

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 12, 1980

EVENING SESSION

SECOND READINGS

Bill No. 105 — An Act to amend The Legislative Assembly and Executive Council Act (continued)

MR. R.L. COLLVER (Nipawin): — Mr. Speaker, I'm surprised again at the absence of the Premier of Saskatchewan for this debate. I'm sure he will try to stay as far away from this kind of repressive legislation as he possibly can. It won't help his image in eastern Canada. It won't help his image in western Canada. As a matter of fact, it won't help his image in any place in Canada.

Well, the member for Shellbrook suggest it wouldn't help his image in the United States of America. As a matter of fact, Mr. Speaker, I don't think this kind of legislation would help the image of the Premier of Saskatchewan any where in the world, except perhaps in those areas of the world where dictatorships prevail, where retroactive legislation is the common practice, not in democracies (so-called free society). In those kinds of societies people don't expect their governments to attempt to destroy political parties as this legislation is designed to do. People don't expect their governments to bring forward this kind of legislation.

Goodness gracious, the Premier of Saskatchewan, in attempting to become every man to every man across Canada, has attempted to put forward this very reasonable and rational image of how he's going to be in favor of fair play, how he wants every citizen of the province of Saskatchewan, and in fact every citizen of Canada, to believe the NDP government in Saskatchewan is in favor of fair play, common sense, decency. No, I don't think the Premier wants to be involved in this bill, Mr. Speaker.

I wonder whether the members opposite have thought what would happen to Mr. Notley in the province of Alberta if the Government of Alberta decided to take the same kind of approach to the NDP in Alberta as the Government of Saskatchewan decided to take with reference to the Unionest Party . . . (inaudible interjection) . . . Ah, you see, Mr. Speaker, slightly different facts say some of the members opposite.

You know the NDP in Alberta is less popular, according to the most recent polls, than the Unionest Party is in Saskatchewan. That's a fact, Mr. Speaker, less popular in Alberta than the Unionest Party is in Saskatchewan. If the Government of Alberta decided to take the same stand that the members opposite have taken, Mr. Speaker, and I don't say all the members opposite, I don't suspect for one moment that all of the members opposite have taken this stand . . . As a matter of fact, I rather suspect that a great many members on the government side of the legislature are really squirming on that issue.

The only definition I have seen of squirming is with worms. Why do you want members of the NDP caucus, why do you want a few like worms (I can't for the life of me understand it) squirming as a result of this legislation? Why? Because, Mr. Speaker, they recall that in 1935 right here in the city of Regina a party was created called the CCF which was the forerunner . . . (inaudible interjection) . . . '35 wasn't it, the Regina Manifesto of '35? Sorry, Mr. Speaker, 1933. I will take the word of the member for Shellbrook on that

bit of history since I haven't made it my business to be absolutely specific about the history of that party. But can you imagine, Mr. Speaker, what would have happened in 1933 if the governments of the day decided that the then CCF did not represent the majority view of the population. They didn't represent the majority views. As a matter of fact, what they represented was a protest group.

Actually today I'm only trying to spell out to members opposite what my intentions are in the presentation of this case. I intend, Mr. Speaker, to present to this legislature and to the members opposite the entire Regina Manifesto. Because I think they should recognize what their heritage is. I think they should recognize, Mr. Speaker . . . (inaudible interjection) . . . You know, the member for Quill Lakes — that's a great spot, Quill Lake, there are lots of Conservatives up there. There really are lots of Conservatives up in Quill Lake. Now I've even forgotten what the member for Quill Lakes said from his chair, good grief.

Oh, yes. He said about our manifesto. Mr. Speaker, if in 1993 — because I think I'm right about the Regina Manifesto. I think that was 1935. The formation of the party might have been in 1933 but they certainly didn't create the Regina Manifesto in that first meeting, I don't think. I believe what they did was plan ahead and develop another meeting to create their manifesto. So I say for the benefit of the member for Quill Lakes, give us a little time. Give us a little time; we'll have a manifesto for you.

As a matter of fact, Mr. Speaker, we couldn't develop a better manifesto than that which has already been written in the United States which I intend to read to this assembly because I think it's absolutely important — no, it's essential — that the members opposite understand what a real free country is. Now the Declaration of Independence in the United States of America is exactly the same kind of argument I'm having to present in this legislation on Bill No. 105. They were attacking repressive taxation. I am attacking repressive legislation.

Unfortunately, Mr. Speaker, — and I say unfortunately — the people in the then 13 colonies couldn't get any kind of hearing from the British government at all. They presented their cases. Many of them went overseas. Many of them made presentations to the parliament in Britain. Unfortunately, as a result the American Revolution occurred. I sincerely hope this legislature is wiser than that. I sincerely hope the members of this legislature recognize what they're doing, recognize what this legislation means, and I hope they will not consider a continuation of this bill.

Mr. Speaker, I was talking earlier about Mr. Notley in the province of Alberta and what would happen in the province of Alberta if the Government of Alberta decided to cut Mr. Notley off his research grants, which is what the grants are under. The Legislative Assembly and Executive Council Act . . . (inaudible interjection) . . . Mr. Speaker, someone from across said he ran as an NDP candidate and is sitting as an NDP member. That's interesting because Mr. Notley has changed his view four times in terms of what the NDP stood for in the province of Alberta since the last provincial election.

It's more interesting, Mr. Speaker, to note what is an NDP? I have heard, for example, members opposite say they don't entirely support the NDP federally in some of their stands. You know, it is very interesting. They don't always support the NDP in British Columbia. I remember standing in this legislature, Mr. Speaker, talking to the Premier of the province of Saskatchewan and hearing him say he didn't support Mr. Barrett in British Columbia in some of the moves he made. He didn't think Mr. Barrett was

particularly wise in some of the moves he made — he didn't think Mr. Barrett was particularly wise in some of the moves he made. But that was the NDP in British Columbia vis-a-vis the NDP in the province of Saskatchewan.

The member misses the point. You are not elected, Mr. Member, as an NDP. I am not elected as a PC. I am elected as an individual. That is why the Provincial Secretary today drew specific attention to the fact that under The Elections Act, there is a differentiation between a party and an individual member. Because, in fact, this system doesn't elect parties, for the benefit of the member in the back row. The people elect individuals to use their own best judgment, to use their own good judgment as to what kinds of decisions to make. If you, as a member of a political party decide in your wisdom as an individual, as did the members for Qu'Appelle and Thunder Creek, that your political party no longer represents your thinking your cross the floor. That is a tradition of parliament. Winston Churchill crossed the floor. Ross Thatcher crossed the floor. I recall Mr. Walter Erb, who sat with a few of you. There are not very many members of the old CCF here, but there are some. I am sure the member for Regina Victoria would remember Mr. Erb. I am certain the member for Saskatoon Nutana would remember Mr. Erb. You would remember that he crossed the floor. He certainly did.

AN HON. MEMBER: — Judas Iscariot did the same.

MR. COLLVER: — Aha! The hon. member for Shellbrook says Judas Iscariot did the same. He believes that crossing the floor or standing up for what you believe is somehow likened to what Judas did. That is why, Mr. Speaker, the members opposite have the tradition in their party, and on their side of the House, that if one of their members differs with a bill he doesn't vote against it; he abstains. It is called the chicken principle. Don't stand up for what you believe in. Sit in your chair and watch others around you stand up for what they believe in. But at all costs, Mr. Speaker, maintain the image of party solidarity. Now, Mr. Speaker, I don't subscribe to that form of democracy. I don't believe when a person stand up for what he believes in, or when a person changes his mind as a result of events, that in any possible way that could be likened to a Judas or a traitor or a treasonist or any other such word that members opposite are loose-lipped about using. Because you see, Mr. Speaker, that is not the system. That is not the system under which the CCF, coming from its origins in 1933, could begin and could thrive and could strive and could become the government of the province of Saskatchewan and eventually elect some members to the federal House.

If those parties had decided the CCF views were too far out for them in 1933 (and read your history books to find out what the members of parties thought about the CCF ideas and ideals in 1933) . . . What they thought of those ideas and ideals, Mr. Speaker, was that they were so far from the norm, so far from the accepted stream of political thought, that the majority of people would never, ever subscribe to them. They were called the lunatic fringe . . . (inaudible interjection) . . . Ah, the member at the back row doesn't believe the CCF was ever called the lunatic fringe in the '30s. Communist, that's another one. Communist, lunatic fringe, far out from the mainstream of political thought — he knows that's true. The eminent historian on the other side of the House knows that's true.

Mr. Speaker, the point is, that is the way they were thought of in the '30s. As a matter of fact, Mr. Speaker, what have I listened to in this House? I have listened to many, many members rise in their place to talk about old-line parties, the old-line PCs and the old-line

Liberals. You know, Mr. Speaker, there are only two members in this House who can talk about old-line parties. Those are the member for Swift Current and the member for Nipawin, myself. There are the old-line Conservatives, the old-line Liberals and the old-line NDP. They're not new. Heavens to Betsy, they've been in government in Saskatchewan since 1944, almost uninterrupted. They're not new at all; they're old-line parties.

Mr. Speaker, I am convinced the people of the province of Saskatchewan will not put up with this legislation, and will inform every member of the legislature that he or she will not put up with this kind of legislation, retroactive in nature.

I notice the Attorney General is no longer in his seat, Mr. Speaker. I was informed this afternoon the legal profession (and I probably shouldn't use this one until he is here) refers to our Attorney General as retroactive Roy; RRR, Railroad, Retroactive Roy. Mr. Speaker, I don't think that is a very good acronym for an attorney general or a lawyer. I don't think that's the way he wants his peers to think of him but that is what this kind of legislation is going to create in terms of the image of the Attorney General.

It's the kind of image the Premier is going to have as a direct result of this legislation. As a matter of fact, it's the kind of image you are all going to have. Do you think this kind of legislation is going to make people believe somehow that you're standing up for Canada? Do you believe those citizens out there who said to you, these members are trying to dismember Canada, will buy that? You will go out to your constituents and say we stepped on them; we got them. We stepped on them and stopped them cold in their tracks. What are you going to do in the next election? Mr. Speaker, what is going to happen in the next election if by some stretch of your imagination (and at this time mine) the Unionest Party takes quite a significant portion of the popular vote?

Mr. Speaker, I don't know what the thoughts are going to be tomorrow or the next day. There's not a member in this legislature who can accurately or adequately gauge what people are going to think tomorrow or the next day, not one, but everyone here thinks they can predict.

Do you know that today in the very halls of this Legislative Building at least eight different members told me what they thought was going to happen in the Quebec referendum. And every single one of the eight had a different idea. Some said the no's were going to win. Some said the yes vote was going to win. Some said it was going to be very close. Some said what would happen as a result of a yes vote, others said what would happen as a result of a no vote.

The point is, none of us can predict what's going to happen tomorrow. If the members opposite persist in dragging this legislation through this legislature and keep this bill on the order paper even after the facts have been presented (it has been pointed out it is against a free society and against democratic principles). I predict the people of Saskatchewan will never forgive them as individual members. Oh, they might forgive the NDP.

I wonder if the members of this House have received copies of a recent survey which indicates that better than 65 per cent of the voters of whatever political stripe elect an individual. They don't elect a party at all.

What happens if members of this legislature go home to their constituents and find out they're being looked down upon as individuals because they want to trample on the

rights of others? I don't think any member would like that. I think members have started to find this out now.

The people are becoming more and more aware of the fundamental nature of this bill. I think you're finding out when you go back to your constituents that it's not such a popular thing to do after all. But right now you don't know how to get out of it. You've already made your stand publicly. You aid, my goodness, we have to step on these people. I think you're finding out right now your constituents are saying, listen, we don't support that Collver guy. We don't support the Unionest Party, but by George they have the same rights as anybody else. And if they act within the law, they're entitled to every consideration of the law. You don't go changing the law retroactively to deny them their rights. And that's what you're doing.

