to take a few moments to outline the Kamsack situation as the government understands it, and to make a proposal to handle the matter in a manner which I hope will be acceptable to all concerned.

I would begin by restating our general policy position on these matters. Mr. Chairman, we believe in local autonomy. We do not believe in imposing the government's will for the solution of local government problems. On the other hand, I have a responsibility to ensure that the law is upheld. Thus, if there is evidence of a council not following the law, it is the responsibility of the department to advise the council as to correct practices. If there is evidence of wrongdoing by a council I may order a formal investigation or appoint a controller to manage the affairs of a municipality.

These are broad powers, Mr. Chairman, and must not be used in a cavalier fashion. I cannot react to every citizen who alleges wrongdoing unless powerful evidence is provided. Our general policy is to conciliate; to advise council, and to ensure that the citizen with a grievance is treated fairly. This sort of action is very common. The department deals with numerous citizens' complaints every month in this manner.

Formal investigations or inquiries are very rare. The last situation arose in 1972-73 and related to the town of Esterhazy. At that time the Attorney General was petitioned for a judicial inquiry into the affairs of the town. Our investigation into the matters raised within the petition, by officials of the then department of municipal affairs, revealed a few questionable practices, but did not reveal any misconduct of officials or misappropriation of funds. In addition, allegations made at that time concerning the municipal election were considered by the court, and found to be only that — allegations. Another example that I bring to the attention of this House is an investigation by departmental officials made in 1973 into the handling of funds in the village of Macoun. At that time, an official of the department, in conjunction with an officer of the RCMP, investigated matters and substantiated a misappropriation of funds by the secretary-treasurer. The funds were recovered.

Mr. Chairman, the question in respect to the Kamsack situation is: should I have ordered a formal investigation? Should I ask the Attorney General for a judicial inquiry as the mayor and members opposite are asking? Officials of my department continue to advise me that the answer to both questions is no. This advice is based on their internal investigation of January 1980 and an examination of documentation received since then. Mr. Chairman, as an aside, I might say that a report of an investigation to the mayor under section 17 of the Department of Urban Affairs Act is only required when a formal investigation is ordered under section 14(1). Such an investigation has not been ordered, as the members know.

Mr. Chairman, I had hoped that the hon. member for Arm River would be with us because I want to bring to his attention an example that I am sure he will be interested in. In the May 2, 1981 issue of the *Leader-Post*, the village of Kenaston in the constituency of Arm River is advertising the sale of industrial land at \$1 per acre. That is probably less than the fair market value, so should we have an judicial inquiry, Mr. Chairman? I suppose the members opposite say yes. I think no. Rather, officials of the department will meet with the village to ensure that its land sale policies conform to the act. Perhaps the member for Arm River will speak to Rosemary O'Handley, one of the contact people mentioned in the advertisement. I believe that the hon. member for Arm River knows her. I understand that she holds, or did hold, a significant position on the member's constituency executive. Hon. members say, "Set up a judicial injury." We don't think so.

Mr. Chairman, I would now like to review the actions we took after we received the first letter of complaint by Mr. Sasyniuk in September 1979. Then, I will outline our position on the allegations made by him and Mayor Mydonick last month. Mr. Sasyniuk expressed six concerns over the actions of the Kamsack town council. Two of his concerns were repeated by Mayor Mydonick. We first attempted to organize a meeting between the council and Mr. Sasyniuk. At the request of the local MLA, Mr. Lusney, council invited Mr. Sasyniuk to their January 4, 1980 meeting. This is our normal practice, Mr. Chairman. For example, the member for Arm River (and I am glad that he is here now) has brought a situation in Dilke to our attention. It is a dispute between a citizen and the council. Are we having a formal investigation, a judicial inquiry? Mr. Chairman, the answer is no. Rather, an official of the department will meet the individual and council tomorrow night, hopefully to resolve the situation. That's the normal practice.

Mr. Chairman, unfortunately, Mr. Sasyniuk refused to meet with the council. As a result, the deputy minister of urban affairs recommended that two officials of the department review the situation. I agreed with his recommendation and that review was undertaken on January 21, 1980. I met personally with the council, at their request, on January 19, 1980 and discussed Mr. Sasyniuk's concern with them. On February 27, 1980 I wrote to both the mayor and Mr. Sasyniuk. I indicated to Mr. Sasyniuk that I had provided the council with our interpretation of the various sections of The Urban Municipality Act, and related his complaints and urged him to meet with the council.

Mr. Chairman, we attempted to deal fairly with both parties. We attempted to respect local autonomy, to enforce the statute and assist Mr. Sasyniuk with his concerns.

Mr. Chairman, let me quote a couple of paragraphs from my letter of February 27, 1980 to the council and I will then table the letter. This is a quote:

The Government of Saskatchewan endeavors to permit municipalities to function autonomously within the fairly broad provisions as set out in the statutes. We are reluctant to become involved in controversies which are of local nature and which should be resolved locally. However, we have been presented with some concerns relating to the affairs of your community, and I feel that it is our responsibility to communicate to you the provisions of the statutes related to these matters.

The next four paragraphs relate to the specific concerns of Mr. Sasyniuk. I will cover them in a moment, Mr. Chairman. I ended by the letter by saying:

I would again point out our desire to have municipalities function autonomously within the provisions set forth within the statutes for their operation. I trust you and your fellow members of council will receive this letter in the spirit it has been written.

Mr. Chairman, that is our philosophy and that is our policy. In January, 1980, I did not think that sufficient evidence existed to justify further action. I believe that to remain the case so far.

Let me now take the allegations, one by one, and indicate what evidence was considered when we took that decision. Mr. Chairman, first we have the sale of land to Kamsack Manufacturing. The company paid \$2,001 for 13.5 or 13.7 acres of land, and

another \$5,405 for title registration, subdivision and servicing costs. Section 180 of The Urban Municipality Act states:

No municipality shall sell a site at a price less than the fair market value.

Was the sale for less than fair market value? We have no documentation to prove otherwise.

Mr. Chairman, the \$220,000 figure mentioned last Friday by the member for Arm River is not just for the land. It is land, together with all buildings and improvements that are there . . . (inaudible interjection) . . . That is correct, Mr. Chairman. There is a manufacturing plant now located on that land. I have no reason to believe that the land together with the manufacturing plant is not worth \$220,000.

AN HON. MEMBER: — By God, aren't you a dandy.

HON. MR. SMISHEK: — Well, Mr. Chairman, the hon. member obviously has not looked into the situation. That is the case. That is the situation, Mr. Chairman. The original offer was \$1.

AN HON. MEMBER: — You should have had your people research a little better than that.

