

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session — Eighteenth Legislature

December 21, 1977

The Assembly met at 2:00 o'clock p.m.
On the Orders of the Day.

QUESTIONS

Uranium Market

Mr. R.H. Bailey (Rosetown-Elrose): — Mr. Speaker, I would like to direct a question to the Minister of Mineral Resources. An American press story out of Sydney, Australia, states that some 22 foreign firms have already made inquiries for the delivery of some 45,000 metric tons of uranium from the northern territory in Australia. The minister is probably aware that the Australian government gave permission to mine and export uranium as of August 25th of last year. The question to the minister is this, should the Bayda Commission recommend the development of uranium mining in Saskatchewan, does the minister feel that perhaps we may be too late with Saskatchewan uranium to capture some of the world market?

Hon. J.R. Messer (Minister of Mineral Resources): — I believe the question is somewhat hypothetical even though Australia has had some considerable interest shown in regard to purchases of uranium. I do not believe that there have been any significant final or conclusive contracts agreed to in relation to the potential production of the mines that may be established in Australia. There is only one now in operation and it is a very small producing operation. They have some very extensive potential but it is not yet being mined and I do not believe they have committed themselves to any forward sales. So that, in short, the answer to the member's question is no, I do not believe that if Bayda recommends to the government we go ahead and the government ultimately goes ahead, we are in any way missing the opportunity for sales.

Mr. Bailey: — Supplementary question, Mr. Speaker. Could the minister inform this House then, he mentioned that there is much potential development in Australia as there is in Saskatchewan, how long would it take in the uranium industry in Saskatchewan to put Saskatchewan uranium on the world market?

Mr. Messer: — Well, Mr. Speaker, I am sure that the member is well aware that we already have some significant activity in the province of Saskatchewan in relation to uranium mining at Uranium City and also the Gulf Minerals operation. It is assumed that the other interests, if a decision to develop uranium mining is made, will go ahead as they had initially planned some time ago. There has been no real serious jeopardy of timing of those mines in any way and the production is not expected and the sales are not expected to be in any way seriously affected by the Bayda Enquiry or the government's decision pertaining to the mining operations in the province.

Mr. Bailey: — Final supplementary, Mr. Speaker. The minister was questioning the time, but further, Mr. Minister, do you have any studies that have been made available to you as minister and thus could be made available to this Assembly, which would indicate that the uranium which is to be mined from Saskatchewan which would in fact be competitive and have to be competitive on the world market, do you have any studies

to indicate that Saskatchewan uranium being placed on the world market would in fact be at a competitive price?

Mr. Messer: — I don't believe I have any studies, certainly no studies that have been undertaken by the government of Saskatchewan. No doubt some of the interests that are exploring and developing potential uranium mines have such information. I think I can though generally say that due to the type of mining that would take place in Saskatchewan for the deposits that are already identified, it would be more economically competitive to most other types of mining operations for uranium in other parts of the world.

Cable Television

Mr. E.F.A. Merchant (Regina Wascana): — A question to the Minister of Co-operatives about the Premier's announcement today of and I use the Premier's words "an experiment which involves significant financial risk to the province." I ask the Minister of Co-operatives whether he would not agree with me that it is dangerous for the government to use Saskatchewan tax dollars through the guarantee and also through Sask Tel expenditures for tracks and converters which at current prices will be about \$200 per subscriber.

Would the minister not agree that it is dangerous to use Saskatchewan — I am sure this conference won't count on our question period, Mr. Speaker — dangerous, Mr. Speaker, to use Saskatchewan tax dollars in this way to subsidize something that will compete against companies duly incorporated and co-operatives already in operation in this province?

Hon. R.J. Romanow (Attorney General): — Mr. Speaker, I would not so agree with the member, quite obviously. The government on a number of occasions guarantees loans that are entered into by co-operatives. I stand to be corrected by, perhaps, my colleague the Minister of Co-ops, but I believe that, for example, that Cable Regina which is the conventional licensee has a guarantee also entered into by the government. I think that once their contract is approved by Sask Tel and the license is finally amended and approved by CRTC is likely to involve some, also, additional considerable sums of money. So my point is that with respect to any guarantee, co-op guarantee, the government tries to assess as best it can the economics and other aspects of the proposal and then decides to guarantee or not to guarantee. Obviously in this case while it is experimental in the sense of a new innovative social project, we are optimistic that it will prove to be a successful co-operative venture.

Mr. Merchant: — Supplementary, Mr. Speaker. I ask the Attorney General then whether using tax dollars through Sask Tel, for the traps and the converters, which were not anticipated and accepting a cost which at term cost would be about \$200 per subscriber, is not a very large price for Saskatchewan taxpayers to pay for this government to help its political friends who are operating CPN . . .

Mr. Speaker: — Order! I will take the next question.

Report of Wilderness Camps

Mr. H.W. Lane (Saskatoon-Sutherland): — Mr. Speaker, my information is that your department is now in possession of a report from, as he now is, His Lordship, Judge Maher, on the inquiry into the wilderness camps in northern Saskatchewan. Is that a

fact, that you do have his final report?

Mr. Romanow: — Yes, I received a copy late this morning, perhaps even early afternoon.

Mr. Lane: — Mr. Speaker, my question then is, by way of supplementary. When does the Attorney General intend to table the report in this House or make the report public or, if in fact, he intends to keep the report to himself and scrutinize its contents before releasing it to the public?

Mr. Romanow: — Mr. Speaker, we have every intention to release the report as the report is written. We had no other intention and it is certainly not credible to take any other position. I think the hon. member would, however, agree with me that the government does have the right, that we intend to exercise, at least to read the report. It is a fairly extensive report to read, to see what ramifications it might have. I anticipate that we will be releasing the report depending on all kinds of things, Christmas breaks and everything; we will probably be releasing the report the first week of January, 1978, which is about 10 days from now.

Mr. Lane (Saskatoon-Sutherland): — Supplementary, Mr. Speaker. I would certainly agree that the government has the right to read its report but I would suggest to you, Mr. Attorney General, that to read your report and to take that length of time to prepare your position in the light of the ramifications of such a report is unreasonable. I would ask you, therefore, to table the report within the next several days.

Mr. Romanow: — Mr. Speaker, the hon. member will have lots of time to read very carefully this report. It will be tabled without a doubt, you can be assured of that. I say that 10 days over the Christmas period is not unreasonable. December 27th to the 30th is generally thought to be Christmas week. There will be some ministers who intend to be up with friends and families if the House so permits in the next day or so, depending upon the wishes of the MLAs. All that I say to you is that with respect to this report, as soon as we have had a chance just to read it, we don't even need to do any basic analysis of it, it will be tabled here to every MLA, if the House is in session and if not, it will be given to the public and the press, untouched, for its full publication.

Cable Television

Mr. W.H. Stodalka (Maple Creek): — A question to the minister responsible for cable television. I understand this now provides the Regina people with another type of television besides cablevision and besides the regular broadcasting television. In view of this fact, would the minister consider giving aid to rural groups or rural organizations that tended to organize to better provide service in their areas, service in areas where, for instance, we don't have any Saskatchewan television at all or areas in which we have just one outlet?

Mr. Romanow: — Well, Mr. Speaker, the answer to the question shortly put is, yes. The Premier in his release today talked about the question of expanding this experimental project, this innovative new concept, to areas beyond larger cities. I think this is one of the most exciting aspects of the close circuit CPN operation. For those communities that may have difficulty in getting conventional cable because of technological and economic reasons, if we can get this going and in operation, the prospect of providing to them a form of cable television, a form of close circuit television, is indeed one of the big attractions. So the answer to your first question, I

know you are looking for a supplementary is, yes, that is part of the major reasons behind the decision to guarantee the loan.

Mr. Stodalka: — Thank you. Mr. Speaker, a second question. You refer to this particular type of television in which there might be some possible assistance given, I refer to the regular type of television that we have, the regular broadcasting networks. Is the government considering or presently developing any programs whereby rural communities might participate in these programs to bring regular television to their area?

Mr. Romanow: — Well, Mr. Speaker, I have to say that perhaps I'm confused a little bit or the member is confused about this because the regular television and the regular radio programming, their licensing is subject to federal authorities being a Canadian Radio Television Commission function, it's an off air signal. So I don't know that we would have much of a say as to whom gets licensed where. We can obviously express opinions or support certain groups and the like but that's a decision of the CRTC. Please keep in mind that what we are doing here is what governments have done in Saskatchewan for many, many years and that is guaranteeing loans of co-operatives. And, if, assuming we can overcome the CRTC problem, there happens to be a co-operative which comes to the government and says look here is a worthwhile broadcasting function which we would like you to guarantee, well, of course, certainly we would be prepared to consider that too.

Mr. Stodalka: — A final supplementary, Mr. Speaker. The minister I am sure is aware that in some areas of Saskatchewan there are local groups who have organized their own companies, or their own organizations, in which they have built their own transmitters to pick up services that are available in the area, some of the regular channels that are operating in Saskatchewan. Would the minister consider then, either making loans or providing some sort of assistance whereby groups and organizations within communities could possibly build their own transmitters or have their own transmitters erected, in which they could bring in signals from the existing stations after licensing through CRTC?

Mr. Romanow: — Mr. Speaker, again, I must make sure that we understand each other.

First of all in order to get a transmitter or tower to pick up the signal requires some form of an approval from the Canadian Radio Television Commission. I am saying that if that happens and if a co-operative comes to make an application for a loan, as we have done, we would consider the guaranteeing of that loan for the co-operative as we have in this co-operative. If it is not a co-operative, if it is a private venture, a private business, then it will have to look to its financial assistance, if so required, to those avenues which are available to private operators in other areas. SEDCO, provincially or some federal banking or whatever. But the point is that this mechanism that we have undertaken here today is a guarantee of a loan made by a co-operative, I stress, under a very well known longstanding procedure in Saskatchewan.

Government Building in Saskatoon

Mr. Lane (Saskatoon-Sutherland): — Mr. Speaker, a question to the member in charge of government services.

Would the minister please indicate whether or not — and it is my information, I must say,

that the new government building to be located in downtown Saskatoon, has as part of its facilities the use of a central storage depot for the storage of liquors, beers and wines and so on to supply the various government liquor agencies throughout the city. Is that the fact that there will be this use made of the government building, that it will be used as a central storage depot to supply the licensed outlets?

Hon. E.B. Shillington (Minister of Government Services): — Mr. Speaker, we haven't yet allocated space within the new government building. Indeed, we have not even started to build it. It is still being designed. Sorry, are you talking about Saskatoon or Prince Albert? I am sorry, I understood you were talking about Prince Albert. The building in Saskatoon — I will have to take notice of it. I don't know whether or not we have allocated space to the liquor board in Saskatoon so I will have to take notice.

Mr. Lane (Saskatoon-Sutherland): — Supplementary, Mr. Speaker. If the minister is taking notice of that fact he might be kind enough to indicate to the House whether or not he would be prepared, if indeed it comes to his attention that this is part of the plan, to consult with Saskatoon city hall officials in respect of the kind of traffic flow that might generate in downtown Saskatoon with semi-trailer loads of commodities arriving there in an already crowded area and whether he would be prepared, at this time, to give the House an assurance that he would consult with officials from the city of Saskatoon.

Mr. Shillington: — We have been in continuous consultation, Mr. Speaker, with the city officials of Saskatoon and, of course, that would happen.

I understand the member's question, just so I am sure, to be a question about the wholesale handling of liquor not the retail handling of liquor. He wants to know whether or not there will be a wholesale outlet. I will find out and report to him.

Coronach Development

Mr. E.C. Malone (Leader of the Liberal Opposition): — A question to the Minister of Mineral Resources. I would like to pursue with the minister, Mr. Speaker, a matter that arose yesterday in Question Period when the minister in response to a question from my colleague, the member for Assiniboia-Gravelbourg (Mr. Nelson) indicated to this House that people in Montana were misinterpreting information being provided to Montana by the government of Saskatchewan in connection with the Coronach Development. Do I take it, Mr. Minister, from that remark that you were saying that elected officials in the state of Montana, the government of Montana, or public servants in that state, are deliberately misinterpreting information you have provided with them, and if that is the case, would the minister please name who the officials are and also indicate what misinterpretation was done by those officials?

Hon. J. Messer (Minister of Mineral Resources): — Mr. Speaker, I think the record will show what I said yesterday is that if the statements that have been reported to have emanated from officials in the state of Montana are in fact correct, then the information that we have been providing to them has either been misinterpreted or has not been digested by those officials before undertaking to make the statements.

Mr. Malone: — Supplementary, Mr. Speaker. I wonder if the minister when answering my supplementary would answer the first question and advise what people are involved?

Would the minister not agree that if this is the case and that if some of your information is being misinterpreted, that the thing for you to do is get down there as quickly as possible, or your deputy minister or some government official, talk to the people about it and see what the problem is.

Mr. Messer: — Well, Mr. Speaker, we have talked to them and in most instances the issues that are now being disputed are issues that cannot be resolved by the state of Montana or the province of Saskatchewan. They have to be resolved by the senior levels of government, in other words, the federal government of Canada and/or the federal government of the United States of America. They cannot be resolved by these two jurisdictions provincially and/or state. We have, however, wherever possible, as a province, provided to the state of Montana all the information that we thought was relevant to the Poplar River-Coronach Power Project.

Mr. Malone: — I take it from the minister's answer then, that not only is the government of Montana misinterpreting information supplied by this government, but the government of the United States is as well. I ask a third time, would the minister please identify the officials involved who are supposed to be misinterpreting this information?

Mr. Messer: — Well, Mr. Speaker, he continues to undertake to convince me that I am saying the officials per se have misinterpreted the information, and I again convey to him that if the reports that the member for Assiniboia-Gravelbourg continues to bring to this House are in fact correct, if his reports are in fact correct, then there has been a misinterpretation of the information. Now I think there is a distinct difference between whether or not those officials have, or the member who sits behind the Leader of the Opposition, the Leader of the Liberal Party, has in fact his facts correct. And I think the batting record of that member would indicate that it is quite likely that his facts are not in fact correct.

