

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 21, 1980

The Assembly met at 10 a.m.

On the Orders of the Day

QUESTIONS

Proposals re Constitutional Change

MR. J. G. LANE (Qu'Appelle): — A question to the Minister of Intergovernmental Affairs. We haven't seen any action yet and that is what I am going to ask you about. I think it is clear to all after last night's vote that there is a sense of urgency and that there is an opportunity now for constitutional change with the support of the vast majority of Canadians. Will the Attorney General now admit that it is time for the Government of Saskatchewan to table before this Assembly and before a constitutional conference the specific proposals for constitutional change that the Government of Saskatchewan may be committed to?

HON. R. ROMANOW (Attorney General): — Mr. Speaker, the position of the government is that a number of proposals have been advanced during the course of past federal-provincial conferences on the constitution. The proposals which I can think of, I have no particular objection to showing the hon. member or tabling. It must be clearly understood, however, that in constitutional negotiations some positions of necessity must be fluid. In other words they change depending upon the give and take of the discussions. Our position has been that we have three or four items which are very important to the province of Saskatchewan and to the West. Subject to that, however, other matters could possibly be worked out given the total package. Therefore, when the member phrases his question in the context of saying, put forward Saskatchewan's positions, there is an implication of rigidity to those positions. I simply want to indicate to the member that in negotiations there is a certain give-and-take. As a result, these so-called positions of necessity may change with the exception of three or four. I think we could probably produce those in the next little while for the hon. member opposite, at least the position taken by the constitution committee of ministers ending in February, 1979.

MR. LANE: — It is interesting to note, Mr. Attorney General, that the Quebec Liberal Party has proposed a rather comprehensive constitutional package. The Government of Alberta has proposed the same; the federal opposition, the Government of Canada — all believe that negotiations and change to their position are proper and necessary. Does the Attorney General not feel that Saskatchewan, attempting to have a leadership role in this debate, has at least a moral obligation to Saskatchewan and Canada to table, as have other jurisdictions, a comprehensive constitutional reform proposal as other jurisdictions have done?

MR. ROMANOW: — Well, Mr. Speaker, it is not correct to say that other jurisdictions have done this. It is correct that in Quebec, the white paper, so-called by Mr. Levesque, was tabled and Mr. Ryan's counter paper was also tabled. British Columbia has tabled a comprehensive set of booklets. Alberta's I would not categorize as a set of comprehensive proposals. But short of that, I don't believe any other province has. I think there is a danger inherent in doing this. The danger that is inherent is that one tends to get locked into the positions which are advocated, quite frequently as a

discussion basis or a point from which future discussions can take place. I think Saskatchewan's key elements are well known to the members of this House and to the public: our position on resource ownership and control, our position with respect to communications and a greater role for communications and our position that there needs to be some western Canadian input into the central decision-making institutions and institutions of our confederation. We've taken those positions in detail and in general terms in the past. Subject to that, however, other provinces bring other matters which are a priority to them and we may not have as strong a view on those areas.

We take the position that we need to take a look at the entire package and, with the exception of the three or four items I've raised, adjust the give-and-take, depending upon the flow of the negotiations. And therefore, putting out a rigid paper has some inherent dangers in it.

MR. LANE: — Supplementary. The Attorney General has given four rather limited areas of proposals, compared to the totality of the constitutional change that is being considered. Will the Attorney General please give, for example, the province's present position (and I have a press release from the Executive Council), on the entrenchment of fundamental rights in the constitution. You very pointedly left out any discussion. Does Saskatchewan have a position on the entrenchment of the fundamental rights?

MR. ROMANOW: — Yes, Mr. Speaker, our position has been, and still is, that we would prefer not to entrench the charter of rights as proposed by Mr. Trudeau in C-60. We don't know what new proposals, if any, in this area are forthcoming. There were none forthcoming from former Prime Minister Clark. There may or may not be any proposals coming forward as a result of this current round.

Our argument for that has been very simple. If you look at the United States' experience where there is an entrenchment of a fundamental bill of rights, there have resulted two things. The first is the transference of rights from the elected legislatures to the appointed judiciary. I think that is something that should be looked at very carefully. Secondly, the United States' experience on an entrenchment of bill of rights has not been all that favourable in terms of the protection of liberties and human dignities.

Having said that, let me close, Mr. Speaker, by saying that is our current position and now I advocate supporting the line I have taken in the earlier questions. That is our position, but if, in the course of the negotiations, a package of constitutional reforms were produced, of which one may be some form of entrenchment, in a modified or a limited way, of rights, we'd be prepared to consider that and change our position.

MR. LANE: — Question to the Minister of Intergovernmental Affairs. Of course what you've just said is contradictory to what Premier Blakeney said in his speech to Queen's University law students; here he indicated that the new constitution will require (and I'm just going by a press release put out by information services) perhaps entrenchment in the constitution of certain fundamental rights, including minority language rights.

Mr. Attorney General, will you not admit that your position of sitting back, except for the four areas, and waiting to see what happens, is a bit of a cop-out; it really takes away any opportunity for the province of Saskatchewan to show leadership by tabling, before this Assembly and the people of Canada, its outline and its guidelines and its proposals for constitutional reform?

Do you not feel it's about time that you, as a government, fulfilled your obligation to lay

out a comprehensive package? We know it's for discussion; the other premiers know it's for discussion; the other leaders know it's for discussion; the people know it's for discussion. It's about time you laid a comprehensive proposal before this Assembly.

MR. ROMANOW: — Mr. Speaker, no, I do not agree with the hon. member. First of all let me say that there is no contradiction, because the Premier has indicated in past first ministers' conferences, as I have at the ministerial level, that we would be prepared to consider some form of entrenchment of language rights and consider this in the context of the totality of constitutional packages which may or may not be forthcoming. And that is the direction of that press release, with respect to Premier Blakeney at Kingston, in Ontario, a few weeks ago.

On the question of putting forward a set of proposals by the province of Saskatchewan, I do say with respect to the hon. member that the first obligation does lie with the Canadian government to put forward its proposals. It did so with respect to Bill C-60 in Trudeau, phase one (if I can describe it that way), and that prompted the provinces to get together and to say in effect: we react to those proposals in this way and here are our counter-proposals. I think the member will recognize that this is a very fluid situation. It's one that results in changing of positions and one which requires a high degree of flexibility for negotiation if we're going to keep the country together. I say again to the hon. member that to put forward a set of specific proposals locks a province into a situation where it is not able to do the kind of giving and taking which I think is going to be necessary in order to achieve a renewed federalism for this country.

MR. LANE: — Final supplementary. Are you then saying that the constitutional position of the Quebec Liberal Party locks them in firmly and that there may be no negotiation between a Ryan government (should it happen), and the Lougheed government which is opposed to entrenchment of the Bill of Rights? Are you saying they are now locked in because they have given those proposals and that the whole exercise is one of futility?

MR. ROMANOW: — Well, Mr. Speaker, the hon. member either conveniently forgets or forgets that the so-called beige paper of Mr. Ryan is a paper of an opposition party, not a paper of a government party, and there is a very substantial difference. May I say that if the hon. member advocates for us to take a set of concrete positions on the constitution, he ought not to be accusing us of failing in our job when he and his own party (he being the president of the Saskatchewan Progressive Conservative Party) have not put out a similar position in detail as to where they stand on language rights, on reform, or where they stand on the operation.

SOME HON. MEMBERS: — Hear, hear!

MR. ROMANOW: — After all, Mr. Ryan is no more and no less than a leader of the opposition in Quebec and that is the same situation of the Leader of the Conservative opposition here, or of the president of the Progressive Conservatives. He hasn't done that and I presume that they haven't done it because they find, as I hope they do, a lot of merit to the argument that I've been advocating.

Representation at Constitutional Conference

MR. R. L. ANDREW (Kindersley): — Question to the Attorney General. The Premier this morning at his press conference indicated, and I think correctly so, that all citizens of this country must be involved in the constitutional debate. As well, last night Mr. Broadbent indicated that he felt it was important that the constitutional debate not be

restricted simply to the heads of the various governments within Canada, but also should involve the various opposition parties and perhaps some other interest groups. Now in view of your comment with regard to the question from the member for Qu'Appelle, would you support the position advanced last evening by Mr. Broadbent that any future constitutional conference also involve the federal opposition parties and the opposition parties in the various provinces?

