

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Nineteenth Legislature

Friday, February 23, 1979

The Assembly met at 10 a.m.

On the Orders of the Day

MOTION

Select Standing Committees

MR. B.M. DYCK (Saskatoon Mayfair): — Mr. Speaker, I would like to move, seconded by the member for Meadow Lake (Mr. McLeod):

That the first report of the Select Special Committee appointed to consider the size of the Select Standing Committees and to prepare a list of members to compose the Select Standing Committees of the Assembly be now concurred in.

Motion agreed to.

QUESTIONS

Front Bench Ministers Remain in House

MR. R.L. COLLVER (Leader of the Opposition): — Mr. Speaker, the first question that I have to ask directed to the Premier is, the Minister of Northern Saskatchewan and the minister responsible for the environment have both left the Chamber just immediately prior to this question period. Is there some significance in that particular event?

HON. A.E. BLAKENEY (Premier): — I know of no particular significance.

MR. COLLVER: — A supplementary question, Mr. Speaker. Is the Premier aware that there are particular areas of concern of the people of Saskatchewan in those two particular portfolios at this point in time and would it not be advisable for him, especially on the first day of the legislative session, to ensure that his front bench members maintain their seats?

MR. BLAKENEY: — Mr. Speaker, I invite the Hon. Leader of the Opposition to address questions. It will not be the case that all the ministers will be here on each occasion, nor is it the case in any other legislature of which I am aware. Certainly not the ones where the Progressive Conservative party is the government. But in any case if the Hon. Leader of the Opposition would put questions, if there are questions which the minister would likely have been able to answer, it may well be that we can give an appropriate answer. If they are questions which the minister in any case would have in the ordinary course of events taken notice of, we will do the same.

Conflict of Interest Legislation

MR. COLLVER: — A new question, Mr. Speaker. I would ask the Premier in the light of the events of the previous provincial election on October 18th, in the light of his

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obvious concern and his government's obvious concern, of ensuring that the highest standard of fair play and clean pay be conducted by his ministers, why did the Speech from the Throne contain absolutely no reference whatsoever to conflict of interest legislation?

MR. BLAKENEY: — Mr. Speaker, there will be, we would estimate as much as 100 bills before the legislature. It is quite impossible to list them all in the Speech from the Throne and we did not do so and there are a good number of others of considerable significance which were not referred to there. They will be referred to in debates. With respect to the conflict of interest legislation, we expect to have legislation to put before the House during this session. There is very considerable difficulty in drafting the legislation and there is always the possibility of a delay. It was not mentioned in the Speech from the Throne but that in no way means that the government has changed its policy with respect to conflict of interest legislation.

MR. COLLVER: — A supplementary question, Mr. Speaker. Since the Premier has, today, committed his government to bring in conflict of interest legislation, and I would presume disclosure legislation before this legislature in this session, why then during the period from October 18 until today, which is a period of almost four months, did the Premier not prepare such legislation? Difficult, yes, but four months to prepare such legislation in the light of the obvious urgency with which the government of Saskatchewan and the NDP, in particular, holds the proper conduct of affairs of its ministers and in fact, of the members of this legislative Chamber. In the light of that urgency, why then could that not have been a priority over the four month period and the legislation drafted and prepared and reference included in the Speech from the Throne?

MR. BLAKENEY: — Mr. Speaker, certainly during that entire period and for a good period before it, legislation has been worked upon in this area. It is not simple. We are talking about two basic and fundamental questions of whether or not there is disclosure and whether or not in addition to disclosure there are further provisions. It is not a simple question as anyone will indicate. With respect to whether (I may as well make this point now) I have made a commitment in the House, I ask hon. members to read what I say and now what the Hon. Leader of the Opposition says I said.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — Because there are obviously important areas of difference, there are areas for misunderstanding. Some of us believe that the Leader of the Opposition gave an undertaking that he would put his affairs in a blind trust. We clearly misunderstood what he said, we clearly did! Others apparently did as well. I merely cite that as an illustration of the difficulties which can surround a statement in this area. I ask all hon. members to direct their attention with some care to what I have said with respect to that legislation and I hope to be able to adhere to what I have said.

SOME HON. MEMBERS: — Hear, hear!

MR. SPEAKER: — I'll take a new question.

Disclosure Legislation

MR. COLLVER: — New question then, Mr. Speaker. Since the Premier has not made a commitment to this legislature to introduce such legislation today, since the Premier is

obviously having difficulty with some members of his cabinet and of his caucus in terms of presenting this kind of legislation and since it is relatively easy to present disclosure legislation to this legislature for its consideration and discussion at least, surely the Premier would be prepared to take leadership in this regard. Would the Premier be prepared to join with the Leader of the Opposition in a full disclosure of the personal affairs of the Premier and of the Leader of the Opposition thus showing leadership to the other members of this legislature with regard to conflict of interest?