HON. MR. SMISHEK: — Mr. Chairman, we have researched it. The members want to know the facts. I would hope that they will listen, in fairness to the people of Kamsack. I don't care about the members opposite, but I do care about the people of Kamsack.

SOME HON. MEMBERS: Hear, hear!

HON. MR. SMISHEK: — Mr. Chairman, the original offer was \$1 for 10 acres. That was changed when the company asked for more land. The statute states "selling land," not "offering to sell land," Mr. Chairman, there is a big difference. Now, that is what I said about this matter in my letter of February 27, 1980 to the mayor. Let me quote again:

The disposal of municipally held land for commercial or industrial use is regulated by section 180 of The Urban Municipality Act. This section provides that such land may only be disposed of for a price not less than its fair market value. The responsibility for determining the fair market value of such land rests with the council. Council should ensure that a policy of fair market value is followed.

We will be providing similar advice to the village of Kenaston. Mr. Chairman, if Mr. Sasyniuk had met with council, he would have had to submit or admit to them that their offer of \$1 for 10 acres, if it had been carried through, was contrary to the act. They would also have had to admit that their policy of land sale had been changed to reflect the situation.

Mr. Chairman, the second issue related to the assessment of property zoned commercial on an agricultural basis. This is a common occurrence in many urban municipalities. To handle the situation, section 314 of The Urban Municipality Act provides for fixing the assessment of such land on an agricultural basis, or under section 350, relief for taxation of property could be considered. Unfortunately, Mr. Chairman, neither of these routes were chosen. In this case, action under section 350

would have probably been the best. Instead the assessment was left agricultural because of an administrative oversight by the town clerk. The treatment of the property was fair. It was the method which was incorrect, Mr. Chairman.

In my letter of February 27, 1980 to the mayor, I said the following:

The assessment of property within the municipality is governed by section 310 to section 346 of the act. Council should always attempt to ensure that all property is assessed within the spirit and intent of these provisions. In any instances where it is felt that unreasonable hardship is placed upon any property owner, council could consider possible relief for taxation under the provisions of section 350.

Again, Mr. Chairman, if Mr. Sasyniuk had met with council, it would have had to admit its error. These two issues are the ones raised by Mayor Mydonick in his letter of April 8, 1981 to the Premier. I think those issues have been properly disposed of. I admit that conclusion is a judgment call but, in my view, a judicial inquiry is simply not called for at this stage. That is why I asked the mayor for further documentation.

Mr. Chairman, the third issued raised by Mr. Sasyniuk involved an alderman undertaking work for the town. Section 40(1)(h) of The Urban Municipality Act states that:

Any person who has by himself, his partner, agent or spouse, an interest, whether direct or indirect, in a contract with or on behalf of the town cannot be nominated, elected or remain a member of council.

This would obviously disqualify many competent candidates in small towns and villages. Thus, section 40(8) of the act allows for such interest if: (a) the goods and services are not readily available from some other person in the town; (b) the price is reasonable and, (c) every member of council present and eligible to vote, votes in favor of the contract. However, the councillor with the interest must, under section 40(4), disclose his interest and shall not vote thereon.

Mr. Chairman, when the departmental officials reviewed this issue they found that the councillor in question did perform services for the town and was paid. The review of the minutes did not report who voted on the payment of his accounts, but neither did they indicate his declaration of conflict of interest and abstaining from the vote. Thus, it appears that the councillor could have successfully challenged under the foregoing section of the act. However, no such challenge was made and the councillor involved did not run in the last fall election.

Mr. Chairman, who is it the members opposite seem to be after? They seem to be after a fellow by the name of Don Boyd who was a Conservative candidate in the by-election in 1977.

I don't know what they have against Mr. Boyd. They obviously are out to get him — whether because he left their party, or because he didn't win, or for some other reason. Those are the facts of the situation.

In my letter of February 27, I said the following, and I quote:

Conflict of interest is discussed in section 40 of The Urban Municipality Act. In instances wherein members of council necessarily become involved in

contracts with the municipality, abundant caution should be exercised to ensure that the requirements of these conflicts of interest provisions are both met and formally documented as being met.

Mr. Chairman, I might say that the present mayor is being challenged under section 40(1)(f) of the act which states:

A person cannot be nominated, elected, or remain a member of council if he is indebted to the municipality.

I understand the challenge will be heard in court this Thursday.

I do not think that the last three allegations made by Mr. Sasyniuk need as detailed a discussion. The fourth issue involved the use of in camera committee meetings. Council would adopt the committee decisions and append the minutes of the committee. This practice is technically incorrect and has now been corrected. We pointed that out in the letter I wrote to them on September 27. The fifth issue has to do with an informational petition on which council is not obliged to act. The sixth issue had to do with the industry and commerce reports which were considered and discussed during the Department of Industry and Commerce estimates.

That, Mr. Chairman, leaves only one issue — the site of the airport. As I understand the situation, three alleged irregularities were noted in a letter dated August 21, 1980 to Premier Blakeney from Mr. Larry Mosiuk, and seven others who signed it.

First, it is alleged that tenders were not called. In his letter of October 17, 1980, the former minister of highways noted that the Department of Highways waived the tendering process because local hiring practices were more economical.

Second, it is alleged that the cost estimates were incorrect. I have not seen any documentation to prove this allegation. In any case, even if the council chose the more expensive option, it is within its power to do so, Mr. Chairman.

Third, there is the alleged conflict of interests. To date, no challenge has been made under section 40 of the act. If Mr. Mosiuk or any of the other citizens of Kamsack feels that section 40 has been violated, it should be taken to court, just as the challenge to Mayor Mydonick is now before the courts.

Mr. Chairman, last Friday the Leader of the Opposition indicated that Transport Canada had not approved the existing site. This runs counter to the statement made by the former minister of highways in his letter of October 17, 1980. He said that assurance had been received from the town and Transport Canada that the airport would meet all the requirements of a community secondary airport at this present location. I will table the letter that we have written to the town of Kamsack as soon as I finish making my statement. I will table that letter from Transport Canada which is dated March 1, 1979. I will also table the letter that Mr. Kramer wrote to the town and also the letter which I wrote to Mr. Nadane. I would like to table this letter as I indicated. I assume that the official, whom the Leader of the Opposition telephoned last Friday, was mistaken. That's the only thing which I can assume.

Mr. Chairman, I apologize for speaking at such length, but I feel that I was obliged to provide the rationale for taking the decisions which I have taken on the various issues. I

believe that those decisions were proper.