MR. ROMANOW: — Well, Mr. Speaker, I did not view Mr. Broadbent as saying that. I believe Mr. Broadbent is arguing for the establishment of something commonly referred to as a constituent assembly. I may misunderstand his position. I do not personally subscribe to the view of a constituent assembly. I think how you pick a constituent assembly is very difficult to determine — who takes part in it, the various conflicting positions which may take place, all make that kind of a proposal difficult to pursue. As to the question of whether or not an opposition party should be represented on an official provincial government delegation in federal-provincial discussions, we would certainly be prepared to look at that favourably. I do not want to make a commitment at this stage to the hon. member because so much depends on the nature of the conference, the terms of the conference, whether it's an open conference and the degree of the negotiations. I can tell the hon. member, in my two years as chairman on the provincial side of the continuing committee of ministers in the constitution, this kind of mechanism would not have worked. Quite frankly, there is simply too much detailed analysis which takes place at an official's level which makes it a very cumbersome mechanism. We did offer to the member for Nipawin, the former leader of the Conservative Party, now the Leader of the Unionist Party, the opportunity to join as at one of the federal-provincial conferences with observer status. He saw fit to choose not to go with us at that time. So, we have done this in the past and we'll have to consider our options in the future, depending on what takes place from here on in.

MR. ANDREW: — It seems to me, Mr. Attorney General, that what you are saying basically is this: the constitutional debate that is going to unfold in the next two or three years is going to be a constitutional debate between the Prime Minister of Canada and the 10 premiers; those are the people who are going to decide the constitution. It strikes me this is far from involving the citizens of this country in such a serious question as a new constitution.

MR. ROMANOW: — Mr. Speaker, I'm not sure what the member is asking. He is saying that the process should involve as many Canadians as possible, I suppose. To that I would agree and I'm sure Premier Blakeney would very much agree. We need to get the concerned and informed involvement of Canadians everywhere. As I said, and I would only reiterate, we would be prepared to consider bringing with us official opposition representation to these conferences depending upon the nature of the conference. I think as well, while I'm answering this question, Mr. Speaker, we would want to consider what is being done in other provinces — what governments are taking along their oppositions and which are giving representatives from the opposition side a voice on their delegations as well. I'm not closing that door. I think, however, the nature of the process is, fortunately or unfortunately, for the time being, one which is going to involve primarily government to government discussions.

Indian and Metis Representation at Future Constitutional Conferences

MR. E. A. BERNTSON (Leader of the Opposition): — Mr. Speaker, a question to the Premier. In line with what the Attorney General has just said and in line with what Mr. Broadbent said last night when he said there should be representation from all interest

groups and as many Canadians as possible at these constitutional conferences, would it be the Premier's position to have representation at these conferences from such interest groups as the Indian and Metis groups in Saskatchewan.

HON. A. E. MR. BLAKENEY (Premier): — Mr. Speaker, we have had them as part of our delegation in the past and we would, I'm sure, consider similar arrangements in the future.

Use of Kenosee Park as Pasture Land

MR. D. G. TAYLOR (Indian Head-Wolseley): — Mr. Speaker, a question to the Minister of Agriculture. Yesterday in our questioning we agreed that southeastern Saskatchewan had a very dry situation last summer and also I understand 1,000 cattle went through Yorkton yesterday. I mentioned last year, Mr. Minister, there are nine sections of land in Kenosee Park on the east side of No. 9 Highway. I understand this land only needs four miles of fence built to have the capacity to run about 300 cattle. Will your department look at turning this into a pasture for this summer to help these livestock men in southeastern Saskatchewan?

HON. G. MacMURCHY (Minister of Agriculture): — Mr. Speaker, I think the hon. member for Moosomin raised the issue yesterday, this issue of availability of lands under tourism and renewable resources in parks. I indicated I would bring this to the attention of the department. May I report, Mr. Speaker, that as I indicated in the discussion on the drought situation yesterday, we are calling together the farm organizations. Such a meeting is being held tomorrow morning.

MR. TAYLOR: — Supplementary. Mr. Minister, do you realize that in Moose Mountain Park the cattle have not been allowed to graze within six miles of the campsites? Would you consider extending the grazing this year and letting them in closer because it is a considerable number of acres and good grazing ground. Would consideration be given to that?

MR. MacMURCHY: — Mr. Speaker, I repeat once again, I'll bring this issue to the attention of the drought committee which has been put together and I'm sure they will look at all options in terms of making use of available pastures for livestock.

MR. TAYLOR: — Final supplementary on this question. In my constituency on the Sakimay Reserve, what was formerly a PFRA pasture has been taken over by the Sakimay band and is leased to one individual. One individual has this whole pasture and a capacity to run 500 head of cattle. This certainly has cut down on the availability of community pasture for the people in the constituency. Do you realize, Mr. Minister, that with this taking place there is a need for your department to be bringing in every available acre for future community pastures in eastern Saskatchewan?

MR. MacMURCHY: — Mr. Speaker, I think there is the issue of public lands. In my answers both yesterday and today, we are attempting to address this. There is the issue of private lands and there is the issue of reserve lands. These are different issues than how properly to utilize public lands. I would assume that the land in the question which the hon. member raises is land under the jurisdiction of the band. They will decide as they see fit how to utilize that land.

Financial Assistance — Well Drilling

MR. E. A. BERNTSON (Leader of the Opposition): — Mr. Speaker, a question to the Minister of Agriculture. I understand that in the last few days there was a meeting of various levels of government dealing with the drought problem. There was to be some assistance offered as it relates to transportation costs for feed, cataloguing of feed and an encouragement of well drilling. I am sure the minister knows the existing policy as it relates to well drilling is not much, particularly when it costs \$100,000 to \$150,000 to drill a deep well. I wonder if the minister would consider, through his FarmStart program, providing loans jointly to two or three or four or five farmers who could use a common well. In areas where they have to go for deep water this is a very significant cost; I say upwards of \$150,000 . . . (inaudible interjection) . . . The Minister of the Environment just isn't aware of what is going on out there.

MR. MacMURCHY: — Mr. Speaker, part of the package that was put together by the task force, the task force involving the federal government and the four western provinces, included in it a well program, including a deep well program. If the hon. member will check the record in Hansard yesterday he will note we had a fairly thorough discussion on this subject in the House on questions raised by the hon. member for Indian Head-Wolseley and the hon. member for Moosomin. At that time I indicated that I didn't think it proper to approve the package put together by the task force, in so far as the Government of Saskatchewan is concerned, until an opportunity had been had to have the farm organizations or representatives of the farm organizations take a look at the package to see whether it was complete. Such a meeting, as I indicated a few moments ago, is being held tomorrow morning. Out of that meeting hopefully we can make an announcement, or at least part of an announcement to ease some of the concerns of the cattle producers.

MR. BERNTSON: — Mr. Speaker, the minister hasn't answered my question. I am not aware of what all was in the package. The fact is, in the absence of any assistance as it relates to these deep wells, \$150,000 a crack minimum, would you provide (in the absence of any assistance from any of these other task forces or recommendations) loans through your FarmStart program, so that farmers may jointly develop one of these wells and use it commonly?

MR. MacMURCHY: — Mr. Speaker, I am sorry that the hon. member doesn't listen to my answers. I indicated to the hon. member that within the package put together by the task force, which we are checking with the farm organizations tomorrow, is a well program, including deep wells. I think we should ask the farm organizations to look at this package. Is it sufficient? If it isn't what wells should be added so we can begin negotiations on what should be added if necessary.

Cabin Lot Fees in Provincial Parks

MRS. J. H. DUNCAN (Maple Creek): — A question to the Minister of Tourism and Renewable Resources. The reassessment of cabins in the provincial parks was completed, I believe, late last summer or early last fall. Can you indicate to the Assembly when your department will be announcing the new cabin lot fees for this year?

HON. R. J. GROSS (Minister of Tourism and Renewable Resources): — Mr. Speaker, I indicated to the member, I think last week, that the assessment was just completed three to four weeks ago. The recommendations are in. I indicated then that I thought in roughly two to three weeks we would have a recommendation on cottage lots. I expect

momentarily the information and will be making recommendations accordingly, Mr. Speaker. So we still don't have them available but they're on their way.

