

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Fourteenth Legislature
13th Day

Friday, October 27th, 1961.

Question re: CONSTITUTIONAL CONFERENCE

Mr. Eldon A. Johnson (Kerrobert-Kindersley): — Mr. Speaker, before the orders of the day are proceeded with I would like to ask the government the following question. Is it true that a constitutional conference will be held in Ottawa in the near future?

Hon. Mr. Walker: — Mr. Speaker, I want to express my appreciation to the hon. member for having given me a few minutes notice of this question so that I could carefully draft a reply. It is as follows: It is true that a constitutional conference will be held in Ottawa, Thursday and Friday, November 2nd and 3rd. This conference will not involve the Attorneys General. The dominion and the provinces will be represented by experts concerned with drafting of the text for future consideration on the policy levels. Participation in this conference by the province does not in any sense imply that the province has receded in any degree from its former position that the new constitution must be flexible to the highest degree. The government considers itself bound by the resolution of the legislature, unanimously adopted at the last session, and at the very earliest opportunity will take steps to test public opinion regarding proposals which would pass an inflexible constitution on Canada, making change or progress very difficult, if not impossible.

Question re: THE RECORDING OF EVIDENCE BY SOUND RECORDING MACHINE ACT.

Mr. Franklin E. Foley: — Mr. Speaker, before the orders of the day are proceeded with, I note in the Saskatchewan Gazette of October 13, 1961 a notice with respect to the matter of recording of evidence by sound recording machines, act of 1958, whereby the Attorney General does rule that such evidence is now admissible. My first question is why was this notice necessary at this time since the act was passed in 1958, and secondly does the government intend to bring in to the legislature any amendments to the act with regard to this matter?

Hon. Mr. Walker: — The act was passed, as the hon. member pointed out three years ago,

and it provided that any machine designated by order-in-council would be acceptable for the recording and transcribing of evidence. During the three year period, extensive experiments have been undertaken to test all makes and models of machines, and it wasn't until last month that we were able to select a machine which was ultimately chosen. Now this has been selected, this notice that my hon. friend referred to has been published, formally adopting that machine as the official mode of transcribing evidence.

I may say that when the act was originally passed, there was no provision in the criminal code for use of sound recording machines in criminal proceedings. As a result of representations which we made to the government at Ottawa, they passed an amendment at the last session of parliament stating that any machine that is acceptable for the purpose of provincial courts, would be acceptable also in criminal courts. So it wasn't until that change was made in the criminal code that we could have used a sound recording machine in any even in our magistrate's courts. Now the amendment has been made to the criminal code, we are not bringing our provisions into line, so that we can use a machine for transcribing evidence, particularly in the magistrate's courts, where the magistrates have to tour the province and hold hearings in places where court reporters are not ordinarily available.

Mr. Foley: — There will be no further amendments to the act?

Hon. Mr. Walker: — No further amendment to the act will be necessary as a result of that.

The Assembly then resolved itself into a Committee of the Whole.

MOTION RE HOUSE ADJOURNMENT

Hon. W.S. Lloyd (Provincial Treasurer): — Mr. Speaker, on behalf of the hon. Mr. Douglas, I want to move the resolution which appears on the order paper. The resolution is self explanatory and suggests that when the House adjourns today, it will stand adjourned until Monday, November 13 at 2:30 p.m. May I say, Mr. Speaker, that the government does not wish, and does not intend to be put in the position of having pressure on the legislature in dealing with these very important matters that are before us. We do

wish and we do have the need, which I am sure will be respected, to adjourn for next week, or a good part of next week, and this proposal has been placed on the order paper. It may be that there are some alternative suggestions which arise in the course of discussion, Mr. Speaker, but I would move on behalf of Premier Douglas the following resolution as it appears. That when this House adjourns on Friday, October 27, it shall stand adjourned until Monday, November 13, at 2:30 o'clock p.m.

Mr. W. Ross Thatcher (Leader of the Opposition): — Mr. Speaker, the opposition, to say the least is somewhat surprised that a motion of this kind should be introduced at this time. Because for at least two weeks now we've heard repeated charges made on that side of the House that the opposition was using stall tactics to hold up the medical bill. Now we have a motion in front of us by which the government suggests that we leave here and hold everything up for two weeks. Why is it proposing that the House should adjourn at 5:00 o'clock for two weeks. Is it in the interests of the health of the people? I don't think so. It is so that my hon. friends can go to a political convention. We don't even take exception to that, Mr. Speaker. We don't mind them adjourning for three days to go to their convention, but we don't see why they need another week in addition. This bill in front of us, has been described repeatedly as the most important bill ever to come in front of this legislature. The Premier himself told us that unless it was passed reasonably soon they might not be able to bring it into effect. I wish there to propose an amendment, Mr. Speaker, seconded by Mr. McDonald:

That the words "November 13th," be deleted, and the words "November 6th" be substituted therefore.