Unfortunately, the Leader of the Opposition is right when he says that a dark cloud is hanging over Kamsack. It is there to a large extent because of the actions of the members opposite last week. For example, on April 28, the member for Arm River asked,

Do you not agree that my interpretation of these transactions could be a case of collusion, conspiracy, fraudulent acts and, in short form, what is commonly known as a type of Watergate corruption?

Those are his statements, Mr. Chairman. Now, does language like that help to resolve problems or does it inflame the problems? It seems to me that the actions of the members opposite really help to inflame this already difficult situation. The *Leader-Post*, Mr. Chairman, reports the member as saying that Councillor Koturbash begged him not to pursue the matter. These are the words of the member for Arm River. Well, let me read to you an article from last Friday's *Kamsack Times* and here I will quote. The headline is:

"No Begging Involved Constituency Vice-President Says"

In making allegations in the provincial legislature this week, members of the Progressive Conservative Party have become the mouthpiece of Kamsack Mayor Phil Mydonick and his ad hoc committee of advisers, according to town councillor John McDonald, who is the Pelly constituency PC Party vice-president.

It's their man again, Mr. Chairman.

McDonald, who during the past few months expressed no confidence in the way Mydonick has been handling town affairs and has, along with the majority of council, repeatedly asked for the mayor's resignation has taken issue with the statements made by Gerry Muirhead, the party's urban affairs critic.

This week, Muirhead has said that Councillor Larry Koturbash had come to see him and "begged" him not to pursue matters about Kamsack's affairs in the legislature.

This is McDonald speaking:

In my capacity as vice-president of the Pelly Progressive Conservatives, I am the person who asked for the Regina meeting last week with Mr. Muirhead and I asked Mr. Koturbash to come along with me, McDonald told the *Times* on Thursday.

I am at a loss because I really don't know why Mr. Muirhead came to the conclusion that Mr. Koturbash was begging him not to investigate the town.

Being the individual who made the main presentation to Mr. Muirhead, I was present for the whole meeting and there was no begging, McDonald said. All we asked was for the Conservative Party to check its facts carefully as the town was hurting.

This is Mr. McDonald talking, their vice-president, Mr. Chairman. Mr. McDonald carries on:

It bothers me to see the party become the mouthpiece of Mayor Mydonick and his ad hoc committee, he said. The course open to anyone if he feels there has been a violation of the law, is through the court system not the legislature, which seldom gives an individual proper recourse to justice, he said. If there was wrongdoing, why haven't the mayor and his ad hoc committee taken this route to save the town a lot of unnecessary publicity which only serves to destroy the town the mayor was elected to represent?

The mayor has yet to present any proof to council. All he gives us is what comes up in the media, McDonald said. To my knowledge he hasn't gone to a judge with his facts nor has he given any facts to his council. Instead he goes the route which will give him maximum publicity.

Those aren't my words, Mr. Chairman. Those are the words of Councillor McDonald who also happens to be the vice-president for the Progressive Conservative Party in the Pelly constituency. Now, what are these people trying to manufacture? Why are they trying to label and accuse innocent people, Mr. Chairman? Yes, Mr. Chairman, I have an opinion on why the dark cloud hangs over Kamsack. Perhaps it is not shared by the member for Arm River but whatever the reason for the dark cloud, the air must be cleared, I agree. I think that when there are differences in a community, the community should find its own solutions. Where the differences run deep, and that is surely the case in Kamsack if the petition tabled in the House on Friday is any evidence, an outside investigation may do more harm than good.

Mr. Chairman, I would like to draw your attention to a few points in regard to that petition. That petition is dated February 19. The Premier didn't receive a request for an investigation until March 27. Then, a further letter asking for a judicial inquiry wasn't written until April 8. I want you to take note of the dates. That petition has nothing to do with the inquiry which the mayor has requested. How could he have surmised that he would have been sending a request on April 8, when the petition was taken. Mr. Chairman, I draw your attention to the heading of the petition.

We, the undersigned citizens of Kamsack, have confidence in our Mayor, Phil Mydonick, and we support his actions.

Does that in any way indicate they are asking (and it is dated February 19) for a judicial inquiry? There doesn't seem to be any reference to that in the heading of the petition.

Mr. Chairman, I understand that the Kamsack Chamber of Commerce has called a public meeting for tomorrow evening at 7:30 p.m. at the Kamsack Junior High School. The mayor and the council will discuss and debate the allegations. Perhaps that meeting will clear the air; certainly, I hope it does. If it does, no further action will probably be required.

Mr. Chairman, I want you and particularly members opposite to take note of this. I met with the executive of the Saskatchewan Urban Municipalities Association (SUMA) last Friday to discuss the Kamsack situation with them. I must say that they agree with our general policy on this matter. I also asked whether they would be willing to look into the matter of Kamsack. They answered that they would be willing to help. There are a

couple of things happening in Kamsack this week. There is the public meeting tomorrow night to which I referred. There is the court case involving Mayor Mydonick, which I understand will be heard on Thursday. Following those, I propose to discuss the matter with my cabinet colleagues to determine the best course of action for us to take in respect of Kamsack.

I would hope that the public meeting tomorrow night might result in the people of Kamsack resolving their differences themselves. Mr. Chairman, I would hope that members opposite would support this proposal and that we could proceed with the estimates of the Department of Urban Affairs.

Mr. Chairman, I now want to table three documents:

1. The letter which I wrote to His Worship Mayor Nadane (at that time) on February 27, in which we point out some of the errors and mistakes that were made by the town. We asked them to correct them.
2. The letter from Transport Canada to which I referred earlier.
3. The letter from Mr. Kramer.

Perhaps the hon. member for Arm River would also like to see the advertisement which appeared in the *Leader-Post*, that his town is offering land at \$1 per acre in Kenaston.

MR. BERNTSON: — Would the minister also table his statement, recognizing that we don't see *Hansard* until tomorrow morning and we may want to peruse it briefly?

HON. MR. SMISHEK: — Sure, I'll send a copy.

MR. BERNTSON: — Thank you.

In reaction to the minister's statement on a couple of points. I'll start with the last first. You talked about the petition which came in from the people of Kamsack. We recognize that it didn't have all of the polish and legalese. Members opposite kicked the people of Carievale around, similarly, for not having a proper petition to protest the power rates which had been increased to the detriment of small business . . . (inaudible interjection) . . . And you are an authority on clowns, Mr. Minister of Labor, I can tell you that. We recognize that and in view of such we asked the citizens of Kamsack to consult a lawyer, draw up a proper petition . . . (inaudible interjection) . . . Because you guys would just bat them around every time they would try to voice an opinion in what is presumably a democratic society. But that's something you don't understand, obviously.