MRS. DUNCAN: — Can you give assurances to this House that you'll announce those rate increases while we're still in session?

MR. GROSS: — It depends on how long we're going to be here, Mr. Speaker. I have no idea how long we're going to be here or when the package will be complete.

Harvesting Birch Wood in Provincial Parks

MR. R. A. LARTER (Estevan): — Mr. Speaker, a question to the Minister of Tourism and Renewable Resources regarding another provincial park. Mr. Minister, do you have a hard and set rule for cottage owners harvesting birch wood in the parks?

MR. GROSS: — Mr. Speaker, I'm not aware to which park the member is referring. There's a difference in lots of parks in terms of what you can harvest. In lost of parks we don't allow harvesting at all because of the limited trees and forests. If he would indicate a park that he has interest in, we could maybe identify that and I could check it out later and provide the information on the harvesting of birch.

MR. LARTER: — Supplementary, Mr. Minister. This is in Moose Mountain Park. Apparently some of the parks in the North let the cottage owners cut birch wood with supervision. In this park, they're not letting them do it and there is a lot of birch wood going to waste as there's plenty of it there. I wouldn't mind if you would check into that.

MR. GROSS: — Mr. Speaker, I will check into the situation in Moose Mountain. I'm not aware of the exact details of why we allow or do not allow birch wood cutting.

Grazing Fees in Provincial Parks

MR. J. W. A. GARNER (Wilkie): — Mr. Speaker, my question is to the Minister of Tourism and Renewable Resources. Mr. Minister, it has been brought to my attention (one example being the Cypress Hills Provincial Park) that cattle have already been put into the park and that the lease fees have not been brought forward nor has it been stated to the producers what it will cost them for their grazing fees for the upcoming year. Have you set the grazing fees for any provincial park and especially the Cypress Hills Provincial Park?

MR. GROSS: — Mr. Speaker, there are no lease fees in provincial parks. They're granting permits that we have in the parks. They will be announced very shortly as well. We expect to have a simultaneous announcement of the cottage rentals and the grazing fees. Patrons with the permits have been advised of that and will be notified accordingly.

MR. GARNER: — Supplementary, Mr. Speaker. Mr. Minister, in light of the fact that it was about \$2.16 a month for a cow-calf unit last year and since we have very much lower cattle prices in the last three months along with the drought problem, could you not assure this Assembly now that this permit or lease fee structure will remain the same and will not be an added burden to the producers?

MR. GROSS: — Mr. Speaker, I cannot assure the member that we are not going to change the permits. It is our intention to review them and bring them up to date

because they haven't been reviewed for many, many years. That's where it's at. I can't assure him that the prices will go up or the prices will go down because we haven't announced the policy on permits.

Airline Service for Prince Albert

MR. G. S. MUIRHEAD (Arm River): — Mr. Speaker, a question to the minister in charge of the Saskatchewan Transportation Agency. In light of the fact that the city of Prince Albert presently does not have adequate airline service for a city of its size, and take into consideration your press release in which you stated that Saskatchewan has always assisted Prince Albert in efforts to obtain service by one of Saskatchewan's two major carriers, and also take into consideration that part of the problem stems from the fact that Prince Albert airport is in dire need of expansion, could the minister tell this House what representation he has personally made to the federal Minister of Transport to hold the federal government to its commitment to upgrade the Prince Albert airport, and would he also inform us whether the Government of Saskatchewan is prepared to assist the city of Prince Albert, financially or otherwise, in its efforts to have the Prince Albert airport upgraded?

MR. MacMURCHY: — I think the situation with respect to air service to Prince Albert has changed dramatically within the last two months. I think we're pleased, as a government, and I know that the city of Prince Albert, the council and the Chamber of Commerce are very pleased with the renewed interest in the city of Prince Albert with respect to air service. Aero Trades, a company out of Winnipeg, has made application, as well as PWA, to serve Prince Albert on a Winnipeg-Prince Albert-Calgary run. So there's a renewed interest in Prince Albert and I think we're very pleased with that.

There have been ongoing commitments by the federal government. I think during virtually every election (and there's been a fair number within the last while), there's been a promise or a commitment by the government in power to upgrade the air terminal at Prince Albert. I think the hon. member will agree that this is clearly a federal responsibility and we should lay the responsibility there.

One of the interesting aspects of the applications of both Aero Trades and PWA is that the aircraft they intend to use to serve Prince Albert will be able to fly in and out of the city on the strip that's presently there.

MINISTERIAL STATEMENT

Quebec Referendum

HON. A. E. BLAKENEY (Premier): — Mr. Speaker, I have a statement on the referendum that I would like to give. It is a little longer than the usual statement and I hope that members will bear with me.

No one, I am sure, will be surprised to hear my say that I am pleased with the outcome of the Quebec referendum. After a long period of reflection, after a vigorous campaign the people of Quebec have chosen to remain in Canada. I rejoice in the wisdom of that decision, which I believe will benefit Quebec and the whole country. I congratulate the people of Quebec for their vote of confidence in Canada.

The referendum was probably necessary and inevitable, but in itself it solves nothing. It

is the beginning, not the end, of the real national debate. It is obvious to me and I hope it is obvious to everyone, that Quebecers have given Canada a vote of confidence, not for what it now is but for what can be. To think otherwise would be a tragic mistake.

It is now up to all governments and all citizens to act decisively to prove to Quebecers that they were right to vote no. We must act now to renew our federation, rebuild our nation, and fashion a new and modern constitution for all our people. That constitution must ensure that French Canadians, and particular French Quebecers, are free to be themselves in what is their country, as it is ours.

But the new constitution must also satisfy the real desire for change in other parts of Canada, including western Canada. I have said many times in the past that while the recognition of dualism between French and English, or between Quebec and the rest of Canada is perhaps our most visible constitutional problem, it is not the only problem to be solved. We in the West have our own serious grievances, which are well known by now, but still unresolved. Clear control over our natural resources and greater say in the field of communications are high on our list of priorities. But we also want changes in other areas and it's quite clear to us that comprehensive changes in the constitution are required, and not mere tinkering with the current BNA Act.

Canadians must not assume that this task will be easy. Westerners can expect that if we want changes to meet our needs and aspirations, other Canadians, too, will want changes — changes which we may not want. In the interests of the Canada we all love, difficult compromises and tough decisions will be necessary. I hope the people of Saskatchewan will, in the interests of a better Canada, give their support to these compromises and decisions.

Last week I sent a letter to Prime Minister Trudeau urging him to reactivate the constitutional negotiations without delay. Specifically I recommended the following steps:

1. A meeting of first ministers within the next few weeks to get the process under way;
2. The creation of a new committee of ministers of the constitution which should begin its work as soon as possible;
3. A first ministers' conference in the fall to receive a report from the ministerial committee and if possible to reach final agreement on a first list of significant constitutional changes.

Substantial progress was made in the 1978 and 1979 conferences, both in changes in federal institutions and changes in division of powers. I would anticipate that agreement on such a first list could be achieved before year end. I believe that Canada is now at a turning point in its existence as a nation. The demand for change can no longer be ignored. We must begin now the process of renewing the fabric of our nation. That process will demand great courage on the part of all governments and all Canadians. It will require patience, persistence, determination and most importantly, a willingness on all sides to be flexible and accommodating.

Canadians will be called upon to make compromises to reach agreement. Persons who profess to support a united Canada but who oppose the compromises which will certainly be needed to preserve that unity are poor servants of their country. I am confident that Premier Levesque will respect the democratic decision of the people of

Quebec and will now play his full part in reaching a constitutional settlement that will meet the aspirations of Quebecers within a federal context. We understand some of the feelings of those 1.5 million Quebecers who voted for the yes option and recognize the need to be aware of their deep commitment to their home province. I know that the Government of Quebec will work hard to obtain the solution best for its province and I fully accept that.

I think people of Quebec may be surprised at the responsiveness of other governments and other Canadians. For my part and on behalf of the Saskatchewan government, I pledge my very best efforts to strike a new confederation bargain which will serve the interests not only of the people of Saskatchewan but of all Canadians.

SOME HON. MEMBERS: — Hear, hear!