You can color it with whatever phrase you like. You can try to hang our hat on the only issue you think you have — that is, heavens, they didn't run in the last election that way. They didn't run in the last election under that banner and because they didn't we're not going to recognize the, even though they complied with all the laws.

But you're forgetting history. A party with the name Unionist Party was created in 1917 right here in Canada. I'm surprised the member for Regina Wascana, the eminent historian, didn't draw that to your attention when the caucus debate was going on about whether or not to bring this bill in.

I'm shocked he didn't bring this to your attention. A party with a similar name was created for a special purpose. It didn't seek office and didn't go to the people. World War I was on; it was needed to push the war effort through and they decided to unite and call themselves the Unionist Party.

But they weren't elected as a Unionist Party. They were elected as Liberals and Conservatives. And the eminent historian for Regina Wascana will know that . . . (inaudible interjection) . . . Well, the member suggests I am wrong again. I wonder if I could ask my colleague to go and get the copy of the picture of the history book out of which that is taken. I think the eminent historian should hear the history. Would you like to get that copy of the actual history of the Unionist Party in Canada? Perhaps the eminent historian did not present that case to the members of this legislature. Perhaps they weren't aware; perhaps he had his facts wrong and didn't bother to tell people what happened and how it happened.

I honestly believe, Mr. Speaker, this bill will bring about, if you persist, the defeat of the NDP in Saskatchewan, whether it's defeat by the Unionest Party or by the Conservatives or by the disaffected members opposite who are so mad about this bill being brought in and rammed down the throats of this legislature, who are so upset because fundamental rights are being trampled upon that maybe they'll go out and start their own party. You know they have that right, Mr. Speaker. I suppose, in due course, if they worked hard enough and presented their case hard enough and long enough, they could perhaps achieve on the left, a great deal of left wing support for a party that stood on behalf of a freedom. As a matter of fact I'm not certain.

The image of the NDP, you see, in this province is rapidly changing. The members to my right have drawn this to your attention a few times. You don't believe it; you don't think the polls that you hear are going to persist forever. Just for example, the member for Shellbrook suggested to us earlier (from his seat) what is going to happen to Carter in the United States. I want the members to recall that not eight months ago, Mr. Carter,

in the polls received an approval rating as president of the United States of less than 24 per cent, the lowest level in the history for the time they have been taking those readings, lower even than L.B. Johnson received when he decided to withdraw from the presidential race. Look at him today — and a month ago he was even higher than he is today. The point is, Mr. Speaker, polls don't tell you what people rally are thinking or going to be thinking tomorrow. All polls can measure at the very best (if they're accurate) is what people are thinking today. But, interestingly enough, Mr. Speaker, it's important to remember that what people think today is not necessarily what they are going to think tomorrow or the next day.

People are much more intelligent than you give them credit for, (members of the government aside), much more intelligent. If you plant a good idea today, maybe you will harvest that good idea in four years or five years or ten years, whatever number of years it takes. If you plant that good idea, you will eventually reap the harvest if it is a good idea. If it's a rotten idea, eventually it will die. So I say to you, Mr. Speaker, of what is the government afraid? If they are really out beating their chests and saying, I'm a Canada and this country is one country — a mari usque ad mare — I'm in favor of this. Wave the flag; if that's such a good idea, that idea will sell. You don't have to be afraid of us. You don't have to be afraid of our idea at all. But, Mr. Speaker, the point is that the government is afraid; they're afraid of the idea that they have been attacking multinational corporations for years, and suddenly someone comes along and says you're right. Multinational corporations do have that kind of power. Let's join with the country that knows how to control them where their head office is. By George, people might buy that. People might think that's not a bad idea.

Then I say, Mr. Speaker, what are they afraid of? They've been attacking for years an American culture that has been inundating the Canadian scene. They bring on rules and regulations from the CRTC (Canadian Radio-Television and Telecommunications Commission), for example, the demand that 55 per cent of the television that we watch produced in Canada shall have Canadian content.

Two years ago in the city of Regina, we had only two Canadian stations, if you'll recall. I'm sorry, three because there was a French one for the 300 families in Regina. Finally after years of procrastination, the NDP brings in the necessary legislation to have cable TV. In two years time, the three American networks have captured in the city of Regina better than 65 per cent of the audience. That, Mr. Speaker, doesn't include the American programs shown on Canadian TV. Can you believe that?

What are they afraid of? Why did they bring in this bill? They are afraid the idea is right. If that idea is right, Mr. Speaker, no legislation that you can bring in will ever stop it. No legislation can prevent it from developing. No legislation can prevent it from spreading if the idea is a good one.

Mr. Speaker, if the idea is a bad one, no matter how good I am, no matter how good the followers are, the idea won't sell. It can't possibly be promulgated across the West, if it's a bad idea. So what are you afraid of? You've said all over the province, it's a bad idea. You've said it across the province. Your Premier said no, that's not right, today in question period. The Premier said no, this is a much better idea. Let's keep banging our heads (and I'm going to paraphrase his words now) against the stone wall and continue the negotiating process while we weaken and disunite Canadians to such an extent they will have no power; they will have no authority, they will have nothing left with which to negotiate. That's what he's saying basically.

And when we're so weak that we can no longer negotiate then let's go down to the United States to negotiate a deal. Or, says the Premier, let's try some out, something else. Perhaps the people of western Canada will develop a feeling they should have a separate country. We'll have a country that stretches from the Lakehead to the Pacific, about 3,000 miles, and from the 49th parallel to Inuvik, which is another 5,000. We'll have a country with only 5 million people in it.

We will much better, with that little bit of western Canada, withstand the onslaught of American television. We'll withstand the onslaught of the multinationals. I say to the Premier of Saskatchewan, that's absolute nonsense. That can't be done. No, he didn't say it. I didn't say that he said that, Mr. Member for Saskatoon Centre. I said that I'm paraphrasing what he said today, because that, in fact, is what he is saying. What he's saying is that we have to get people together to unite Canada, and I say therefore, what you're saying is bat your head against a stone wall forever until we're so weak we can no longer negotiate. Now, I believe . . . (inaudible interjection) . . . I want to read it into the record. Oh, I wonder if the member would mind returning my copy, if the page would just bring that to me. I'd certainly appreciate it because I don't think it's only the eminent historian from Regina Wascana who needs education here . . . (inaudible interjection) . . . Well, Mr. Speaker, that was — that's right, this is from the Encyclopedia Canadiana and it is the section on political history. I would just read as follows. These are the facts for what it's worth for the gentleman — oh, I see the eminent historian from Regina Wascana throws his head down and says that's not a reasonable history. Well, at least this history will tell us whether or not they sought office from the electorate, won't it? That's the only point I'm making, and I'll just read it to you, the Unionist government.

The government formed in 1971 and the Unionist Party which supported it had a record probably superior to that of any government in Canada before or since that time. It carried to a successful conclusion Canada's war effort and in doing so it gave an admirable example of pure and patriotic administration of public affairs. Patronage was thus, for the time being completely abolished in the civil service and in the purchase of war supplies. The Military Service Act was administered with fairness and impartiality and the demobilization of the Canadian Army was carried through at the end of the war with astonishing smoothness.

Frankly, Mr. Speaker, I think this particular fellow who wrote this article was a little bit biased in favor of the Unionist government. I must concur with the member for Regina Wascana in that regard. That doesn't detract from the facts as they are outlined here.

It seemed natural to expect that the government that had faced so successfully the problems of the war, should continue to deal with the problems of reconstruction after the war. But once the war was over party spirit began to reassert itself. A wing of the Conservative Party began to demand a return to straight Conservative rule.

Conservative parties have been known to do that over the years as you know, Mr. Speaker, they really have. They have a good thing going for them, then they try to attack each other like the circling of the wagons and shooting inwards. I don't think even the Conservatives would object to that, they know that's true.

And at the same time defection began to occur among the Liberal Unionists.

Many Liberals who had supported the Unionist government in 1917 reverted at the end of the war to their former party allegiance.

Do you hear that, Mr. Member for Regina South? They used to be Liberals but they became Unionists, not in front of the people, but within the confines of the parliament they became Unionists . . . (inaudible interjection) . . . I beg your pardon? We'll see. I wish the member for Regina South would pay attention because this I think is pretty good history . . . (inaudible interjection) . . . Regina Wascana? Oh, he left.

And among these were several members of the cabinet. Just as the coalition government of Sir John MacDonald in 1867 became gradually a predominantly Conservative administration, so the Unionist government of Sir Robert Borden took on after 1918 a predominantly Conservative complexion.

You see what I am trying to point out, Mr. Speaker, to the member for Regina Wascana is that parties and members change, that this indicates parties change between elections. They change their minds. They become different than that which was presented to the people.

It matters not what names they call themselves because the member for Regina Wascana will certainly agree, Mr. Speaker, I am sure that the system states individuals are elected, not parties, to this legislature. Every member of this legislature is elected as an individual, not as a member of a party. And he changes his mind as time goes on.

So the Unionist government of Sir Robert Borden took on after 1918 a predominantly Conservative complexion. It was the fate of war governments (Mr. Speaker, this goes on to say) in virtually all countries to become unpopular after the signing of peace. The Unionist government was no exception to this rule.

Did you hear that about unpopularity, Mr. Speaker? They became very unpopular but no member of parliament suggest they should resign or that their rights to belong to that party should be in any way detracted from. No one suggest that. They just became very unpopular after the war.

But it was also due to the attacks made on the government almost before the armistice of 1918 was signed. These attacks came from two quarters.

In the first place, there rose a new farmers' or Progressive Party, an espousing and radical program formulated by the Canadian Council of Agriculture in November 1918. It actually captured in 1919, a majority of seats in the legislature of Ontario.

In the second place, the Liberal Party, once this war was over, enjoyed a revival. On February 17, 1919 Sir Wilfred Laurier died. The following summer a Liberal convention was held in Ottawa to choose a new leader and to formulate a program. The choice of the party fell on W.L. Mackenzie King.

I know that the ancestors and fore bearers of the CCF certainly appreciated and approved of William Lyon Mackenzie King. I don't think so.

The Meighen Government, Sir Robert Borden, whose health had been

impaired by the strain of the war, retired to private life in 1920. The Unionist government was reorganized under Arthur Meighen, one of the ablest of his lieutenants. A convention was held of the supporters of the government. At this convention the Unionist Party was rechristened the National Liberal and Conservative Party.

Now Mr. Speaker, let's get back to that history for the benefit of the member for Regina Wascana. Let's return to that history for just a moment. The member for Regina Wascana will know that right at that point in time a party which was in government in Canada and which continued in government for a year thereafter changed its name. Can you believe that, Mr. Speaker? A party which was governing Canada changed its name and the precedent stated that party should continue in power.

Now think about that, Mr. Speaker. Here is a group of individuals who are sitting in a legislature in Canada. Here is a group who call themselves Unionists, who were the Government of Canada. Even if the member for Regina Wascana — I will have to agree that this particular history text does not specifically state whether or not the Unionist formed in the Assembly or whether they formed outside the Assembly and were selected as Unionists. This history doesn't state that . . . (inaudible interjection) . . . I beg your pardon? I didn't quite hear the member. He doesn't speak loudly enough from his chair.

Mr. Speaker, the point is this. Even if that's right (which I don't believe it is. I believe they formed within the parliament), they did not seek office as Unionists I don't believe. However, even if they didn't, when they were Unionists they split off and became the Liberal and Conservative Party . . . (inaudible interjection) . . . Oh, no split. Let me go on to read what it says:

Was rechristened the National Liberal and Conservative Party in the vain hope that this name would draw all men into it.