I will undertake to again convey to my officials to contact officials at both the state and the federal government in the United States of America whether or not we have in any way been negligent in providing them or our senior government at the Canadian level with information pertaining to the Poplar River-Coronach Power Project.

Transportation to Toronto Royal Exhibition

Mr. L.W. Birkbeck (Moosomin): — A question to the Minister of Agriculture. Mr. Minister, has your government, through your department or any other department, discontinued a policy of transportation assistance to Saskatchewan producers showing livestock at the Toronto Royal, and if so, why?

Hon. E. Kaeding (Minister of Agriculture): — Mr. Speaker, the providing of assistance to livestock to the Toronto Royal is under discussion by my department at the present time and we will be making a decision on that in due course.

Re-introduction of Bill 51 re: concerns of medical students

Mr. C.P. MacDonald (Indian Head-Wolseley): — I would like to direct a question to the Premier, Mr. Speaker, in the absence of the Minister of Health.

I have a copy of a letter from Michael J. Reader, President of the Student Medical Society in the University of Saskatchewan in Saskatoon. Mr. Speaker, I only want to

quote two lines, two sentences: "Could however perhaps our major concern involves the government's withdrawal of Bill 51 in the spring of 1977 and further indications that this legislation will not be re-introduced." And two sentences later — "We strongly feel that the proposed legislation would have been beneficial to the people of Saskatchewan; we feel that the present legislation dealing with this issue discriminates against us, the Saskatchewan trained physicians requires that a graduate of the University of Saskatchewan" . . . and goes on to explain the problem.

Could the Premier indicate to me and to the members of the House, whether they have decided to re-introduce amendments to The Medical Professions Act in 1977 as has been requested by university students taking medical training in the province of Saskatchewan?

Hon. A.E. Blakeney (Premier): — Mr. Speaker, we have made no decision to re-introduce Bill 51 or a bill containing the same substantive material that was in Bill 51.

Mr. MacDonald: — A supplementary, Mr. Speaker. Would the Premier indicate then to the members of the House that seeing he and other members of his Cabinet endorsed Bill 51 last spring and his caucus objected, that it is my intention to re-introduce amendments to The Medical Professions Act in January, and would the Premier indicate whether the Minister of Revenue and some of his Cabinet colleagues would support my introduction and my bill on the amendments of Bill 51 so that we may be able to pass that legislation as you had originally intended a year ago?

Mr. Blakeney: — Mr. Speaker, unlike some parties in this House, I am as party leader, unable to speak for all of my people and indicate the positions they will have on every future issue. We occasionally have members who turn their mind to the issues of the day and make up their own mind. That may not be the practice of members opposite. I will not comment on that with respect to either groups opposite.

My point is that I am unable to commit members to support a bill which they have not seen, particularly a bill which is under the dubious authorship of the member for Indian Head-Wolseley.

Mr. MacDonald: — I wonder then if the Premier would like to give me a personal commitment that if the amendments are in line with the amendments introduced by the member from the university if I recall the member, the former Minister of Health, would he consider supporting?

Studies on Uranium Projects

Mr. Bailey: — I would like to direct a question to the Minister of . . . Mr. Messer. Earlier this afternoon I asked you a question concerning the documents and studies as to whether you had, as Minister of Mineral Resources, any available, and you indicated at that time that you didn't have and that perhaps the uranium people did have. Mr. Minister, my question is simply this. A number of if not all of the uranium projects in Saskatchewan are jointly sponsored as I understand it and it does seem at a little dubious to me that they would have copies of studies made and not your department. Would you like to explain that?

Hon. J.R. Messer (Minister of Mineral Resources): — I think that is relatively easy to

explain. The Saskatchewan Mining and Development Corporation is a Crown corporation of the government, not a direct line department or agency of the Department of Mineral Resources, and the undertakings and activities that they may carry out, either on their own behalf or jointly with other partners in relation to the exploration and development of uranium or I think your question relating to the economics of mining uranium in the bodies that its found in the province of Saskatchewan vis-a-vis the other locations is information that is only privileged to that Crown corporation and/or the partners that they may be in partnership with. It is not necessarily a document that should be made available to the Department of Mineral Resources.

Mr. Bailey: — Supplementary question. Are you saying, Mr. Minister, in fact that you as minister in charge, have not seen a copy of any study and you in fact have not studied any report dealing with the development and the mining and the selling of uranium on the Canadian and world markets?

Mr. Messer: — I am not, as minister, responsible for either the Department of Mineral Resources or the Saskatchewan Mining and Development Corporation, scrutinizing documents that appraise the marketability and the competitiveness of the Canadian or Saskatchewan uranium on the world market.

Coal Samples Sent to Montana

Mr. R.E. Nelson (Assiniboia-Gravelbourg): — A question to the minister in charge of SPC. The minister continues to tell this Assembly that representatives of Montana are misinterpreting facts in correspondence sent to them from this government. Is it not a fact, Mr. Minister, that this government, or SPC have not yet sent Montana coal samples for testing data that were requested by that government and promised by this government over one and one-half years ago?

Hon. J. Messer (Minister in charge of SPC): — Mr. Speaker, the member for Assiniboia-Gravelbourg is, I think, relating to a test burn that was carried out at Estevan, Saskatchewan utilizing coal that came from the Coronach area, in order to provide certain information not only to the Saskatchewan Power Corporation and the Saskatchewan Department of Environment, but Environment Canada as well as Montana and other federal officials in the United States environmental departments. That information, in total, was conveyed to those American officials. I believe that they also had personnel on site when the test burn was carried out so that they could record their own data. Some considerable time after that test burn, after their supervision, and after the information was conveyed to them, there was never really an acknowledgement of their findings or their attitude or their position in regard to that test burn, but there is a request for yet another test burn.

My officials in the Saskatchewan Power Corporation say that the test that they are asking us to carry out is not relevant to the first and second generator that would be going on-stream in Coronach and the coal that will be fuelling those generators, so that they have not agreed to a second test burn because of its irrelevance.

Mr. Nelson: — Supplementary, Mr. Speaker. In fact the test burn was promised by officials of SPC and was not received by the Montana officials and I would suggest that the minister attempt to personally get down and talk to that Montana government and my question is: will you take me along because I get along with those fellows very well?

Some Hon. Members: — Hear, hear!

Mr. Messer: — Mr. Speaker, let me say that the member just doesn't listen or he doesn't pay attention. The test burn was carried out, and that's a fact, and it is recorded, and it is recorded that there were officials from the United States. It is also a fact recorded that the total documentation in relation to that test burn was conveyed to the state of Montana and the federal representatives of the United States government. My colleague, the Minister of Environment, backs me up on that and that proves that it is absolutely correct and right.

Some Hon. Members: — Hear, hear!

Mr. Nelson: — Further supplementary. Of these two particular test burns that were taken, one was tested in Canada and one was tested in Montana. The two tests were entirely different results. The state of Montana requested another coal test that was promised by SPC. It was not received by Montana and I am asking you to look into that particular problem, Mr. Minister.

Mr. Messer: — Mr. Speaker, again, we have looked into that problem and I remind the member for Assiniboia-Gravelbourg as well as the rest of his colleagues, that first we abide by the laws of Saskatchewan and the laws of Canada and we feel that in every instance the installation at Coronach has met all of those laws and/or related regulations or policies. Now it may be, Mr. Speaker, that there are persons in the state of Montana who do not appreciate the requirements of the Saskatchewan citizen as far as generating thermal power is concerned and they don't want any further development to take place. But that's the problem of the state of Montana. We abide by the laws in the state of Saskatchewan and Canada and I don't believe that we should undertake to subject ourselves to laws and concerns that are alien to the jurisdiction that we find ourselves operating in. Also, Mr. Speaker, there have been other concerns in regard to the dam at Coronach and I believe the member last year brought them to our attention that the structure was weak . . .

Mr. Speaker: — Order!

MOTION FOR PRIORITY OF DEBATE

Closed Circuit Television Commitments

Mr. E.F.A. Merchant (Regina Wascana): — Mr. Speaker, I wonder if I may move a motion under Standing Order No. 17 but before I do that may I very briefly refer you to two matters, two citations, the first in Beaudesne, page 89, which refers to a definite matter of urgent public importance and says that that must be so pressing that the public interest will suffer if it is not given immediate attention which I suggest to you is obviously an arguable matter.

Mr. Speaker: — The member is out of order, I believe. If the member could proceed with the priority of debate which he wishes to bring forward.

Mr. Merchant: — It would be more interesting to argue before than after.

Mr. Speaker, I beg leave to move a motion asking for priority of debate for the purpose of discussing a definite matter of urgent public importance and I state the subject to be:

The dangerous and expensive closed circuit television commitments made this day by the government which will cost Saskatchewan taxpayers through government guarantees and Saskatchewan Telecommunications expenditures with the cost of converters and traps at current prices of approximately \$200 per subscriber many millions of dollars and endanger the hitherto free and independent media in Saskatchewan which has been and should remain sacrosanct.

I move that, seconded by the member for Kindersley, Mr. McMillan.

Statement re Motion for Priority of Debate

Mr. Speaker: — I have the motion before me, moved by the member for Wascana, seconded by the member for Kindersley and I wish to make a statement on the motion.

A notice regarding this matter proposed for a priority of debate was received in the Clerk's Office at 11:55 a.m. today for which I thank the hon. member. The matter of closed circuit television and the possible government guarantee has been a topic of continuing interest and of debate in this Assembly.

Under Rule 17(6), I am required to determine whether this matter is in order, urgent and of public importance. I believe that the matter is of public importance but is not urgent enough to set aside the business before the Assembly. I refer all hon. members to Beauchesne's Rules and Forms, Fourth Edition, Citation 100(2) and (3). The member may submit the motion so that the matter can be debated in the normal manner.

Mr. Merchant: — Point of order. I am certainly not challenging your finding but I only make one comment and I refer to Erskine May, page 334, which talks in terms of urgent business about the probability of the matter being brought before the House in time by other means. The only point of order that I suggest to you is that any motion could not deal with the loan and the loan guarantee which will no doubt be made within the next couple of days and would be arguing about the decision of the government after the fact rather than allowing the government an opportunity to consider the views of members of the House before the government actually makes the commitment of Saskatchewan tax dollars.

Mr. Speaker: — The member has asked me to defend my ruling and I don't believe that I will take that opportunity to defend it now since I don't want to get into a debate about it. It would probably be, in any case, prevented by the rules from getting into a debate about it. I think my ruling is quite clear that the matter is a matter of continuing interest and debate in the Assembly and has been debated before. The fact that it has culminated in a decision at this time is interesting but not urgent.

STATEMENT — Safety '77

Mr. A. Thibault (Kinistino): — Mr. Speaker, I have a little distribution to make and so that you know who it comes from, my name is not on it. Being that Safety '77 is coming to a close, it has been a fair success, and just in case you know I would like to see all the members back after Christmas and just to make sure that you don't slip a cog or two while you are celebrating I have a little card here that I will ask the page girl to distribute so that you can each have one and if you think it is worthwhile having you can ask for more. I want to wish you a very happy holiday and a guide to your drinking is right here. Thank you very much, Mr. Speaker.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of the hon. Mr. Romanow (Attorney General) that Bill No. 47 — **An Act to provide for the Taxation of Income from Oil Wells** be now read a second time and the proposed amendment thereto by Mr. MacDonald.

Mr. E.F.A. Merchant (Regina Wascana): — Mr. Speaker, members of the House may think that the debate regarding Bill 47 is drawing to an end. If they think that they are dead wrong. The fact, Mr. Speaker, that the Conservative Party has sat on their hands throughout this debate will not deter us in the Liberal Party from bringing before this legislature and the Committee of the Whole all of the evidence that we think shows that Bill 47 is a mistake.

Mr. Speaker, before I deal specifically with the amendment, let me say one or two preliminary things. The NDP came into this House thinking that both opposition parties would bite for the easy political answer and support this legislation. They underestimated our resolve as a party to do what is best for the Saskatchewan taxpayer whether we suffer politically in the short term or not and they underestimated the ability of Saskatchewan people to understand the complex argument about the validity of the legislation that we have been making all over the province which will serve us politically well in the long term. The Attorney General thought that he could pass this legislation by Christmas. I tell you now, Mr. Attorney General, you are not going to pass the legislation by Christmas. You will be back in the New Year and it may be a tougher fight than you thought you would face even then.

It is obvious that the government does not intend to make the guarantees that we requested. It is obvious that they will not consider the great risk that Bill 47 involves and I suspect this government will choose to not pass this amendment. The attempt of the NDP to ram home this legislation will not deter us from doing our work as an opposition party in committee, just as we have done our work in examining this legislation in second reading.

It will be well into January before Bill 47 becomes the law of Saskatchewan, making worse the error that the NDP government committed with Bill 42.

Mr. Speaker, we wanted to ensure that this legislation did not make the Bill 42 problem worse than it was. We believe it will make things worse but the government, for their own political aims, will not listen. They created the problem we face now by mishandling our resource taxation and now they are going to make that problem even worse. We are not sure that Bill 47 will help to solve the problem of their creation. Indeed, we believe that it will multiply the \$580 million mistake and turn it into a billion dollar problem three or four years from now. This legislation was conceived in haste and the amendment asks the government to allow the time to reconsider.

This is taxing legislation. The absolute preserve of legislative bodies acting on behalf of the Queen has always been the right to directly impose taxation upon the subjects of the realm. That right is being taken from this Legislature through Bill 47. The amendment asks that we be given the right to know the level of taxation before the taxes are imposed. What could be simpler than that?

It is as though we have come full circle from the initial granting of the power to impose taxation through the House of Commons, full circle to an NDP government that has the audacity to take that taxing power unto itself and the weakness of its own MLAs to grant that power to the Cabinet.

How can members, Mr. Speaker, vote in favour of Bill 47 without knowing the level of taxation? Companies in the oil industry fear that their level of tax may go up. Some companies know that their level of tax will go up.