MR. J. G. LANE (Qu'Appelle): — I thank the Premier for a copy of his statement given to the press about an hour earlier. I think the Premier indicates some lack of respect for this Assembly, quite frankly, in not following its traditions in such a statement first being made in the Chamber.

The Premier in his statement has what we believe to be a serious shortcoming; that is the repeated failure of the Government of Saskatchewan to show the leadership we believe incumbent upon it to table its constitutional proposals and its proposals for reform and the direction that it believes the Canadian confederation should take. We find it a serious oversight (and I suppose oversight is a weak word) for the government to talk only in terms of more meetings and the creation of more committees and not to table before this Assembly and the people of Canada a comprehensive package.

We believe that the comprehensive package of reforms is not a strait jacket for negotiations. We believe that a comprehensive package of reform would not in any way restrict the Government of Saskatchewan in its negotiations. On the contrary, we believe that a comprehensive package of proposals from the government opposite would be a firm commitment on behalf of the people of Saskatchewan that change will not be merely words but will in fact be action. We think the symbol of a reform package from the government opposite would have both great merit and great weight.

The statement of committees, meetings, the fall tentative dates, really are the fear that was expressed by many after the vote last night. And I'm going to paraphrase the comments of Mme. Chaput-Roland who when interviewed this morning said you have one year — one year — to make the fundamental changes. She is one who was an advocate of the federalist position. That's how little time the people of Quebec believe we have. And I think it is a fair statement. I think it is one more chance for confederation, and I believe that we can no longer procrastinate. I believe as well that the Government of Saskatchewan should be in the position to have a constitutional conference, be ready for one on July 1 — a date which would add to the symbol for change. The Government of Saskatchewan should be prepared for an immediate constitutional conference.

I believe the areas of difference from the provinces' point of view are narrowing; there is some pretty fundamental agreement among the provinces. We share the concern expressed by the Premier on his open line this morning that perhaps, and he used the phrase advisedly and cautiously, since the federal position to date has been one of reluctance to discuss a division of powers and they have more or less directed their attention to reforming federal structures it may well be that the holdup to fundamental

constitutional change may come from the federal jurisdiction. That would be a matter of deep concern to all Canadians. And I would like to say the federal government would rue the day that it continued its past position.

I am sure the statement made by the people of Quebec and the statement made by leaders across Canada in the last day is that change is wanted; fundamental changes are needed; and fundamental changes are needed now in the Canadian constitution. We do not believe that putting it off for further meetings or further committees is desirable. The time for action is now.

SOME HON. MEMBERS: — Hear, hear!

MR. R. L. COLLVER (Nipawin): — Mr. Speaker, in responding to the statement by the Premier and the subsequent statement by the member for Qu'Appelle, I'd like to dwell just briefly on the statement by the member for Qu'Appelle.

Naturally I do not agree with the member for Qu'Appelle that the situation in western Canada . . . that the Premier of Saskatchewan nor, in fact, any other premier of a province in Canada should allow one area of the country to dictate terms to others, and by suggesting that somehow the people of the province of Quebec say, you have only one year to make changes that are satisfactory us or we are going to split, is quite simply unacceptable to any thinking western Canadian.

In response to the attitude expressed in the Premier's statement, let me say first of all, I do not hold the same kind of view the Premier has, that changes are going to be forthcoming. If the Premier is suggesting, in his conciliatory attitude expressed in the statement toward bilingualism, that he is going to accept compulsory bilingualism in so far as the Government of Saskatchewan is concerned (and that is what I read into his statement), then, Mr. Speaker, I say he is betraying the interest of the people of the province of Saskatchewan. That policy cannot work, will not work and could never work. If the Premier is prepared to compromise on that issue, then the Premier is short-changing the people of the province of Saskatchewan.

The second major issue, Mr. Speaker, that I see is as a result of yesterday's referendum. Quite frankly, I don't see anything different in yesterday's vote from what occurred in the federal election in February of this year. I don't see any change in position. Mr. Trudeau fought against Mr. Levesque. Mr. Trudeau won 60 per cent or 58 per cent yesterday. Mr. Trudeau won about the same percentage in the province of Quebec in the February election. The fact is, this will give Mr. Trudeau, I believe, added impetus to his desire to centralize in Ottawa the decisions that should be made by the people in the regional governments of Canada.

I predict, Mr. Speaker, the first thing Mr. Trudeau is going to do is to come west and take on Peter Lougheed and take on the oil law that passed by the legitimate Government of Alberta. I predict there is even a possibility that he will attempt to ram through the Government of Canada a law which nullifies legitimate laws made in the province of Alberta. I predict that Mr. Trudeau will take his centralist approach, having won the referendum in Quebec on a personal basis, as a means to continue to strengthen his hand and steal from the people of the province of Saskatchewan and in fact all western Canadians, their heritage with reference to resources. If the Premier is suggesting . . . Because he was not very strong on resources. All he said was, it is one of our top priorities. I say to you, Mr. Speaker, if the Premier of Saskatchewan is going to sell out the heritage of the people of the province just to make compromises because the

people of Quebec have expressed their view, then he is short-changing the people of the province of Saskatchewan and denying them their right to a proper future.

SECOND READINGS

HON. E. L. COWLEY (Provincial Secretary) moved second reading of Bill No. 118 — **An Act to establish the Department of Economic Development.**

He said: The bill before us is a very brief bill. It deals with the creation of a Department of Economic Development. I think members will know that last year (about a year ago) a Ministry of Economic Development was established, with myself as the minister. This simply puts into place a piece of legislation which allows the department to hire staff, prepare an annual report, etc.

The ministry has been created for a year now. I understand some members opposite think it's some kind of new agency which is going to take over several other agencies which are around. All I can suggest to the members is, if they look at the record in the past 10 months, they will find no large bureaucracy has been created. Indeed the only member of the staff of the Ministry of Economic Development as it now exists is myself, and I must say I do find some distinct advantages in that I have very little trouble with my staff. Our staff meetings are brief; they can be held at a moment's notice and I never have any back talk from them.

It is not our intention as a government to create a large bureaucracy with the Department of Economic Development, but rather to use the existing staff from other agencies. In the past several months we have used people from the Department of Industry and Commerce. I've worked with the minister there, Mr. Vickar. We've seconded people from the Crown Investments Corporation. In the case of one project we worked on with Sask Tel and fibre optics and the plant in Saskatoon, we worked with the new minister, my colleague, Mr. Cody, and the Crown corporation, Sask Tel. We seconded people from various agencies and it worked very well.

I think, Mr. Speaker, the intent of the department is to try to co-ordinate some of the activities which from time to time come along and cross over several agencies. It is not the intent to replace or duplicate the Department of Industry and Commerce, which will continue as it has in the past with its promotional activities, with its activities with respect to business and SEDCO. We will work with departments such as the Department of Agriculture, Sask Tel, SPC, and various other agencies to try to ensure a co-ordinated approach in terms of, primarily, major economic development prospects which may come along for the province.

I think in terms of the various parts of the act, it's a very straightforward and a very simple bill. I don't think it has any powers which are unusual for a department, nor does it have any long flowery descriptions of all the things we intend to do. Indeed, Mr. Speaker, I think what we hope is that the record of the department two or three years from now, or whenever is the appropriate time, will be sufficient in terms of explaining to the public the need for this particular agency. Mr. Speaker, I take pleasure in moving second reading of An Act to establish the Department of Economic Development.

SOME HON. MEMBERS: — Hear, hear!

MR. R. L. ANDREW (Kindersley): — Just a brief question. It struck me that the Provincial

Secretary in moving second reading of this bill, rather than setting out the reasons for the need for the department, set out the reasons why we did not need the department. I think this department, basically, is a reflection on the government's concern about the weakness of the Department of Industry and Commerce and perhaps the weakness of that minister in not being able to attract major industry to this province. We heard the Premier, only a few days ago in question period, indicate that industry and commerce is indeed moving west. But the bulk of that industry is going to move into the province of Alberta, and Saskatchewan cannot probably hope to get many spinoffs from the resource industry. It can probably get very little manufacturing and very little petrochemical and that type of industry.