Now, what happened, Mr. Speaker? Some of the members who were Conservatives, who were Unionists, switched out and sat again as Conservatives. Some of the members who were Unionists split out and sat as Liberals. Some of the members in that government sat as National Liberal and Conservative Party members. That's a fact. That's history. And the member for Regina Wascana will know that. So, suddenly it appears that it really doesn't matter whether the Unionists formed within parliament or without. Here is a government that went out and changed its name completely and continued to sit under Sir Arthur Meighen as prime minister. The Meighen government gave the country 18 months of honest and capable administration. I believe the only shorter government that has existed since the Arthur Meighen government was the government of Joe Clark. Was there another one that was shorter? The member of Regina Wascana . . . The second Meighen government . . . Ah, yes. Well, of course perhaps it was too honest and too capable, similar to the Joe Clark administration. Anyway the lasted 18 months. But the tide was setting too strongly against it, Mr. Speaker, and on December 6, 1921, it went down to a disastrous defeat.

Now I ask the member for Regina Wascana, why don't you wait, Mr. Member for Regina Wascana, before you pass the repressive legislation that will materially affect you in this legislature, and could affect every man, woman, and child in Saskatchewan? Why don't you wait until the people decide? Because that's what they should do. It is a known tradition in legislatures. I'm going to bring more examples of the kinds of traditions you are breaking in the legislatures, not only of Saskatchewan but of Canada and Britain.

I'm going to bring copies to you of the kinds of precedents you are breaking where individual members make up their minds to change their minds between elections, eminent people, eminent men and women in their field who make up their minds to change their minds between elections and are not attacked by the governing party. We will bring many examples of that to this legislature. Mr. Speaker, in order that the members opposite try to understand the problems and the real rat's nest they are getting into.

Mr. Speaker, I'll conclude my little history lesson with reference to the Unionist government of 1917 by saying that having gone to disastrous defeat, here's what happened to the Unionists who changed their name to the Liberal and Conservative Party. The Liberals captured in the new House 117 seats, the Progressives 64 and the Conservatives only 50. Meighen immediately submitted his resignation to the Governor General and Mackenzie King was sent for to form a new government. Well, Mr. Speaker, there is (for the benefit of all members) an example, at least one example where individuals who were in the governing party changed their minds and became something other than what they were elected as, and went on governing until the next election.

This afternoon I gave an example in this legislature, and I will bring further statistical data to back it up, that the NDP in 1975 did not once approach the people with the suggestion the potash mines be nationalized. I notice the member for Saskatoon Centre shaking his head up and down, nodding yes, that is right. It is correct. Not once, Mr. Speaker, did the NDP ever suggest they were going to nationalize the potash industry. As a matter of fact, in the legislature which existed the year before, because Mr. Richards who sat as an independent was putting forward the necessity to nationalize the potash industry, the NDP said that wasn't necessary.

MR. MOSTOWAY: — Not one case of nationalization.

MR. COLLVER: — Ah, this is where we like to mince words in this Assembly. The member for Saskatoon Centre suggest that not one case of nationalization occurred. But the member certainly passed through this legislature the right to nationalize those mines, and so he was able to use that legislation as a club over those mines to blackmail them into submission. Doesn't that sound familiar, member for Swift Current? Doesn't that sound familiar, Mr. Speaker? Don't you think familiarity breeds contempt? I say to you, Mr. Speaker, that's precisely what's going to happen if the members of this legislature persist with this repressive bill.

Familiarity will breed contempt. Eventually, Mr. Speaker, if you bring enough laws into being in Saskatchewan which are arrogant, which step on minorities, which attack the fundamental principles of democracy, which attack the fundamental principles and tenets of our society, eventually people will start to catch on. Now it takes, unfortunately, Mr. Speaker, a long time for people to understand what a repressive and arrogant government is doing. But members to my right are doing rather a successful job, I believe, in pointing out on a step by step basis how arrogant the NDP government has become.

Well, the minister responsible for Sask Sell — oh, is it Sask Tel? I thought it was Sask Sell-out. Keep it all for yourselves. I notice that it's going to be anyway. The minister responsible for Sask Tel says he doesn't think they've done an ounce worth of good all year. Well, Mr. Speaker, I don't agree with that. I think every time you attack a young gentleman like this Randy Wangler with your arrogant government regulations, this

young man with the one arm we heard about the other evening, every time you attack an individual like that, it's another chip, another chink in that so-called people's government you're presenting to the people of Saskatchewan.

How in the world can you possibly suggest that by brining in a bill like this that you represent the view of a social democracy? Good grief. Woodrow Lloyd would be turning over in his grave. I see the member for Sask Sell continues to laugh at Woodrow Lloyd and all the other forebears whose mantles he is trying to bar without any success at all. Mr. Speaker, the entire foot of the minister responsible for Sask Sell wouldn't fit into the big toe of Woodrow Lloyd. You couldn't walk in his footsteps, or climb out over the top of his footsteps. The fact is it's ridiculous to suggest members like this would support this kind of legislation.

It might interest the government and the members of the legislature to know what is written in the Canadian Bill of Rights. Why do we suggest this bill is against the Canadian Bill of Rights?

In order to do so I think we'd better bring into the record of this Chamber the Canadian Bill of Rights, and then perhaps bring into the record of this Chamber what people have written about the Canadian Bill of Rights so they know what it means to attack individual freedoms and individual liberty. The Canadian Bill of Rights is a relatively short document. It's not long at all. I beg the members indulgence so they understand what this document is.

Part 1 of the Canadian Bill of Rights:

It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, color, religion or sex the following human rights and fundamental freedoms, namely:

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press.

I'd just like to interject there, Mr. Speaker, before I go on. I hope members of the Saskatchewan press will understand that if a government can attack the right of association and the right of free speech of members of this legislature, they certainly can attack the right of free speech in the press. Then their entire reason for living ceases to exist.

I sincerely hope the Minister of Highways doesn't throw away the NDP sticker I brought him tonight as a special present. I left it on his desk. I hope he hangs on to it.

I want to emphasize this, Mr. Speaker. Part 1 of the Canadian Bill of rights, Section 2:

Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge, or infringe or to authorize the abrogation, abridgement or infringement of any of the rights or freedoms herein recognized and declared and in particular, no law of Canada shall be construed or applied so as to:

- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorize the imposition of cruel and unusual treatment or punishment.

As an aside, I certainly would not wish to see cruel or unusual punishment meted out to any member of this legislature at any time, as some of the members on the government side of the bench would like to mete out to some of the people on the opposition side and has been expressed by one or two small members of the cabinet.

- (c) deprive a person who has been arrested or detained of the right to be informed promptly of the reason for his arrest or detention, of the right to retain and instruct counsel without delay or of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful.
- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self-incrimination or other constitutional safeguards.
- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations.
- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty, according to law in a fair and public hearing by an independent and impartial tribunal or the right to reasonable bail without just cause, or
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is party or a witness before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.

3. The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every proposed regulation submitted in draft form to the Clerk of the Privy Council, pursuant to the Regulations act and every bill introduced in or presented to the House of Commons, in order to ascertain whether any provisions thereof, are

inconsistent with the purposes and provisions of this part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

4. The provisions of this part shall be known as the Canadian Bill of Rights.

Now, Mr. Speaker, I ask you, did the Lieutenant-Governor in Council report to this assembly that the provisions of Bill No. 105 were opposite to the Canadian Bill of Rights, specifically, Part 1(d) freedom of speech and (e) freedom of assembly and association? The answer is no. How did this bill comply then with the Canadian Bill of Rights? Who is the Lieutenant-Governor in Council — the cabinet? Did the member of the cabinet, the Provincial Secretary in any way today in the introduction of the bill, pass along that there is a possibility even that this bill contravene freedom of speech and freedom of assembly and association? He did not. So not only is the bill in abrogation of free speech and freedom of association, but the Lieutenant-Governor in Council or the Premier who refuses to attend, or the rest of the cabinet, or the cabinet member who presented this bill, is derelict in his duty because it says, Mr. Speaker, and I do want to repeat this section because I think it is important?

The Minister of Justice shall in accordance with such regulations as may be prescribed by the Governor in Council, examine every proposed regulation submitted in draft form to the Clerk of the Privy Council pursuant to The Regulations act and every bill introduced in or presented to the House of Commons, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this part, and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

Now, Mr. Speaker, did the Attorney General report the inconsistencies to this House as the Minister of Justice is required to do here? He did not. What he did, however was express concern outside the House, and in private conversations throughout the halls of the legislature, that this bill might be against freedom and might be political suicide.

I believe, at least it's my understanding (this is what you get for listening to corridor conversation; it may not even be true) that the Attorney General might even have reported that to the caucus of the NDP. That's what I'm told. But he is derelict in his duty if he does not report that to this House, not just to the NDP in caucus. Under the Canadian bill of Rights, he is required to point out any inconsistency with the purposes and provisions of this part. That's what it says in the Canadian Bill of Rights.

Part 2, section 5, subsection 1:

Nothing in part 1 shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada as the commencement of this Act.

You see, Mr. Speaker, the Canadian Bill of Rights recognizes you don't bring any legislation in after the fact. You bring it in prospectively. You bring legislation in believing this is what is best for the future. Then, having brought it in believing this is what's best for the future, you don't attack what happened in the past.

Here is the Canadian Bill of Rights saying exactly the same thing:

Nothing in part 1 of the Canadian Bill of Rights shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

This act is a good act. This bill the people of the province of Saskatchewan believe in and believe in with all their hearts and souls. This bill didn't retroactively do anything. This bill took cognizance of the fact that some other freedoms may have existed elsewhere in other jurisdictions.

Mr. Speaker, subsection 2:

The expression law of Canada in part 1 means an Act of Parliament of Canada, and Act that before or after the coming into force of this Act any order, rule or regulation there under and any law in force in Canada or in any part of Canada at the commencement of this Act, is subject to be repealed, abolished, or altered by the Parliament of Canada.

Subsection 3:

The provisions of part 1 shall be construed as extending only to matters coming within the legislative authority of the Parliament of Canada.

Now it has been debated, Mr. Speaker, both in this Assembly and in the Canadian House of Commons that the Parliament of Canada has the responsibility for all of Canada, including those laws which are delegated to the provinces.

Others argue that the BNA Act (British North America Act) supersedes all other legislation and that the laws which are specific to the provinces are in the hands of the provinces and therefore the Canadian Bill of Rights doesn't apply to provincial legislation. For that reason, Mr. Speaker, many provincial legislatures — in fact, I think, all of them now — have enacted provincial bills of rights because they wanted to remove from peoples' minds the question that existed constitutionally as to whether the Canadian Bill of Rights applied to those areas of concern strictly under the province. but there are some who argue; so for that reason, Mr. Speaker, I think it's important to complete the reading into the record of the Canadian Bill of Rights.

Section 6 of the War Measures Act is repealed and the following substituted therefor:

6(1) Sections 3, 4 and 5 shall come into force only upon the issue of a proclamation of the Governor in Council declaring that war, invasion or insurrection, real or apprehended, exists. A proclamation declaring that war, invasion or insurrection, real or apprehended, exists, shall be made before parliament forthwith after its issue or, if parliament is then not sitting within the first 15 days thereafter that parliament is sitting.

3. Where a proclamation has been laid before parliament pursuant to subsection 2, a notice of motion in either House signed by 10 members thereof and made in accordance with the rules of the House within 10 days of the day the proclamation was laid before parliament praying that the proclamation be revoked shall be debated in that House at the first convenient opportunity within the four sitting days next after the day the

motion in that House was made.

4. If both Houses of parliament resolve that the proclamation be revoked it shall cease to have effect and section 3, 4, and 5, shall cease to be in force until those sections are again brought into force by a further proclamation but without prejudice to the previous operation of these sections or anything duly done or suffered thereunder of any offence committed or any penalty or forfeiture or punishment occurred.

5. Any act or thing done or authorized or any order or regulation made under the authority of this act shall be deemed not to be an abrogation, abridgement or infringement of any right or freedom recognized by the Canadian Bill of Rights.