MR. BLAKENEY: — The answer to that is yes, if the Hon. Leader of the Opposition will disclose his affairs, and when I say disclose, I don't mean disclose the shares he holds in private holding companies but disclose the assets of the private holding companies. It is childishly simple to set up one's affairs so that when one owns a few shares in an Arizona company or in a Swiss company . . . (inaudible interjection) . . . all right sure, and that was readily disclosed and there's no secret about any holdings there, so that if everybody is equally frank and, giving also contingent liabilities . . .

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — . . . I think we can manage to do that.

Conflict of Interest Legislation

MR. J.G. LANE (Qu'Appelle): — The Premier seems to be downplaying the importance of conflict of interest legislation. I would just like to remind the Premier that approximately four years ago in this Assembly, the Attorney General introduced a White Paper on Conflict of Interest Legislation. Now a four year delay from the government offices on supposedly matters of public concern such as conflict of interest indicates more of a deliberate stall than it does of any concern about the government. You have ample precedent in Canada. Would you now make the formal commitment of conflict of interest legislation?

MR. SPEAKER: — Order! New Question.

Land Grant Lease Qualifications

MR. R. ANDREW (Kindersley): — I would like to direct my question, Mr. Speaker, to the Minister of Agriculture (Mr. Kaeding). Is the minister aware of the situation that presently is happening in my area wherein farmers are buying land at a very high price, higher than the land bank is prepared to pay for it, and then immediately turning around and selling it to the land bank at a price \$10,000 or \$15,000 below what they paid for it, in order that they can obtain a lease that lasts for a lifetime in order that they don't have to fit through the qualifications? Is the minister aware of this and, if so, does he approve of that type of thing?

SOME HON. MEMBERS: — Hear, hear!

HON. E.E. KAEDING (Minister of Agriculture): — Mr. Speaker, I am not aware of any such activity and I would suggest that if the member opposite has any evidence which he wants to put before me, I would be glad to receive it.

Coronach Dam Project

MR. R.A. LARTER (Estevan): — Both the Minister of the Environment and the former

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Minister of the Environment aren't here, but I would direct this question to the Premier. In light of circumstances that have happened lately on the Coronach Dam Project, where the new Minister of the Environment has re-examined the possibilities of environmental problems in Montana, I would like to ask the Premier, has the government reversed its decision now and, as we have suggested many times in the past session, agreed to have open communication with the Montana government, more liaison, better communication, in order to correct this, I think, misunderstanding as far as pollution is concerned?

MR. BLAKENEY: — Mr. Speaker, we have not, in any way, changed our basic policy that dealings with the Government of the United States, or its agencies, should be done by the Government of Canada and not by the Government of Saskatchewan. We do not believe that the Government of Saskatchewan should operate in the international field. I know that there are some governments in Canada who don't share that belief, but we are of the belief that basically international affairs ought to be carried on by our federal government. We have had close liaison with the federal government on this. This does not mean, however, that we do not discuss these matters with representatives of other governments and I personally have had a number of frank chats with the ambassador to Canada from the United States, the Hon. Mr. Enders, and I know that, as you have referred, my colleague, the Minister of the Environment, has recently had discussions with Governor Judge of Montana and some of his people. We believe that there is a role to be played by informal contacts in avoiding misunderstandings but we are careful to avoid negotiations between Montana and Saskatchewan on a matter of which almost necessarily will have to be dealt with and is being dealt with, and I think effectively dealt with, by the governments of the United States, the governments of Canada and the International Joint Commission.

MR. LARTER: — Supplementary question, Mr. Speaker. Could the Premier tell this Assembly if we are any closer to getting agreement from the state of Montana on going beyond unit 2? Have you convinced them that really we don't have air or water pollution in that area?

MR. BLAKENEY: — We're in some difficulty there because we're under no obligation to convince the state of Montana, since the state of Montana is not the agency which has any voice in deciding what happens. This is not to suggest that we shouldn't attempt to explain Government to the United States, in that regard.

I want to say that we are making excellent progress with the matters before the IJC which are water quality matters and I believe the next forthcoming report is expected very soon. It's been a little behind but we expect it very soon. We do not expect any problems which will be insurmountable with respect to either water quantity or water quality; air quality is another matter. It is not a matter of treaty between the Government of Canada and the Government of the United States, so we've no legal or international obligation to meet their standards. However, we do wish to do the best we can to see that we don't have any difficulties with that and we believe that good progress is being made in that regard. With respect to any expansion beyond unit 2 this has not been (phase 2) the subject of, so far as I'm aware, any significant, either water studies or air studies.

MR. LARTER: — Supplementary, Mr. Speaker. I would agree with the Premier that certainly we don't have to prove anything to the State of Montana; we do work through the IJC. But I think the minister in charge of SPC (Saskatchewan Power Corporation) would agree that we would be a lot further along, certainly on the planning, if we had

had direct communication with the state of Montana, regardless of IJC, and we've brought this point out many times. Now we're looking at the Nipawin project and maybe further but all of this could've been eliminated if we had had better communication. The minister for SPC shakes his head but the state officials of Montana will tell you differently. Would the Premier reply to that, please.