So I really question the need, even though the minister advances the argument there will not be a large bureaucracy, that it will be simply him and someone else. I suggest what we are doing here for the industry and for the businesses of this province is simply creating another department that should be operating under the Department of Industry and Commerce. I think the members on this side of the House would strongly support the government if it were to upgrade, to strengthen that Department of Industry and Commerce so we could develop more manufacturing in western Canada, particularly in the province of Saskatchewan; so we could develop small businesses; so we could have a strongly secondary industry in this province.

I suggest that should be done through the Department of Industry and Commerce; it could co-ordinate the development of various things in the Department of Industry and Commerce and it is foolish to simply set up another department. If you want a different minister then transfer that minister over to the department. I suggest we are simply creating another vehicle by which infighting can take place among departments. I wonder in the end if the people of Saskatchewan will benefit from this type of legislation?

MR. P. ROUSSEAU (Regina South): — Mr. Speaker, last night during the estimates of the Department of Industry and Commerce, I expressed my sentiments about this particular bill and I haven't had any reason to change my opinions since that time. The introduction or establishment of this department to me (and to most people I would suggest to the minister) would be just an admission of failure of both SEDCO and the Department of Industry and Commerce. In his own words, the minister indicated it was a very simple bill and that there was only one other individual employed in the department. Well anytime I hear those words, a simple bill and only one person, that tells me there's an awful lot of room for expansion. And that's exactly what will probably happen with this particular department.

I can't understand why the government feels it needs this department to do the job that should be performed today by the Department of Industry and Commerce and by SEDCO. The only reason I see why the government wants this department is that the connotation of industry and commerce, by its term and by its name, is private enterprise. The connotation of this department to me means more government interference, more government ownership and less and less private involvement (as I said last night). If the government were sincere about the development of our province, economically, in the manufacturing sector or whatever sector we want to talk about, they would see to it that the Department of Industry and Commerce did its job. They wouldn't have to establish another bureaucracy. I will call it a bureaucracy. The minister doesn't want to call it a bureaucracy because he only has one person employed plus himself.

AN HON. MEMBER: — Just myself!

MR. ROUSSEAU: — Oh, just yourself. Knowing the habits of ministers, the next person hired will be a private secretary and then it will go down the line. We will need assistants for the secretaries and then an executive assistant for the minister and it will go on and on and on. That's why I say, there's lots of room for expansion.

Mr. Speaker, there is really nothing to speak about on this bill other than to say we can't possibly support it. You would have to establish and to decide whether or not you are admitting failure in industry and commerce or SEDCO, and would have to do something about one of those two departments (which you haven't been doing for so many years).

Mr. Speaker, we will not be supporting this bill.

HON. E. L. COWLEY (Provincial Secretary): — Mr. Speaker, just a couple of comments. I notice the members are making nice little political speeches on this and I suppose that's fair game. I certainly wouldn't want to enter into that kind of a debate, being a non-political individual.

As I said, Mr. Speaker, in my opening remarks, it seems to me that people of this province periodically make judgments on the government of the day with respect to its role in economic development. They do that, of course, at election times. I think if one looks around the province, in 1978 or in 1975, the people in both cases made very positive comments with respect to this government's economic development policy.

The members make some comments about there being a Department of Economic Development in Saskatchewan and a Department of Industry and Commerce as well. I would only suggest to the members opposite that they might look to see what kind of organization the Conservative governments have in Ontario, in Manitoba or in Alberta, or a Social Credit government in British Columbia or a Creditiste government in Quebec, or a federal government. I'm not familiar with the situation in the Maritimes. All I can say is obviously whatever they have there hasn't been too eminently successful to date and it probably would not be a good model to copy.

I want to reiterate, Mr. Speaker, the intention in terms of this department is not to create a large bureaucracy but rather to use the very skilled and talented people. We already have an existing agency to bring them together to deal with certain projects.

Mr. Speaker, I am very pleased to move second reading of this bill.

SOME HON. MEMBERS: — Hear, hear!

Motion agreed to on division and bill read a second time.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Bowerman (Minister of the Environment) that Bill No. 78 — **An Act to amend The Provincial Lands Act** be now read a second time.

Motion agreed to and bill read a second time.

WELCOME TO STUDENTS

MR. J. A. PEPPER (Weyburn): — Thank you, Mr. Speaker, and members of the Assembly. I would like to introduce to you and through you, Mr. Speaker, a group of students some 10 in number from ages 12 to 15. I'm introducing them on behalf of my colleague for the Cumberland constituency. These students are from Sandy Bay School, a long way from here. They are sitting in the Speaker's gallery, and are here representing their area. I would like to inform them their member, Mr. MacAuley, is now in Great Britain representing our provincial government on a British parliamentary tour, and that is why he is not here to introduce you at this time. They are with their chaperones, and I am sure it is our wish, Mr. Speaker, that their visit here to their provincial capital and their Legislative Building proves knowledgeable and pleasant for them. I say, as I have said before, that this is just another way for them to participate in helping all of us celebrate Saskatchewan's 75th birthday. Thank you very much.

HON. MEMBERS: — Hear, hear!

HON. G. R. BOWERMAN (Shellbrook): — Mr. Speaker, I too, want to welcome the students from Sandy Bay to the Chamber this morning. It's pleasant to have them here. I want to indicate to the members that this is the second time this year we've had students from northern Saskatchewan in attendance at the Assembly; it's good to begin to see students coming from northern Saskatchewan to this legislature. It's been a long time in the process, and I trust that they will not be the only ones but others will be following them from time to time. We welcome you to the Assembly, We regret that your member, Mr. MacAuley, is not here but we hope you have a good day and a good stay in Regina, and that you have a safe journey home.

HON. MEMBERS: — Hear, hear!

ADJOURNED DEBATES

SECOND READINGS (continued)

The Assembly resumed the adjourned debate on the motion by the Hon. Mr. Bowerman (Minister of the Environment) that Bill No. 114 — **An Act to amend The Department of the Environment Act** be now read a second time.

MR. G. S. MUIRHEAD (Arm River): — Mr. Speaker, I've been through this bill very carefully, and in general we'll vote with you on second reading of this bill. There may be amendments in committee of the whole. It depends on how you answer the questions. I have some questions I want to ask you on item 12, item 7, and item 14, and one on items 10, 18 and 11. Just for your information, we see nothing wrong with the bill at the outset but it depends on how you answer the questions in committee of the whole whether we have amendments to this act or not. That's all I have to say at this time.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Snyder (Minister of Labour) that Bill No. 117 — **An Act to amend The Pension Benefits Act** be now read a second time.

Motion for second reading agreed.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cowley (Provincial Secretary) that Bill No. 95 — **An Act to amend The Real Estate Brokers Act** be now read a second time.

MR. J. G. LANE (Qu'Appelle): — Mr. Speaker, just a couple of further comments to the remarks made by the member for Kindersley. We will be supporting the legislation and we commend those involved in the real estate industry for their efforts to discipline themselves. We understand that it has not been universally accepted among many of the agents but those in the industry concerned about self-discipline and the discipline of their profession have taken, I think, some rather significant steps in this legislation.

I know that the legislation has the approval of those concerned and that it's more or less a negotiated piece of legislation. We commend them for their efforts. I hope they will continue to discipline themselves so that they eventually have universal respect among those dealing in property and that the people dealing in real property have full confidence in the operation of the proposals and those people in the profession. Again, we welcome their efforts and I have every confidence that those involved in the industry will continue to improve and to maintain the discipline of their profession.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. MacMurchy (Minister of Agriculture) that Bill No. 109 — **An Act to amend The Saskatchewan Farm Ownership Act** be now read a second time.

MR. R. L. COLLVER (Nipawin): — Mr. Speaker, I have just a very few brief remarks before I take my place. I mentioned earlier to this legislature that this isn't the way to approach the farm ownership problem and that there will be ways around this legislation as well. I warned the minister the last time that there would be means found to circumvent the legislation and it would not solve the problem. In spite of these particular amendments he is making now, he's going to find himself in exactly the same category in another year or two. There will continue to be people who will look for loopholes in the legislation.

If the minister really were serious about dealing with this very serious problem in Saskatchewan, he would consider far more strongly a non-resident tax on all non-resident owned land, which would be acceptable to everyone in Saskatchewan and would minimize the effect of the non-resident ownership of our land. To try to do it this way will not work, and I give the minister fair warning.