Now that, Mr. Speaker, in its totality is the Canadian Bill of Rights. I recall one of the most pleasant experiences of my life was receiving from a constituency association a signed and autographed picture of John Diefenbaker who brought in the Canadian Bill of Rights and who was extremely proud of it. It's hanging in my den. Mr. Katzman asked me where is that picture? I told him it's hanging in my den. I consider it one of my prized possessions because it's an important document. It's a document that supposedly was brought in to ensure that every Canadian has these rights.

Again, even though there are jurisdictional problems as there is with Canada in every area, and even though the Canadian Bill of Rights has been denigrated by the legal profession, so told that it doesn't apply in a great many instances, it nevertheless is believed by the people of Canada to contain the fundamental rights which they themselves want to have in their country.

Two of those rights are numbers (d) freedom of speech and (e) freedom of assembly and association. And what Mr. Speaker, can be said about this particular bill than it's an infringement on the right of association. Members of this legislature, after all, are individual citizens of the province of Saskatchewan and are individual citizens of Canada. And until such time as that changes, they are entitled to all of the rights that they can expect to gain from the legislation, from the constitution and from precedent that can possibly be established in this country.

Bill No. 105 denies the rights of individual members to associate freely. Now some members on the government side of the floor might say, no it doesn't. All it does, Mr. Speaker, they will say, is to remove the rights of the Unionest Party from a piece of legislation written last year. That's all it does. It doesn't deny the rights of the individual member. Mind you, those individual members who joined the Unionest Party and became (as members of this Legislature) the leader of the party and the member subscribing to the party, complied with all the laws of the province of Saskatchewan then in existence.

It supplied to the chief electoral officer, as was required under law, the necessary documentation and signatures which created the political party. It complied with the laws of the legislature and The Executive Council Act which state that two members of the legislature who subscribe to a particular political party are entitled to certain privileges within this House, one of which is to be recognized as third party in the House.

It might interest you to know that the sham going on in terms of this particular

legislation, in this bill, is going to be seen by all. Surely the members realize this.

In this legislature there are three parties. There are three! They exist under law. This bill doesn't change that. Those parties exist under The Elections Act of the province of Saskatchewan. They exist; they are here. There are 43 NDP members there and 1 in the Speaker's Chair; there are 15 Conservative members on this side of the House; there are 2 Unionest members on this side of the House.

This doesn't change after you pass the bill. The only thing which changes is the right of two members of this legislature to the status of party within this legislative Chamber. Because if you pass this bill, it means the Unionest Party, in so far as the rights of the legislature are concerned, no longer exists.

I'm not wrong in that. The member for Nipawin becomes an independent member of the legislature and the member for Swift Current becomes . . . Ah! Now perhaps the members are not aware of what this legislation does. Perhaps whoever has been convincing them that this is a good political move is not providing the information the members opposite should know. What this piece of legislation does is remove the right of the members in this legislature to belong to the Unionest Party.

Under this particular legislation, if eight members of this legislature, one-seventh or 15 per cent of this body, decided tomorrow to join the Unionest Party we would not be recognized by this legislature. If nine members sat there as Conservatives and eight members sat here as Unionests, this legislature, under this bill, would not recognize the situation.

That's a fact, Mr. Speaker, because this bill says to have third party status in this House you must have been a party at the last election. The Unionest Party was not a party at the last election and, therefore, Mr. Speaker, would not be recognized as a third party in this legislature even if we had eight members.

I'll go one further. If 11 members of the NDP decided to join the Unionest . . . As a matter of fact, more than that. If 14 members, I'm sorry, that's right. 12. If 12 members of the NDP decided to join the Unionest Party tomorrow and sit on this side of the legislature, we would have 14 members of the legislature.

There would be 15 Conservatives, 14 Unionests and 32 NDP. But 14 out of 60 is more than 25 per cent of the members of this legislature. In this bill you are saying those 14 members would not be recognized as a third party in this Chamber. Because that's what this bill says . . . (inaudible interjection) . . . Oh, the member for Shellbrook can't add.

You see, what this bill says is that no party which wasn't a party at the time of the last election can be a third party in this legislature. That's what the bill says . . . (inaudible interjection) . . . Well, you see, Mr. Speaker, the member from his chair, the minister responsible for labour . . . I hope the squeals from the galleries were not from anyone in labor.

The member from his chair suggest he and the minister responsible for the environment might possibly get together and form a fuddle-duddle party. If he thought that was in the best interests of the people of Saskatchewan, if he thought that was in the best interests of his constituents, if he thought that was in the best interests of his country, he has the right to do precisely that — precisely that!

It is his right and responsibility to stand up for what he believes. If he believes fuddle-duddle is the best approach to the problems facing Canada today, then he and the minister responsible for the environment should get together and form such a party. If they didn't have two votes in Saskatchewan, I would support their rights as individual members of this legislature to act in this way. I would say we should never bring in legislation retroactively to deny them those rights. Obviously, the minister responsible for labor doesn't have those views. He doesn't believe it's important to protect individual rights and the rights of the minorities.

Mr. Speaker, I happen to believe there were times in the history of the Shellbrook constituency when the Minister of Northern Saskatchewan had less than 4 per cent of the popular support. In between elections, I can recall going to Shellbrook constituency and having members of the New Democratic Party and members of the executive of the NDP in Shellbrook say we cannot stomach this any more. The Minister of Northern Saskatchewan is taking away our rights. He's bringing in the Department of Northern Saskatchewan. He's finding money in shoe boxes. You know, Mr. Speaker, I would be prepared to wager right here in this legislature, that the minister responsible for the environment and the former minister responsible for northern Saskatchewan, when those jokers in the North found all the cash in shoe boxes, he couldn't have found six votes in Shellbrook. But you see, Mr. Speaker, it didn't matter then because it wasn't election time, and the minister knows that's correct . . . (inaudible interjection) . . . It's unfortunate when members speak from their chairs, because when they put forward a decent point (and I thought the minister brought forward a decent point that it was necessary to go back to his constituency) . . . That's correct, Mr. Minister. But the system says we go back to our constituents at the time of a general election. That's when we go back to our constituents.

I said to the minister that at the time they found the pile of dough . . . (Oh, the minister's not paying attention again so I'm not going to repeat it. Everyone else heard it.) I don't know who found it. I know the press sure found out about it. It was spread all over the North. The minister wasn't very popular at that time. I would even be prepared to say there were times in the course of the last legislature when even the member for Buffalo Narrows wasn't very popular. I think that's Cumberland, or is it Athabasca? It's hard to remember these constituencies. I'll try to keep this in front of me. The member for Swift Current provided me with a seating plan and if I keep referring to members I will certainly try to remember who they are.

The lower the amount for research, the harder we have to work. Oh well, we're prepared to work. You see, Mr. Speaker, we haven't seen a dime of the research grants yet. We're still doing O.K. We're presenting our case all right. The money isn't going to defend the idea one bit, not one iota. The money might make it easier for members of this legislature to do their jobs. That's true. That doesn't mean it's going to stop the idea from spreading. If the idea is good, the idea will spread. If the idea is lousy, the idea will die. I can assure you, Mr. Speaker, that the money (if that's what the members are worried about) doesn't amount to a row of beans and they darn well know it. It is a principle which is involved, and a principle which affects every one of them personally.

The member for Shellbrook brought up, I think, the only point (from his chair) which might reasonably be brought forward in this argument. That is anyone who changes his mind between elections, moves from a stand taken prior to the last general election, should resign and seek re-election in a by-election. Will the minister responsible for the environment rise in his place tomorrow before the orders of the day

and be prepared to resign because of the changes of heart and the changes of mind he has had between elections. Oh, Mr. Speaker, we could present so much material from the NDP campaign of 1978 and compare it to the NDP actions of today which would deny what the member for Shellbrook said, and that doesn't count. All the times since the member for Shellbrook has been elected that he has promised bridges out there and roads out there, and they're not there yet.

You see, Mr. Speaker, the point is that members do change their minds between elections. It happens in every legislature in Canada, in every . . . I don't mind a member speaking from his chair, Mr. Speaker, but if the members wander up the aisles and speak on their feet, I don't know whether that's even reasonable.

Members have changed their minds. That's one of the only things it's possible to argue — that perhaps if a member changes his mind on an issue, he should resign and seek election in a by-election. But I say to you, Mr. Speaker, the system would quite working if that were true. You'd have a by-election every week. At least somewhere in this Assembly, there would be someone who had to change his mind.

A prime example is that the only one of the NDP members who abstained in the vote on Friday was the member for Saskatoon Sutherland. Yet at least four NDP members stood on their feet to say they had promised and guaranteed their constituents who were strong union members that they would never bring in back-to-work legislation. Then in the next breath they said, but circumstances are such that it is essential

You see, Mr. Speaker, even the Minister of Labour understand that point. Even the Minister of Labour has stood before his labor and trade union friends and has said to them, we are a party of labor, we were supported by labor and we will never bring in back-to-work legislation. On Friday, the minister rose in his place and brought in back-to-work legislation because it was necessary, because it was essential and because circumstances had changed. Would the Minister of the Environment suggest that the Minister of Labour now go back to his constituents in a by-election to find out whether or not that's reasonable?

Would the minister suggest this to the member for Regina Centre who rose in his place and I'll be happy to cite you Hansard, and said he decries this bill, he wishes he didn't have to vote for it but it's essential, circumstances have changed and innocent third parties are being affected. Would the Minister of the Environment suggest that the member for Regina Centre should have to resign and seek office in a by-election? Or the member for Moose Jaw North who said the same thing? . . . (inaudible interjection) . . .

The minister asks when they said it? When did they say that they would never bring in back-to-work legislation? Well, that's fine, the Minister of Labour says he never said to his constituents, to the labor groups in the province, that he would not bring in back-to-work legislation. He didn't say that. I hope, Mr. Speaker, in due course, that the next time he's speaking before a labor union crowd in a labor temple in the province, he'll be required to answer that particular question about never saying it.

Mr. Speaker, in the NDP platform, you will recall, I'm sure assurances given to organized labor that back-to-work legislation and essential service legislation would never be introduced by an NDP government. Some member yelled from the back row baloney. I suppose it's going to be necessary then to bring in NDP campaign literature which gave those assurances.

The point is, Mr. Speaker, circumstances did change and have changed. The Minister of Labour knows that. If the Minister of Labour wants to rise on the record to correct what I just said, that in fact in the past he has never stated to organized labor that he would not bring in essential services legislation and that he would not bring in back-to-work legislation, he may so do. He has that right. He has the privilege to correct what I just placed on the record. He does it from his chair but he doesn't do it on the record, Mr. Speaker. So you see people's minds do change. Would the members suggest (because I have invited the Minister of Labour to correct my statement) that the Minister of Labour resign and seek re-election because he isn't doing what he assured people he would do? . . . (inaudible interjection) . . . What's that? Well yes, that's coming up in the next segment of this discussion.

Mr. Speaker, the point is, the member for Shellbrook, the Minister of the Environment, knows that is the most facetious argument which can possibly be used because the system would totally cease to work. As a matter of fact, I recall in this legislature when I was opposed to the compulsory front seat belt legislation and I suggested a greater educational program be put forward, I recall asking the members opposite on such a very emotional issue to hold a referendum. Now I wasn't like the Liberal leader and former member of this Chamber who wanted a referendum for everything under the sun. But in that particular issue, I felt it was important that the people have their say. I was told across the way that the system would cease to function if we held referenda on every single crummy little issue, that it wasn't necessary. The people would buy it later on anyway.

Now, Mr. Speaker, exactly the same argument holds true if members of the legislature are required for whatever reason to resign and hold by-elections every time they change their minds on a fundamental issue.