MR. BLAKENEY: — I don't think there's any substance to that allegation. I don't believe any significant difficulties which we have encountered — and we haven't encountered any except some delay and that's almost inevitable in international relations. Any difficulties encountered have not been primarily because of any abuse of the officials of the state of Montana. I think it's not unfair to point out that our dealings on this project seemed to be going along uneventfully until difficulties arose with respect to the Garrison project and until strong Canadian objections were lodged with respect to the Garrison project — diversion project — which project is favored by many public officials in Montana and North Dakota and following fairly strong Canadian objections to that project, objections to the Coronach power project mounted. It's not unfair also to point out that the Coronach project is almost the same as the Estevan project which proceeded without any difficulties. One can only wonder about this sequence of events and one can also wonder whether or not any amount of discussion with anybody would have changed the matter if we assumed that Canadians would still have objected to the Garrison division project.

Doctors' Fee Schedule Dispute

MR. E.A. BERNTSON (Souris-Cannington): — I have a question to the Minister of Health. It's not often that the Government Whip is unleashed to iterate government policy — I'm not even sure if he knows government policy. Last Monday at a talk show in Saskatoon, the Government whip said that there are clearly two camps in our health dispute in Saskatchewan with the government on one side and the doctors on the other side. My question, Mr. Speaker, is it government policy to deliberately create a confrontation attitude between government and doctors?

HON. E.L. TCHORZEWSKI (Minister of Health): — No, it is not government policy to create deliberate confrontation between the government and the medical profession nor is it government policy to create deliberate confrontation with any group in our society in the province of Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

MR. BERNTSON: — I have a supplementary question, Mr. Speaker. Would you not agree that your department is fostering this confrontation attitude by directing one of your government hacks to carry on a letter to the editor campaign using what appears to be current Medical Care Insurance Commission data — would you not agree that that is fostering a confrontation atmosphere with the doctors?

MR. TCHORZEWSKI: — Mr. Speaker, individuals can write any kind of letters or respond in any way that they can. We don't restrict anybody in the province and if the member opposite would want to carefully look at all of the newspaper articles and other press reports that there have been and comments made by various kinds of people, he will find that there has been a very wide cross section of people in Saskatchewan who have responded to the present status in negotiations between the Saskatchewan Medical Association and Medical Care Insurance Commission and that is their right.

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MR. BERNTSON: — I have a supplementary question. Would the minister indicate to this House whether or not Mr. Dishaw was acting under his direction and further would the minister indicate if we accept that we do have ministerial responsibility in this legislature, whether there has been a breach of privilege on his part by using what seems to be data that has not been tabled before this legislature, as is the normal course of events, data from MCIC (Medical Care Insurance Commission) that should be in the current annual report?

MR. TCHORZEWSKI: — There has been no breach of confidentiality. Mr. Dishaw never spoke to me about the subject and so anybody who had spent some time reading the annual reports, which are tabled in this legislature annually, would be able to find within them and deduct from them any kind of information similar to that which was in those letters. So I don't think the member is making a point on breach of confidentiality at all because there has not been any.

Annual Medical Care Insurance Commission report.

MR. BERNTSON: — New question, Mr. Speaker. Can the minister indicate to this House whether Mr. Dishaw had access to data that is currently being compiled for the MCIC report?

MR. TCHORZEWSKI: — No, he did not.

CPN (Co-operative Programming Network) finances.

MR. J.G. LANE (Qu'Appelle): — I would like to direct a question to whoever got saddled with CPN responsibilities . . .

SOME HON. MEMBERS: — Hear, hear!

MR. LANE: — . . . and you did get 'saddled' with it, did you not, Mr. Attorney General? I understand there were secret meetings with CPN officials in Saskatoon . . .

SOME HON. MEMBERS: — Hear, hear!

MR. LANE: — . . . for which the Attorney General refused to be quoted of last week, which indicates that the door to CPN has not in fact been closed by this government — not withstanding earlier statements. Would you indicate now at what stage the government negotiations are with CPN, and is the government presently reviewing its position — previously stated — to give further funding to CPN?

HON. R.J. ROMANOW (Attorney General): — Mr. Speaker, the situation with respect to CPN is, as has been publicly stated, namely, the government has determined that there would be no further guarantees at this time to CPN. There has been a receiver appointed by Northland Bank pursuant to documentation and financial obligations in that regard. And that is basically it; there have been no negotiations with CPN and the government, certainly not at the ministerial level, and I do not believe at the official level, as a consequence of those decisions taken.

MR. LANE: — I think, Mr. Speaker, that the public school be well aware that you refuse

to comment on those particular meetings that you had last week. You've now had ample opportunity, with the senior officials of the Department of Finance reviewing the operations of CPN and the receiver having been appointed. Are you not prepared to give the final total figure of the loss to the people of Saskatchewan by your involvement with CPN with the guarantees, and I'm including in that the failure of Sask Tel (Saskatchewan Telecommunications) to pursue the collection of its accounts and the cost of any converters that may been absorbed by Sask Tel? And would you not now be prepared to come clean with the people of Saskatchewan and give, in fact, the total loss which will be in the neighborhood, I suspect, of at least \$5 million?