The amendment having been proposed by Mr. Speaker.

Hon. Mr. Brockelbank (Minister of Mineral Resources): — Mr. Speaker, I would like to say a word or two in regard to the amendment. The Leader of the Opposition mentioned the delay. Really, Mr. Speaker, it has been quite evident, during the last two weeks, that there isn't anybody here in this House, or not very many that don't think we have lots of time. We have lots of time. We'll get this thing done...

Mr. Thatcher: — Why are you accusing us of stalling then?

Hon. Mr. Brockelbank: — Well I am not going to discuss the stalling question on this resolution.

I have very decided opinions about that and I certainly could make a good case for it, but I don't want to interject it into this particular debate.

There has been some discussion, I understand, between members on both sides of the House, about the possibility of sitting Saturday, Monday and Tuesday, instead of passing this motion or amendment. Now if that has no attraction for the people in the House, I am not particularly interested in it, in what might be a faint and forlorn hope that we might finish by Tuesday night, finish the session. I think there would be a willingness on the part of the government members to try that out if the opposition wanted to try it. But to come back on the 6th, my hon. friends know what takes place at this convention. This doesn't happen very often. A new leader will be elected and I think he deserves the courtesy of the members of the legislature in giving him time to get his cabinet organized to meet the House. The Premier has stated that in the House before, and I think it is quite legitimate.

I can appreciate the interest of the Leader of the Opposition in trying to set the date when the House will meet. This effort may be the closest he will ever come to it, I don't know. I couldn't accept the sixth and I don't think the government could accept the sixth as the date for meeting.

Mr. A.H. McDonald (Moosomin): — Mr. Speaker, I for one would not want to place myself in the position of saying that by some faint and forlorn hope that this House could finish its business by Tuesday next, irrespective of what days we might sit or what hours we might sit in the interval. I believe that we came in to this session to do a specific job and I think that we should take whatever time is necessary to do that job. I am opposed wholeheartedly to setting some target date of attempting to finish.

Now as the Leader of the Opposition has mentioned, we are prepared to give the party that sits opposite the opportunity to attend the leadership convention, and the decision as to what happens at that leadership convention of course is in the hands of the people who sit opposite and their supporters. But, Mr. Speaker, the government set the date that this House was to open, and the opposition has nothing to do with that, and they must have known when they set the date that they were going to hold the convention, and they must have expected that certain things would happen

at that convention. Now that was the time that consideration should have been given, as to the time that would be necessary following that convention for a new leader, who I will expect will be the Premier, to select his cabinet and to prepare himself to face the House. This is a decision that we in the opposition surely couldn't be responsible for. This is a decision that the government are responsible for and the opposition, I don't think, should be called upon to extend a courtesy or otherwise. The government got themselves in this box, now let them get themselves out of it. The thing is this. We have members in this House that it costs considerable money, every day, for them to be here, and one good example is the school teachers. Mr. Speaker, I think there is no better example than our school teachers. In order for a school teach to come into a session it is necessary for them to have a replacement, and as I understand it they have to pay the replacement's salary. Now are they supposed to go home, tonight or tomorrow and say to their replacement — now I won't need your services for the next two weeks, but at the end of two weeks will you come back. I can imagine what the substitute is going to say to the teacher. And there are other people. I can think of salaried people, whose salary is cut off while they are in the session, and I think we must consider these people. I know of farmer members who have hired help on the farms. Are they supposed to go home and discharge that man tomorrow and say will you come back on the 13th. I honestly believe that the opposition are being fair when they say to the government — all right you can have your convention, and take the next three or four days to prepare yourself, but come back here the following week. I think we are being generous and fair in agreeing to giving the government and their party a week to mend their fences and prepare themselves to face this House. I can see no reason for this House to adjourn for two weeks.