Do you happen to have that quote from Edmund Burke? Because I think this would be important exactly in the right words. Let's do that. We'll give them a quote from Edmund Burke . . . (inaudible interjection) . . . Oh, you know, Mr. Speaker, I hear lots of comments about members providing other members with assistance by going to fetch things while a member is on his feet. I don't think anybody in Saskatchewan is going to buy that because you are going to have a party, with two members of this legislature, fight you harder than on any issue you have ever faced. You are going to find those two members are putting up more of a fight and more flak than you have had to face in the years you have been in this House on this kind of an issue. Because, Mr. Speaker, for the first time since I have been in this legislature we have an issue which is eminently clear, a downright political attack on political opponents because they are afraid of them. The issues are clear; they are succinct; they are straightforward and people understand them.

So you can laugh about us running back and forth and fetching materials for each other, but we are going to continue to do it and we are not going to be ashamed to run out and get things for people who are on their feet. We don't have any research funds at the moment to pay little research assistants to run back and forth. We have to do that ourselves, even though under the law we are entitled to it. Now this law you suggest would change that, and perhaps you'll pass it. Perhaps you think it's good politics. Perhaps you think it's right. But I know this, that I would not do to you what you are attempting to do to me. I would not do to the member for Weyburn what he is

attempting to do to me.

Now, Mr. Speaker, some members of this Chamber are suggesting the reason they are bringing forward this legislation is because they're Canadians, and proud of it. I heard that. I heard one member, whose name will go unmentioned but who draped flags over his desk, stand in his place in this legislature and say, I'm a Canadian and proud of it. Well, I say to that member, why are you a Canadian and proud of it? It's a pity you weren't proud of it in 1939 or 1940 or 1941 or 1942 or '43 or '44 or '45 when this country was in jeopardy, and when the freedoms we stand for were in jeopardy. It's a pity you weren't very in favor of it then.

Perhaps those members, who now want to have the second coming and a second chance want to say, I'm a Canadian and proud of it. Why? They don't want a Canada I want. They don't see a Canada I see; they don't see a free country; they don't see a free association. They say, believe what we believe and you're O.K., but believe something else and we're going to kick the heck out of you. Well, Mr. Speaker, that's not acceptable to most Canadians, and it certainly isn't acceptable to me.

It is no wonder, as the member for Swift Current has just said, the country is failing if this is the attitude of the majority of Canadians.

Just to return to the point the member for Shellbrook made from his chair and I hope sometime in the debate he will make his points on his feet — Edmund Burke, for the information of the eminent historian for Wascana, was one of the most eminent philosophers and poets the English language has ever known. This is what Edmund Burke said in 1774:

Your representative owes you not his industry only, but his judgment, and he betrays instead of serving you if he sacrifices it to your opinion.

That was 200 years ago, but the words are as true today as they were then. If a member of this legislature does not use his judgment, if he goes along with the so-called traditions of that side of the House to abstain on bills he fundamentally disagrees with and states so, I don't know about members to my right, but I was shocked when the member said that. He stood in his place and said, in keeping with the traditions of this side of the House I will abstain. After spending 10 minutes attacking the bill, and stating he had promised his constituents he would never support it, he said, in keeping with the traditions of this side of the House (meaning the NDP) I will abstain. How can democracy be served if individual members abstain? Are you really members of the NDP caucus? Are you really sheep? Do you have to be led by someone? Is that it? Is there a ring through your nose that says, I have to follow wherever it goes, and if I can't possibly follow just take the ring out and let me sit down and I won't bother anybody? I won't cause any trouble. I won't raise any hell. I won't say what I really believe. I won't go outside and talk to people and tell them this is wrong. I won't tell them the country is falling apart. I won't tell them any of those things. Just leave me alone. Bring in your bills, Mr. Premier, and Mr. Collier — bring them in and I'll be a nice guy. I'll sit idly by and abstain on issues which I think are important.

Mr. Speaker, on this particular bill I would be extremely concerned if that's the way members of this legislature behave. I would be extremely concerned if individual members did not recognize the seriousness of this bill because you see, Mr. Speaker, tomorrow it might be you.

The Minister of Labour, in his own mundane fashion from his chair today, suggested that he and the Minister of the Environment might form the 'fuddle-duddle' party and then they would be entitled to the benefits of The Saskatchewan Legislative and Executive Council Act. You know something, Mr. Speaker, he is right. That's the way it should be because the legislation foresaw that you might make that decision, that members of this legislature might exercise their judgment and not just listen to opinion today; they might believe what is right and fundamentally right is what they should stand up for. It is you who are going to be hurt the most by this legislation.

Interestingly enough those of you who want to be re-elected as NDP members of the legislature have the most to lose in passing this act. You know that. You have the most to lose. The Conservatives, what are they going to lose? They didn't bring the bill in. People aren't going to blame them for it. They are not going to be upset with them. They are your major opposition. The Unionests, in your own words, are a fringe minority and don't represent very much opinion. The Provincial Secretary said today that we didn't represent very much of the opinion and wouldn't be overwhelmingly supported by the people of Saskatchewan. What are you worried about then?

It isn't we who should worry you. It's this bill which should worry you. If the majority can do this to any minority group in the Saskatchewan legislature, then it can do it to the 'fuddle-duddle' party. It can do it to the Socred Party; it can do it to the Marxist-Leninist Party, or it can do it to the Conservative Party.

Well, the member for Moosomin, in his inimical fashion has asked if it could do it to any individual member? Sure it can! That's exactly what this bill can do. No matter how much you may dislike the approach of a particular member, no matter how much you may dislike him personally, you must never allow yourself, Mr. Speaker, to be caught in the kind of trap again. You are trapping yourselves.

Now I notice the members really don't care about that, about trapping themselves (which is all right), they probably don't care about getting re-elected, which is probably all right. I wonder if they are about what their own Premier said? I wonder if they care about their own leader and what he stated publicly on this kind of an issue? He stated our system didn't lend itself to being an independent. Now what do you do, Mr. Member of the legislature from the NDP side, if fundamentally you are not like the member for Saskatoon-Sutherland? What if fundamentally you believe in certain things, not just power, not just glory, not just being re-elected, but you fundamentally believe in something yourself as an individual? And you believe that circumstances are such that it is important you present that fundamental belief. Let's take an example. Suppose you honestly believe the NDP should nationalize all of the half shares the multinational corporations have in partnership with the NDP government. Let's suppose that you believe that. And let's suppose you sat within your own caucus day after day, week after week, month after month, and fought within that caucus to convince them they mustn't go to bed with multinational companies, that they should develop the North themselves with a people's corporation. Now suppose you believe that.

Finally you came to the conclusion, Mr. NDP Member, that you couldn't do anything. You couldn't accomplish anything. It just wasn't possible, Now you're not a Conservative. You don't believe in Conservative principles and policies. You're not a Unionest. You don't believe that union with the United States would be the best. You're not a Liberal. You don't believe in centralized policies from central Canada. And you don't believe that bilingualism can work in western Canada. You're not a Social credit. You don't believe in the monetary theories of Aberhart, and Major Douglas.

But let's suppose for a moment that's true. You are faced with those circumstances. You sincerely believe in what you stand for. And another main in this legislature believes the same thing. You decide that the only course of action you have is to sit as independents in this legislature. So you make that move. You say because the NDP refuse to nationalize those half shares, because the Conservatives don't believe in it to begin with, because the Unionests want the Americans, because the Social Credit believes in the monetary policies of Douglas, and because the Liberals believe in the control by Ottawa, we have to be separate. We have no choice. And it's important that we present these issues to the people of Saskatchewan because only in that way will the people of Saskatchewan understand what's necessary to protect their interests in the northern part of the province.

Now, let's say that happened. It's conceivable, isn't it? It's possible, isn't it, that two members of the NDP caucus could have that kind of concern and could stand up to what they believe in given the circumstances? They fought and fought for those ideals for years and years finally recognizing that nothing was going to happen and the NDP were going to persist in getting into bed in the northern part of Saskatchewan with the multinationals and the two MLAs decide to create a party. Should your rights as members be retroactively changed because you made that decision? Should your rights to form a party in the province be retroactively changed? If you created a party espousing that cause and thought it was important enough to bring to the attention of the people of the province, should you not have the rights provided to you under The Legislative Assembly and The Executive Council Act? The point is, Mr. Speaker, yes, that's true. You should have that right. And if, for example, three NDP members decided to get together and form the 'fuddle-duddle' party, that would be the best possible way to eliminate the Unionest Party as third party in the Chamber.

You see, Mr. Speaker, because right within the rules, without going retroactive, all they have to do is have three members fuddle-duddle and two members Unionest and the fuddle-duddlies get the grants. And the fuddle-duddlies get all the benefits because under the legislation they are a third party and the legislature foresaw that too.

You can't specifically take situations like today and say we're going to eliminate that situation by law, retroactively. Excuse me, Mr. Speaker, I'm just waiting for the parade to end. I would run fast, too. I don't know why he's standing around. I think he's a little bit afraid of his wife, perhaps . . . (inaudible interjection) . . . Well, I wouldn't doubt that for one second, Mr. Whip.

The point is, Mr. Speaker, that could happen and should happen. You see, the legislation that exists now is the right kind of legislation for this legislature. That's why it was put in. You don't say to members of this legislature, the way it's constituted right now . . . You don't say to those members of the legislature, you could have more than 25 per cent of the members of the legislature and not be recognized as a third party in this House. And that's right.

Because 12 NDPs could sit over here and then it would be 32, 15, 14, and under the new bill, no rights. But under the old bill (the one that's not amended), if three members of the NDP want to create a party, they become the third party. The Unionest Party isn't named in the legislation. And that's the only possible way, Mr. Speaker, that this legislation could function. I think I've shown beyond a reasonable doubt right now that the amendment to this bill could be used by a government in this legislature to thwart the wishes of 25 per cent of the members of the legislature.

You have to presume that the members of the legislature are speaking for their constituents. There isn't any possible way any member cannot use his judgment as a member or not be allowed to change his mind in between elections. There isn't any way this system could function.

Look what would happen to the Minister of Labour, the member for Regina Centre, the member for Moose Jaw North on the labor issue Friday. We would have three by-elections this week.

You could have listened to the members to my right quite frequently in the last couple of weeks and heard them change their minds from the position they've taken over the years and from the position they took at the time of the last election. There is considerable change.

I notice the member for Qu'Appelle has left. But I would like to suggest to the member for Qu'Appelle, for example, that his stand on uranium today is totally different than the stand he went into the 1978 election with. As a matter of fact, it diametrically opposite. And what could be more important, Mr. Speaker, than the development of uranium in Saskatchewan?

Oh, I remember what we went into — I shouldn't say that. I remember what the Conservative Party went into the 1978 election with, let me assure you. I have also heard what the member for Qu'Appelle has said about uranium now. And they are at diametrically opposite ends of the pole. But I say to you, does that mean the member for Qu'Appelle should be required to resign because he presented one thing to the people of Qu'Appelle in 1978 and he's changed his mind today? The answer is no. That's ridiculous, absolutely ridiculous. And the Minister of Education knows it.

The point is, that could never work, never! We'd be having by-elections every day on that basis because at some point in the Chamber, some member would take a totally different position than he took in the last election. Fundamental or otherwise, you couldn't possibly make the system function; that's why individual members are elected, not parties. That is why individual members, over the years, have had the option of transferring to other parties. That's why individual members, over the years, have had the option of sitting as independents or of moving, or of forming and creating new parties. That's why, because they have to be allowed judgments between elections. At the time of the next election if the people reject what that member has done or what that member stands for, then and only then, is the time for that member to pay the price, not in between because otherwise the system would fall apart.