I have spoken about the fact that different regions will be paying different tax rates because the lifting costs are different in the three oil producing regions in Saskatchewan, the level of income is, therefore, markedly different by region. The government will not address themselves to that question. They refuse, both in Question Period and also in this House, to give to us the answer about the problem of the three different regions and the three levels of lifting costs. The Law Amendments Committee would be able to examine that question amongst others and should be examining that question.

If the government refuses to indicate its intentions, then surely members such as the member for Kindersley (Mr. McMillan) from whom we have heard and the members for Swift Current (Mr. Ham) and Estevan (Mr. Larter), the latter two having been strangely silent in this debate, surely those people have the right to address themselves to questions about the level of tax to be imposed on the particular area that they represent.

Either the levels of tax are going to be different or the levels of tax are going to be uniform. If the tax levels are uniform there will be an appearance of unjust taxation because many companies will have to pay more money and many will receive refunds. If the levels are different between the regions to collect the same tax dollars that were imposed by Bill 42, then the government will find itself in the problem of having tracked the money too closely and it will put the legislation in jeopardy because the legislation will then easily be proven to be colourable.

There is no answer to the dilemma that the government faces and that we, as representatives of the taxpayers of Saskatchewan, face with them. For that reason alone, Mr. Speaker, this amendment should be passed and the legislation deferred. The industry should be given an opportunity to have an input into the level of taxation. The industry should not be expected, as it is by this bill, to make representations to Cabinet acting in secret, to not know whether those Cabinet decisions will be subjected to public scrutiny. The industry should have an opportunity to be heard in some public way and to have its representations heard by the public and understood by members of this House.

The tax levels, Mr. Speaker, should be known before we proceed with this act. It is interesting that when the legislation was first proposed the government indicated they expected to have the regulations, and an indication of the tax level, to place before this House by the time we reached third reading.

Clearly, at that time, the government thought that the legislation would pass quickly. I am sure they did not think that on December 21 we would still be debating second reading of this bill. Either they have the regulations and the tax levels and are keeping that information secret from this House or, alternatively, the government, and I believe

it was the Premier who made the commitments, has not kept its word to this House in not bringing forth the regulations and the tax levels.

Surely (and a minister shakes his head) surely the government knows the level of tax they intend to impose. Surely, if you don't give that information to the backbenchers that you don't trust, you give it to the Cabinet ministers you do trust. Now it may be that the minister shakes his head because he doesn't know the tax levels. But I like to think that some of the Cabinet knows the tax levels and I ask why the government does not bring forward the level of tax making this amendment, the amendment that we now discuss, unnecessary?

The failure to bring forward the level of tax while the House is in session is a clear indication of one of two things. Either the government intends to make secret separate deals or they are frightened to advise the House of the level of tax and frightened to allow that level of tax to be subjected to public scrutiny. For whatever reason that the government keeps that information from us, members now looking at whether they will support this amendment should be drawn to support the amendment if they have any pride in themselves and any pride in our right as legislators to impose tax and to examine in a thorough way what government is doing.

Mr. Speaker, there is a second reason for supporting this amendment and that is that the amendment *per se* will result in some delay of the bringing forth of the legislation. This is a legal matter. Time is always useful in dealing with legal matters. These are delicate legal questions and time to consider would afford the government an opportunity to improve this legislation. It would afford to the industry time to consider the legislation as well and that would be fair to the legislation. It is complicated legislation for the industry. Rather, Mr. Speaker, than taking the time that this amendment would now afford, what in fact has happened? What is the history in a time sense of this legislation?

The government, ten days after the legislation was brought in, introduced Bill 47. Ten days is a very short time when dealing with a complicated legal matter. Now it is true that they had, no doubt, considered the likely direction of the legislation but they hadn't had an opportunity to consider representations made by the industry; they had not had an opportunity to consider the kinds of representations that come forth when you unveil legislation. Ten days is a short time in a legal framework to consider such an important act and they had to consider the wording itself of the judgement in the Supreme Court, which members opposite claim changed the law considerably. The government acted quickly, not because they thought there was the need for urgency in terms of the good of the province. Whenever the legislation has passed, the retroactive provisions will recapture any income that might have been lost. Delay does not put the public purse into jeopardy. That's not the reason that the government acted quickly. This government acted quickly because they thought quickness was necessary to save their own political necks.

The government, however, at least had ten days to consider Bill 47 and they had the Public Service to assist them. The Conservatives, without the public service, decided in one day. The legislation was laid before them and they immediately decided that they would support it. That was an even more crass political decision than the decision taken by the NDP.

What did we do? The Liberals took time to consider the bill. The Liberals also wanted to be sure we would recover the money. Liberals took time to do the judging of the bill that the NDP and the Conservatives, driven by simple politics decided not to take. Mr. Speaker, this amendment now affords to those two parties, an opportunity to look again at the legislation. The Conservatives now regret the snap decision that they took. They regret that because they are finding from their supporters that they are not happy about a party that so readily goes along with the government when the government is making a political decision using the risk of Saskatchewan tax dollars of the future. They regret having jumped to the conclusion that the better course to follow was the simple political answer.

I expect that they will support this amendment. I can only assume that they will support this amendment which would provide time to consider the real effects upon the Saskatchewan taxpayer, not so much because they want the time to consider the matter further — they are already committed into their political error, but because they will want time somehow to back pedal, somehow to get back into the graces of the oil companies that they hope will support them, somehow to get back into the graces of the more sombre, more considerate people of this province who now when they examine Bill 47, know that it is being passed at great political risk to Saskatchewan in the future, passed at great risk to the public purse in the future and they will want to do some back pedalling on third reading, and I expect will try to reverse the snap decision that they made when they thought they were serving their own political aims by going along with the government.

Mr. Speaker, the whole intention of the fall session is to allow time for consideration of legislation, yet this government which brought in the concept of a fall session keeps trying to ram legislation through at the fall session whenever it is unpleasant legislation and legislation which they know will not well bear the light of examination through the opposition in examination of time.

If this amendment is defeated we intend to introduce an amendment to the legislation which will block proclamation of Bill 47 until the information requested in this amendment is provided. That amendment to Bill 47 — your Premier, Mr. Attorney General, said that in third reading you would have the tax levels for us. Now where are those tax levels? He said that he would provide the tax levels and probably the regulations.

Mr. Romanow: — I said if they were available.

Mr. Merchant: — Oh, I see. You know, Mr. Speaker, I've been in this House for three years and even yet I'm not used to the weasel words of the Premier. Even yet when the Premier says something that's designed to create an appearance, I hear and get sucked in as he hopes Saskatchewan people will get sucked in into believing the intention of the words and I miss the weasel words. Now, Mr. Speaker, the expert on weasel words is his seat mate and he hears those weasel words that the rest of us miss. Now, Mr. Speaker, I'm advised for the first time that that was not the intention. Saskatchewan people, Mr. Speaker, were led clearly to believe by the Premier in question period that this information would be before us in third reading. At that time, Mr. Speaker, the Hon. Attorney General thought that he would have no trouble duping the Liberals into supporting this legislation. He thought we would suck in the same way as the Conservatives for the easy political route, but we've not done that. And I believe, Mr. Speaker, that Saskatchewan people are seeing that this legislation implies some very great danger in the long term and that the Liberal Party will be rewarded in the long term

politics because we've been wise enough to take the time to look at this legislation and point out the pitfalls that it belies.

Now, Mr. Speaker, we will move an amendment adding to the bill, a provision that the initial rates of taxation and the initial regulations have to be proclaimed before Bill 47 becomes law. Surely, surely I say to the 'happy whistler', surely you don't intend to bring forth legislation without knowing what your tax level will be. Now if he knows what the tax levels will be, let us in on the secret — let the industry in on the secret. That's what that amendment will ask.

Now I suggest, Mr. Speaker, that even that government will not oppose giving the information before making Bill 47 the law of Saskatchewan.

Passage of that amendment, the amendment to Bill 47 won't be as satisfactory as giving approval to this amendment which would allow hon. members to know the tax level before this bill becomes law. It is not as satisfactory as allowing the Law Amendments Committee to examine the level of tax, as allowing the industry to make its input regarding the level of tax so that the industry can tell us as representatives of the people of this province whether the level of tax will adversely affect the industry which is only now being rekindled. Passing the amendment to the bill which we will introduce will still mean that members of this House will be faced with a pig in a poke because we will be asked to pass taxing legislation without knowing the level of tax, but it will be better than returning the taxing power — taking the taxing power from MLAs taking it from this House and putting it into the secrecy of the Cabinet room and that's the reason we'll take that amendment which I hope all members will support, as a second best to the amendment that we now propose.

Mr. Speaker, those are the few remarks that I wanted to address to you regarding the amendment. I hope all members will support the amendment now before them. To do otherwise . . . I hope all hon. members will understand this, to do otherwise says to the people of Saskatchewan that you as a legislator, elected to represent them and to protect them, that you are prepared to abrogate the right to tax. It tells the people of Saskatchewan that you are prepared to abrogate your rights that have been developed through centuries of conflict between bodies like this, Houses of Commons, legislators and the government as such. And we have separate rights from those of the Cabinet. And I say to the backbenchers, don't abrogate those rights; don't give those rights away that were so long in development in the English common law system. It will also say, you backbenchers, that you are prepared to blindly support the Cabinet through right, and I'm afraid on this occasion, through wrong.

Some Hon. Members: — Hear, hear!

Mr. G. McNeill (Meadow Lake): — Mr. Speaker, the previous speaker says how they will block and hold up and delay this bill as long as they can, and the only reason that I can see that they would want to delay this bill is to give their fellow oil men and oil companies a tax relief and a holiday from it. I say to the hon. member over there and his caucus that when this bill runs down, that they are going to have to stand up before this legislature and before the people of Saskatchewan and say whether they want that money to stay for the people of Saskatchewan or whether they want it to go back to their friends the oil companies. I say they are going to have to do that and I say that to all the opposition over there that before this bill is ended that's what they are going to have to

do.

Mr. Speaker, I am proud to state my support for this bill. Like the majority of the members of the Assembly (including the members for Wascana and Qu'Appelle) I'm no Philadelphia lawyer nor do I pretend to be a management associate trained accountant, who has only flunked his articling exams two or three times. For that reason I make no pretence as to knowing if every legal 'i' is being dotted or every 't' is being crossed. On the other hand, there are two things about this legislation which I am fairly certain, they are concerns my constituents would expect me to raise in discharging my duties here.

First, I am confident that some of the best legal brains in Canada have been applied to the preparation of this legislation. Of that I am certain, Mr. Speaker. Now that doesn't mean that this legislation can't or won't in the future be challenged in the courts. If one is guided by the comments of Bill Elliott, one of CIGOL's lawyers, perfect legal drafting wouldn't matter. It was the rates that concerned him. I suppose it wouldn't matter, how many experts looked at the bill during its drafting, if in the course of the future court challenges, the interpretation of our constitution gets changed again, as it has in Bill 42. Twice as many experts could look at this bill and it wouldn't make one iota of difference if the rules get changed. So I say again, Mr. Speaker, I am confident that some of the best legal brains have been applied to this bill, legal brains without any political axes to grind. I am confident they have given us the best piece of legislation possible to meet the situation in which we find ourselves after playing in a game with loaded dice.

I might say in passing, Mr. Speaker, that I find it difficult, as many in my constituency find it difficult, to accept the notion that the courts of this country instead of the elected legislators are in a position to determine the laws.

Secondly, Mr. Speaker, I am certain that this bill is in keeping with the general thrust of this government's resource taxation and management policies. It has been said before in this debate but it bears repeating that this bill signifies our party's unqualified commitment to the principles that: (1) The people of Saskatchewan own the resources in this province and not the resource companies, whether their headquarters are in New York or Toronto or Calgary or for a matter of fact, Regina. (2) The people of Saskatchewan through their rightly elected government will set the conditions under which these resources are developed and exploited and not the resource companies, large or small. (3) The people of Saskatchewan through their properly elected government will determine what is and what is not a proper return for these resources and not the corporate owners of the old line parties opposite.

This bill, Mr. Speaker, is in keeping with our entire resource taxation and management policy, including the policy as it is related to potash. I am surprised that some members opposite would raise our potash policy in context with this debate, Mr. Speaker, but certain members have. I just want to say to those members and I think the people of Saskatchewan are starting to see this more every day and I want to emphasize this to them, Mr. Speaker, in view of the Supreme Court decision regarding our oil resources, public ownership of our potash is starting to look better and better every day. First, these are three potash mines that won't be suing the people of Saskatchewan, of that we are certain. Second, there are three potash mines that won't be refusing to pay future taxes, of that we are certain. Third, there are three potash mines that won't be moving their head offices out of Saskatchewan nor will they be slowing down their production to discipline the duly elected government. Fourth, Mr. Speaker, — a source of some embarrassment I presume to the Tories across the way whose incompetent and bungling counterparts in Manitoba and Ontario are sitting wringing their hands

and in hopeless despair — there are three potash mines that won't be waking up the people of this province some morning with the announcement that 4,000 workers are going to be thrown out of work . . . left to unemployment insurance or welfare, while their homes, their communities are left to fall apart, while their families are left hopeless, their lives shattered. The member for Nipawin should talk to Bill Davis and Sterling Lyon. After he's done that he should explain to the people of Saskatchewan the characteristics of those 'used holes in the ground' that those two gentlemen have on their hands at Inco and Falconbridge at the mine sites.

As I said, Mr. Speaker, in view of the Supreme Court decision and in view of the recent decisions by the multinational resource companies operating hand in hand with the Tories in Ontario, the resource policy of this government in respect to potash is looking better and better every day. The people of Saskatchewan are realizing that more and more every day and members opposite may even realize that in a year or two. Mr. Speaker, the Conservatives have stood up in this debate, those very few that have, and said we are always in favour of Saskatchewan's right to that \$500 million. Oh no, not us, they say we don't want to give the money back. In principle we agree with the steps to keep the \$500 million and that's the nub of what they have been saying in recent days, not what they said on November 23, Mr. Speaker, but just since then.