MR. E. A. BERNTSON (Leader of the Opposition): — Mr. Speaker, I want to comment just briefly on this bill. Our policy as a party for several years, since 1973 or 1974, as it relates to non-resident ownership, has been a non-resident tax to make it unprofitable to own land in Saskatchewan as a non-resident. This tax would be administered at the municipal level and I think it's a far more effective way to deal with the problem. Bearing in mind that non-resident owners contribute very little to the community the land is in or adjacent to, I think the R.M. should have the right to get that extra tax.

The intent of the bill, as I understand the minister when he introduced it, is to negate the use of farmland in Saskatchewan as a speculative commodity. I think the intent is

honourable and we will be supporting the bill and looking for some clarification on certain points in committee of the whole. As I say, the route you're taking is the wrong route, but the principle of the bill is that agricultural land in Saskatchewan should not be used as a speculative commodity by foreign investors, or government, for that matter.

One problem that your amendment does not deal with is land-bank land acquired after the five-year option, being used as a speculative commodity by resident owners. This is the situation we talked about in the Middlemiss case, where land was acquired through exercising the five-year option from land bank and rolled over immediately for a fairly sizeable capital gain to a Saskatchewan resident, a resident in the community. It doesn't deal with that problem and I think you're going to have to tighten up your land bank.

One suggestion that has been brought forth in this House (not in this House but in another committee of this House) that I think deserves a little thought as it relates to the capital gain loophole in land bank, is to follow the Manitoba pattern. On any public land sold to an individual, they have a 100 per cent capital gain tax on it, if it's resold in the first year. And then the capital gain reduces every year thereafter until finally he does have the advantage of other landholders. But I think it's wrong that public land purchased with public dollars, should be used to line the pocket of (in most cases) good, solid NDP supporters.

I also have concerns as it relates to your residency definition here. I know, in my own community, there are several young people — sons of farmers in my community — who are working in Alberta, on the oil rigs, to try to raise enough money to buy a quarter section of land. Because they're living in Alberta, under this act, they can't now buy land in Saskatchewan. If we are serious about helping our young people get onto the land, we should make some provision for these people who are working in Alberta. They buy a quarter section of land; it's not enough to make a living on, so they can't live here. They go to Alberta to work on the oil rigs or whatever, get enough money to buy another quarter section of land, and eventually they could have a viable unit. But under this legislation they will be prohibited from buying anything over 10 acres in Saskatchewan, and I think that's wrong.

You have, I think, given us the assurance that land left to a non-resident in estate will not be affected. That is right and proper; but we do have some serious concerns about the bill. We will be dealing with them item by item in committee of the whole. The intent of the bill is to deny land use for speculative value or as a speculative commodity by foreign investors. It has an honourable intent and you will have our reluctant support on second reading, but I would urge you to follow the Conservative policy (and the day we are the government in Saskatchewan it is the policy that will be in place) of a non-resident tax administered at the R.M. level.

MR. L. W. BIRKBECK (Moosomin): — Mr. Speaker, I just want to say a few words with regard to this bill. I know the minister reflected the concerns of the people of Saskatchewan, and I am sure the concerns of the members of the legislature, when he introduced this amendment to the farm ownership control legislation.

My concern, Mr. Speaker, lies with third party interests — innocent third party groups or individuals, whichever it may be. I think the concern is expressed by the minister and has been expressed by our agriculture critic that we need to have adequate control on

the foreign ownership of land. But certainly, Mr. Minister, there are many areas where innocent third party individuals are treated unfairly by this legislation. It is with those particular areas that I have concerns.

I won't belabour the point certainly, but will echo the comments made by our agriculture critic that we will be supporting the bill in its overall intent, which, of course, is what second reading is all about. But I would strongly urge the minister to take into serious consideration some of the amendments the opposition may (I am sure, will) propose in committee of the whole. I would just suggest to the minister that this is likely one of those few bills which come before the House that is less than controversial, one which we all have more or less the same concerns about. In that vein, I would ask the minister to seriously consider the amendments we may be drafting in committee of the whole. Mr. Speaker, I thank the Assembly for the time.

HON. G. MacMURCHY (Minister of Agriculture): — Mr. Speaker, I appreciate the comments from the hon. members opposite, both the Leader of the Unionist Party and the Leader of the Opposition and the hon. member for Moosomin. I note the position that they share with the government and the people of Saskatchewan and the concern with respect to non-resident ownership, albeit the approach they offer as a solution is different from this legislation. I note the position of the Leader of the Unionist Party and the Leader of the Opposition is the same, that a graduated land tax approach is a solution better than the legislated approach. I note also the Leader of the Opposition said that when they come to power they will repeal this act and introduce a graduated land tax.

I find that very interesting and very important. I note that this legislation came about originally as a result of a committee of this very legislature (albeit there weren't any Conservatives in the legislature at that time) after very considerable debate. And the bill was introduced with very considerable debate.

I note that the present amendments come as a result of motions passed virtually unanimously at the SARM (Saskatchewan Association of Rural Municipalities) convention asking for amendments, not asking for a graduated land tax to address the issue of non-resident ownership, to the very legislation that has been in effect in Saskatchewan over the last five or six years and is now due for amendment. And the amendments put forward come as a result of those resolutions passed.

I note also, and I think the members opposite should note, that the amendments received very strong approval from large numbers of farm organizations in the province. As a matter of fact, the calls and the letters coming to my desk on the legislation have been in very strong support of the amendments and the approach taken.

In terms of the issues raised by the hon. member to situations in Saskatchewan on the basis of ownership, I think that's a separate issue and is not addressed in this piece of legislation. This piece of legislation addresses itself specifically to non-resident ownership of land.

I point out to the hon. member for Souris-Cannington, the Leader of the Opposition, that if anything, the flexibility in these amendments for the person living in Alberta to purchase land in Saskatchewan is increased rather than decreased. In fact, there is a broader opportunity for the young fellow living in Alberta to purchase land, to continue to live in Alberta until he gets on his feet in order to move back and farm, than was the

case before. Before there were limitations placed on the farm ownership board which administers the act in respect of the time frame that the young man would have before he took up residence. It is a resident bill and on the basis of that, we have to provide more flexibility than we had in the previous legislation and that is in fact put forward.

I'm pleased to see the reluctant, as it's described, support for the legislation. Certainly I will welcome the debate and the proposals that may come forward in committee of the whole.

Motion agreed to and bill read a second time on the following recorded division.

YEAS — 39

Blakeney	Feschuk	Birkbeck
Pepper	Byers	Larter
Allen	Rolfes	Lane
Bowerman	Cody	Taylor
Snyder	Lusney	Rousseau
Baker	Prebble	Swan
Skoberg	Johnson	Pickering
Shillington	Nelson	Garner
MacMurchy	Engel	Muirhead
Mostoway	Poniatowski	Katzman
Banda	White	Duncan
Kaeding	Solomon	Andrew
Kowalchuk	Berntson	McLeod

NAYS — 2

Collver	Ham
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The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cody (Minister of Telephones) that Bill No. 90 — **An Act to amend The Residential Tenancies Act** be now read a second time.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cody (Minister of Telephones) that Bill No. 13 — **An Act to amend The Saskatchewan Telecommunications Act** be now read a second time.

MR. J. W. A. GARNER (Wilkie): — Mr. Speaker, paragraph 2, section (a), black Bill 13, and we start again.

Mr. Speaker, Woodrow Wilson once said, and I quote:

Liberty has never come from government. The history of liberty is the history of the limitation of government power, not the increase of it.

I contend, Mr. Speaker, that Bill No. 13 is without a doubt a limitation of liberty and a severe restriction of freedom. We on this side of the House say that there must be a conscious philosophical prejudice against any intervention by the state into our lives, for by definition such intervention abridges liberty.

The present administration, Mr. Speaker, is carrying out the plan of the socialist Regina Manifesto in that they have a desire to control every avenue of communication in the province. I say that in pursuing such a policy, this government is in the same league as Hitler and Goebbels in the Germany of 1930 and 1940, the reason being that in both instances there was and is a mentality geared to the complete control of communication followed by a propaganda machine.