So therefore the arguments the NDP has used on its own caucus members are fallacious, erroneous and bad. It is causing individual members to make severe mistakes, if they believe in a free society. Now, I notice the member for Pelly laughs at that. Perhaps he doesn't believe in a free society. Perhaps he doesn't believe that one should be free. You know the member for Pelly, as a very proud member of a minority group in the province of Saskatchewan, should be as concerned as anyone about a government using the power of the majority to step on the rights of minorities. He should be most careful, and express the greatest possible reservation. One can understand perhaps the Minister of Labour — like me a WASP, a member of the majority — taking that kind of position (although how anyone can take that position in Saskatchewan today is beyond me). But I certainly don't understand how members of

minority groups (especially those minority groups which have been stepped on in Saskatchewan over the years) can take the view that the majority can step on the minority without fear of retribution down the road. I don't know how you can stand for it. I don't know how you can stand for it, member for Canora, who is in the same position. I just don't understand it.

I can recall for example, in Saskatchewan history, when the Ukrainian people and the Russian people were prohibited from jobs and were prohibited from membership because of their heritage. I can recall those times. By dint of hard work, the Ukrainian people forced the majority into accepting their rights as a minority culture in Saskatchewan. How can anyone with a Ukrainian heritage want to return to that kind of situation, even if you are now the majority? Think of what your people went through before and then think about how even if you're the majority, you have to be extra careful about protecting the right of minorities when they are under you. Otherwise your rights will be taken away. Otherwise the system itself will demand that the rights of all minorities be taken away once you establish that precedent. What could be more fundamental in a free democratic society than the rights of members, of individual citizens to form into political associations and express their views freely, no matter how unpopular the views? Do you remember in Saskatchewan history amongst the majority, the Ukrainian people were not popular? The system said that unpopularity was the very reason they had to have their rights protected. What could be more fundamental to this system than the establishment of a political party and the ideal being expressed, however unpopular, that an option should be presented to the people of Saskatchewan which runs contrary to the opinions of the majority? What could be closer to the facts as they existed for your very own people in the history of this province?

I can't believe that members of this legislature who come from minority groups could accept this kind of repressive legislation or could support it in any possible way. I can't believe they could accept it for any reason, no matter how frightened they are of the idea. If they are so frightened of the idea, Mr. Speaker, they have to go out and sell their own concept harder. They have to go out and convince people that my ideas are rotten and their ideas are better; that is the system. If they do that, I will soon be a has-been. I will soon be down the road not making another story as long as I live.

But if the members attempt to pass this legislation, do you know what is going to happen, Mr. Speaker? Do you know that more and more people are going to come to our cause because they are going to say, they are frightened of them so maybe they have something? They wouldn't bring in repressive legislation like that unless maybe they have something, maybe they are right. You know the more you attack someone, the more right what they stand for becomes. The more you recognize the rightness of their cause (and so if people don't happen to quite comply or agree with your cause), they may say, they are attacking him, therefore I am going to go with the other guy.

I remember, Mr. Speaker, a situation in that regard of which occurred to me. As a matter of fact, it was the very first time I ever became interested in or involved in politics at all. I was, in the city of Edmonton. There was a mayor there whose name was William Hawryluk. Bill Hawryluk was known as an efficient, able administration and a top mayor. But Bill Hawryluk, over the course of time, got caught with his hand in the cookie jar. But the main thing . . . (inaudible interjection) . . . No, just a moment. I want to tell this story because I was in Edmonton at the time and because I am making a point for the members of the minorities. Mr. Hawryluk got caught with his hand in the cookie jar and paid \$100,000 back to the city and resigned. The city selected a man from the council whose name was

Elmer Roper. Now, Elmer Roper, as the mayor of the city of Edmonton, I must tell you, left an awful lot to be desired even in his own admission. After two years of administration by Elmer Roper, the administration was falling apart. You couldn't get a zoning permit, you couldn't get a building permit. You couldn't get a piece of paper out of the city. The whole administration was falling apart. As a result of the falling apart of that administration, Mr. Speaker, Bill Hawryluk, the man who had been caught with his hand in the cookie jar, who had admitted it and paid \$100,000 back to the city, announced he was seeking re-election. Well, Mr. Speaker, the business community of which I was a member was incensed. Management was furious. The Rotary Club, the Kiwanis Club, the Chambers of Commerce, every organization of that kind and description in the city of Edmonton was absolutely insane that this man who had been caught with his hand in the cookie jar could possibly lower the city of Edmonton's standards by seeking office again.

So they all got together in very giant meetings and they said, we have to find the greatest candidate for mayor who ever walked the earth. Now I notice the mayor of Regina is smiling because this story is relatively close to home. This is a true story. So, Mr. Speaker, they did.

They found a man by the name of Stan Milner. Now Stan Milner was the most outstanding human being who ever walked the face of the earth. He was the president and chairman of the board of Chieftain Petroleums. He'd built Chieftain Petroleums up with his own bare hands from nothing. He was the former chairman of the United Way. He was the president of the local Salvation Army. He had more credentials. He was beautiful to look at, a very serious and handsome fellow. He had this beautiful, lovely family. He was the perfect candidate, absolutely perfect, not anything wrong with him.

So the whole of the business community in Edmonton got behind him. Everybody got behind him. You couldn't go into a Kiwanis Club without seeing 'I'm for Stan' buttons on the \$300 suits. You couldn't go into a Chamber of Commerce meeting that you didn't see 'I'm for Stan' buttons on the Pierre Cardin suits. You couldn't go anywhere in the city of Edmonton that you didn't see the business community and the professional community wandering around with 'I'm for Stan' buttons. And do you know what happened, Mr. Speaker? Bill Hawryluk wiped the face of the earth with Stan Milner.

This was my very first involvement with politics and I couldn't understand it. Here was this beautiful, gorgeous candidate, upright, outstanding, never did anything wrong, built a business with his own bare hands. Here was this other guy who'd got caught with his hand in the cookie jar and had to pay the \$100,000 back to the city of Edmonton. Then I suddenly recognized a little-known fact in politics, which I sincerely hope the members to my right do not forget. The moral of the story, the more the business guy went out with 'I'm for Stan' buttons, the more the cabby and the waitress said, "I'm for whoever else is there. The more the guy in his expensive suit went out and said, 'I'm for Stan,' the more the other guys who didn't look like that, and didn't act like that, and didn't talk like that, said, I'm for the other guy.

All I'm saying to the members opposite by that story is this: in terms of our support, in terms of our future prospects, you could not do better for us than by entering this legislation on the record and allowing us the opportunity to present further our cause to the people of Saskatchewan and to this legislative Chamber. And you may rest assured that during the course of this debate I and the member for Swift current intend to present our cause as succinctly and carefully as we possibly can for the edification of the members and the people of the province of Saskatchewan.

But the reason why we're not just getting up and presenting our cause and then silently fading away, Mr. Speaker, is the terrible mistake you members are making on yourselves and on your minority groups and on the groups of citizens within this society who don't fall into your majority and who, if you're not careful, you're going to end up totally alienating from this society. The one thing WASP's in the country forgot when they treated Ukrainian people badly was that in due course the Ukrainian people can become very, very powerful. That's correct. For the benefit of the member for Saskatoon Centre, I consider him to be an extremely powerful Ukrainian. The only thing he couldn't do, Mr. Speaker, for what it's worth . . . the only person at the Veshnyava festival who won the pin for twisting wrists and the giant was the member for Nipawin. The member for Saskatoon Centre did not win that button — that powerful, he's not.

Mr. Speaker, the members of this legislature are making an extreme blunder against themselves if they persist in attempting to pass this legislation. The member for Swift Current and I fully intend to fight this legislation as hard as we possibly can, with every tool at our disposal, not because it's going to do us any damage; politically, it's going to do us a lot of good. But because both the member for Swift Current and I believe first in democracy, believe first in freedom of speech, believe first in freedom of association, believe first in the rights of the members of the legislature to associate as they see fit. That's why we're going to fight it, Mr. Speaker, and fight it hard.

We may lose some friends over the course of the fight. Everyone says, well it's a balance, Dick. My goodness, if you persist in fighting too long everybody gets mad at you. I say to the members of the legislature, pack your new suitcases fellows, because you're going to be here for awhile. I'm sure Mr. Speaker will notice tonight that we're not finished yet. I have a great deal more to say tonight, Mr. Speaker. I haven't yet had to resort to our library. But there's a great deal of research information in that library which has to be presented to the members of this legislature in order to back up this reasoned amendment we are going to present.

Every single item on this reasoned amendment, Mr. Speaker, is going to require a full and complete explanation for the benefit of the members in order that they fully understand and appreciate what they're getting themselves into. I just want them to understand that we are going to say the principle of the bill is contrary to the rules and principles of the legislature. So, Mr. Speaker, it's going to be absolutely essential that they understand what the rules of the legislature are from as many possible sources as we can find. Every member has to know that. Rest assured, we are going to be doing just that, Mr. Speaker.

It's contrary to fundamental human rights, Mr. Speaker, and every member of this legislature is going to have to listen to the Rights of Man, for example, because that's an important document in fundamental human rights. They're going to have to listen to the Declaration of Independence, which is recognized across the face of this earth as a fundamental document in human rights. They're going to have to listen to the terms of fundamental human rights in the Saskatchewan Bill of Rights, and I intend to bring that up later on tonight because I don't think the members have read the Saskatchewan Bill of Rights. I don't think they understand what it means.

There are some texts, Mr. Speaker, which are essential that we bring in explaining the Saskatchewan Bill of Rights so members fully appreciate the problems and

difficulties they are getting into by persisting in the passage of this bill.

Now, Mr. Speaker, there is the whole area of the United Nations' Charter. I don't know if members have ever looked at the United Nations' Charter, but we are citizens of the world. The United Nations' Charter addresses fundamental human rights.

Obviously the members have forgotten this, so they brought forward this oppressive and repressive legislation. It is going to require full and complete explanation to each of them of the United Nations' Charter, and all its implications for people of the world, because we are going to have to educate them, Mr. Speaker. It's the only possible way. Members of the legislature could not possibly agree to bring forward a piece of this kind of legislation nor could they agree to pass the legislation in principle until they understand the principles behind the legislation.

Now, for the benefit of the lawyers present — I notice in the other government benches there only seems to be one I know of. I am not sure whether the member for Quill Lakes is a lawyer or not . . . (inaudible interjection) . . . Good. Well, then there are two lawyers opposite. But the members opposite, including the lawyers opposite will understand the principles of equity and the decisions handed down by the courts of equity as they relate to the issue of fundamental human rights.

It's going to be necessary, no, it's going to be essential to educate the members of this chamber in all the aspects and decisions handed down by courts of equity so they understand fully the problems they are getting themselves into by an introduction of an amendment of this kind.

Now, Mr. Speaker, I want you to know that there are to my knowledge at least a dozen texts written on the principles of natural justice. It is going to be essential (because the bill runs contrary to the principles of natural justice) to explain to the members of this Chamber what is meant by natural justice.

How in the world can we possibly pass a bill like this when it runs contrary to the principles of natural justice? And obviously just my words alone are not going to convince the members. So it's going to be necessary for the member for Swift Current and myself to attempt to convince the members through the use of appropriate texts pertaining to the principles of natural justice. There are at least a dozen of those.

Mr. Speaker, I don't know whether the members of this legislature are aware of what is involved in a discussion of democracy. This bill is fundamentally against democracy and many, many dissertations are going to be needed to prove to the members opposite that this bill not only runs contrary to democracy but what democracy is. Because they wouldn't pass a bill like this if they understood fundamentally what democracy is.

For that reason it's going to be necessary to talk about democracy and all of the principles therein . . . (inaudible interjection) . . . Well, I can't wait either for the benefit of the minister responsible for culture and youth. I don't understand how anyone could call himself the Minister of Culture and Youth and belong to a government which brings forward repressive legislation that denies the rights of other members of the legislature. An example for youth he's not, if that's what he feels. And multiculturalism, he can't believe in because that means he represents minority groups. How can he possibly bring in legislation that materially affects minority groups, and then go to those minority groups to say, I stand for you? It's impossible, Mr. Speaker,

impossible!