The member for Regina South and more particularly the Premier have reminded this House of the position taken by the member for Qu'Appelle when he was debating Bill 42 in 1973. I want to re-emphasize that point, Mr. Speaker. Page 577 of the record for December, 1973 contain the following and this is the member for Qu'Appelle. "The windfall part, obviously, is unnecessary because the windfall does not go to the oil companies . . ." That's the baloney the Conservative member for Qu'Appelle was peddling in 1973 as a Liberal and that's the baloney he helped peddle in the 1975 campaign. And he's still peddling baloney, Mr. Speaker, as a Conservative. On December 9 he was advising his former Liberal colleagues in this House to take firm stands on this issue . . . on one side or the other. He's an expert, Mr. Speaker. He appears to be firmly on both sides and is clearly representative of the positions of both groups opposite, firmly on both sides.

The Liberals, Mr. Speaker, took a little longer than the Conservatives to get firmly on both sides but they soon enough got the message from the member for Qu'Appelle. Now, they too are all getting up and saying what a terrible thing it would be to pay back the \$500 million. Oh no, we ought not to let this happen. But they have their scheme, Mr. Speaker. Last week they were saying to split the bill, take a chance of losing the retroactive portion or the prospective portion, or both. They were and are still saying, at the same time as they're saying we should act to keep the \$5 million (sic) . . . that we should act in such a way as to lose half or more than half or all the revenue, Mr. Speaker. I've never seen such absolute nonsense! First they say Bill 47 is a pail of arsenic, then come in here and suggest it's good for everybody, half a pail at a time. Now with their latest amendment, they're saying hold this bill up for a few months. I say to the Liberals opposite you can't have it both ways. Either you approve in principle of Bill 47, as you did in 1977 and in 1975, or you oppose it . . . then if you approve it, Mr. Speaker, you have to admit you were wrong. Your leadership was wrong and you join us in passing this vital piece of legislation.

I predict the Liberals opposite will not stand up for the people on this issue; they will not stand foursquare for retaining what is rightfully ours. Instead, I say they will cast their lot with the oil companies, they'll do this in an attempt to distinguish themselves, in the eyes of the oil executives, from that embarrassed and disorganized crew who sit behind

the discredited leadership of the member for Nipawin. That's what this exercise by the Liberals is all about, Mr. Speaker. The Liberals want to play the part of political hawks, they're trying to build a political nest out of a dried up broken bunch of sticks. They hope they will get this nest so constructed that the Conservatives, the political magpies won't be able to move in.

Some Hon. Members: — Hear, hear!

Mr. McNeill: — So far, the magpies are sitting tight. Strangely enough, last Friday, the member for Indian Head-Wolseley was saying to the Conservative members, "Come with us, follow Ted." That's the sign that the Liberals think they have completed their political footwork.

Well, I predict that on third reading, if not on the amendment that is before us, we will see the magpies fly the coop while they scramble to get firmly on the other side of this issue. When they do that, Mr. Speaker, we will once again have one little happy family all in the same political nest. They can sort out for themselves whether blue or green feathers are likely to be the most attractive.

I said earlier, Mr. Speaker, that the Conservatives were quick to get firmly on both sides. They stood in this House and talked out of both sides of their mouths. Mr. Speaker, and the record will show that's what they did. The member for Nipawin has made a big issue about how we couldn't afford to pay back the \$500 million. If I understood his position correctly when he joined this debate, he was careful to say we ought not to pay it back because we couldn't afford it. He was careful not to say we ought not to pay it back because, in principle, the province has every right to these resources, and in fact, the rates of taxation that resulted in these sums were fair rates, fair rates from the people's point of view. Oh no, none of that, Mr. Speaker. He won't stand up and say he thinks the rates were proper . . . he might offend his corporate bosses. He just feebly says that we the province can't afford to pay it back. Whether that's a fact or not is strictly irrelevant, so we'll support Bill 47 in principle. Bill 47 in principle is something he has opposed since he arrived on the political scene but for the sake of his political hide, he doesn't say at this point in time. What the Conservative leader wouldn't dare say in this House, he apparently was a little careless about when he was recently interviewed in Calgary, talking to his friends, oil men.

In the Chamber of Commerce on December 5th The Leader Post ran a short item which I want to quote:

They, the oil and gas industry, do expect a fair and reasonable taxation. And he, Mr. Collver, said that his party supporters the new bill in principle because it feels it is as unfair to ask Saskatchewan to pay full restitution as it was to have the industry try and pay the oil taxation under the original act.

I want members to note carefully what he is saying. It almost sounds like Bill Elliott wrote his speech. He says, if you read it carefully, his party feels it was unfair to have the oil industry pay the taxes under the original act, Bill 42, at the rate specified. He says that the taxes were unfair. They were too much. That is what he says to the oil men in Calgary but to the voters in Saskatchewan he is all in favour of retaining the \$500 million and a taxing system which will keep money rolling in, in the future. I say that is double talk, Mr. Speaker, and it is hypocrisy.

The Premier, in his remarks in this debate, ably exposed the Conservative position in

respect to the return we would have received had we taken the Alberta tax route as recommended after the fact, of course, by the Conservative leader. Premier Blakeney points out that our net return, had we gone the Alberta route, would have been far less than half of what it has been. What he didn't mention in his remarks were some of the more grisly details of the total capitulation of the Alberta government to the oil industry. I suppose we shouldn't be shocked by the sell out in view of the fact that Premier Peter's brother is a big shot with Imperial Oil.

In Alberta they originally established a marketing commission in 1973, which they could do because most of their production was of Crown land and they established to the commission, in effect, their rates of taxation for capturing windfall price increases. I might add, for the benefit of the member for Nipawin, these rates were to be established by an Order in Council and not in legislation. Since that time, however, in December of 1974 they announced the ALPEP Plan, which was a package of several different forms of tax concessions to the oil industry. Included in this package was an expanded drilling incentive program, a cut in the natural gas royalty rate, a reduction in the oil royalty rate and a refund to the companies of a portion of the provincial and federal corporate income tax — the last point, at a cost to the Alberta treasury, of roughly \$150 million this year in total. In 1977, alone, these concessions to the industry will cost Alberta treasury more than \$510 million. In addition to these concessions, Mr. Speaker, the Alberta government is involved in all kinds of gift back schemes through the Heritage Fund. In 1976-77 an annual report of the funds showed \$44 million committed to the Oil Sands technology and research of which \$9.5 million has been spent with no sign of any return on the investment.

Also through the heritage Fund, as well as through the regular government expenditures, the government of Alberta has pumped \$1.258 billion into the Syncrude project. Of that amount of money only \$205 million is in equity for a minor 15 per cent shareholder position. Another roughly \$618 million in investments of which, if everything goes well, the taxpayers may recover their investment in things like debentures, the pipeline and the power plant. The point in regard to the Syncrude Barney google is that the government, through regular channels through the Heritage Fund has spent roughly \$435 million for which Alberta taxpayers will never see any direct return. Another \$618 million they might, they might, see returned. Less than 16 per cent of the more than \$1 billion spent on Syncrude is in equity, the ownership of the enterprise. In addition to all that, the Syncrude consortium was granted a corporate tax holiday, a royalty tax holiday and a tax holiday from environmental laws, that the member for Nipawin recommends to us. Maybe he isn't aware that the Premier of Alberta launched a \$2.75 million lawsuit against the CBC for daring to air a drama based on the mess he got Alberta into with Syncrude. I suppose the member for Nipawin will tell us next that it is better to be in court for slander or libel than it is for insisting we get the proper revenue for the people of Saskatchewan.

Some Hon. Members: — Hear, hear!

Mr. McNeill: — Mr. Speaker, a lot of the money gifted back to the oil industry by the Alberta Conservatives was being gifted back for activities related to the recovery of oil from the Tar Sands. Conventional oil producers were starting to get sore because they weren't getting their share at the trough. The great crusader, Peter Lougheed, just recently had a real tough session with them and agreed to give them \$100 million through the Heritage slush Fund for research to recover in production of conventional oil in Alberta. Everybody gets a piece of pie except the ordinary taxpayer, of course.

Mr. Speaker, the Conservative Leader had to find something in Bill 47 he didn't like so he could get on both sides of the issue, so he could vote for it in second reading, so that the people would get the mistaken notion he was in favour of securing these revenues from the oil and so he could vote against it in third reading so that his friends in the oil industry might think he is still with them.

The most foolish of his arguments is that Bill 47 sets a precedent in its retroactive features that could be applied to farmers and businesses and so on. What he is saying in advancing that argument is that the oil industry didn't know three or four years ago that we expected them to pay some taxes. His criticism on this score features his usual double talk. He isn't bothered about facts nor is he bothered about logic.

Another thing which seems to upset him is the fact that the rates of taxation aren't spelled out in the bill. I expect we will get a big speech on that in committee or third reading. He isn't bothered by the fact that the rates weren't spelled out in the original taxing scheme. He isn't bothered by the fact that the rates in Alberta are set by Cabinet even though he holds the Alberta law up as an example. He isn't bothered by the fact that mineral resources has about 25 different sources of revenues from sources such as coal, helium, salt, uranium and so on and in only three instances are the rates in legislation. None of these things bother the Conservative Leader. All of a sudden the member for Nipawin seized on an opening — he could be the great defender of Parliament and its rights, just as he was on opening day in regard to the Berntson letter. He could get himself on the other side of this bill in third reading and salvage something with the oil companies.

Mr. Speaker, I say to the Conservative Leader, this thinly veiled political gamesmanship is not good enough. What I want to know from him and what the people of Saskatchewan are going to demand is a straightforward statement. Where do you stand, Mr. Collver? How much revenue would you expect from the oil companies? Never mind the business about paying it back because it is not going to happen. How much in taxes would you collect if it was in your power to decide that? Would it be half as much as now, three-quarters, one-quarter? How much would you gift back to the companies? Billions, as they do in Alberta? That is what the people of Saskatchewan want to know, not double talk on this issue and the double talk is not going to wash with the public.

Mr. Speaker, you may have judged from my remarks that I will be supporting this bill. I am doing so because the arguments advanced against it are so phoney and contrived. But most important, I am voting in favour because it is my belief that the resources in this province, oil in this case, belong to the people. The companies that we have hired to develop these resources don't become the owners but rather are entitled to a fee for their work, a fee which is acceptable to us, the people. I am voting for this bill because it repairs a plank in the resource platform that seeks to make us masters in our own house.

Some Hon. Members: — Hear, hear!

Mr. S.J. Cameron (Regina South): — Mr. Speaker, the amendment, of course, is to refer the subject matter of the bill to a standing committee. I am glad to see the member

for Indian Head-Wolseley back in the House because it was his suggestion that the amendment ought to be put before us. In his absence, as a matter of fact, I was going to have a little fun with him indicating to him that he came prior to moving the amendment and said to us, "Now I am going to move this amendment guys. It is such a great amendment. I will move the amendment and each one of you get up and you make a speech to the amendment and that is the way we will really make our point." Of course, he moved this amendment and did it very ably as he always does and then I was going to say that now when the last of us are left to do our speeches, he isn't around. But I am pleased to see he has returned and I am most happy to speak in respect of his amendment, which I thought was a very good one and the presentation of the case for the amendment he made so ably, as he always does.

In view of the width of the amendment, I take it we have some latitude, Mr. Speaker, with respect to the debate on the amendment, which we wouldn't otherwise have and that is when we are referring the whole of the subject matter to the committee.

The difficulty that we continue to have with this bill is our belief that it is a dud, that it is a dud. In 1973, when the oil companies were experiencing an increase in their profit levels as a result of the rise in oil prices, the government really came to the House and said that look, we have to be armed, armed to go after the oil companies and get some portion of this revenue. So they said that we have to take on the companies, give us the ammunition with which to do it. They laid before the House Bill 42, and then armed with Bill 42 in their cannons they then went out to do battle with the oil companies.

Members will recall, despite what the Premier and the Attorney General have said, that the legal critic for the Liberal Party clearly warned the government and the members of the House that . . .

Mr. Romanow: — That's not right, Stu.

Mr. Cameron: — Well, the Attorney General again says it is not correct. And I tell you that I was surprised the other day when I heard the Premier speaking because he generally is careful in, not only what he says, but the conclusions he draws. He asks the members of the House to draw the conclusion that the Liberal Party did not, in the debate of 1973, warn you clearly that Bill 42 likely was going to be unconstitutional.

The fact is that Ken McLeod, the member for Regina South, my predecessor I am proud to say, now Mr. Justice McLeod, did most clearly on behalf of the Liberal leader and on behalf of the Liberal caucus (and as justice critic) warn you that Bill 42 may have had problems. I want to quote to the Attorney General from December 12 of 1973 Hansard in the course of debate on Bill 42 — and this is Ken McLeod speaking. He says what really is happening here:

The minister has rightly said that the province of Saskatchewan has the right to deal with mineral resources, all of its natural resources. But what the province of Saskatchewan is attempting to do is to take away from the Dominion of Canada its right for powers in trade and commerce. Now that is exactly what the Supreme Court said. Your legislation was impinging upon the powers of parliament in respect to trade and commerce.

Then he went on to say:

The province of Saskatchewan is saying that although the federal

government does have (for the benefit of all of Canada) the right to regulate trade and commerce and the pretence of regulating natural resources, the province of Saskatchewan will take away a federal right which the Dominion of Canada has.

What more clear indication could you have from a member who had a lot of experience before the bar of Saskatchewan, was a member of a law firm which is the second largest in the province, who is speaking on behalf of his constituents and on behalf of his party, telling you that you have problems with the constitutionality of that bill.

Mr. Romanow: — What did he say about indirect taxation?

Mr. Cameron: — Well I'll tell you and again I quote:

I can assure him (this is Thorson) that in my opinion (this is McLeod) the courts will look very carefully at this and I suggest that they might declare ultra vires because it is simply a trick by the province of Saskatchewan to do what it ought not to do, and what, in Confederation, it can't do if we are to have a confederation.