So they have done that, Mr. Minister. They have drawn up a proper petition and they circulated it yesterday, Sunday. I understand they already have more than 200 signatures on it. It will be forwarded to you in due course. I'm sure when it is, the minister will give it the consideration which it really deserves, instead of playing the game that he seems to have played with the previous petition.

You were talking about the cloud hanging over Kamsack, and, indeed, there is a cloud hanging over there. The reason the cloud is hanging over Kamsack is because of the inaction of your department. It was first raised in September of 1979. You keep telling us that you conducted a cursory investigation. It must have been cursory if you didn't

find in that cursory investigation the votes which were tabled in question period today by the member for Arm River. If it had been an in-depth investigation, you would have had the evidence and the details which you have been calling for since this matter was first raised in the House.

Actually the first action that your department took and the first time you asked for details was in the letter which you wrote to Mayor Mydonick on April 27, 1981 — right after question period when the member for Arm River raised the matter in this House. He raised it after the citizens of Kamsack couldn't get any rise out of your department. Right after question period you ran out and drafted a letter and sent it off to Kamsack. That's the first concrete action that your department has taken.

Now we can talk about the response to that letter. The Mayor of Kamsack, Phil Mydonick, on April 8 in a letter to the Premier, offered to sit down with government officials any time and go through all of the documentation. Have you ever taken up that offer? It doesn't seem as though your department is interested in meeting with the mayor to go through the documents he has to support his allegations.

I think it has been amply demonstrated that the town of Kamsack has indeed suffered a loss in taxation revenue because of Eagle Development's property. It depends on whom you listen to. The experts with whom I consulted say it was a loss of over \$9,000. You people say it was a loss of over \$5,000, as a result of an appeal. No one can find any record of that appeal. So I say it was a loss of \$9,000.

Now, I want to talk to you about Kenaston. Rosemary O'Handley, the contact person in Kenaston, advertised town land for sale for \$1. A minute ago, the minister said that's not right and proper under the act, but that it's not that serious. We will just tell her that it's not right and proper, that she can't do that, then everything will be okay. That is probably what you would have done in Kamsack had you looked into the situation.

But the fact is that the council in Kamsack can't plead ignorance, because just prior to the sale of that land, there was one Larry Mosiuk who wanted to build a shopping centre (and we'll table that letter as well) in the town of Kamsack, as was recommended in one of the studies that he had helped put together. He went to the town council and said, "I want to build a \$1.2 million shopping centre in the town of Kamsack, and I want to know how much this property is worth." They told him it was worth \$100,000. This is not the same property as the Kamsack Manufacturing property, but it is property in the town of Kamsack worth \$100,000. Well, he said, "I'm putting a fair investment into our community, surely you can give me a break on this. How about giving it to me for half price?" (I'm paraphrasing). They said, "Well, we can't, because that's against the act, against the law. We have to sell land for a fair market value; we can't give you any break in that regard."

He also asked for the industry and commerce study that relates to the town of Kamsack. They said, "We don't have one." It is later revealed that Councillor Koturbash, in fact, was mailed 14 copies that never again saw the light of day.

Now, we go back to the Kamsack Manufacturing deal where 10 acres of land was sold to Kamsack Manufacturing for \$1 well after council had told Larry Mosiuk that they couldn't give him a break on the land because it was against the law. So the council cannot plead ignorance on that one, Mr. Minister, and had you properly conducted your investigation, you would know that.

It seems to me that we're striking a nerve over there. The minister also said to the former mayor (by way of a letter, I believe he indicated a while ago) that he would provide them with your interpretation of the various sections of the act. I wonder if the minister would table the information as it relates to interpretation of the various sections of the act . . . (inaudible interjection) . . . All right, I'll have a copy of it then very soon.

The member for Arm River will be dealing at some length with Woodland Developments, Arrow Petroleum, Eagle Developments, Kamsack Manufacturing and, in general try to tie the whole thing together for you because this particular issue has many dimensions. I can understand why the minister can't get his head around it all at once because it's a very complex issue. We've tabled votes. We've tabled letters. People are concerned. If you saw the news the other night on CBC, to a man, everyone who was interviewed on the street wanted a judicial inquiry to clear the clouds from Kamsack.

All of the rhetoric (not all of it; some of it has some relevance) which you gave in your statement trying to tie the Tories into the scandal only tells me that the scandal crosses political lines. It also reinforces our argument and the people of Kamsack's argument that we should, in fact, have a judicial inquiry and the sooner the better. When can we expect it?

I wonder if the minister has taken time to peruse the documents tabled by the member for Arm River today after question period which deal with some of the details you were asking for. They deal with the votes which, I think, implicates certain members of town council.

I wonder if you would indicate, now, whether or not you're prepared to take the Mayor of Kamsack up on his offer, get in touch with him and tell him, "Yes, I'll take you up on your offer. You've made some serious allegations. Bring your documents in and lay them out for the officials of my department and let's get on with it." I wonder if you're prepared to do that and to take a look at all of the documents he has. It seems that every time he has tried to get into your department or into the Premier's office, the door was shut in his face.

Now, are you prepared to take a look at what he has and then make your decision and get on with removing the cloud from the town of Kamsack?

HON. MR. SMISHEK: — Mr. Chairman, for the information of the hon. member, let me read part of the letter which I wrote in response to Mayor Mydonick's letter of April 8:

As indicated in my letter of April 1 (this was after he sent a Telex), officials in the Department of Urban Affairs are reviewing your request for an inquiry. I expect a recommendation in the near future and I ask you, again, to provide documentation and details of your concerns to assist me in making a decision on this matter. I note that while you are asking for an inquiry, you have chosen not to write to me and bring your concerns to my personal attention.

Mr. Chairman, let me restate, as I have said several times before, Mayor Mydonick has never asked me for a meeting. I have written twice in the last month to Mayor Mydonick; he has not replied.

Mr. Chairman, what am I supposed to do? The man never asked for a meeting. I think

that, if you are going to make allegations for a judicial inquiry, it is only proper (in fact, I think it is required) to submit your allegations in writing. Surely the mayor should understand that. We have never rejected an official inquiry; we have never rejected a judicial inquiry, if need be. We have never said that. But what we have asked for is evidence. Surely, the members should be prepared to support that simple proposition that anybody who is going to ask for a judicial inquiry should submit his statement in writing. That has not happened.

Mr. Chairman, I have not had a chance to see that document that purportedly was tabled by the member for Arm River this afternoon. I will examine it. I have examined the documents that he tabled last Friday. He did not provide me with a copy of the document he tabled, but I'm sure the Clerk is going to get us copies.