I'm sure the members are aware that there are other jurisdiction on the world, other jurisdictions in Canada and in Great Britain which have established precedents with reference to the denial of the rights of members of the legislature, and the denial of the rights of members of parliament. And these precedents over the course of time have built up quite a body of literature.

I think the members are going to have to be persuaded by the testimony of others, not just the testimony of the member for Swift Current and myself. Therefore it is our intention to bring before this legislature, numerous volumes of precedents which have occurred in other parliaments in Britain, Australia, New Zealand, in other Commonwealth countries, and in the United States of American where these traditions are so dear to all of the people.

Now, Mr. Speaker . . . (inaudible interjection) . . . Oh no, I'm doing just fine, thanks very much. If the member for Rosthern wants me to call it 10 o'clock, I have no desire to at all. As a matter of fact I might want to put in extra time today to be as convincing as possible to the members so they will understand the real ramifications of what they're attempting to do with this Bill No. 105.

Now, Mr. Speaker, I mentioned earlier that it is going to be necessary, since this bill in our judgment runs contrary to the Saskatchewan Bill of Rights, to start with The Saskatchewan Bill of Rights. That is found under An Act respecting the Saskatchewan Code of Human Rights and its Administration (1979), chapter S. 24(1). This was assented to on May 4, 1979. Isn't that interesting. Mr. Speaker, it is only about a year ago now, so the members opposite can't possibly suggest, or the members in this Chamber can't possibly suggest since they were in this legislature some years ago, and last year as well, that they don't know about this bill because it was just assented to a year ago right now.

Mr. Speaker, here's an interesting point. This bill was assented to since the last election. I wonder if the members opposite, since they are going contrary to their very own legislation passed on May 4, 1979, by introducing this legislation, are going to resign to seek office in a by-election, since this was brought in since the last provincial election? Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

This Act may be cited as The Saskatchewan Human Rights Code.

Now, Mr. Speaker, interpretation is quite lengthy, but I suppose it is necessary because some of these words may appear in the body of some of this act, to explain to members, under interpretation, what these various definitions mean.

2. In this Act:

(a) 'age' means any age of eighteen years or more, but less than sixty-five years;

(b) 'commercial unit' means any building or other structure or part thereof that is used or occupied, or that is intended, arranged or designed to be used or occupied, for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property

or any space, in any such building, structure or part thereof, that is used or occupied, or that is intended, arranged or designed to be used or occupied, as a separate business, professional unit or office;

(c) 'commission' means the Saskatchewan Human Rights Commission;

(d) 'creed' means religious creed.

(e) 'employee' means a person employed by an employer but does not include an employee employed in a private home or living in the home of his employer;

(f) 'employer' means a person employing one or more employees and includes a person acting on behalf of an employer, but does not include an exclusively charitable, philanthropic, fraternal, religious or social organization or corporation that is not operated for private profit or an organization that is operated primarily to foster the welfare of a religious or racial group and that is not operated for private profit;

(g) 'employers' organization' means an organization of employers formed for the purpose of regulating relations between employers and employees or for purposed that include the regulation of relations between employers and employees;

(h) 'employment agency' includes a person who undertakes, with or without compensation, to procure employees for employers and a person who undertakes, with or without compensation, to procure employment for persons.

Mr. Speaker, I noticed an interjection from the members opposite, take it as read. The point is that if they don't understand what the interpretation is in their own law, how are they going to understand their own law? And if their Bill No. 105 runs contrary to their own law, how in the world are they possibly going to understand what they've done with the act? We've already seen one example of the Minister of the Environment somehow believing exactly the reverse of what the bill would in fact do. We've seen that tonight, Mr. Speaker, from his chair admittedly. But he sincerely believes and I believe sincerely, that the bill was going to do one thing when in fact it does completely the reverse.

Now, I sincerely hope that the members opposite, rather than making comments across the floor, would do their best to pay attention so that they don't get caught again. There is a possibility, you see, Mr. Speaker, that some of the press might ask them questions, although I don't think so. But some of the press might ask them some questions and they would want to understand clearly and precisely just what this law which they're bringing in with Bill No. 105, does as it relates to this act. So I think it's important they pay attention and not make those silly comments across the floor about take it as read because quite frankly, Mr. Speaker, obviously they haven't read it before or they would know what this is all about. They would know what we're saying.

(j) 'minister means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(k) 'occupational association' means any organization, whether incorporated or otherwise, in which membership is a prerequisite to carrying on

any trade, occupation or procession, but does not include a trade union or employers' organization.

(l) 'offer' includes an invitation to treat;

(m) 'person', in addition to the extended meaning contained in The Interpretation Act, includes an employment agency, employers' organization, occupational association or trade union;

(n) 'physical disability' means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and without limiting the generality of the foregoing includes epilepsy, ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheelchair or other remedial appliance or device.

(o) 'sex' means gender, and, unless otherwise provided in this Act, discrimination on the basis of pregnancy or pregnancy-related illnesses is deemed to be discrimination on the basis of sex.

(p) 'trade union' means an organization of employees formed for the purpose of regulating relations between employees and employers or for purposes that include the regulation of relations between employees and employers.

That's the completion, Mr. Speaker, of the definitions under this act. Before I go to the sections of this act which Bill No. 105 possibly is contravening, I would like to draw to the attention of the members that these definitions are important and they related directly to the reading of the body of the act. So please try to keep in mind the definitions I have presented as I read the sections. For the benefit of the members opposite, I sincerely hope the members will relate the sections of the Saskatchewan Human Rights Code and Bill of Rights to the very bill we are debating today.

Mr. Speaker, the very first part of the Saskatchewan Bill of Rights, Part 1, Item 4, I think states the crux of this entire situation. Item 4 says:

Every person and every class of persons shall enjoy the right to freedom of conscience, opinion, and belief and freedom of religious association, teaching, practice and worship.

Now, Mr. Speaker, I want to emphasize conscience, opinion and belief because this bill directly removes the rights of members of this legislative Chamber to have their own rights of conscience, opinion and belief. It removes those rights by attempting to coerce and blackmail them into submission.

Mr. Speaker, this bill causes the legislature in Saskatchewan to totally change what it intended to put in just last year. Given what I said before about 14 members from this legislature, conceivably, before this legislature is over, there could be 16 Conservatives and 14 Unionists and yet the new amendments would not recognize the Unionist Party as a third party in the House even though 14 members were members of our party.

Now that is totally against item 4 of the Saskatchewan Bill of Rights; it totally negates the Saskatchewan Bill of Rights. Did we pass this Saskatchewan Bill of Rights on May 4,

1979, one year ago, just to get publicity? Did we pass it so the government could go forward in its great strength and tribulations in front of the people and say the NDP has passed a bill of rights and therefore you have rights, when, in fact, no one has any? Is that why we did it? Is that what his legislature did in passing the Saskatchewan Bill of Rights? Or in fact, did it enact into law a bill intended to apply to all the legislation in Saskatchewan? We'll get to that in a minute. That is what the bill is all about.

I'm going to ask the member for Pelly over there whether he understand that retroactively, one could remove (given the principles of this bill) freedom of religious association, teaching, practice and worship from this bill if they wanted to? And they could do so in order to attack the Doukhobors, who are a minority group. They could do so in order to attack the Alliance Churches in Saskatoon because they are a minority group. They could do so in order to attack the Baptists, as the British did (my ancestors) and hung them from lampposts. That's repressive legislation, Mr. Speaker. That's why my ancestors came to North America. That's why the member for Pelly's ancestors came here, and why the member for Saskatoon's ancestors came here. Even the Minister of Labour's ancestor came here for the same reason, to escape some form of persecution in another land. Ah, the Minister of Labour says from his chair, the only reason he's here is wanderlust.

Mr. Speaker, perhaps the Minister of Labour, the Minister of the Environment and maybe even the ex-minister of finance might get together and form the wanderlust party. And I tell you if the three of them would do it, they would be sitting right here and we wouldn't have to debate this bill at all. Because automatically the NDP would say the wanderlust party's O.K. Because it's three of our own guys . . . (inaudible interjection) . . .

You see, Mr. Speaker, the ridiculousness of the situation, the silliness of bringing in a piece of legislation strictly defined to try to rid this legislation of one group can only lead to a precedent to eliminate all other kids of groups and can only lead to further problems down the road. That's the stupidity of this bill. It can only lead to further problems down the road.

I intend to prove that these particular amendments could be used by other members. For example, would the NDP suggest a Marxist-Leninist group which ran candidates in the last provincial election (I think in four seats), which complied with The Elections Act in the province of Saskatchewan, that two members of the Saskatchewan legislature who are NDP, sat themselves up as Marxist-Leninists in this Chamber, they would be accepted? Oh yes, they are. By this bill they are. Now what do you think of that? The Marxist-Leninists ran in four constituencies, if I'm not mistaken. They ran in Pelly. They ran in at least two seats in Regina, I think. But at the very outside, three or four members ran in the last election. But because they ran in the last election, if two members of the NDP decided to become Marxist-Leninists, they would be a political party for the purposes of this act. They wouldn't have to go back to their constituents. They wouldn't have to face this Chamber. What nonsense.

Mr. Speaker, if, according to the members' logic from this bill, the member for Swift Current and the member for Nipawin had decided to become members of the Rhinoceros Party we would get recognition today, with this new amendment. Oh, oh, the members say. The Rhinoceros Party ran in the last election, for the benefit of the members opposite . . . (inaudible interjection) . . . No, that's right. They certainly ran candidates, whether they actually were nominated or not I don't know. But they tried to get some dog elected in Saskatoon, as I understand . . . (inaudible interjection) . . .

No, provincially as I remember . . . The member for Saskatoon Centre will know that to attack a member's constituency in this House is unacceptable to say the least. And by suggesting that somehow the constituency of Nipawin is less reasonable and rational than the constituencies in Saskatoon, I think the member is going too far. Mr. Speaker, the bill is contrary to the Saskatchewan Human Rights Code section 4. Quite frankly, Mr. Speaker, . . . (inaudible interjection) . . . I don't think, in answer to the former minister of finance's comments from his chair about making mistakes, any bigger mistake could have been made by the minister than to accept the demotion which he accepted from the cabinet in the last couple of years. He's certainly fading into the woodwork and will have much difficulty winning his own seat in the next provincial election. I hope, perhaps, the ex-minister of finance, current minister of I don't know what, would be most happy to switch constituencies and seek election in Nipawin. I've already announced I am not going to seek office again, but you know people change their minds from time to time and I would love to have the former minister of finance, Mr. Smishek, seek office under the NDP banner in Nipawin. I would be happy to guarantee him a battle because, Mr. Speaker, in the last provincial election the hardest fought constituency in the whole province was Nipawin; in the last week of the election campaign the NDP ran out of there with their tails between their legs because they couldn't win, and they decided to attack in Jack Messer's seat because there was a possibility we might win that one. It was only when they realized what they were up against. You'll be up against the same thing next time. That might just encourage me to come out, Mr. Speaker, because I'd love to run against the ex-minister of finance. That would be more fun than a barrel full of monkeys.

Mr. Speaker, section 5 of the Saskatchewan Human Rights Code says as follows:

Every person and every class of persons shall under the law enjoy the right to free . . .

Do you know there are members over there, Mr. Speaker, not paying attention to this? This is one of the key clauses of the bill of rights in Saskatchewan. I can't believe it — a bill they themselves passed, and they don't even pay attention, to hear the magic beautiful words they themselves wrote. It's amazing, Mr. Speaker, absolutely amazing. Now, please, section 5:

Every person and every class of persons shall under the law enjoy the right to freedom of expression through all means of communication including, without limiting the generality of the foregoing, the arts, speech, the press or radio, television or any other broadcasting service.