MR. ROMANOW: — Mr. Speaker, the receiver has not yet reported so far as I know to the bank. Presumably he'll be giving us copies of any reports that he has with respect to CPN. It's — I think this is fairly common knowledge, everybody would know — impossible at this time to answer the member's question until the receiver finishes his obligations and duties. We don't know what happens after, what possible purchases or possible other transactions may take place which will minimize losses all around. I just think that has to run its normal course over the next several weeks before any kind of specific answer can be given.

MR. LANE: — A final supplementary Mr. Speaker. Mr. Minister, there's been a significant lack of precision in your answer, and I'm referring to two particular statements made. When you announced your position that there would be no further guarantees on CPN you very pointedly said 'at this time' — at the time of your announcement — again leaving the door open. And today you said that there would be no guarantees which, of course, opens the door to further loans, grants, or monetary commitments other than guarantees to CPN. Would you now be prepared to give an unequivocal statement to the people of Saskatchewan that no more public funds in any way, shape or form by way of guarantee or direct funds will be given to CPN, and that in fact CPN will be wound down in the immediate future?

MR. ROMANOW: — Mr. Speaker, again I don't think I can do any better than the answers that I've given in response to the first two questions to the hon. member. The hon. member has a well known determination to kill the concept of community-run closed circuit television in Saskatchewan. It's been part of the ongoing battle that the PC (Progressive Conservative) Party has conducted against this co-operative and the many people who support co-operatives generally in the province of Saskatchewan. And I know if the hon. member had his way, he would not only wind down CPN, he would be absolutely determined that closed circuit television would end up in the hands of some of his private enterprise friends for their involvement . . . (inaudible interjection) . . . and you see the hon. member even supports that. I simply say, Mr. Speaker, I can't give the member any kind of an assurance until I see the report from the receiver, until the bank sees it, until we see what the recommendations and developments there are, and any other comments short of that would be purely irresponsible on my part.

MR. COLLVER: — Supplementary, Mr. Speaker. Will the Attorney General recall the answers that he gave last year to the member for Qu'Appelle when he cautioned the member on further expenditures of Government of Saskatchewan moneys in the CPN fiasco? Will he recall his answers of last year in which he hedged and skirted around giving a firm commitment that he would not waste the people of Saskatchewan's money? And now today after appointing a receiver for this organization which obviously was mismanaged, will the Attorney General not reconsider his just given answer and provide the member for Qu'Appelle the assurance to which the people of

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Saskatchewan are entitled — that no further funds will be wasted in this venture?

MR. ROMANOW: — Mr. Speaker, I ask the House to consider for a moment what the Leader of the Progressive Conservative Party and the member for Qu'Appelle are really asking us to do. They are saying that we should now pre-emptorally decide without the benefit of the recommendation of an auditor, a chartered accountant from Clarkson and Gordon Company who are acting as receivers of this company who may recommend, for example, a revival — if I can put it in those terms — of CPN or an injection of funds based on the financial operations; they are asking us now to tie the hands of that particular receiver from this respected company by saying there will be absolutely no funds. That's what the PC Party is saying. Mr. Speaker, what the Leader of the Progressive Conservatives is saying is, I don't want to be bothered by the facts and I don't want to wait to get the facts. I hate co-operatives so much, he says, and I want you to guarantee now that no funds are flowing.

SOME HON. MEMBERS: — Hear, hear!

POINT OF PERSONAL PRIVILEGE

Error in Leader Post

HON. A. MATSALLA (Minister of Tourism and Renewable Resources): — Mr. Speaker, I would like to rise on a point of personal privilege. In yesterday's issue of the *Leader-Post* on pages two and three, the *Leader-Post* informed the readers and the public on who's who in the legislature — cabinet ministers and MLAs. I was reported as being the MLA for Canora constituency which I am very proud and honored to represent and that is an accurate report but I would like to re-inform the *Leader-Post* and all other news media that I am also serving in the cabinet as the Minister of Tourism and Renewable Resources and I expect to do so until the end of the session. Now this was not covered and therefore I submit that the report is misleading and inaccurate. Therefore, Mr. Speaker, in the interest of me, personally, and particularly in the interest of the office of the Minister of Tourism and Renewable Resources, this legislature and the public, I ask the *Leader-Post* and all other news media, if applicable, to offer an apology for the error and provide an accurate statement of the report.

MR. SPEAKER: — Order, order! I want to say in addition to what the Minister of Tourism and Renewable Resources has said with regard to the point of personal privilege and I raise this only by way of correction because I wish to amend the point of privilege as it affects me as well. The minister said pages 2 and 3; it's pages 12 and 13. And the point that I wish to make at this time too, is that the Speaker is not a member of the cabinet, the Speaker does not attend cabinet meetings. It might be a small point but I think it's an important point that the Speaker not be seen to be a member of the cabinet; he is in fact not a member of the cabinet. And I know that it's sometimes difficult for the media to arrange their material in such a way that such doesn't appear to be the case, but I would encourage them in the future to not have the Speaker as a member of the cabinet.