Hon. Mr. Lloyd: — The member for Moosomin has closed his remarks by saying that the opposition was being generous and fair in giving to the government, if I could quote a remark this morning — some people are always generous and fair at giving that which they don't have to give. Now Mr. Speaker, I don't really believe that there is much to be added to the remarks of my colleague, the Minister of Mineral Resources in regard to the reasons of the government. I think these reasons are good and ample and they are reasons which I submit should receive the respect and the consideration of the opposition. The government, it has been suggested, made the error, in not calling the session earlier. The government's problem in this regard was that it was not possible to call the session for this purpose prior to having received some time before the report of the advisory committee, and this was what determined

the opening date of the session. It wouldn't have been possible for us to come here without that report having been in our hands for some time, the report on which the major business of this particular session was based. We allowed what was thought to be, and what most of us will still think to be a reasonable amount of time between the calling of the session and the convention which we knew was coming up to deal with the matters which the government was putting before this legislature and the people of the province. For that decision we have no apology to make, nor do we make any for the resolution which is presently standing before us.

Mr. A.C. Cameron (Maple Creek): — Mr. Speaker, I would just point out to the Minister of Mineral Resources and to the Provincial Treasurer that the reasoning basically is sound. If there was need for a new Premier to take over he would have to have time to reorganize his cabinet is correct. I don't think we should forget that the CCF if they so wish it may choose a new leader, but that doesn't necessarily follow that he must become the Premier the next day. I noticed that in Ontario, the government members there chose a new leader, and yet the Premier in that province is still carrying on. According to press reports he intends to carry on for some months if not a year. So I would say to you, choose a new leader if you like, but I can't follow the reasoning that says that the Premier must leave immediately a new leader is chosen.

I would think that the Premier would show some courtesy to the legislature and to the people of Saskatchewan and remain here at his duties and at his post until such time as this session had come to an end. Then he can relinquish his responsibility. There is no reason in the world why the Premier can't continue to be Premier of the province until this session prorogues. That is not a valid reason. We are prepared to commission-operate. It is only common courtesy that we give the members an opportunity to attend this convention and no one is objecting to that, but I don't think you can justify that we have to give additional time for the so called new Premier to organize his cabinet, because I think the Premier should remain at his post until this session is adjourned. For that reason I am going to support the amendment that a week's recess is sufficiently long.

Mrs. Mary Batten (Humboldt): — Mr. Speaker, I have only one remark. I was quite amazed to hear the hon. Provincial Treasurer say that he had no apologies to make to this House. I certainly think that we do need an apology because after all we are the representatives of the people of the province of Saskatchewan, we are

the legislature, and we feel that when we come here to do the business of this province, at cost to ourselves, at a financial loss to ourselves, we want to stay here until that business is completed.

Now, the calling of the legislature is completely in the hands of the government, Mr. Speaker. Completely. The government could have called the session at any time. They knew they were going to have a new leader. They could have had their provincial convention at any time. They could have postponed the calling of this House until after they had a new leader and a new cabinet, which could have put in this legislation. Why in the world should we start off with one government and half way through have a new Minister of Health and a new Premier to finish off this work. Maybe they made such a mess of it that they have to do that, but if they did that is their responsibility, not the responsibility of this House. I certainly don't think it is necessary that we should be sent home like naughty little children for two weeks, to cool our heels and wait until the government is good and ready to call us back, because they are going to have a new cabinet to finish off this work that the old cabinet started and couldn't finish. I don't see any need for it whatsoever, and I for one resent it, not only on behalf of this House, but on behalf of the province of Saskatchewan who have to wait for two weeks for a political party to manoeuvre itself into a more enviable position before we can go ahead with the business of this province.

The question being put on the proposed amendment it was negatived on the following recorded division:

YEAS — 18

Messieurs

Thatcher
Batten (Mrs.)
McCarthy
Barrie
McDonald
Danielson

Cameron
McFarlane
Gardiner
Foley
Guy
Boldt

Klein
Horsman
Coderre
MacDougall
Snedker
Gallagher

NAYS — 30

Messieurs

Dewhurst
Brockelbank
Lloyd

Thurston
Erb
Nicholson

Thiessen
Snyder
Stevens

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NAYS (continued)

Walker	Turnbull	Kluzak
Nollet	Stone	Dahlman
Cooper (Mrs.)	Whelan	Michayluk
Strum (Mrs.)	Thibault	Semchuk
Davies	Berezowsky	Perkins
Willis	Johnson	Peterson
Brown	Meakes	Brotten

The question being put on the motion it was agreed to.

The Assembly again resolved itself into a Committee of the Whole.

The Assembly adjourned at 5:30 o'clock p.m.