Mr. Chairman, we have not closed the doors in any way, shape or form. Had the member listened to what I was saying when I read out the statement last Friday, I discussed this Kamsack situation with SUMA (Saskatchewan Urban Municipalities Association); I asked it for an expression of view and opinion. We went into some detail and spent close to an hour talking about the Kamsack situation, about the allegations that have been made, and about the charges. I intend to provide SUMA with copies of all the correspondence which we have. SUMA represents just about 495 urban governments. I asked them: in terms of general policy when we have these kinds of problems should we be establishing inquiries and judicial committees? Their answer was no. They said the way we have been going about things is the right course to take.

These are elected people; they are local government people. They feel, as I feel, that to establish outside inquiries will do nothing but divide communities. I talked to Mr. Brady, the president of SUMA today. I asked him whether they would be prepared to help out. I didn't set out specifically what we have in mind. I also want to discuss the matter with my cabinet colleagues in light of tomorrow night's meeting. Hopefully . . . (inaudible interjection) . . . No, I don't intend to be there. I think it's a meeting for the community to deal with the matter. I think they need to discuss this on their own and not divert discussion into a different direction.

I am hopeful that under the chamber of commerce sponsorship they will be able to discuss the matter fully and resolve the differences, but maybe not.

There is also the court case which is pending. Hopefully after that is over, we can discuss this — perhaps with the advice and assistance of SUMA — so that all of us can do whatever needs to be done to help the community heal its wounds and be able to carry on with a united community, as they have. I think what the members opposite have been doing (as I said earlier) is an injustice to Kamsack. They are the ones who have brought about a cloud. They are the ones who have contributed to the division which exists.

MR. BERNTSON: — Mr. Chairman, the minister has said in his letter (and I can read it) that he invites the Mayor of Kamsack to bring the details of these allegations to him. They are still working on whether or not an inquiry or a judicial inquiry is the best course of action. That was on April 27 — the day it was raised in the House, and the minister ran out after question period and wrote the letter.

HON. MR. SMISHEK: — No, the letter was written before you had a question.

MR. BERNTSON: — I thought you would say that. On April 8 (and this letter was

received, I understand in the Premier's office on April 15), there is a letter sent from the mayor to the Premier setting out his concerns in some detail. He goes on to say that he is prepared to sit down with government officials at any time, that the reason he is sending the letter to the Premier is that he has communicated with the Minister of Urban Affairs (or the town has, at least) prior to this. It really was an exercise in futility, although it says:

In spite of what Mr. Smishek says about all matters being resolved, his officials have never contacted citizens about their concerns. I must agree with him that matters certainly are not properly resolved.

He goes on to say (this is Mayor Mydonick of Kamsack):

I was elected by the people of Kamsack on a campaign to open up city hall, to get this inquiry, to remove the cloud from the town of Kamsack.

This is not Regina or Saskatoon. The town can only recover from its slump if morals of fairness and decency are restored in the community. People in the town of Kamsack are sick of coverups and the buck being passed. I was elected to correct what has been going on and the people want a judicial inquiry.

The minister is aware of certainly some of the allegations which have been made. He has been provided with some details of those allegations. I apologize to the minister. I said the member for Arm River had tabled some documents after question period. In fact, he didn't table them; he sent them over to your desk. If you don't have them, we will get them over to you right away.

AN HON. MEMBER: — I just tabled a copy now.

MR. BERNTSON: — Oh, he just tabled a copy now. Will you, in light of what we have provided you with to date (and there is more), sit down with Mayor Mydonick at your earliest possible convenience, take a look at the details of the allegations which he and several members, along with representatives from SUMA make. The town, the people of Kamsack, want a judicial inquiry. That's why the mayor was elected. They'll settle for nothing less.

HON. MR. SMISHEK: — Mr. Chairman, obviously the member has some difficulty. I wish he'd stay because he's going to come back and repeat the same thing. I want to answer his questions.

I said that there is a meeting tomorrow night. People are going to be discussing the issue. The mayor is going to present his case. Council is going to present its case. The results of the court case following that . . . The hon. member probably has some experience. I know that sometimes it take a long time. I hope that following the hearing on Thursday in court (we have included SUMA and talked to them), if there is a request from the community . . . Up to now, despite what the hon. member says (that there was a petition circulated on the 19th), I never saw it until last Friday. That petition was not forwarded to me or to the department. The petition does not address itself, as the member would say, to a judicial inquiry. They say that they have confidence in the mayor, and that's their right. The request for a judicial inquiry only came in a letter dated April 8. We asked to be provided with more information.

The answer is yes. If the mayor wants a meeting with me and the officials, all he has to do is ask. I think that that is an internal matter. I'm prepared to discuss it with him. I have already discussed it with SUMA. I think that as a central organization for urban municipalities I am certainly prepared (if they would be interested in a meeting between the council, the mayor, SUMA and us) to discuss their problems and help to resolve them. Certainly, we are receptive.

I would like to see what comes out of the meeting tomorrow night. Hopefully, they will come up with some conclusions that will resolve the problem and help to heal the wounds . . . (inaudible interjection) . . . This is the problem with Conservatives — they are coming and going. They don't know what one is doing and where the other is turning.

MR. THATCHER: — Well Mr. Chairman, in listening on the outside to this business for several days now, it becomes increasingly more obvious — maybe I should say it becomes a bit of a paradox why the slide of this declining minister was ever arrested to give him a bottom line portfolio, when he puts on a performance like this. What has been said in this Assembly countless times is that a newly elected mayor on a specific campaign has asked for an inquiry. The mayor, being like a politician everywhere I'm sure, isn't going to put his neck on the line unless there is certainly a substantial basis in fact to it. It is a mystery how some of the charges, requests, and stories from up there can go uninvestigated by your department.

I listened to the minister use the red herring about it being a matter that is before the courts. The minister knows very well that that court case has no relation, no connection to this at all — nothing whatsoever. And it's a feeble, pathetic excuse for the minister to stonewall this. That raises the obvious question: why does the minister want to stonewall it? Obviously there is something there.

I don't know the mayor. I have never met him. But obviously that mayor is very seriously concerned that there is something there. If that matter is thoroughly investigated and it is found that there was no substantiation or justification for a probe in depth, obviously that mayor is in deep, deep trouble in a political sense in Kamsack. Knowing politicians as I do, I have every faith that there is something there. There is certainly some smoke, certainly some embers need to be looked at. If there is nothing there, the mayor who has made the allegations, who made the request in one form or another, will pay that price. That in itself gives some credence to the argument for a swift, concise judicial inquiry.