I will take the Attorney General . . . what's the point of order?

POINT OF ORDER

Pressing Public Importance

MR. J.G. LANE (Qu'Appelle): — The question I would like to direct to you relates to the

matters of pressing public importance which should be discussed in this Assembly and what in fact, is a matter of privilege. All members referred to in the press have the right to write to the particular media outlet and correct the statements. For it to be brought to the Chair of this Assembly — and frankly, it is such a picayune matter — is a waste of the public's time. I submit, Mr. Speaker, the point of order is that you determine what is the matter of pressing public importance. You should have ruled that particular matter out of order.

MR. SPEAKER: — I've made my judgment on whether the matter was of importance or not. I consider it to be a matter of importance not only to the minister personally, but to the province of Saskatchewan and therefore I allowed the minister to proceed. It's quite common for members to bring forward matters of personal privilege which they feel have been raised by some form of the media and that's open to the member for Qu'Appelle, if the time should arise that something of this nature should occur. It doesn't happen that often; it might happen three or four times a year, at the most.

MOTIONS

HON. R.J. ROMANOW (Attorney General): — Mr. Speaker, I would like to move, seconded by the Minister of Finance (Mr. Smishek), by leave of the Assembly:

That the matter of division of radio time arranged for the current session be referred to the Select Standing Committee on Radio Broadcasting and Selected Proceedings and the said committee to report its recommendations thereon with all convenient speed.

Motion agreed to.

MR. ROMANOW: — Mr. Speaker, I'd like to move, seconded by the Minister of Mineral Resources (Mr. Messer), by leave of the Assembly:

That the public accounts of the province of Saskatchewan for the fiscal year ended March 31, 1978, be referred as tabled, to the Select Standing Committee on Public Accounts and Printing.

CONDOLENCES

HON. A.E. BLAKENEY (Premier): — Mr. Speaker, it is customary on the second day of the session for us to pay a tribute to those members of the legislature or of previous legislatures who have passed away since we last assembled. Accordingly, I move, seconded by the Hon. Leader of the Opposition, the member for Nipawin:

That this Assembly records with sorrow and regret the passing of two former members of this Assembly and expresses its grateful appreciation of the contributions they made to their community, their constituency and their province.

Warden Burgess, who died on February 13, 1979, was a member of this legislature for the constituency of Qu'Appelle-Wolseley from 1944 to 1948. He was born in Ontario in 1899 and came to the Sintaluta area with his family in 1903. He farmed near Sintaluta for many years and served as a Wheat Pool delegate from 1937 to 1941 and was a member of the board from

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1949 to 1955. He worked with the Co-op Hail Insurance Company as an agent from 1948 to 1951 and as a director, secretary and treasurer until 1964. He served at various times as a member of the Co-operative Securities Board, the Saskatchewan Marketing Board, the Agricultural Machinery Board and was on the board of the Saskatchewan Crop Insurance Association. He was active as a director of the Anti-Tuberculosis League and was also president of the South Saskatchewan Baseball League and president of the Regina Red Sox baseball club.

Alan Williams Embury, Q.C., who died on September 22, 1978, was a member of this legislature from 1944 to 1948 representing active-service voters for the Mediterranean area. Born in Regina in 1907, he received his elementary and high school education there, graduated from the Royal Military College at Kingston in 1928 and received a law degree from the University of Saskatchewan in 1931. He practised law in Regina from that time until his death except for a period during World War II. In 1939 he went overseas with the Saskatoon Light Infantry. In London he served with the Judge Advocate-General's branch and was admitted to the English bar in 1940. He was the commanding officer of the Saskatoon Light Infantry in Sicily and Italy until returning home in 1945 to sit in the legislature. Later he was made Brigadier of the Militia Groups in southern Saskatchewan. He was honorary aide-de-camp to Governor General Viscount Alexander of Tunis and honorary colonel of the Saskatoon Light Infantry. He served at various times as president of the Saskatchewan Bar Association and the Saskatchewan Branch of the Royal Canadian Legion. He was a member of the board of the Salvation Army in Saskatchewan and the Regina Public Library. He was a life member and former president of the Assiniboia Club and the United Services Institute.

Mr. Speaker, I would like to add a word or two of a more personal nature with respect to each of those deceased members.