We see in Saskatchewan today a government which through Bill No. 13 seeks to legislate itself into complete control of communications. Then Mr. Speaker, we see the present government turning the government information services into not only a propaganda wing but one that monitors the media throughout the whole province. Freedom, Mr. Speaker, is being threatened in this province by the socialist technocrats. When we are witness to an instance such as the arbitrary scrambling in Saskatchewan of the opening of the federal parliament, then I shudder to think what may happen if Bill No. 13 is to pass in its present form or with the amendments.

What is being done by the Blakeney government could be summed up in the words of Sukarno as 'guided democracy' in which freedom of the individual is diminished and the power of the government is multiplied.

In speaking on Bill No. 13, Mr. Speaker, I contend that we in Her Majesty's Loyal Opposition have an obligation to check and control the excessive powers that the government may wish to confer upon itself. The Right Hon. John Diefenbaker wrote in his book, *Those Things We Treasure*:

It is only the opposition, functioning as a recognized part of parliamentary proceedings, that stands opposed to the degeneration of the governmental system into a form of arbitrary direction of public affairs by the executive and bureaucracies. Without it, minorities would stand unprotected. Freedom would wither. Individual liberty would be in jeopardy. Unwarranted and oppressive invasion of private rights would grow unchecked.

I contend this applies directly to Bill No. 13. Mr. Speaker, if we allow Bill No. 13 to pass this Assembly, I contend that it will be a step in the wrong direction. Bill No. 13 is a threat to freedom and freedom is the first victim of regimes such as those of Hitler, Stalin, and Mussolini. This is why we are engaged in this lengthy debate against Bill No. 13, Mr. Speaker. It was Professor Harold Laski who wrote that the alternative to the talking shop is the concentration camp. The present government of this province is dedicated to control of communications, a real threat to the freedom of every citizen of Saskatchewan.

Mr. Speaker, on April 29, the Progressive Conservative opposition called for full public hearings into the proposed amendments to The Saskatchewan Telecommunications Act. These hearings are necessary because of the dangerous nature of Bill No. 13. We on this side of the House have been urging the government to reconsider it. While we welcome the fact that the minister responsible for Sask Tel has introduced some amendments, we contend that they are only window dressing in the hope of appeasing

an angry public. If the minister is indeed serious about more public input into this legislation, the best way to do it is to have a special committee of the legislature and hold public hearings on the changes.

Mr. Speaker, the minister responsible for Sask Tel has announced the amendments to Bill No. 13 and will put his powers in the form of regulations instead of tariffs. This would give ultimate authority to the provincial cabinet instead of Saskatchewan Telecommunications Corporation. Just what does this mean, Mr. Speaker? It means that the socialists on the other side of the House are still determined to control every aspect of telecommunications in the province today. They seem to think that by putting the ultimate authority with the cabinet, somehow the public will feel safe and comfortable with Bill No. 13. The fact of the matter is, they are the same gang who subscribe to the goals of the Regina Manifesto — the ultimate control of everything in Saskatchewan.

Mr. Speaker, I warn them; the public will not be fooled by such a move. I contend it is both unethical and immoral for the minister in charge of Sask Tel to bring about Bill No. 13. The only difference will be that the power will be with the socialist ministers instead of the technocrats. I sincerely ask how the public would have any input in such a system. Nothing could be more unrealistic than to believe such a statement by any minister or by any government.

Mr. Speaker, even with the amendment, Bill No. 13 will give Sask Tel and the government sweeping authority over the telecommunications industry in the province of Saskatchewan. I serve notice to this legislature that we, on this side of the House intend to take that message to the people of Saskatchewan. Even with the amendments, Bill No. 13 is a danger to the freedom and the rights of the people of Saskatchewan.

AN HON. MEMBER: — They should have a referendum.

MR. GARNER: — I hear a member hollering, they should have a referendum. Well, I will tell you, any member who would make a statement like that after the referendum we have just gone through, which has united our Canada, should leave this House.

Mr. Speaker, what are they afraid of with a special committee? Why won't they allow a committee of this legislature to have hearings in places like Saskatoon, Lloydminster, Prince Albert, North Battleford, Yorkton and even a good Tory seat like Estevan, indeed, Mr. Speaker, anywhere in Saskatchewan? The answer is, because they do not want the people of Saskatchewan to be too well-informed so they can sneak this legislation in the back door. Well, it is not going to wash.

Mr. Speaker, I challenge this government right now to set up a committee of the legislature from both sides of this House. I challenge them because I know they lack the intestinal fortitude and moral conviction to bring Bill No. 13 to the people. They know Bill No. 13 will restrict the freedom of the people of Saskatchewan. When I speak of restricting freedom, Mr. Speaker, I would like to take a few minutes to touch upon Sask Tel's actions in restricting the delivery of cablevision signals in Saskatoon.

I have a letter dated April 24, 1980 from Mr. Ken Hancock, the Canadian Cable

Television Association. For the record, Mr. Speaker, I will read it in.

Canadian Cable Television Association, Suite 405, 85 rue Albert Street, Ottawa, Canada.
(Just for the witch hunters on the other side in case they want to get in touch with him.)

Dear Mr. Garner: —

Further to your conversation with Mr. Michael Hind-Smith this morning, I have put together some points regarding earth station ownership, interconnection and Bill No. 13 for your information. I am also enclosing a number of references as evidence and background material to the points made: the distant insensitivity of distribution by satellite permits, the carriage of cable TV with other video signals to all parts of Saskatchewan at a cost expected to be considerably less than Saskatchewan Telephones \$56 million fibre optic system.

With the availability of Telesat domestic satellite system for long distance video transmission, the provision of a fixed long distance fibre optic video transmission system to a comparatively small number of fixed points is a step backward rather than forward.

I just want to unquote here for a minute, Mr. Speaker. This is a letter I am reading — not necessarily my thoughts on fibre optics. Just in case one of the government members wants to start twisting this around and putting it in another context.

The advantage of fibre optics is a local trunk distribution. The satellite antenna and receiver purchased by Saskatoon Telecable Limited was part of a bulk purchase by cable satellite network, CSN from Sed Systems, a Saskatoon manufacturing company. This was part of a million dollar order that brought business and jobs to the province of Saskatchewan. This bulk buy which provided ground stations to the cable companies throughout Canada reduced the cost of individual ground stations to a level which is probably less than Saskatchewan Telephones could purchase them, their requirements being a lot smaller. This bulk buy makes it cost effective for private cable television companies to bring satellite service to their subscribers in the province and at the same time support Saskatchewan industry. A condition of the CRTC licence to Saskatoon Telecable Limited is that it should own its own antennas. The TVRO or ground station is, of course, an antenna to receive the signal of the satellite. If Saskatchewan Bill No. 13 is used to prohibit the use of cable company-owned antenna to feed the signals to the cable distribution system owned by Sask Tel, this would appear to conflict with the federal requirements.

However, the matter is a complex legal one and we have obtained a legal opinion on this matter. You will see that as with most things of this type, there are arguments on both sides.

On April 15, Mr. Forrester of Saskatoon Telecable received a letter from Mr. Stephan of Sask Tel. This letter stated that Sask Tel has provided a ground station and associate facilities to deliver the House of Commons signal from the satellite to Saskatoon Telecable headend. Mr. Stephan confirms an offer of Sask Tel to purchase the earth station owned by

Saskatoon Telecable at the cost to Saskatoon Telecable.

Finally, Sask Tel confirms that their delivery charges would not exceed the cost which Saskatoon Telecable would incur if it provided the required delivery facilities itself. In other words Sask Tel has provided a ground station, is offering to buy Saskatoon Telecable's ground station and committing itself to charging an unknown fee for the delivery of the House of Commons service to Saskatoon Telecable regardless of the cost to itself. These offers would appear to be substantial. Subsidization of this service out of funds which could have been provided by subscribers to Sask Tel as a whole with the objective of overcoming competition to Sask Tel. Such subsidization of a special service from a basic service in the interest of overcoming competition is surely not in the Saskatchewan public interest.

The final thought on this matter is with regard to Bill 13 itself, and the restriction of an interconnect. While many arguments can be put for and against the interconnect of foreign equipment to the normal telephone network and just as many arguments against them, Bill 13 covers all telecommunications equipment and services as distinct from telephone equipment and services. Telephone services use what is basically a narrow band network primarily designed for voice traffic. When the definition is broadened to telecommunications, this takes into account all types of electronic tariffs, including data and video signals. The latter require a broad band network such as terrestrial or space microwave, coaxial cable or optic fibres between all users. Broad band systems are more expensive than narrow band systems and while Sask Tel has some broad band distribution services in place, it is not in a position at this time to distribute video services to all communities in the province.