I don't know what could be more clear. Mr. Justice McLeod, my predecessor, indicating to you that you were transgressing upon powers that were given to Parliament under the BNA Act. The sad part of that is that it has taken four years to prove that point. I don't imagine he takes any great satisfaction from the fact that he was right in the same way we take no satisfaction from it. But what it should tell you is that while this legislature here is not here to govern (its essential function is something different than that) nonetheless it can, in respect at least of suggestions that come from the opposition, occasionally assist the government.

Now here was a man who had a great deal of experience in respect in the law who, as the justice critic for his party, was telling you that you may have had a problem with this bill and he was predicting the consequences and he predicted them very clearly.

Mr. Romanow: — He was the only guy . . .

Mr. Cameron: — He was the justice critic. What else was he supposed to do?

The Attorney General says he was the only one in the House. Well, let's examine it.

I guess the Attorney General spent some time in opposition. Was he not assigned in his caucus the function of the critic of the Attorney General which gave him the function to criticize the administration of justice? All right. Well the Attorney General will know what that means. It means that one member of caucus is designated to give to its caucus legal advice.

Some Hon. Members: — Hear, hear!

Mr. Cameron: — That member is to speak on behalf of his caucus with respect to legal ramifications of matters. That's the function that I now hold in my caucus, the function which the Attorney General apparently functioned in his caucus and was the function of Mr. Justice McLeod when he was in the Liberal caucus in 1973. It was his responsibility to speak to the legal aspects of Bill 42 and he did it and he did it admirably

and unfortunately, correctly.

Now the Attorney General says, “where else was it coming from?” I know that the federal government clearly gave to your government the same kind of warning, that Bill 42 was transgressing your powers and impinging upon the powers of the federal Parliament. As a matter of fact, your government, at that stage, and my recollection is as clear as yours because I was on the other side of the coin at that time, in the Department of Justice . . . yes, I still am in a sense, you are quite right, and I remember looking and the department looking at the difficulties that you were going to encounter in respect of that bill.

Mr. Romanow: — They didn’t tell us.

Mr. Cameron: — Don’t tell me they didn’t tell you. The Prime Minister was telling your Premier all the while in respect of this thing that if you people moved in this direction they thought it was beyond your power, that they couldn’t stand by and see their powers eroded unjustifiably by you people and that’s only some small portion of what the Prime Minister was telling your Premier in the course of this. I saw some opinions from the Department of Justice about Bill 42 which clearly indicated that in view of that government it wasn’t constitutional. Of course, you knew it would have to take that position if Bill 42 was challenged and it wasn’t very long after, in May as a matter of fact, after the bill was passed, within six months the bill was challenged.

Mr. Romanow: — Why did the federal government take the action it did in respect of the action?

Mr. Cameron: — The Attorney General says why did the federal government take the action it did in respect of the action. The answer to that is simple too and he knows that it wasn’t a political decision. It wasn’t a political decision when one level of government believes that another level of government is encroaching upon its powers and the matter comes before the court for determination. Both levels of government appear in court to argue — one in favour of the power it is presuming to exercise and the other against it because the other taking the point of view you are impinging upon our power. The federal government has as earnest an obligation as yours to see to it that your powers don’t encroach upon theirs in the constitution. It has every right to make the arguments in favour of its power under the BNA Act. In fact, it has always had the obligation to make the arguments. It will occasionally, as you know, join with the province in arguing that a particular piece of legislation is, in its view, constitutionally sound. When it comes on the advice of its law officers to a different conclusion, it is then incumbent upon it, it has a responsibility, to appear in court and make the argument against the legislation if, in its view, as I say, it is unconstitutional, and that’s what they did.

I don’t suppose we need take the point because while you and I may have some genuine debate in this respect, I know you are not prepared to meet me on this ground, and you seldom do, and I know your Premier is not either because you want always to make the political argument. But you know full well that when the federal government joined in respect of Bill 42 and put before the courts its arguments, what it was doing was taking a decision on the advice of its law officers to protect (as is its obligation of the constitution) its powers.

Mr. Romanow: — It was a political decision.

Mr. Cameron: — It wasn't a political decision. Yet I hear members opposite, may I say joined in by the Premier which particularly disappoints me (I don't mind the member for Meadow Lake making a political argument by saying that Otto Lang joined with the oil companies — the federal government is a friend of the oil companies) I understand that. They want to make a political argument. It is fair enough, fair enough. What I don't like though, what I don't like to see, is an Attorney General and a Premier who know better than that, still persisting in making those arguments when they know that it wasn't a political decision.

Mr. Romanow: — It was a political decision.

Mr. Cameron: — Well my friend keeps saying now still that it was a political decision. As I say, if the Attorney General or indeed if the Premier or some other members were at all interested in having some debate in that respect we could have an interesting and good debate. They aren't prepared to because they prefer instead to keep the debate essentially at a political level. I guess in the end we are not lawyers. As a matter of fact we are politicians, and the bulk of the debate, therefore, has to be on the political side of things rather than on the careful legal side of things. But the fact is, getting back to the original point I was making, is that what you were really doing in 1973 is saying, 'look, give us the ammunition we need to deal with the oil companies' and what you got, principally on the advice of the Attorney General, was a dud by way of a bill. It didn't accomplish its ends. It didn't accomplish one end because it has been ruled invalid as though, as the Attorney General knows, it never existed.

So when you came to do battle with the oil industry which you have done in the last four years what you were shooting out of your cannons was this lousy ammunition that the Attorney General had manufactured on behalf of the government.

Our great concern here is in the end is that you have now come to the House saying, 'look we need to be rearmed.' You see, 'now we need some ammunition that is going to be effective, that will fire, that will do the job.' Of course, it is our view that what you have given us again is some dead ammunition. You have given us another dud, that when you go into battle with the oil companies not only will your bullets again misfire, but they are apt to backfire. That's the problem.

Mr. Dyck: — Are you saying . . .

Mr. Cameron: — The solution is easy. There is an easy solution to it. All you do is separate out the past application of the bill from its future application. Then you take that bill that you've got for the future (and I will come to some remarks by the Premier which shows his concern here) and you get that bill tested at the earliest possible date, which wouldn't take six or eight months and if it is sound it is then nailed in place in the history of the province forever, beyond attack. No one can then attack it. Then we know that at least we are secure for the future. That's our greatest concern and I want to come back to this point and reiterate it because I still see members and others incidentally outside the House, being confused in respect of one issue here. This bill is designed for two purposes. One is to recover the position we lost as a result of the Supreme Court judgement, that's one purpose of the bill, but that's not its only purpose nor indeed is it the most important purpose of this bill. We can contend with the situation of the last four years. Far more important is, how do we contend with the future, because this bill is putting in place a taxation system for the future? That is what I ask members to remember. True enough it is designed to retrieve the position of the last four years; that is one of its aims. The other aim is to secure for us into the future, tax revenue from the

industry by way of some income tax act which applies in the future. If in fact this bill is valid this is the bill under which the government of Saskatchewan will collect through the 1980s and into the 1990s, taxation revenue from the oil industry in respect to the production of oil in Saskatchewan. This is the bill, so bear in mind that it has two purposes. Bear in mind that the need for it to be valid for the future is more important than the need for it to be valid in the past. The past is four years — we've got 15 or 20 years ahead of us at least in which we have to continue to tax the industry. When members sit here 20 years from now, the period from '73 to '77 may seem relatively small compared to the period that they've been through. That is the other half of the coin with respect to this bill. That's why it is so vital that this legislation be beyond question and be valid as it applies to the future. The problem is that the bill in its retroactive period encounters some problem being constitutionally valid — it does; the Attorney General knows that that's a difficulty. The second thing is that even apart from the retroactive period it is not entirely on solid ground as it applies to the future, because there too you have to be careful that it be a direct and not an indirect tax. There is some problem with that as well. We are on better ground with respect to the question about the future constitutionally than we are with respect to the question about the past, but the problem is, it is as though you had ice cream you see. Now for the retroactive period you've got a little arsenic that has to be put into the ice cream so you say, well let's sort of lump all the ice cream together and spread the arsenic out over the course of all of it. But if you put a little bit of a dab of arsenic in the ice cream nobody is going to eat it. That's the problem. What you do is that you separate the ice cream into one bit over here and one bit over there and make sure all the arsenic is in one and not one portion of arsenic in the other. That's what you do and that's the problem with the bill that's spreading the arsenic thinly over the ice cream instead of putting all the arsenic in the ice cream that applies in the retroactive period, you see?

An Hon. Member: — How do you retrieve . . .

Mr. Cameron: — Now then . . . Well the member says how do you retrieve the \$500 million? The way you do that is you begin your negotiations with the industry. What you have by way of tools in your negotiations is a tax level which you can strike for the future: — that's a very powerful tool in your hands when you negotiate with the companies. You are trying to persuade them to give up voluntarily the taxes they paid in the last four years because you don't want them to attack the legislation. The way you persuade them to give that up voluntarily and draw from them as I had indicated to you before, some written indication and some written waiver from them that they have paid the tax voluntarily (that then removes the problem), is you use your bargaining — your taxation power in the future is your bargaining point. These oil companies are much more interested in the taxation rates from here on in into the future than they are with respect to the taxation rates in the past because they have already paid that money. Those are facts; that's what you have to negotiate with. I'll grant you this, I wish you had more to negotiate with than that but you don't. We would all like you to have more but the fact of it is, we made a mistake, so we don't have left more bargaining power. That's what you have to bear in mind.

Now as I say our concern here is, when you combine the retroactive period in the same legislation as the future period, you then taint the whole of the legislation and you leave it open to attack.

Now, as the member for Meadow Lake says with respect to the potash companies, he

says 'now we have three potash companies and we're secure in knowing that there are three potash companies who won't again sue the government of Saskatchewan,' and he's right about that. Then he says, 'we have three potash companies at least who won't again refuse to pay their taxes,' and I guess he is probably right about that, so he says, 'you see how well we have now secured the position with respect to those potash companies.' That may well be too, I grant you that. What we're saying is, let's effect the same secure guaranteed result in respect of the oil companies; let's be certain that don't they again sue. Let's be . . . The Minister of Welfare says . . . what do you say?

Mr. Rolfes: — You can't be certain of that.

Mr. Cameron: — You can be certain. Well let me tell you how you can be, OK? Let me tell you how you can be. The second thing you want to secure for the future is the certainty of being paid the taxes fully. Those are the two things you want. What you do is you lay before the House, a separate piece of legislation providing for an oil well income tax applying only to the future not tainted by the past; take that bill to the Supreme Court, have it nailed down as constitutionally sound, then you've got the result I said you would have. Then the oil companies can't sue in respect of it. You never run the risk again of the House coming down, and how can they resist paying their taxes if you've got a secure piece of legislation calling for the payment of the tax. That is the position that I put to the Minister of Social Services. In other words, the very objective which the member for Meadow Lake says you have accomplished in respect of those three potash companies is the very objective that we want to see that you get in terms of the oil companies into the future, and have given you a very clear way to do it. And yet you insist upon taking a route that we think is going to be a problem.

Let me refer you if I may, to a comment by the Premier. Now I don't expect the Premier to come forward and tell members of the Assembly, look we have to be at least a little worried here because there are after all, these rules of constitutional doctrine that will be applied to the Supreme Court if somebody attacks this legislation, so we have to have some worry. I don't expect him to say that bluntly and openly because I guess he then sees he's got some little problem with the oil companies because he is then confessing his position is a little weaker than what he would like them to think he thinks it is. So what he tells us is it is that that we have his belief a constitutionally sound piece of legislation. But is it? Is that really what he is telling us? Let me refer you to something he said on November 23. He said, and to those members who are genuinely interested in the Premier's attitude about the bill I ask you to listen to this. Listen carefully. Do you know that your Premier, by and large chooses his ground pretty carefully. He is very cautious; he doesn't want to get out on ground that's ready to be attacked and easily attacked. When he says things and particularly things in a grave situation such as this, he has generally given them a lot of thought in advance. He said this on November 23, Hansard, page 184.

I propose simply to close by reiterating that we accept that the situation is serious. We believe that the best interests of the Saskatchewan people will be furthered by our getting the best legal advice we can, and formulating from our various contingency plans, an option to be put forward, very possibly involving action by this House and that we will proceed to do that. When we have done that it will be soon enough to decide whether we are talking about legislation, whether we are talking about legislation by this House, whether we are talking about consultations with other provinces about the possible effects of this legislation on their laws, whether it is appropriate to consult the government of Canada about this issue.

The key:

This issue has been the subject of discussion at many federal-provincial

conferences. At the most recent round of constitutional conferences culminating in an agreement by the ten premiers (and you recall he said this then) including Premier Bourassa in October, 1976, of appropriate changes in the Canadian constitution, all ten premiers agreed that the right of provinces to tax resources and to apply royalties on resources, and to determine the level of those royalties should clearly be given to the provinces in our constitution.

You remember he said that. Why does he say that, if in fact Bill 47 is on such sound legal ground? If you can do lawfully what Bill 47 purports to do with such assurance, why do you concern yourself about federal-provincial conferences, in attempting to get the constitution changed, give the province the right to tax its resources? Now you can see the logic in that which is so compelling. Of course he indicated the other day that when he spoke with the Prime Minister he spoke about this same subject and the need for some constitutional reform to be certain that the province had the power to tax its resource industry, and he's right about that. He is right about it. What he is saying in the process is that he is not certain that you can, given the present state of the constitution, tax adequately and safely. That's what he is saying and he can't be saying anything else, which should lead you people to pause and ask yourselves again about Bill 47. Whether you couldn't do it in some more effective way to be sure that four years from now when we are back in this House — I won't be here, someone in my stead — doesn't look back to the debates and say for God's sake we warned you not to do that. And look at the mess we have now got today, we've got a billion dollars because somebody went out and attacked the legislation and it fell and we don't yet have a constitutional amendment. Then we owe the oil companies a billion dollars. You see those are the arguments apart from the politics that you guys have to address yourselves to because in the end you are the ones that carry the responsibility. It is one thing to take the issue to the public in terms of political slogans and in terms of some electoral success in the future; it is another though to convince the public in terms of the real substance of what we are here doing. Don't tell me that there aren't a lot of people around who are very concerned that whatever we do here today in respect to Bill 47 we do right. The people I talk to raise that question with me regularly. They say, let's be certain that whatever we do we don't again get ourselves into the jackpot like we are currently in. There are a lot of sort of apolitical people and a lot of NDP people who I am sure take the same point of view. That's the big question. I wonder, Mr. Speaker, why, the logic of the situation being so compelling, why the Conservatives aren't with us in the stand that we have taken in respect to the bill.