I knew Warden Burgess reasonably well. I knew him primarily in his work in the co-operative movement. He was a well respected member of this legislature. He is, perhaps, best remembered because he argued his view strongly. It never seemed to worry Warden very much that you weren't agreeing with him. He kept right on arguing. He held to his opinions and he was respected for that. He was, as was indicated, a successful farmer in the Sintaluta district. He was elected as a member of the legislature for the CCF (Cooperative commonwealth Federation) party, but he tended to call himself not a socialist, but a co-operator. He had a long association with many co-operative organizations but particularly Co-op Hail; he was a full-time employee of that company for many, many years. I think that through the efforts of a small group, of whom Warden Burgess was one, Co-op Hail has caught on in Saskatchewan and is a significant organization in providing farmers with protection against the vicissitudes of nature. I have talked with some of his former colleagues in this House who I know. Allan Brown is one and Allan used to say of Warden that he could stand up without having any preparation, either in notes or having mentally organized his thoughts and start off and give a first-class speech. This ability to think on his feet made him a very tough debater. I've known Warden in recent years because he kept active in our party and they say he was never fully satisfied with our efforts, and kept putting forward his views as to how we should improve things, and fairly forthright in pointing out our shortcomings. But since he coupled that with a fair amount of work on behalf of the party up until recent years, all of us, I think, wish to have in our party supporters who both work and

criticize, and Warden fell into that category. He was an engaging sort of person. He never married. He was devoted to his family, his mother and his sister and they took care of each other for many years. He is survived by his sister, Maud Burgess of Indian Head. He made an important contribution to the public life of this province.

I knew Alan Embury because he lived in Regina and was a very prominent citizen of Regina. Indeed he was one of that relatively smaller number of people in Regina who were born here and who have deep roots in the community. He had a distinguished war record as the formal motion will indicate. He was a vigorous personality. I knew him because he was a professional colleague. When I practised in Regina, Alan was practising. Our offices were for a period in the McCallum Hill Building as were his. We'd meet him at coffee, and generally talk over the issues which are current in professional circles as is the custom of lawyers when they get together. He was, I might call him, a professional colleague and a political foe for many years. He's recognized by his fellow practitioners as a fighter, and Alan Embury was undoubtedly one of the finest jury counsel that this province has ever produced, — a very, very able jury counsel. He has been involved in the province over the years in more than one cause celebre. I remember one, the Rawluk Inquiry which took place in this chamber and which had many star counsel — E.C. Leslie, Alan Embury, Darrel McLeod — and which served to fill the galleries here night after night. I remember a murder case of considerable public interest, I believe called the Seaholm Case, if I have the name right, where Alan was acting for the defense. And it seemed to me that the trial commenced as a trial of the accused and moved on to be a trial of the victim, and moved on from there to be not only a condemnation of the person who was killed but a recognition of the accused — as someone has said it started out by defending the accused and ended up by having him very nearly awarded a public medal. That represented real skill.

I remember another case in which Mr. Embury was involved. It involved something involving the Government of Saskatchewan. It involved the action of Interprovincial Steel and Pipe Corporation against their bonding companies and Mr. Embury as I recall it was acting for the bonding companies — once again on the other side of the fence — but certainly always well respected and able as a counsel. No one ever under-rated Mr. Embury or if they did, they regretted it rather suddenly.

Mr. Embury was of a family that has made a contribution to public life in this province over the years and still is making a contribution to public life. Two of his sons are active — one is an alderman and one is I believe the president or the immediate past president of the Saskatchewan Liberal Party. We have met his son on occasions and I know the member for Last Mountain can verify that because he has been active in public life. As I indicated, Mr. Embury has a distinguished war record, served in the legislature, and a long and distinguished career in the legal profession. He left his mark — not perhaps so much on the public life in the sense of being a legislator because his term in this House was relatively short but in public life in the many organizations in which he served and which are identified in the formal motion and in the eminence which he gained in the legal profession.

I join with all other members here in extending our sympathy to the families of both of the bereaved members and in the formal words of the motion, in recording its deep sense of loss and bereavement, this Assembly expresses its most sincere sympathy with members of the bereaved family.

Mr. Speaker, I so move.

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MR. R.L. COLLVER (Leader of the Opposition): — It is with honor that I add my condolences to those expressed by the Premier for both of the deceased members, Mr. Burgess and Mr. Embury.

I did not know Mr. Warden Burgess at all but his record indicates that he served his constituents, the people of Saskatchewan and his country, well. I express and add to the Premier's wishes of condolences for his family. I sincerely hope that God will grant him eternal peace and that his loved ones will be granted comfort in the joy of his life.

I knew Mr. Alan Embury briefly. Only in the last few years have I come to meet him since I became involved politically. I had met him, however, some years ago in Saskatoon because his wife was the daughter of Mr. F.R. MacMillan who was the first mayor, I believe, of the city of Saskatoon. I met them in conjunction with the fact that I lived in F.R. MacMillan's original house and they were very interested in the renovations which my wife and I put into that house. We were most happy to allow Mrs. Embury's sister to go through the house and find out that the house had been put back exactly the way her father had built it. They were very thrilled with that. Only through the meetings politically in which I had met Mr. Embury did I know him to be a fine gentleman, a gentleman of great wit, of great intelligence and of great integrity. Certainly his sons and his family carry on that tradition.

I, too, add again my condolences to the family of Mr. Embury and wish him eternal peace and the family the comfort in the joy of his life.

MR. C. WHITE (Regina Wascana): — Mr. Speaker, I, too would like to identify myself with the motion presented by the Premier and say a few words about the Hon. Alan Embury. I think it is right and fitting that we should at the opening of a session pay tribute to former members and express our sympathy to those they leave behind.