Bill 13 would therefore delay the provision of some broad band services such as cable television to many Saskatchewanians, if it were enacted in its current form embracing telecommunications rather than telephone service. As mentioned, the cost of providing video distribution signals to most Saskatchewan communities can most cost-effectively be carried out by the use of a national satellite distribution system, coupled with local coaxial distribution system. In no way could the provision of such systems by a private enterprise be called cream-skimming, an allegation frequently made by Sask Tel. I hope these comments are of assistance to you in your fight against Bill 13. Please feel free to contact me if I can be of any further help to you. Yours very truly, Ken Hancock, Consultant, CCTA.

Mr. Speaker, next I would like to bring to the attention of this legislature a letter from Mr. Robert Buchan, of the firm Gowling and Henderson, barristers and solicitors of Ottawa, to the Canadian Cable Television Association. This letter makes it very clear how powerful Bill 13 really is. Indeed, Mr. Speaker, it is almost frightening to realize the real implications of Bill 13. For the record the following is the text of the letter outlining the legal implications of Bill 13:

Dear Mr. Hind-Smith: On April 1, Ken Hancock asked me, on behalf of the CCTA, if I would give some thought to the issue of satellite earth station ownership in Saskatchewan. He briefly explained that Saskatchewan Telecommunications (Sask Tel), consistent with its long-standing policy on plant ownership for cable undertakings operating in Saskatchewan, has

taken the position that Sask Tel (presumably in conjunction with Telesat Canada) should own and operate all the television receive-only (TVRO) earth stations in the province, including those that would be used in conjunction with federally regulated cable systems.

Ken went on to explain that officials of Sask Tel have gone so far as to suggest that Sask Tel would invoke the provisions of Saskatchewan Bill 13 — An Act to amend The Saskatchewan Telecommunications Act, if and when that bill is enacted and comes into force, to block the interconnect of any TVRO not owned by Sask Tel or Telesat to the telecommunications system operated by Sask Tel.

I presume from your letter of April 1 to Clint Forster of Saskatoon Telecable Limited that the interest of the CCTA in this matter relates to the particular situation of CCTA member companies including Saskatoon Telecable.

You will remember that following protracted negotiations between Sask Tel and the federally licensed cable systems in Saskatchewan, Sask Tel was able to convince the Canadian Radio-Television and Telecommunications Commission (CRTC) that Sask Tel would be allowed to provide on a full system lease basis all transmission and distribution plant used by Saskatchewan cable operators with the exception of the local headends, signal modification and studio equipment, channel modulators, antennas, and inside wares.

The CRTC decision 78-93 containing the requisite amendment to the licence of Saskatoon Telecable Limited, Regina Cablevision Co-operative and Prairie Co-Ax TV Limited is attached for ease of reference. The wording of the condition of licence in that decision is particularly important to the issue at hand.

One other CRTC decision which is relevant is CRTC 77-529, also attached, relating in part to the change in location of the shared distant headend facility from Outram, Saskatchewan to Tolstoi, Manitoba. The distant headend is, I understand, operated by a consortium which includes the federally licensed cable operators in Saskatchewan, who are members of the CCTA.

The key terms for our purposes used in those two decisions would appear to be antennas and distant headends. The federally licensed cable operators in Saskatchewan are obliged by a specific condition of their respective licences from the CRTC to own the antennas used in conjunction with their respective systems and to share in the ownership of the distant headend at Tolstoi, Manitoba on a consortium basis with other federally licensed cable undertakings.

Officials of Sask Tel would appear to be asserting, however, that Sask Tel must own and operate any earth station that may be licensed by the federal Department of Communications for use in conjunction with these same cable systems. Presumably, Sask Tel is of the opinion that an earth station is neither an antenna nor a distant headend. If it is either, then the federally licensed cable companies will have to apply to the CRTC for a further amendment to their respective licences.

A review of the Broadcasting Act, RSC 1970, C.B. and regulations pursuant thereto and of the Radio Act RSC 1970 and regulations pursuant thereto does not provide us with a definition of either term. However, in the cable television regulations pursuant to the broadcast act, the term local headend is defined to mean in relation to a licence the location where signals transmitted by local television stations are received by the licensee's undertaking.

Webster's New Third International Dictionary defines antenna as usually a metallic device, as a rod, wire, or arrangement of wires for radiating or receiving radio waves.

Chamber's Twentieth Century Dictionary Revised Edition defines antenna as, in wireless communication, a structure for sending out or receiving electrical waves, an aerial.

Other dictionaries consulted provided similar definitions. Therefore, it would appear that it is open to the federal licence carriers to take that position with the Department of Communications, the CRTC and Sask Tel, that they are obliged by conditions of licence, CRTC 1978-93, to own all antennas, including the earth stations to be used in conjunction with their respective systems, notwithstanding the fact that the satellite signals to be received at the earth stations would be point to point telecommunication signals rather than traditional off-air broadcasting signals, such as those currently received at existing distant headends.

Both types of signals are, of course, program-carrying radio communication signals, but the distinction of law between a broadcast signal and a point to point telecommunication signal should not be overlooked. Presumably Sask Tel will assert to the DOC that the signals being point to point telecommunications signals are to terrestrial microwave signals and that the radio apparatus to receive them should be owned by Sask Tel. If Bill 13 is enacted and comes into force, the bargaining position of Sask Tel on this matter would be even stronger.

The operative section of the bill is section 6, which would add the following sections after existing section 44 of the Saskatchewan Telecommunications Act:

44.1: in sections 44.2 to 44.4, 'attachment' means any wire, line, equipment or any acoustical, electrical, mechanical or other device not owned by the corporation.

44.2: no person shall attach or connect to, or use in conjunction with, any part of a telecommunication line of the corporation, any attachment without the express written permission of the corporation.

44.3: no person shall advertise or offer for sale to the public any attachment whose primary or advertised purpose is to attach or connect to, or to be used by any person other than the corporation in conjunction with, a telecommunication line of the corporation unless that attachment is specifically permitted by the corporation to be attached, connected to or used in

conjunction with a telecommunication line of the corporation under the terms of the schedule mentioned in subsection 9(2).

44.4: (1) the corporation may seize any attachment mentioned in section 44.2 from any person who contravenes that section.

44.4: (2) has been amended, Mr. Speaker, so I won't put it into the record and I appreciate the minister doing it. I think (as I have stated before) it's a step in the right direction, but just a small step and maybe we'll keep walking toward that right direction.

If Sask Tel refused its written permission to the federally licensed cable operators to attach a non Sask Tel-owned earth station to any part of a telecommunication line owned by Sask Tel, the only recourse of the cable operator would appear to be to attempt to obtain a court order in Saskatchewan to force Sask Tel to make such an attachment.

The line of legal argumentation to be used by the cable operators would be that with which they are familiar from past court disputes in Saskatchewan regarding control of the streets and lanes and right of ways by Sask Tel. That argument, simply put, is that the provincial legislation may not interfere with the corporate powers or the status or the capacity of the federally incorporated and regulated companies, and any attempt to do so would be ultra vires.

The leading authorities in support of the proposition are John Deere Plow Company, (1915), A.C. 330 and Great West Saddlery Company versus The King (1921), A.C. 901, page 114.

AN HON. MEMBER: — I remember that page.

MR. GARNER: — You remember that page. The hon. member says he remembers that page. He goes back to 1915; he goes back a long time in Saskatchewan.

AN. HON. MEMBER: — That was the year of the blue snow.

MR. GARNER: — Blue snow — well, maybe we'll have blue snow after we get Bill 13.

However, in answer to the general proposition cited above, there is another general proposition of constitutional law that validly enacted provincial statutes of general application are binding on federal companies. Sask Tel and the Government of Saskatchewan could argue that the relevant positions of Bill 13 are of general application as provision to control the interconnection of foreign attachments of all kinds to the telecommunication networks of Sask Tel, and that they are not intended to apply only to . . .

MR. SPEAKER: — It being 12 o'clock, I do leave the chair until 2 o'clock this afternoon.

The Assembly recessed until 2 p.m.