When you look back at what the Conservatives had to say in respect of this issue when it first arose, one would have to conclude that in fact they would be with us. There are some very interesting remarks and we should be reminding the member for Nipawin of some of the things he had to say in the past and how he can justify not standing with us in respect of this amendment and in respect of second reading on this bill. What he had to say and I am sorry he is not here to hear it but let me refer you to it. He expressed in the course of the debate his own concern. This is the member for Nipawin speaking in the legislature on November 23rd, 1977. He said:

Any attempt by the government of Saskatchewan to rectify retroactively this extremely urgent matter will be attacked by the oil industry as an attempt to do indirectly that which one cannot do directly.

That's what he said. Now we know too that before he made those comments in the

House he, too, took legal advice in respect to the matter. He didn't come by that independently. He took legal advice. His lawyers told him that you can't do indirectly what you failed to do directly. So he stood in the House on November 23rd and he said and I repeat, "Any attempt by the government of Saskatchewan to rectify retroactively this extremely urgent matter will be attacked by the oil industry as an attempt to do indirectly that which cannot be done directly."

Mr. Romanow: — Why did he change?

Mr. Cameron: — Why did he change, that is the question. Then he said that the Supreme Court of Canada has decided today that the warnings given to you in 1973, that the provisions under Bill 42 would be attacked and I say that the warnings that were given to you were given to you primarily by members he said . . .

Mr. Speaker: — Order! I have been listening to the member for quite some time now and according to the rules the member has to confine his remarks to the amendment before the House and the amendment is with reference to the bill and subject matter being referred to the Select Standing Committee on Law Amendments and I haven't heard any reference to that for quite sometime now and I believe the member to be off the topic.

Mr. Cameron: — Let me just say, Mr. Speaker, with deference, that I began my remarks by saying that the amendment calls for the subject matter of the bill to be referred to the Law Amendments Committee for, among other things, dealing with the specific rates of taxation, number one. Number two is I began my current commentary about why the Conservatives are not supporting us in this amendment and I want to make the argument that they ought to be supporting it. I want to ask them to support us in this amendment. I am asking them to do it, Mr. Speaker, because the very first time this matter came before the House the Leader of the Conservative Party said that the government could not do by legislation what it is attempting to do under Bill 47. That's our position. So if he took that position on November 23rd in his opinion, how in his opinion can they do it on December 21st? So we hope that he is still open to some persuasion, Mr. Speaker, so I direct my comments to him in that respect.

Then he went on to say, Mr. Speaker, that the Supreme Court of Canada has decided today that the warnings given to the government in 1973 weren't heeded, "And I say to the Premier of the province of Saskatchewan today," this is Mr. Collver, "that he did not heed those warnings first," and he condemned him for that. Then he said, "As of today under Bill 42 no conservation is possible." And the very members opposite smirk. The members opposite think it's funny that they have got the people of Saskatchewan into a position where it is impossible that they will have to refund to the oil companies \$500 for every man, woman and child in the province. Mr. Speaker, that situation is unacceptable to the people of Saskatchewan and it is and we take the same position, that's the case. Now what we are trying to say to those people is for those reasons come and support us in respect of this amendment.

Then he went to say:

Now his Attorney General has said on many occasions and the Premier has said himself on two or three occasions, that we will pass retroactive legislation, that's what he said. He said that we will pass retroactive

legislation because the oil industry must not be allowed to get away with the windfall profits. We agree, the oil industry must not be allowed to get away with the windfall profits.

Then he went on to say again that retroactive legislation was going to be invalid and that we had to seek some other way out, which is, of course, the position we have been taking throughout and one of the reasons for the amendment and one of the reasons again we ask the Conservatives to join with us, if what their leader had to say on November 23rd was of concern. He went on to say and again I quote from him, "What the decision will be is going to determine the future of the province of Saskatchewan for many years to come." Here he was referring to the future decisions we make. "We do not believe that it is possible for the government of Saskatchewan to enact any legislation retroactively in relation to the half a billion dollars that is not going to be attacked by the oil industry as an attempt to do indirectly that which it cannot do directly." Which is the very point that we are making in opposing the bill. We are in agreement with him. Again we say to him that that being his view why isn't he supporting us in this amendment and to the position we are taking in respect to the bill. That, too, is our worry about Bill 47.

Then he goes on, Mr. Speaker, in that same speech of November 23rd to put the position of the Conservatives very clearly. He said again and I quote from page 173:

Now, we think that because the government of the province of Saskatchewan, if it attempts to pass retroactive legislation, that it will be tested, argued before the courts and that it will cause further upheaval in the industry, further unnecessary upheaval . . .

Well, he was right when he said that on November 23rd. Dead right. And I give him some credit for coming to that conclusion early on the matter. The question now is, what made him change his mind? And my request to him is having changed your mind once between November 23rd and the date he spoke in respect to second reading of the bill, that he can change it again. If he was right on November 23rd he ought to change his mind and come with us because he would be on the same ground again with us as he was on November 23rd, so he ought to change it again. Maybe we can ask some of the members to my left to see what they can do to get him to support us in respect to this amendment.

Mr. Speaker, I won't bother because it doesn't have the force of much persuasion to comment or to draw the attention of the members of the House what the member for Qu'Appelle had to say on the occasion. I won't refer to that in any length but let me just refer to a couple because he is the legal advisor to his caucus. Mr. Lane said, November 23, 1977: "The motion indicates as well the very great danger of retroactive legislation. The Attorney General as a lawyer, the Premier as a lawyer, know that it is a fundamental rule that government, once ruled against on a matter such as this cannot do indirectly that which it could not do directly . . . But retroactive legislation will mean that the potash companies and the oil companies will be battling bad government in the courts for years until the Supreme Court again is forced to make a decision. And I suggest, Mr. Speaker, that the decision of the Supreme Court will tell this government again, without presupposing the Supreme Court, that it cannot rule in the fields of interprovincial trade and indirect taxation as it did today." Now that was his assessment on November 23rd about retroactive legislation to try to retrieve the position. He was blunt, he said you can't do it. Now he supports the Bill. Now we ask him to set that aside, his support of

the bill and go back to his position of November 23rd and support us in respect of the amendment.

Mr. Speaker, I was not at all pleased that the Premier in the comments thus far that he has given us in respect to this issue, he has given the least attention in all his arguments to the largest problem. His speech was and his comments have been largely directed to the politics of the situation and with every respect to him, directed in very small part to the real substance of the issue. We had asked him to give us a careful analysis on several thoughts of the complexities of the questions and even address himself to those. In fact if I might be permitted an observation that I have not seen the premier in any period that I have been here as weak as he has been in these last four weeks. The first couple of days he seemed in respect of this matter to be a bit stunned and a little startled. He wasn't certain of where he was going to go in the first instance and I don't condemn him particularly for that because it is a complex issue and he needed time to consider his government's position. But after he had had some time he clearly waffled around for some period of time too, because his first position was, first let's pause, it's grave and we will see where we are going to go.

I asked the Premier shortly after, a question in Question Period, whether he would be prepared to refer the remedial legislation to the Court of Appeal under the Constitutional Questions Act. I asked him first whether he would be prepared to do that prior to proclamation and I asked him secondly whether he would do it after proclamation. You remember, he said that no we are not prepared to do that because we are not prepared as apparently are the members opposite to give the oil companies a taxation holiday because they couldn't, in that period of time, collect their tax. So he said, you guys over there want to give those oil companies a tax holiday while we get the legislation tested. He said for that reason we are not prepared to do it. Then a couple of days later he came back to the House and he said that for the past year, since November of 1976, the government has been collecting the bulk of the tax under The Mineral Resources Tax Act and not under Bill 42. So the tax holiday, he was accusing us of wanting to give to the oil industry, would be an impossibility if the legislation was referred, the remedial legislation to the Court of Appeal for an immediate test. When we challenged him on that (I give him credit for it again), he said he stands corrected and he gave me, in effect, an apology for having too glibly answered the first question.

But then you will recall what he did later, only a few days later in debate. He said there was need to get this legislation through the House quickly because every day the province is losing millions of dollars of money by not having a solid legal foundation for collecting its tax.

Well then a couple of days later when he was challenged by the member for Lakeview (Mr. Malone), in view of his past indications that that couldn't be correct, he backed off. Then he acknowledged, that yes, that is right and he said in effect, I stand corrected again. Now why do I refer to all of that?

I merely refer to that to demonstrate one point which is of some importance. This Premier is a premier of bright mind; he is a premier who generally considers his positions carefully; he is a premier who is knowledgeable about government. He went through a four-week period here of some great confusion, more confused than we have ever seen him. He was on one side of the question one day, on another side another day and having to acknowledge and freely acknowledging that he stood corrected on more than one occasion.

Now, what is the importance of that? The importance of that is in assessing his decision which has been taken during this period that Bill 47 is necessarily valid. He can't be as certain as what he has told us, for the reasons that I have earlier indicated. Secondly, he is not as likely certain as what he indicates because of the demonstrable confusion of the last four weeks, which is uncharacteristic of him. Which really leads us to this — I know that many members in the government, the thoughtful ones know that they have a very difficult situation on their hands, they have a bill that has a couple of problems in respect of its constitutional aspects and in respect of its tax rates and the Attorney General knows that the constitutional validity of the act can depend in large part on how the tax rates are struck. If you do it one way you are going to have an indirect tax and it will go down; if you do it another way, it is possible to strengthen your position. The tax rates themselves are vital, not only to the large policy question about Bill 47, but to the validity of Bill 47.

In view of the uncertainty that attaches to this position, in view of the warnings that were given to your government in '73 that proved right when you thought otherwise, in view of the obvious confusion which we have seen in the Premier in the past four weeks (and I say that respectfully because I said that he is not a man of confusion but he hasn't been certain here and he remains uncertain); in view of all those facts, let's take this bill as is suggested and refer it to the Law Amendments Committee so that we may have, among other things, some specific indication from you people (and you have now had four weeks to do it) of what the rates of tax will be, because the rates themselves and the way in which the rates are struck can affect the validity of this bill. We should assess that carefully.

Secondly, in my opinion, it would give us a chance again to bring some arguments to bear upon you and hopefully persuade you to give us two bills instead of one, a second bill to provide for the future with the course we have already given you to be certain that we don't blunder in the future. I can't put it to you any more persuasively than that.

Members who are the politicians will know that the position we took is a difficult position in politics. They ought to be, therefore, persuaded about our sincerity in doing it. I tell you that we hope that we won't come back here four years or five years down the road and be able to refer to Hansard and indicate to you we were correct, we don't want that. With the position at the moment being reasonably secure according to the Premier in terms of drawing in the revenue, there is no problem with taking some additional time here to reflect, even to accept some suggestions by the opposition (with respect some sensible ones) to be sure that we don't make the mistake into the future that we made in 1973.

For those reasons, Mr. Speaker, I urge the members to my left to reconsider their position, to join with us in supporting the amendment for all the arguments that they themselves made on November 23, to join with us in voting against this bill when the time next comes and to join with us in attempting to persuade the government to avoid the mistakes of the past. For that reason, Mr. Speaker, I support the amendment.

Some Hon. Members: — Hear, hear!

Mr. R.E. Nelson (Assiniboia-Gravelbourg): — Mr. Speaker, I would like to say a few

words on this amendment to Bill 47. I think it is a very reasonable and common sense amendment. What this amendment does is give everyone on this side of the House and on the government side of the House time to go home, time to reflect over the holiday season and to think just what the responsibility is.

I can't help but think back to when I first took the nomination for the Liberal Party. The last thing in the world I really needed in my lifetime was to seek nomination as an MLA. I did believe, however, that after being urged by many people, that I had a responsibility. I had a responsibility to myself and the people of my area, to the province of Saskatchewan and to the great country of Canada.

Some Hon. Members: — Hear, hear!

Mr. Nelson: — When I thought about what I was asked to do I did feel that Saskatchewan had been good to me and that I had a responsibility and if I reneged that responsibility I would be wrong.

At the particular time, Mr. Speaker, I had hoped that our party would become the government of the province of Saskatchewan. After the election I found myself as a member of the opposition but I did feel that I had a very grave responsibility. As a member of the opposition in the legislature of Saskatchewan I did feel that my particular responsibility was to do my utmost to scrutinize the legislation that this government of Saskatchewan was introducing into this House. I am very proud, Mr. Speaker, that the entire caucus of the Liberal party in this legislature has taken it upon themselves to scrutinize, to criticize and to add constructive criticism to each and every bill that has been introduced by the government. Each of us in the Liberal party has accepted our responsibility and I am certain that everyone in this House, as well as every citizen of Saskatchewan, couldn't help but be proud of the Liberal Party from day one when we then scrutinized and criticized the potash bill.

Many times, Mr. Speaker, when we were speaking at length in this Assembly we would far rather have been at home with our wives and families but we took our responsibilities seriously. We are representing the people of Saskatchewan. Someone had to be the watchdogs of this government and that responsibility fell on the shoulders of the Liberal Party.

Mr. Speaker, when we came into this House the other party had members here as well for the first time. Each of us in the Liberal Party felt that that new party in the legislature was a free enterprise party. We felt they too would join in the fight against socialism. I believe it is very important that we pass this amendment and that we give these people time to go home for the holidays and to rethink their position. Surely after some thought by the Tories they will begin to realize that they too have a responsibility in this Assembly. This is the fourth session of the legislature. They claim in the first few sessions they were immature, they were new and a little afraid to stand on their feet and express their opinions. Surely now that they have been joined by a couple of so-called seasoned veterans from the potash debate they can screw up their courage and start talking for the people of Saskatchewan.

Some Hon. Members: — Hear, hear!