I didn't know the hon. members personally, Mr. Speaker, but I do know of him from my work outside this House. He was a resident of Regina and as it has been pointed out he served and gave much of himself to our province and our country, among other things in service in the military prior to his election to this House in 1944. His election, Mr. Speaker, says much of the kind of a man he was. In a contest involving 14 candidates he captured approximately 30 per cent of the vote, almost double the first runner up. An important element in his victory was the sweep of his own unit, or near sweep of his own unit — this is the Saskatoon Light Infantry. The support he obtained from troops who knew him best I would say marked him as both a capable officer and a popular man.

Examination of the records of this House tell us more about him. He was a dedicated, hard-working individual. He spoke frequently, at length and when the opportunity presented itself, in a colorful manner. He raised a variety of questions, pertinent questions of concern to his constituents, the Saskatchewan veterans. And that's not all. I don't think we should overlook the fact that he was prepared to serve longer in this House than simply one term. The fate of the ballot box simply prevailed against him and he was prevented from doing so.

While I have the opportunity, Mr. Speaker, I would like to mention a couple of other things about him which stand out in the records of this House. To do so, I think, is timely. Yesterday, His Honour the Lieutenant-Governor, the representative of the Crown in the province, opened this House and a few days before that our country's first ministers, in seeking ways to improve or increase national unity, discussed among other things the place of the Crown in our system of government.

Alan Embury, Mr. Speaker, was a staunch supporter of a united Canada and he was also a firm believer in the monarchical system of government. In paying tribute to his memory I think it is well to ponder for a few moments a few words he had to say in this House 31 years ago:

There are very few people in Saskatchewan who do not appreciate the value of the Crown and its function within our constitution today in Canada. It is the fountainhead of impartial justice and in the person of our sovereign are bound up all precious and enduring principles of mercy and freedom. More than this, it is the person of our sovereign that the sanction of all our laws exist and without him in our constitution to give assent to our various statutes no law would have any validity at all.

To the Embury family and their friends my sincere sympathy, together with that of my wife and my constituents.

MR. G. TAYLOR (Indian Head-Wolseley): — Mr. Speaker, I am honored to rise to speak for the first time in the Legislative Assembly of this province in the memory of Warden Burgess.

I did not know Warden Burgess until this fall, although throughout my lifetime the name of Warden Burgess has been a respected name in the constituency of Indian Head-Wolseley. This fall I had the opportunity to meet with Warden Burgess at the Golden Prairie Nursing Home in Indian Head. We had a very enjoyable discussion. I was impressed by this man, his physical stature; his straightness of carriage at his age radiated power. This man has served this province very well. We had an interesting discussion on the history of the province. He put forth many viewpoints that I found challenging and interesting. I also was impressed with his interest at his age in the current political problems of today.

I would like to join with the Premier and the Leader of the Opposition in expressing my condolence to the Burgess family.

MR. W.A. ROBBINS (Minister of Revenue, Supply and Services): — Mr. Speaker, I, too, would like to express my sympathy to the members of the Warden Burgess family. I didn't know Mr. Burgess well. I did meet him on two or three occasions in the early 50s when I was doing some organizational work with regard to credit unions in that area. I recall very vividly him claiming that he was a pioneer of Saskatchewan and although he wasn't born in Saskatchewan it is obvious that he was a pioneer, coming here before the province was formed with his family. I recall being in Wolseley one night when he made the statement that he had the good sense to convince his father and mother to immigrate to Saskatchewan. I think that was rather typical of Warden Burgess.

I also remember discussing with him the subject of baseball because he was very interested in baseball and he had something to do with the South Saskatchewan Baseball League at that time and the Regina Red Sox. I think they were doing well at that particular time and he was quite proud of them.

He was a very blunt and forthright man but he made a very worthwhile and lasting contribution to his constituency, to his community, to the co-operative movement and to the people of this province and this country.

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I, too, join with the Premier, the Leader of the Opposition and other members of this House in expressing sympathy to the family and friends of Warden Burgess.

MR. P. ROUSSEAU (Regina South): — Mr. Speaker, I wish to join with the Premier and the other members of this Assembly in paying tribute at this time to the former member of this legislature who represented the active service voters in the Mediterranean area from 1944 to 1948, Mr. Alan Embury. Although I did not know him well, I had the pleasure of meeting Mr. Embury on a few occasions. His record indicates, Mr. Speaker, that he served his constituents and his country well. He distinguished himself both as a lawyer and a citizen of this city.

As a member of this legislature and on behalf of my constituents, I wish to extend sincere sympathy and condolences to his family.

HON. E.C. WHELAN (Minister of Consumer Affairs): — Mr. Speaker, Warden Burgess was well known to those of us on this side of the House. He was a man of strong convictions. He was outspoken, confident, aggressive and courageous. He knew the farmers' problems and he associated with them. Independent, often he stood alone on issues — being outnumbered never deterred him. A member of the Saskatchewan Wheat Pool, his neighbors elected him as a delegate. The delegates elected him as a director. In 1955 to 1954 he was general manager of Co-op Hail. The offices he held in co-ops and sports were numerous; the list illustrates the confidence his associates held in his leadership. Warden Burgess sat here from 1944-1948, in the early days of the CCF — New Democratic party movement. He represented the farmers in his constituency with integrity and conviction.