I listened with disgust to the minister say, "I have discussed the matter with SUMA." Isn't that wonderful? No wonder you are a junior minister now. No wonder you are so far down the cabinet ladder. "I have discussed it with SUMA." Isn't that wonderful? You deserve the position that you're in. You are not leading your department. You are either stonewalling or you are being pushed around by a bunch of bureaucrats. I don't know which, and it really doesn't matter. I don't care. All we do know is that you are not doing the job.

All right, so the people in Kamsack haven't the urbane sophistication that some of your civil servants in Regina may have. Like most of the other people in the local government, they are doing a better job in running their affairs than most provincial or federal governments are doing. But suppose they lack a little sophistication when it comes to documenting a case, so what? Is that what we're here for, to see a chapter and verse firmly documented charge laid out before you'll get at it. I hope to goodness that isn't what we are here for, but it would certainly appear to be such. With the attitude that

you are taking, obviously there is something there.

Obviously there is a mayor up there who feels very deeply and very strongly that something is grossly wrong and needs to be dealt with. Mr. Minister, you know very well what happens to people who make charges like that if they are not substantiated, or at least shown to have some substance — they will pay the price in their own community. On the strength of some serious documentation that has been presented to you, rather than asking that the thing be written out chapter and verse or in a precise legalese, why don't you do the job that your department is theoretically supposed to do? Go up there, look at the situation, delve into it, and either clear the air or take action against the people who have been involved. If you are not prepared to get involved in that . . . (inaudible interjection) . . . I see the member for Melfort is doing another of his more constructive things. I notice he has varied it; on Friday he was going around and around, today he is going back and forth. That's two productive things I have seen from that member since he has been in the House.

Getting back to the Minister of Urban Affairs, if you are not prepared to act, if you are not prepared to look after the interests of towns the size of Kamsack (which may not have high-powered legal advice such as Regina or Saskatoon, but have, none the less, the same rights before your department) if you're not prepared to take these charges seriously, if you're not prepared to send your people up there to thoroughly delve into it and thoroughly clear the air, then it's a real miscarriage of justice. It's a real miscarriage as far as the smaller towns are concerned. Regina and Saskatoon don't need you; they have their own people. They can do it quite capably. When you get into these smaller towns, that's what your department is there for. You are not there to wait for them to document a thing in Dalhousie-type legal language. Get up there; clear the air, and do the job your department is supposed to do. If you are not going to do so, then I think it's time for you to do the rest of the small towns a favor and step out of the road.

HON. MR. SMISHEK: — Mr. Chairman, I'm glad this is on record because if the hon. member for Thunder Creek is speaking on behalf of his caucus and his party, then he has said that the Conservatives do not believe in local autonomy. They say that if they ever form the government they would ride roughshod over small communities. They would not give them an opportunity to make decisions. They would not give them an opportunity to make mistakes and then correct them. That is what the hon. member said.

Mr. Chairman, that isn't the way we function. We have respect for locally elected governments. We believe that local mayors and town councillors are able to make decisions. We know that at times they lack sophistication, but is that sufficient cause, or sufficient justice, because they make a mistake to then trot them up before the court or before a judge in an inquisition? Is that the way we are to treat local governments? Is that the way we are to treat the citizens of this province because they have the right to vote and elect their own people?

The hon. member says it is, as far as the Conservatives are concerned. Perhaps he is speaking for their caucus but I'm not sure that he is because what he likes to do is get up in the House and insult people. That's his style; everybody knows him. We believe that it may take some time, and at times it is painful. But we believe the better route to follow is for local people, when they make mistakes, to have the opportunity to correct their mistakes.

I met with the town council back on January 29, 1980. That was the former town council who were responsible for selling pieces of property about the allegations made by Mr. Sasyniuk. The council took steps to correct a number of mistakes that it made. I believe that those mistakes were made inadvertently, not deliberately. Mr. Chairman, I have a feeling that left with local people they will come up with the answers to govern themselves. They do not need the heavy hand of Regina as the big brother standing over their desks and dictating to them what they ought to do or ought not do. Mr. Speaker, that is the way we believe that local governments should work, and we should provide assistance. When they are in difficulty, ask for advice and ask for assistance, we are there to help them out. There is now a request for an inquiry. We have certainly communicated with them. We have asked them to provide more information to us; we have discussed that with the parent organization at SUMA. I'm sure that after tomorrow's council meeting, together with other discussions they will have, hopefully they will come with their resolutions. But, if they come up with a decision as a community (not just as one person) that there ought to be a judicial inquiry, we will certainly consider it.

MR. THATCHER: — Mr. Minister, if there were ever any question of a stonewalling act going on, then after listening to that rhetoric there is no longer much doubt. I suppose the only thing that can be posed now is: why the stonewalling act? You can slide into your simplistic rhetoric about respect for local government. That has to be really funny coming from you birds over there, because no one has ever done more to destroy local government out in rural Saskatchewan and in the small towns than what an NDP government has done. But that is another debate entirely. When the minister tries to slide back into that one as a defence for this issue, then obviously he must know that something is there. I suggest to this Assembly that the minister's defence is pathetic, ridiculous and indicative of his new found status within the cabinet.

I think what particularly . . . (inaudible interjection) . . . Well, when it comes to venom the Minister of Labor is, I suppose, the best promulgator of it in this entire Assembly, and occasionally perhaps some of it infects the rest of us.

May I return to the subject, Mr. Chairman? Thank you. Mr. Minister, no one respects local governments and the rights of local governments more than the people on this side of the House. Our entire election program has been for more and more autonomy for local government, and I'll debate that one with any of you any time. Under us, local government becomes local government again instead of, in many cases, the rubber stamps you have reduced it to. So don't lecture us and don't lecture me about our attitude toward local government.

The whole issue here is that a local government, led by its mayor, elected on a certain platform . . . Many of the present councillors have asked for a judicial inquiry. There's the difference. We are not suggesting that we've heard rumors about something and that you, in the Department of Urban Affairs, move and evaluate it. No one has even suggested that. This entire thing has originated, emanated completely, in the town of Kamsack with the mayor who, I suggest to this Assembly, has put his political neck on the line. I think that's a fair statement. As well, a couple of aldermen have put their political necks on the line. So I think when they have put their necks on the line, it gives some credibility to their position.

If the minister stands up and uses as a defence that it would be a heavy hand of government to accede to a request by a duly elected mayor and several of his aldermen or his councillors (whichever they are), if he calls that the heavy hand of government,

then he has a funny understanding of the use of the English language. Under no circumstances should the heavy hand of government go running in there on the basis of some rumors. But when you receive a request such as that and you refuse to act, when you sit there and you dance, and you play games, and you use your cute, pretty bureaucratic language to stonewall these people. It has to be pretty frustrating for them; it's pretty frustrating for the people on this side of the House.