Mr. Nelson: — During the potash debate we were very disappointed that each of them sat in their chairs, stayed on their hands and refused to join in the debate. So far in the debate on Bill 47 their approach has been very similar to that famous potash

debate. They stayed mum outside the occasional outburst when they agreed with the Attorney General and agreed that Bill 47 should be rushed through immediately. And that seems to please the Attorney General. I wonder, however, if he is that pleased with his bed partners at night when these Tories sleep with the NDP. Seldom has this legislature witnessed such irresponsibility as the MLAs to my left have shown over the past several weeks. We have asked them time after time to assist us in protecting the people of Saskatchewan from another financial fiasco as happened under Bill 42. Surely if they had any responsibility to the people that elected them, any responsibility to the province of Saskatchewan, then they would rise and they would join us and they would help us try to make this Bill 47 a piece of legislation that could be legal and constitutional, a piece of legislation that would not three years down the road become another fiasco as that of Bill 42.

When the Tory leader came out in the early part of this session and asked for priority of debate on this CIGOL situation I thought to myself, this opposition on this side of the House would fight together, and it was right and it was just. We will go after the government for the mistakes they made on Bill 42; we will come up with something better and we will force the government to take a second look, we will force the government to do what is right for Saskatchewan and yet we will not have to crucify the oil industry to do it. How wrong I was. Little did I know that that first blurt the leader of the Tories came out with, would be the final one and the last shot he takes on this particular bill. Little did I know at that time that the Conservative bubble would be sinking. Little did I know that their particular ship would be having a captain who was talking about resigning and that would be taking that deserted ship out to sea with nobody to guide it.

What I am saying, Mr. Speaker, to the Tory Party, there is one more reading on Bill 47 and I am asking each and every one of them to join us, to be honest to their constituencies, to be honest to the people who elected them, to join the fight, to join for a better deal for the people of Saskatchewan.

We know you fellows are in trouble in the Tory Party. We know that you know it and we know the people of Saskatchewan know it. It appears that the biggest part of their caucus, today, is out trying to have a quick lumber sale. We ask you to come and join us, to follow Ted Malone and let us get on and fight Bill 47. Let's fight in third reading, fellows! You can still accept your responsibility as MLAs if you join us. Vote against Bill 47 on third reading, but to do so you are going to have to stand up and you are going to have to help get some amendments on this bill to get the bill in better shape. Let's clean up this bill; let's make it legitimate; let's get it so the people of Saskatchewan will be able to keep that \$500 million that has been collected. Let's get it so we can collect the proper dues from the oil companies in the future. Let's join Malone and fight Bill 47 and vote against it on third reading unless these amendments are passed.

Mr. Speaker, I am sure if the members to our left just stop and think they would be much wiser to vote for this amendment. After all if the House accepts this amendment, those two members who are not with them today, would have a chance to stop and think about those privileges they breached. They would have time to think about the disgrace they brought down on themselves and the party to my left and after a length of time they would come back and assist on this amendment and possibly be able to contribute to the betterment of Bill 47.

Mr. Speaker, when we are talking about responsibility, I think it is essential that the

government members of this legislature have time to reconsider this bill, time to go home and enjoy Christmas, to think about the responsibility they have to the province of Saskatchewan and to the people who live in this province.

Certainly on Bill 42 that government did not accept its responsibility. Had they, the members, been responsible at that time they would have considered the constructive criticism that came from the Liberal Party in this legislature in 1973. They would have listened to good advice that they got from the Liberal caucus at that time. Had they listened, Mr. Speaker, the people of the province would not have been threatened with paying back \$500 million. If the Attorney General and the Premier of the province had accepted any responsibility for Bill 47 they would not attempt, in any way, to bring out a tax that they would be setting behind closed doors. I am shocked as an MLA and as a citizen of Saskatchewan, that any government, any Cabinet, any Premier or any Attorney General would pretend to be honest and sincere and responsible when they introduce a bill, where they fail to put down the amount of tax that they plan to collect when the bill is finalized.

I think that it is imperative, Mr. Speaker, that every MLA in this House go back to his constituency and have an honest assessment of just what the people of the province think. I have done that. I have done that on several weekends when I have been home and I have done it almost every day on the telephone.

What the backbenchers, like Curly from Saskatoon, are saying on the government side is not a fact, the people do not want Bill 47. They don't want another Bill 42. They want us to take time out and to do a good job and to do an honest job and a responsible job. That is what this amendment will allow you to do and that is why we ask every MLA to support that amendment in this Assembly.

Mr. Speaker, I believe that every MLA should take time to think about the staggering implications of the recent decision of the Supreme Court of Canada on the CIGOL case. In 1973, the Liberals warned the government that their oil legislation would likely be found unconstitutional by the Supreme Court. The Liberals warned, as well, that they ran a grave risk of being ordered to pay back to the industry the amount of money collected illegally under that act. While the Liberal predictions have come true, we do not take any satisfaction in being proven right on that account.

Mr. Speaker, what this amendment will allow, in my opinion, is for the government to sit down with the industry, to negotiate a settlement that will protect the people of Saskatchewan from the financial catastrophe that would occur if that money had been collected and would have to be returned. And, secondly, it would certainly provide for the future development of the oil industry in the province of Saskatchewan.

This amendment would allow the industry and the government to sit down and to negotiate reasonably with an understanding of the legitimate claims of the other side, so that the situation can be resolved. Only with time can such negotiations take place and we, in the Liberal caucus, urge this course of action to be followed in the very near future.

Yes, Mr. Speaker, what every MLA in this legislature needs to do is to go home, to do some soul-searching and to think about his responsibilities, his responsibilities to himself, to his constituents and to Saskatchewan. When he comes back I am sure that the government members will have to rethink their position. They will have to realize how shady and dishonest it looks to have a tax rate set behind those closed doors. They

will realize how wrong they were on Bill 42 to be gambling with the dollars that were collected on royalties and taxes on the oil in this province. They will think and realize that they are wrong in again gambling the dollars of Saskatchewan people in this loose Bill No. 47. They will see their folly in putting together bad legislation. They may see, too, that they would be wise to split this bill as we have advised them to do from this side of the House. The Tories may have time, as well, to think about their responsibility and to realize how badly they have shirked that responsibility. They will realize how they are not representing the people in their constituencies by just worrying about where they sit in this legislature. I believe that they should be thinking much more about where they stand and they should stand and they should speak and they should help the Liberal opposition fight this Bill 47.

Possibly, too, they may realize they are in trouble in the country. They are trouble in the country because of the silly political games they have tried to play. They may realize they are in trouble in the country because of that responsibility that they have not accepted. Yes, we could come back to this legislature and join with Malone and follow Malone and vote against Bill 47 on third reading if it is not changed. They would be able to go back to their constituencies saying they tried to be responsible, more than they have done at this time on this particular bill.

Mr. Speaker, in closing I should like to say that the Liberal caucus knows where its responsibility lies and will be supporting this amendment.

Some Hon. Members: — Hear, hear!

Mr. J. Wiebe (Morse): — Mr. Speaker, it is always with a great deal of pleasure to be able to follow, in debate, in this legislature the member for Assiniboia-Gravelbourg and to, once again, have the opportunity to contribute to this particular debate. I think, too, it is also a pleasure to be able to, once again, attempt to try to show to the members sitting to my left how very vital and how very important it is for them to, not only participate in this debate, but also how vital and important it is for them to have a change of direction, a change of direction to not only participate in the debate and let the people of Saskatchewan know why they are taking this particular silent approach, on this particular bill, and let the people of the province know what their feeling is in regard to it.

Speakers, this afternoon, have called on members to my left to have a change of heart and to support this particular amendment to, as one member said, follow Malone, accept the lead of Malone and vote along with the Liberals in this particular amendment. If it is difficult for them to accept the fact that they have made a mistake, if it is difficult for them to accept the fact that they may be following the Liberal lead in regard to voting for this particular amendment, then I ask the members to my left to, OK, don't follow Malone, don't follow the lead of the Liberals, but follow the lead of your member for Rosetown (Mr. Bailey). Follow Bailey in this debate.

Let me read what the member for Rosetown said in regard to this particular legislation. I think it is very important and I quote from the December 12th issue of Hansard.

Oh yes, and we've said it before. In its present form the bill gives the Premier the power to set rates of taxation as he sees fit, or, Mr. Speaker, the bill in its present form gives the executive the power to waive any part of it. In other words, it is possible, Mr. Speaker, in secret, that he could conceivably or they could conceivably, set a much higher rate for some companies than they do others. There is no reason why they couldn't do that. It could even be

possible for the Premier to favour some companies that happen to favour the NDP and the companies that don't favour them they could possibly get a different rate.

Mr. Speaker, that is the direction and the lead that the member for Rosetown took in this particular debate. I say to the members to my left if it bothers you to follow the lead, so graciously and honestly established by the Leader of the Liberal Party in this province, then follow the lead of your member for Rosetown-Elrose.

What this particular amendment states, Mr. Speaker, is that this House declines to proceed with this bill until the subject matter thereof has been investigated by the Select Standing Committee on Law Amendments, with a view to obtaining the specific levels of taxation that will apply both to the retroactive period and into the future. What this amendment is calling for members of this House to do, is to do exactly what the member for Rosetown-Elrose stated, exactly what he stated in this debate and by him voting against this amendment one must ask in all respects and seriously what kind of respect does this particular member have for his own words which he speaks on this particular debate in this House. It is going to be very, very interesting, Mr. Speaker, to see how the member for Rosetown-Elrose votes on this particular amendment and I urge again all members to my left, Mr. Speaker, to follow the lead of their member for Rosetown-Elrose and vote in favour of this particular amendment.

Another reason for the amendment, Mr. Speaker, is to allow a period of time for members to consider the feelings of their constituents and to feel how their constituents wish their member to represent them in this Chamber. The reason why I say this is that many of us have had an opportunity to go home on weekends and spend some time attending Christmas parties, spend some time attending various functions during this Christmas season and we have come in contact a great deal with members whom we represent.

A lot of the comments about what's going on in this House by many of our constituents have been whether the Tories have figured out yet where they sit, whether the Tories have figured out yet where their wives sit or whether the Tories have determined yet where their leader is able to park his car. They have not yet been made fully aware about the full implications of Bill 47. They know beyond a shadow of a doubt that the provincial government has lost its court case and it could be faced with paying back \$500 million to the oil company. They also let me know and I am sure they let every member in this Assembly know that there is no way that they want us to allow that \$500 million to be paid back to the oil companies in the province. That message has certainly been brought across loud and clear to myself and I am sure to every member in this Chamber.

Another point which they are raising and they are saying is we want to ensure that what you fellows do today, that what you fellow do in regard to Bill 47, will correct the mistake that was made in 1973 and will prevent any future mistakes from being made. That is a major concern of theirs. They want to ensure that two or three years down the road we, as a legislative body, will not be faced with another situation as we are today. They want to ensure that the legislation that we pass will be sound and will prove to be constitutional and will, in effect, beyond a shadow of a doubt, protect the natural resources of this province not for the oil companies but for the people of this province.

Mr. Speaker, as well, they have voiced a considerable amount of concern to me and I am sure they have to all members of this House, that as yet in this entire debate which

has gone on for only two weeks, it has not been that long a period of time, but the concern that they have voiced to me is that we have yet to hear any solid evidence or any concrete proof from any of the members in the debate from the government side of the House or anything that we have heard on the radio or television or read in the newspaper, that this bill, in effect, is actually a sound bill. Let me say, Mr. Speaker, that the members opposite up to this point have failed to convince the people of this province that the bill is sound and they have failed to convince anyone in this Chamber, other than the Tories, that this particular bill is sound. You appear to have been able to convince them that the bill is sound but, Mr. Speaker, the members on the other side of the House have yet to be able to convince the people of this province that what we are doing is right and what we are doing will prove to be right for future generations of this province.

This, Mr. Speaker, is part of the reason why we have asked for the support of all members of this Assembly to support our amendment. It is a very important amendment. It is a resolution which allows us as individual members to spend some time during the Christmas break and the early part of January to take this bill to our constituents and properly explain to them what the bill does, how it stands, and allow us as well opportunity to get the proper constitutional and legal advice to ensure that what we do today will in effect protect those revenues for future generations of this province.

I think, as well, Mr. Speaker, that we have a responsibility to sit down and approach this problem not from a political or rational point of view but to face this problem in reasoned and sound and considerate debate and consultation. One thing, too, that I have noticed from talking to the members of my constituency, is they have asked me on a number of occasions some of the amendments which we have presented on this particular bill, some of the suggestions which we have made on this particular bill, they have asked our reasoning for it. They have also asked why, on all the suggestions and amendments which the Liberal caucus has presented to this legislature, have we yet not been able to hear from the government members or from the members to my left that the suggestions you have made are no good. Why has no one in this Chamber ever attacked or proved in this debate why the amendments and suggestions which the Liberal caucus has made in this debate are no good?

Not one individual has ever criticized or given any reasons why the suggestions which we have made to protect the future revenues of oil in this province for the people in this province are no good. Not one member has yet stood up in this House and given one shred of evidence, why they haven't. The Premier of this province when he stood up in effect said is that it happens to be an amendment that was presented by an opposition party, it is an amendment that we did not think up ourselves and, therefore, we cannot vote in favour of that amendment at this time. And that is basically the only argument that has been placed in this debate in regard to the amendment which we have placed. What is wrong, Mr. Speaker, I say, with us taking a break over the Christmas holidays to consider the possibilities of splitting this particular bill, of bringing in a piece of legislation to protect the mistake which we made back in 1973 and also to protect the future revenues of oil from 1977 up into the future?

It is not important enough, Mr. Speaker, or Mr. Member for Meadow Lake to just protect those oil industries from now until 1979 or from now until 1980. We have a responsibility as legislators of this province to protect that revenue not only for ourselves or until after the next election but I think it is important for me that I protect those revenues for my children and the children of those children as well. That's our

responsibility and as yet we have not faced that problem in this House. We have not faced that problem and you say that we are protecting the revenues for our children by supporting this bill. As yet you have not given us any reason in any debate that either you this afternoon or the Premier or any member on that side of the House or any member to my left who has spoken that that bill, which we are debating now, is constitutionally sound and will not be proven unconstitutional two or three years down the road.