I knew Alan W. Embury, Q.C., as a military leader and a lawyer. When functions were held in Regina he represented the armed forces of our province. As a military officer he played the part with distinction. As a lawyer he was known as a professional who handled effectively some of Saskatchewan's most difficult law assignments.

Through these distinguished legislators may I extend my personal sympathy and the sympathy of those I represent, to Warden Burgess' sister-in-law, and to the Embury family.

HON. R.J. ROMANOW (Attorney General): — Mr. Speaker, as has already been stated the late Alan W. Embury, Q.C. was one of the outstanding counsels in the province of Saskatchewan. He was highly regarded, both by his peers in the legal profession and by the judges before whom he so regularly appeared. Unfortunately, I never had the opportunity of meeting Mr. Embury in person, but there is no doubt his reputation as a first-class counsel was one that everyone was aware of in the legal community and I certainly was equally cognizant of it. The non-legal community was primarily, I think, aware of Mr. Embury's capabilities in the criminal field, as the Premier has indicated, because he appeared with consistent success in the criminal courts often on leading cases which seemed to establish new legal principles. One case in which he did this was a case of R. versus Minor back in 1955 where his defense of non-insale automatism was accepted by the courts. The Premier has mentioned the spectacular criminal cases in which he acted as counsel — the Seaholm case which, I gather, was a gang-type violent effort at Regina Beach around 1958. At the same time he was a master of jury trials where he had a common-sense practical approach and an understanding of human nature, which provided for a very effective defense, as his success record will show, for his clients.

But, Mr. Embury was more than just a criminal-defense counsel. He was also extremely competent in civil litigation especially during the 1950s and 1960s when he was very active before the courts of this province, and in the Supreme Court of Canada.

While the criminal-law reports contain many of his cases, an indication of Mr. Embury's competence as counsel can be obtained by an examination of the law reports where, for example, Mr. Speaker, between 1960 and 1964 alone he is reported to have successfully represented his clients in six major civil law cases before the Supreme Court of Canada. These cases indicate not only his success before that court, but his ability in all facets of the civil law, as the cases were in respective matters involving very complex legal principles in the fields of contracts, mines, minerals, conflict of laws, fatal accidents and negligence cases. He successfully pleaded his client's position in leading cases, such as Prudential Trust and Canadian Williston Minerals Limited, and others. He was also successful in one very famous case in the area of labor law, *ex rel F.W. Woolworth Company Limited*, which related to employees and their rights of certification and de-certification. I think this is in a sense a landmark case. I think our colleague, the Minister of Finance, would have a recollection of that at the time, because he was very actively involved with the union, which was a party of that particular dispute. In acting before the Supreme Court of Canada, his clients ranged from small independent operators to urban corporations and one case *Prince Albert vs Underwood McLellan Associates Limited*, to the major corporations such as Prudential Trust Company and so forth that I have outlined.

As can be seen from the aforesaid, which touches only very briefly on some of the very few highlights of his legal career, both in the courts of Saskatchewan and in the Supreme Court of Canada, the late Alan W. Embury, Q.C. was really a lawyer's lawyer, who in his profession exhibited extraordinary human understanding and legal capabilities and earned the respect of the bench and the bar of this province and in other parts of Canada.

I would like to join with the Premier and all others who have spoken in this Assembly in expressing my sincere condolences to the Embury family.

MR. LANE: — Mr. Speaker, I would like to join with members of this Assembly in extending condolences to the family of Mr. Embury. I know it's not the place, but the Regina bar and the Saskatchewan bar in the last year has suffered two significant losses, Mr. E.C. Leslie and Mr. Embury, Mr. Leslie of course not having served in this Assembly, but significant contributors to the history and the legal history of this province have passed away in the last year.

Mr. Embury's record has been delineated before this Assembly. I, speaking personally, like the Premier, have had the opportunity of having had some meetings with Mr. Embury's son on various occasions in his capacity as president of the Liberal Party. That family, of course, was well known as being a house divided. Mr. Embury's political persuasion was not quite the same as his son's, as I recall.

When I first moved to Regina, Mr. Embury's name, of course, was well respected and new lawyers in the City of Regina were well-cautioned to have your work done and be prepared if you were going to be in any manner in opposition to Mr. Embury.

I join with members of this Assembly in extending condolences to the family of Mr. Embury, and I think, we are all thankful for the significant contribution that he has made to the professional and political life of Saskatchewan.

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Motion agreed to.

MR. BLAKENEY: — Mr. Speaker, I move, seconded by the hon. member for Thunder Creek (Mr. Thatcher):

That the resolution just passed together with the transcripts of oral tributes to the memory of the deceased member be communicated to the bereaved family on behalf of this Assembly by Mr. Speaker.

Motion agreed to.

The Assembly adjourned at 11:19 a.m.