What are you trying to hide? Is it possible that the people involved have pretty good connections to the government? Is it possible that some of the people involved have strong political ties with the New Democratic Party? The minister's attitude could certainly give rise to this type of speculation. I don't know whether it's true or not. I suppose a judicial inquiry would establish that, wouldn't it?

Again, we ask the minister: what is the function of your department if it is not to accede to requests like this? What do you exist for? Saskatoon doesn't need you; Regina doesn't need you; Moose Jaw, Swift Current and North Battleford can probably live without you. What are you there for? If you're not there to serve towns the size of Kamsack, why do we need you? I can't think of any reason. What do we need your department for? What's your purpose?

They ask you for help; they ask you to come and look into a matter. They in effect say, "All right, we haven't a lot of high-powered lawyers here, and we haven't a large heavy city administration staff — we need your help. We want you to come and look at this situation." What do they get? They get some dancing, some funny language and a request for chapter and verse. I guess the whole point of this brings up the very valid question: why does the Department of Urban Affairs exist, if it won't act when it is asked? All we can do is present you with all the scorn and contempt that you and your department so richly deserve.

HON. MR. SMISHEK: — Mr. Chairman, for the information of the hon. member, the initial request, which was made on March 27, was signed by the mayor and two councillors — Mayor Mydonick, Councillor Anne Cherwenuk and Councillor Marge Martynuik. Out of a council of six aldermen and a mayor — a total of seven — three sent this telegram:

As the Mayor of Kamsack, I believe that an immediate investigation into the affairs of Kamsack for the past five years is necessary for there are too many instances where The Urban Municipality Act was broken. Your immediate attention is requested and gratefully appreciated.

Mr. Speaker, I hope the hon. member will listen because he makes allegations and then makes no effort to listen and to learn. I have since then received a letter from Councillor Martynuik, saying:

Thank you for your letter informing me as to your plans. At this time I do not wish to be involved with the investigation that the Mayor of Kamsack wishes to have done. The reasons are that his homework was not done on his own, but on the word of others who do not wish to see things done properly. Councillor Cherwenuk plays a large role in these matters, which have been her personal problems. You have stated matters pertaining to council have been brought to your attention and have been resolved. I trust your good judgment and at this time I do not want to be part of these disagreements. If at any time you wish to discuss this matter, please be free to call me (and she

gives her phone number). Councillor Marge Martynuik.

This letter was dated April 16, 1981.

AN HON. MEMBER: — Can you give me a copy of that?

HON. MR. SMISHEK: — Sure.

Mr. Chairman, we have a council of seven people. As things stand right now, the mayor and one councillor are supporting the idea of an investigation. Are we then to completely ignore the wishes of all the other council members? We have said over and over again that there is also a public meeting today. They have talked about petitions; we have not received any petitions. Hopefully there will be some recommended decision from today's council meeting and with the assistance, if need be, of SUMA we can help the town of Kamsack. But, obviously, the member for Thunder Creek is not even prepared to wait until tomorrow and let the people make some of these decisions.

MR. THATCHER: — You know, Mr. Minister, as this goes on your defence gets funnier and funnier. Let's go back and do the chronology of events, very briefly and succinctly.

A couple of fellow happened to buy 10 acres of land for a buck. Well, I guess there's nothing wrong with a dollar. A few days later they bought three more acres for a couple of thousand dollars. Then they did the oldest trick in the world: they put it in as 13 acres at \$2,001 and averaged it out to bring the thing up.

What is interesting about it is that that same land, one month previous, was evaluated by an official from industry, trade and commerce for over \$200,000. Now that was a month before this was bought for \$2,001. Then what happened? Suddenly, Sedco, in its infinite wisdom, saw fit to pour half-a-million dollars into the project. The guy who evaluated it a month before any of this started, and who was working for industry, trade and commerce, went to work for the industry that just received the half-a-million dollar Sedco loan.

AN HON. MEMBER: — Now where is he? He's back with industry.

MR. THATCHER: — A little noise came up later and where is he? He went back to work in industry, trade and commerce.

You know who the officials were who bought this land for \$2,001? God only knows why the mayor is calling for an inquiry. Of course he's calling for an inquiry. He should call for an inquiry, just as you should have the inquiry. Is it possible that the inquiry may extend as far as the Department of Industry, Trade and Commerce? Is it possible that that pure little gem, that little institution which we all know is beyond any reproach, known as Sedco, is involved? For goodness sakes, you have those facts staring you in the face and you can say, "Let's leave it alone. Let's get it documented; let's see it chapter and verse." You have the land titles. You know what I said happened. Do you want to say that you don't have enough evidence to look into it?

Somehow your logic as to what it takes to trigger your department into action, totally escapes me. It escapes everybody over here. Judging by the looks on the faces of some of your backbenchers, it is escaping them also.

HON. MR. SMISHEK: — Mr. Chairman, in the case of the property in question, as we understand, the council agreed to sell the property at a total price of \$2,001 for 13.5 acres. Then there was over \$5,000 worth of other charges with respect to transfer and servicing. This was done, Mr. Chairman, long before the title to the land was finally issued. Then Kamsack Manufacturing bought the land and proceeded with the construction of the building.

AN HON. MEMBER: — What were their names, Walter?

HON. MR. SMISHEK: — I do not have the names in Kamsack Manufacturing. Mr. Chairman, I have the certificate which the hon. member for Arm River tabled. I have no reason to believe that it is not a true and correct copy. It is dated October 4. That is the title. I would hope that members would appreciate that titles are not issued the very next day you take the option out, or when you in fact make a payment for land. It takes a while.

AN HON. MEMBER: — No kidding. Oh, gee, you have to be kidding.

HON. MR. SMISHEK: — Apparently, the hon. member for Thunder Creek thinks this is funny. He thinks he is brilliant. He is a man who really doesn't want to know the truth. He engages in a game of sport.

So the title wasn't granted or filed until October 4, 1979. Now in the meantime, before the title was issued, construction proceeded on the building. The land was developed and the building was built. Then the appraisal was made of the building and the property. Then after they put up the building (the manufacturing plant), the evaluation was that it was worth \$220,000 — but not raw land. What does the certificate of title say very clearly, unless the hon. members obviously ignore it? They don't want to read the truth. What does it say? It says \$220,000, both land and improvements. Mr. Chairman, you can play games. You can ignore certain things, but the truth is that with the land and improvements, the estimate or the appraisal made was then \$220,000. The land itself, in its raw form, in the state it was in, was not assessed or not evaluated at \$220,000. The hon. member for Thunder Creek is trying to play games.