I think it is important that we take the time to spend a week or ten days back in our constituencies, back with the people whom we represent and ask them what they feel about the bill as presented, what they feel about the amendments which we have presented and I think as well what they feel about the lack of any contribution in this debate by the members to the left.

I have to say, as well, in asking for the support of members to my left and the support of members opposite in regard to this particular amendment, what have we got to lose by waiting a month? What have we got to lose . . . interjection . . . As I was saying, Mr. Speaker, what have we got to lose by waiting 10 to 15 days? The Premier has assured this Assembly and he has assured the people of this province that we will not be losing any money. He was a little bit confused in that regard at the beginning of this debate because all of us are aware of the fact that he stood up in this House and said that no, we will not be losing any money in this particular situation by waiting a week or two weeks or a month or two months. But what have we got to lose? We have got a chance to lose an awful lot more if we attack this bill in haste, if we decide to pass this bill quickly. I ask all members again to support the amendment as presented by the member for Indian Head-Wolseley.

Mr. Speaker, again let me say that the decision, which we as a Liberal caucus took in regard to Bill 47, was not an easy decision. It was not an easy decision because what we had to face by taking this decision was, first of all, to be accused, as we have been by members on that side of the House, as being in the hip pockets of the oil companies, that all that we were concerned about by opposing this bill was to provide more dollars for the oil companies. And yet, why, Mr. Speaker, may I ask you or the oil companies if that is the case, why are they then in such a hurry to see this legislation pass? Why, in heaven's name, are they giving their directives to the party sitting to my left to get this bill through as quickly as you can, get the bill through quickly, implement closure in effect, implement longer sitting hours so that the bill can be rushed through? I am sure that that was the reason for the members to my left taking that position because they certainly did not take that position to allow them more time to debate in this particular motion. Each and every time that they have passed that resolution they have yet to put up one speaker in regard to this particular debate. But that is one of the risks that we, as an opposition, has to face, the fact that we could be accused of being in the hip pockets of the oil companies.

It was difficult as well not to be home this particular week with our families, especially after today because many of our children will be out of school today, to spend two or three days with them in the holiday season. Certainly, I would much rather be at home on the farm with them today, than I would be sitting in this House right now, talking about this particular bill. True, some of us would have liked to have taken advantage of

the trips that we have planned, some to Phoenix, Arizona; some to Florida, some to other warmer parts of the country . . .

An Hon. Member: — Are you going to . . .

Mr. Wiebe: — No, I'm planning on staying right on my farm, Mr. Speaker, or in the Legislative Building if that be the case. As I say, Mr. Speaker, it has not been an easy decision for our caucus to make. Let me say as well, that I believe that it was the right decision, I believe it was the proper decision. From letters and phone calls which I'm getting and from places which I have attended, my constituents are saying, yes it was the right decision to take. Mr. Speaker, I am proud of the fact that while the decision may not have been politically popular at first, it was the right decision and a decision which will prove to be right in years to come.

In closing, Mr. Speaker, let me just once again echo my concern for the members to my left who are basically, or at least they like to lead us to believe that they are, a free enterprise party, a party that believes in standing up and fighting on behalf of the people which they represent. We have yet to witness that in the two and a half years that they have been in this Chamber. They were unable to stand up on behalf of the people they represented in regard to the potash debate; their whole contribution to that complete issue was to place a couple of advertisements in the newspapers throughout the province, patting themselves on the back on how vigorously they fought that particular debate. They have yet to show to us and to the people of this province, in this particular debate, Bill 47 that they are prepared to fight on behalf of the people of Saskatchewan. I would once again ask them, if because of political reasons that you cannot follow the lead established by Ted Malone and the Liberal caucus, at least consider following the lead established by your member for Rosetown. Mr. Speaker, I will be extremely pleased and proud to vote in favour of this particular amendment. As the Attorney General says, it's going to be exceedingly interesting to note how the member for Rosetown votes on this particular amendment.

Some Hon. Members: — Hear, hear!

Miss L.B. Clifford (Wilkie): — Mr. Speaker, Bill 47 is one of the most momentous bills of legislation ever presented in this House. The Liberal caucus has carefully thought out and presented responsible amendments to our common dilemma and it is a common dilemma that all three parties have and would like to find a common goal to solve it. Our goal was and is to assure that in the best possible way that the next bill will not be as bad as the first one. We don't want to be declared ultra vires and we have suggested a number of ways in which we think this can be prevented. Unfortunately the NDP and the PCs to my left have voted against our first amendment for political gain and have not been concerned about what is best in the long run for the people of Saskatchewan. In presenting our second amendment, Mr. Speaker, we are again trying to protect the rights of the people of Saskatchewan and the \$500 million that is hanging in the limbo. What does this amendment ask for, Mr. Speaker? It asks for time to reconsider and to consider seriously what our goals are and how they can be achieved. Obviously the common goal is to retain the \$500 million in the hands of the Saskatchewan people. We ask the government not to continue this mockery of the legislative system. This bill allows the tax rate to be decided in Cabinet, without considering the concerns of the people in Saskatchewan or whether the result of such a decision will put the province not only into compounded disaster but irreversible debt.

It is now a time for thought and a time to be sure that we don't make the same mistake. I would like to ask the Attorney General if he is really sure that this is the right thing to be proposing. Are you sure this time that you will not be in the same position than you did the last time, or any more convinced that you are sure that this is going to be the right thing to do. It is time now to be sure. It really amuses me, Mr. Speaker, how the members opposite and the member for Meadow Lake and a number of others, how they can twist the facts and their own words to determine what the issue really is. I don't think that they've really looked into the matter. I don't see how in the number of days we have spent here talking about this you can get it so twisted up that you don't have any idea what's going on. Mr. Speaker, they speak about different things, about how we are going to lose all the money and all the difficulties we are in. I would like to ask you if you know what the meaning of retroactive is? If you don't, perhaps it would be a good idea for you to go out and look it up while I am speaking, because what you should look at is the fact that we are not losing money, to the member of Meadow Lake. The bill to be retroactive means that when the bill is finally declared and it is not stood up by the Supreme Court or any other court, then we can collect the money retroactively. So we are not losing any money.

Mr. Speaker, it is up to us to be clear that the bill is legal and that it is the best way possible to retain the money that we have lost presently under Bill 42. In case members opposite do not agree with this amendment, and I hope in this afternoon's process we have maybe had you thinking a little bit about it, or wavering somewhat, maybe some of the members in the back will be doing that. We want to know that this bill will hold water, then from that point we can collect the taxes that we were to collect in 1973. Please spare us the scare tactics that you are trying to give us about losing money and start thinking about the real issue that we are dealing with. It has been pointed out by previous members, the problem of the tracking in the previous bill and causing colorability and the great chance of the bill being struck down, leaving the province and Saskatchewan in a worse mess than we are presently in. I can't believe that the members opposite will refuse to hear all the advice and suggestions possible so that they don't plunge into a worse situation. You say that you are open-minded and not a closed government, so I think that you should be quite eager to hear all the suggestions we have to give you.

Mr. Speaker, I previously mentioned that if we, as elected members, the people of Saskatchewan and those whom you are negotiating with, don't have a chance to see the taxation level in the bills, for both the retroactive period and into the future, then the system is a mockery. You and I wouldn't sign a blank cheque and leave the amount unfilled. How can you ask us to vote for a bill without the specific levels of taxation. Now perhaps your party is run that way that you just believe whatever you are told and you don't have to look into anything. But, Mr. Speaker, we have to know what the levels of taxation are, it is only fair.

Mr. Speaker, if the members opposite do not chose to support the amendment, what are their reasons? They obviously don't care about whether the bill will stand up in court, that's been indicated because there has been no mention of why they feel that our first amendment would not have worked. They don't care whether or not it will stand up in court, it's just a stopgap measure. They obviously don't care if there are any good ideas from others but that their Cabinet clique is the only way in which to achieve the goal and the only solution. It would lead us to believe that they want to bulldoze this bill through the House with haste as they did Bill 42 and as they tried to do with Bill 1 in the potash debate, Mr. Speaker, their trend has been clear. They say that we are in a crisis

and I tend to agree with them but it is not only a potash crisis or an oil crisis but it happens to be a bill crisis and the way that they perceive things and the only solution that they feel that we have, is to ram things through and to take the word unbeknown to them whether or not it's going to work out. In all instances, the Blakeney government is guilty of using world situations, whether it be oil or potash to impose more socialistic control for our people; control, whether it be of farm land; hog marketing, control of farm products; farm marketing, control of production; control of meat packing; control of businesses; in fact, control of people. All of this is done in the name of the people and it's all done in looking after the interests of the people. Mr. Speaker, we all realize that the goal of the members opposite is control. We don't agree with it but how can they say that they are seriously working for the people of Saskatchewan when they won't take every step possible that they can be sure that they won't have a Bill 48 or a Bill 49 or a Bill 40 and on and on and on.

Time and care, instead of haste and waste of all the people's money is what we should be concentrating on at this time. We should be responsible legislators and take every caution to make sure this bill is above all challenges. Mr. Speaker, it is therefore essential that we do what we can to have this bill brought to the public for further examination in order that the motives of the government and the effect of the bill on the people and the province should be fully examined. Mr. Speaker, I can't see how the government cannot be fully aware of the extent of the problem. There has been inadequate consultation with concerned citizens in oil areas, with MLAs that represent oil areas, with industry and apparently you are not concerned whether or not your position is the strongest one possible.

Mr. Premier, members opposite and to my left, I ask you to consider seriously this amendment, it isn't going to stop the bill, you should be very much aware of that. You don't need the power of this bill at the moment, the very fact that you say that we are going to pass this bill indicates that we are going to pass it just by sheer numbers. You know that we are trying to give you this amendment to take time to look at the situation, take time to let the committee be formed and let the people be heard. I don't think there is much of a rush; the action that we take is a very serious action. When the bill is finally passed we will make sure that it will be a far better bill and the action you take as a government will be more thoughtful action and one that I think would do little harm as possible to the future not only to the oil industry but for all our natural resources and for the future of this province.

Again, Mr. Speaker, I would hope that all members will support this amendment.

Some Hon. Members: — Hear, hear!

Miss Clifford: — I ask you to believe that we are serious in the amendment and we want to get the best bill possible. You ask us to believe that you will do a fair and a just job of negotiating in setting the level of taxation. Have you shown us that you deserve the trust of the people of Saskatchewan? I answer 'no'. Did you take time with Bill 42 to make sure that our money was not in jeopardy? I say the answer to you is 'no'. How can this bulldozing job do any better? Where there is smoke there is fire and I believe that there is little wonder that we don't want to make sure that this bill is not put in the present form. We want to make sure that this bill is strong for the benefit of the people of Saskatchewan and if you don't have that same wish then I ask you to seriously question why you are here and what you are doing.

Mr. Speaker, we suggested during the potash debate that we have a committee and that

they have time to look into the far lasting effects of such legislation. Will we see in the not too distant future that that legislation is also in jeopardy because of your haste. Can you not see from past mistakes that this could be the problem with Bill 47?

The problem is clearly one of bureaucracy and blind political dogma. It is time that we look at this closed government and blind bureaucracy. At the time of the potash debate I said that the trend of this government bureaucracy was alarming and it is growing daily. They are overcome by their own power and their self-righteousness. Let me quote briefly from what I said at that time. Maybe you will be wise enough to listen in retrospect. Mr. Speaker, I said at that time:

If one is a bureaucrat the thing to do is to avoid developing the unpleasant and inefficient traits. It is part of the bureaucrats business to have an orderly mind but disorderliness must not be allowed to become the chief aim of life.

So I would say rather than an orderly mind you had better consider a one-track mind. When a bureaucrat exercises spontaneity in his dealings with people and develops the instinct for realizing what people are thinking he becomes not only a more effective worker but a happier worker and he gets more enjoyment out of life. How do you know what the best methods are? You have only consulted your select few. It is time that we get a committee together to look at this problem in a serious note. The cult of secrecy has been growing as I mentioned before. Some bureaucratic officers regard themselves as belonging to an exclusively intellectual body and I suggest you think about that because you are becoming an exclusively semi-intellectual body and you've locked yourselves in your ivory towers never to let their precious documents be seen on the pretext that they are too secret and carefully file them away in a safe. Does that have a little ring of truth to you? The documents are too secret and you don't want to have anyone to know what the level of taxation will be. The public wants to know why, as well as that, of the situation in understandable terms. It is our responsibility to find out what the level of taxations are and what the terms will be. It is your responsibility to give them to us and to the people of Saskatchewan. Let's forget this closed government.

Some Hon. Members: — Hear, hear!

Miss Clifford: — Some formula is drawn up by systems people in conference rooms and they have important advantages within their bureaucratic walls but are not adapted to the practical needs of daily life on the outside. And I think that you should look at that because perhaps a few think that your practical solutions have no real benefit in this situation and it is time that you limit and listen to what we are doing.

Mr. Speaker, I have many more words of wisdom to speak about this matter and I'm sure that you would like words of wisdom and like to hear what I have said in the past as it relates to this moment and I would like to call it 5:00 o'clock.

Mr. Speaker: — I would just like to say a word about that too at this time. The other day a member asked me to call it 1:00 o'clock and I did not and I want to say at this point that my acknowledgement of such a request will depend on the likelihood of its acceptance without complaint by other members of the House. If the mood of the House is such that a decision to call the time 1:00 p.m., 5:00 p.m. or whatever, may make it appear that the Speaker, by his actions, is curtailing or extending the time of the debate in a partisan way, then the member should not make a request since it would not be entertained by the Speaker. Therefore, I will not entertain the request for 5:00 o'clock.

Miss Clifford: — I am really pleased. Mr. Speaker . . .

Mr. Speaker: — It being now 5:00 o'clock, I do now leave the Chair.

The Assembly adjourned at 5:00 o'clock p.m.