Freedom of expression, Mr. Speaker, members of this Legislative Assembly are provided with certain benefits. I mentioned earlier to the Chamber that it is the rights of the parties, under this legislature and executive council act that parties enjoy in this legislature, that are key to the presentation of ideas and ideals. But another thing that's key to the presentation of ideas and ideals are grants which are made for research and secretarial help to parties, which is why the Premier of the province of Saskatchewan said: independents don't fare so well under our system, and I'm not surprised that Mr. Collver and Mr. Ham formed a political association. That's what the Premier, your

leader said. I'm not surprised. It's the right thing to do. Independents don't fare so well. Why don't they fare so well? Because they don't have the ability to do certain things in the legislature and because they don't have the same capacity to research ideas, to research difficulties . . . Yes, I noticed that. It's a pity. You know, after a number of years a man does develop a certain age problem, Mr. Speaker, and I'm sorry about it. I sincerely hope the member who is ill will soon become well in every possible way. I also sincerely hope he reads carefully the gift I brought for him this evening. It cost me an entire dollar. I bought it especially for him. I hope he reads it carefully and takes heed and takes warning from that.

Now Mr. Speaker, the point is this bill denies the rights of members to form the Unionest Party, become the Unionest Party as a representative of this legislature, and denies the rights of the party to access to research facilities and to secretarial help. Now that means that we, as members of an official political party recognized by this province, are not going to be allowed the same kind of research and secretarial help that other members in this legislative Chamber would be entitled to receive if they were members of a third party. We are not suggesting that we should receive the same kind of grants that government members get or the same kind of grants as the official opposition.

We are, however, under the law entitled to assistance for research and secretarial help under a third party status, and the act now recognizes us as a third party in this legislature. Mr. Speaker, I think that denies our right of freedom of expression, because a member of the legislature is not as capable of presenting his ideas to this legislature (when he doesn't have the research and doesn't have the secretarial help), as he would be if he did have the research and did have secretarial help.

Now, Mr. Speaker will be aware I am sure, as are all members opposite, that independent MLAs do not receive sufficient from the Legislative Assembly office to pay for even one researcher, because it's a percentage of the total. They don't receive enough as independent members. Even as two independent members, they don't have enough to pay for one secretary. Those are the facts, not one researcher and none one secretary. Now you want to talk in terms of fair. You ant to talk in terms of fair play. No you don't. Obviously the snorts from the Minister of Highways, the snorts in more ways than one from the Minister of Highways, mean he doesn't want to play fair. But the point is, if you want to play fair and you want to be reasonable, accept the fact that two independent MLAs together do not receive sufficient from the office to pay for one researcher and one secretary . . . (inaudible interjection) . . .

Well, now I'm pleased to hear from the minister for Sask Sells. Unfortunately, the minister doesn't quite understand what it needs, what it takes, to be an independent member of this legislature or even to be independent of thought and spirit in any possible way, shape or form. The member has never had an independent thought in his life. I mentioned that some of the members opposite have rings through their noses. This man has rings through is eyeballs.

Now, Mr. Speaker . . . (inaudible interjection) . . . Ah, Mr. Speaker, again they are not paying attention to the gems of wisdom in their very own words. They are not paying attention to their very own act. Now, Items 6, Mr. Speaker, of the Saskatchewan Bill of Rights says every person and every class of persons shall enjoy the right to peaceable assembly with others and to form with other associations of any character under the law.

What is the law? The law is The Saskatchewan Legislative Assembly and Executive Council Act as it stands today. That's the law; to form with others associations of any character under the law. Who wrote that bill? Is The Elections Act the law? Under The Elections Act the Unionest Party is a legitimate party, properly constituted and recognized by the chief electoral officer. Under The Saskatchewan Human Rights Act, we are entitled under the law to form any association of any character whatsoever. Under The Legislative Assembly and Executive Council Act, having formed such an association, we are entitled under the law to receive third party status.

Now, Mr. Speaker, that's the law. That's the way it is. So the guys sitting around in their caucus say to themselves, hey, wait a minute. I don't know. These laws were drawn just in case the Liberals might get a member in this chamber. Good grief! The only thing we had in mind at the time was that the Liberals were dying but they might possibly get a couple of members in there and the Conservatives would be opposition. We get a couple of Liberals and by gees, if they didn't have third party status they wouldn't have the money to be able to kick the heck out of the Conservative in the Chamber. That's the only reason we put that in there. Because the Liberals would only have two members in here. The Conservatives might have 15 to 18. We'll have the rest. Then we can play one off against the other in the Chamber. That's the only reason we had that law.

Heck, if there were only two Liberals in there and they didn't have third party status they wouldn't be able to have research. Heck, they'd almost be as bad off as the Conservatives were when they had seven. They had seven in here and they didn't have any research at all. They couldn't afford to pay their secretaries. They were still paying off debts from the previous election campaign, they were a shambles. We couldn't use them until they started to get some research. Until the Conservatives started to have a little research in this House and a few secretaries around, we couldn't use the Conservatives against the Liberals or play one off against the other and walk right up the middle in the next election. That's the only reason we even had this law in here this way with two, because we thought the Liberals might get . . . What nonsense, what absolute, utter nonsense.

The Minister of Labour says that's nonsense. The Minister of Labour might be interested to know that in private conversations that's exactly the story I received from a couple of backbenchers, exactly like that. You know this is the point, that's exactly the story I was told. Believing in corridor gossip and believing in that kind of conversation, I don't think is meaningful. All I'm saying is that's just one way it was expressed to me, this is how it was explained to the members opposite and this is why this bill is the way it is. Gosh, we just have to get a housekeeping amendment in there because we never dreamed that a couple of members would go out and start an organization which wasn't at the moment politically popular, but which the Premier and the Attorney General say we've got to watch awfully carefully because those guys are going to do an awful job if they're not careful; lots of organization there . . . Nonsense, what nonsense.

Join the club of their ideas and they'll accept you; they'll give you money. Remember the big fight you had last year to get money from the NDP? It wasn't very hard, was it? Just oodles and oodles of dough? Do you want to know why? Because you accept the views they've got, basically and fundamentally, that's why. Fundamentally you want to play by their rules. They just love it when the Conservatives come in here and act like they're in a union hall. You think you can beat union hall guys in here? My foot! You think you can beat them at their own game? My back side! The point is you can't. And they just love it. Here's some money. Take it all. We'll provide everything for you. Here! We love to see

you make fools of yourselves.

Mr. Speaker, when you decide you don't want to play by the same rules as the government, but you want to play within the law, you want to obey the law, you want to comply with the laws as they stand, the government says that's no good because these guys are thinking outside of us. They're a way out there some place. When they ask questions, they ask questions right in here so we can come back with our answers. We have pat answers; they have pat questions.

I'm not in any deprecating the members of the Conservative Party tonight but I can only tell them that I heard exactly the same questions, that you've given in the last month, from the Liberal Party when I sat in here with seven members of the Conservative Party. If you don't believe me, ask any of the other side who sat in this very Chamber and sat sideways and watched the same kinds of questions being asked of the members opposite. Or read Hansard. Identically the same — play by their rules and they love you. But get outside the rules a little bit and they're not so fussy. Now, Mr. Speaker, over the course of a very lengthy speech, I rather thought my voice would give out first and it hasn't. I thought my stomach would give out first but I'm discovering that it's one's feet that hurt the most. I can't quite figure that out as to which . . . (inaudible interjection) . . . Well, my head never hurts because it never works, Mr. Speaker.

I wonder if the members would mind just listening once again and I intend to go back to this quite frequently because in tying The Saskatchewan Bill of Rights to some comments by Howard McConnell, the eminent constitutional expert from the University of Saskatchewan, he said as follows and (In hope the member for Pelly is listening to this):

I think that withdrawing the bill would show a great respect for the rights of dissenting minorities. I sometimes wonder, though, if you take a hypothetical critic of the left looking at what is being done here, would he not say, what about your much vaunted liberal democratic multiparty system? It's all right; the parties can exist as long as they don't challenge the underlying functions the other parties share. Once they go a little bit outside of them, then they are no longer members of the club. So, really, your multiparty system is a sham. You know, I would be afraid of this criticism being made and I think it might even be made effectively.

Mr. Speaker, I'd like to return to The Saskatchewan bill of Rights Act because there are clauses in this bill that most directly related to this Bill No. 105, its detraction from the rights of individual citizens and a detraction from the rights of individual members of this legislature.

No. 7 — now, this doesn't directly apply but it implies the same thing as the previous three clauses:

Every person and every class of person shall enjoy the right to freedom from arbitrary arrest or detention and every person who is arrested or detained shall enjoy the right to an immediate judicial determination of the legality of his detention and to notice of the charges on which he is detained.

The point is you can't step on individuals in criminal cases. You shouldn't step on individuals in legislatures either. You shouldn't step on people just because they're

smaller than you because some day they may get bigger than you, and then you yourself can get stepped on.

Listen to this one, Mr. Speaker. This is from the Saskatchewan Human Rights Code.

8. Every qualified voter registered in Saskatchewan shall enjoy the right to exercise freely his franchise in all elections and shall possess the right to require that no Legislative Assembly shall continue for a period in excess of five years.

The point is that every voter registered in Saskatchewan is recognized by this act as having these fundamental rights — the right to peaceable assembly with others, and to form with others associations of any character under the law. That's a fundamental right, and every voter of Saskatchewan shall have that right. And the member for Swift Current is a voter in Saskatchewan and a citizen of Saskatchewan; and I am a voter in Saskatchewan, and a registered voter in Saskatchewan, and am entitled to those same rights.

AN HON. MEMBER: — You've got them. What's the argument?

MR. COLLVER: — You see, the member says I have them, but I don't. It happens I'm a special citizen of the province of Saskatchewan in that I'm a member of this legislature. I don't consider that particularly special, but it means that as a member of this legislature I have certain rights as a citizen in this legislature. But the legislature can't supersede my rights as a citizen. The legislature can only make and establish its rules, given the context of my rights as a citizen.

If I have a right as a citizen to an association of my choosing, then I have a right as a member to an association of my choosing. If I have a right to an association of any character whatsoever, under the law, that means you don't make laws as a result of events. You make prospective laws — laws which anticipate events. And that's what we did last year. We made laws in a free democratic society which anticipated events. We said this is what it's going to be like, and that's how we made the law. And that's the way the law is. You don't retroactively change that and say citizens no longer have those rights. You can't go back to the human rights . . . Oh, you could . . . (inaudible interjection) . . . I say you can't, but under our law, we all know you can.

The law, in the parliamentary system, states that we could if we so desired deem that a man was a woman. We could totally reverse nature, and that would be the law. We could do it. But the question in my mind and the question in every mind here is, should we do it? The answer has to be no for any fair-minded, justice-minded person in the province of Saskatchewan.

Now the member for Regina Rosemont shakes his head. He believes that somehow it's right for my rights to be taken away, but let me tell you if the shoe were on the other foot he would be fighting just as hard, I hope harder, than he's fighting today.

That's the point, Mr. Speaker. He's not able to put himself in that other shoe yet because he hasn't been there. He's not a member of a minority group. He's a member of the majority. He's a WASP; well, a WASC maybe. Sorry about that: WISC, he's a WISC. I didn't know; I didn't know. With all sincerity, Mr. Speaker, I do apologize to the member for Regina Rosemont for alluding to the fact he might possibly be a WASP. I had no idea that Allen was an Irish name. I truthfully thought it was an English name, but it certainly

won't happen again.

If that was a challenge from the members opposite to a fist fight, I must tell the members I don't fight very well with my fists. You see, Mr. Speaker, I just want to fight in the only way I know how. On the other hand, Mr. Speaker, the members opposite know they are going to be in a battle, whether it be fists or otherwise, pertaining to this legislation. This legislation is particularly repressive.

Well, Mr. Speaker, I believe it's 10 o'clock.

MR. SPEAKER: — Well, I believe the member is right.

The Assembly adjourned at 10:00 p.m.