MR. THATCHER: — Mr. Minister, with all due respect, what you just said is not correct.

AN HON. MEMBER: — It is.

MR. THATCHER: — It most certainly isn't.

AN HON. MEMBER: — It is the information which your member provided — land together with all buildings and other improvements.

MR. THATCHER: — That land was evaluated by that official from the Department of Industry and Commerce one month before it was sold for \$1. It was raw in that state. That has been confirmed by that minister.

AN HON. MEMBER: — That is not when the sale took place.

MR. THATCHER: — It most certainly is. Well, the minister nitpicks about when a title is registered, or when a transfer of title takes place. Anybody who has had any land dealings knows that it takes quite some time for that title to go through. You take possession and you may start developing, or do whatever you are going to do, long

before you ever see that title in your name. I state categorically to the minister, when that land was sold for \$1 a month earlier, an official of industry and commerce evaluated it for over \$200,000. Then they added three acres at \$2,000 and tried to average out the price. This is all more than a month after industry, trade and commerce evaluated it at over \$200,000. Then, of course, the rest of it. You've gone into the building bit. Sedco advanced them \$500,000 but don't you try to tell me because you've got your facts wrong, or you are getting bad advice. At the time of that evaluation by industry, trade, and commerce that land was in its raw state. And if we are going to argue with that point, there's a pretty easy way to settle it. Let's bring that official in here, put him right there under oath and talk to him, if you want to debate that one. I sort of doubt we're going to end up doing that, but we are certainly prepared to do so. He's an official of industry, trade and commerce. I'm sure you could find him. You could find him before 5 o'clock and we could do the Hewitt Helmsing trick. We'll seat him at the door and we'll ask him, if you want to argue over that one. I have a feeling we are not going to do it.

Consequently, your defence is full of holes and is erroneous. Obviously, you have some difficulty knowing about the basic transfer of land titles. All right, what does this mean? Why are we talking about those specifics here? What it does mean is that there's something there that should be cleared up. The mayor and two members of his council have asked you to come in and clear it up. They have asked you to come in and clean the air one way or the other. I believe the mayor has put his political life on the line by asking you to do so. Now, based on that, for goodness sake, get that department of yours out of the doldrums, and go and do what a mayor and two councillors are legitimately asking you to do. Goodness knows, that's your job. That's the job of your department. And again, I repeat, what in goodness sake are you here for? What do we need you for, if you won't get involved in things like this? The longer you leave it, it only gives rise to further speculation as to why your department refuses to act. And you are fanning certain suspicions right now, all by yourself. Clean the air; get in there; find out what's going on. If there is nothing there, then the mayor will be accounting to certain people in Kamsack, I'm sure. On the other hand, if there is something there, it deserves to be ferreted out and brought out where it belongs, in the public.

HON. MR. SMISHEK: — Just for the record, because I don't think the hon. member wants to listen, the evidence is that the property was, in fact, sold in May of 1979, and construction started in May of 1979. The appraisal on the property with the building which was done in September, put the value at \$220,000. The land title transfer was registered on October 4, 1979. So, Mr. Chairman, I don't know how many times I have to restate that, but those are the facts. I want to state them for the record, not for the hon. member for Thunder Creek because he really doesn't want to listen, or want to hear the facts. He wants (I suppose really what his hope is) to play to the media so that he can get another headline in the paper or in the media, because really he doesn't want to know the truth. That's not his purpose in entering this debate.

MR. THATCHER: — Mr. Minister, there's a very easy way to settle it, and I guess we should go this route. I wasn't going to suggest it. Mr. Minister, there's an official with industry, trade and commerce who evaluated that land in its raw state. You say he didn't and that there was a building in place when all those evaluations took place. My question to you, Mr. Minister, is very simple. I propose to call that official into this Assembly and place him under oath, and then we will ask questions in a proper fashion as we did one evening with one Mr. Helmsing. I'm sure you recall it. I propose to do that tonight, and that will settle this issue once and for all. I challenge you to support me in that call to bring that official, who is readily available, into this Assembly and placing

him under oath. Since you are saying that what we are saying is not true (and what we are saying is that it is true), there is an easy way to resolve it. I invite you to take that route. I want to ask the minister if he will support a call for the appropriate official to be brought into this Assembly, placed under oath, and then questioned in the proper legislative fashion as to his role on the entire state of the affairs, since your department refuses to ask? So, my question to you, Mr. Minister, is simply this: are you prepared to support that call and resolve this once and for all?

HON. MR. SMISHEK: — Mr. Chairman, the hon. member can probably save himself a lot of effort. All he has to do is look at a copy of the certificate which his colleague tabled in this House last Friday. It reads:

That the within described parcel of land, together with all buildings and other improvements thereon is, in my opinion, of the value of \$220,000 . . .

It is land, buildings and other improvements. Mr. Chairman, obviously, the hon. member doesn't want the truth; he wants to have an inquisition. Mr. Chairman, this legislature has a purpose — deal with the estimates. I don't think it is our job, as members of the legislature to conduct inquisitions for the joy and pleasure of the hon. member for Thunder Creek.

MR. THATCHER: — Mr. Minister, you haven't answered my question. What I have said very simply and categorically is that at the time that official (I don't know when he wrote that) visited that site and made his evaluation, there was no building there. It was a month prior to that sale going through at \$1. The council was aware of the evaluation which he had put on it. So, I have asked you whether you will support the call for that official so we can clarify that point, which appears to be the crux of the matter. I ask the minister very simply for a yes or no. Never mind a speech. Either you will support that call now or you won't. It is very close to 5 o'clock. Spare us a speech. Are you prepared to do it or not? I don't think you are. I don't think you will, because you know what that official will tell us. He will nail your department to the cross. He will substantiate everything I am saying. Yes or no — will you support the call of that official, place him under oath, so we can get the facts?

HON. MR. SMISHEK: — Mr. Chairman, I think there are other ways of getting the information. I think the information is there. The members opposite have the information. The answer is simply no. We are not going to subject public servants to that for his joy and pleasure. We had a witness here a few years ago with respect to your party's claim about filthy hospitals. We are used to charges made by members opposite. No wonder, Mr. Chairman, people are saying, "That crew is leaderless; they're rudderless; they don't know where they are going; they don't know what they are up to." Ask the people of Saskatchewan. What do the polls say? They say that if there were an election at the present time, all but about two of you would be wiped out. And you deserve it.

SOME HON. MEMBERS: Hear, hear!

The Assembly recessed until 7 p.m.