

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 27, 1980

The Assembly met at 2 p.m.

On the Orders of the Day

REPORTS OF COMMITTEES

Report of Select Standing Committee on Private Bills

THE CLERK: — Mr. Skoberg from the select standing committee on private bills presents the first report of the said committee which is as follows:

You committee met for organization and appointed Mr. Skoberg as its chairman and Mr. Katzman as its vice-chairman.

Your committee has considered the following bills and agreed to report the same without amendment.

1. Bill No. 01 — An Act to repeal An Act to incorporate Consumers' Co-operative Refineries Limited;

2. Bill No. 02 — An Act to repeal An Act respecting Federal Co-operatives Limited, being an Act to amend and consolidate An Act to incorporate Saskatchewan Co-operative Wholesale Society Limited;

3. Bill No. 05 — An Act to provide for exemption from taxation of Property of The Canadian Red Cross Society Saskatchewan Division;

4. Bill No. 06 — An Act to incorporate St. Anthony's Home of Moose Jaw.

Your committee has considered the following bill and agreed to report the same with amendment:

Bill No. 03 — An Act respecting Saskatchewan Whet Pool, being an Act to amend and consolidate An Act respecting Saskatchewan Wheat Pool, being an Act to amend and consolidate An Act to incorporate Saskatchewan Co-operative Wheat Producers Limited.

Your committee recommends, under the provisions of Rule 58, that fees be remitted less the cost of printing with respect to Bill No. 05 and Bill No. 06.

MR. J. L. SKOBERG (Moose Jaw North) moved, seconded by the member for Rosthern (Mr. Katzman):

That the first report of the select standing committee on private bills be now concurred in.

MR. W. J. G. ALLEN (Regina Rosemont): — Mr. Speaker, I want to make a very few brief remarks on the report of the committee. I want to report to the House that at the committee this morning, in dealing with the private Bill No. 05 (Canadian Red Cross Society exemption from taxation) a problem arose. The problem was this:

The committee, in past deliberations, had decided in order for a non-profit group to be exempted from taxation, that group would have to have the approval (if I can put it that way) from the municipalities involved. In the case of The Canadian Red Cross Society, they received approval from the city of Prince Albert which I don't think was questioned by any member of the committee. They also received an approval from the city of Saskatoon that did raise some questions. There was a vote in the committee on exempting the society from taxation in Saskatoon which passed 5 to 4. When the vote came on exemption of Prince Albert and Saskatoon, the whole clause was defeated and, in essence, the bill was defeated. So it seems to me, Mr. Speaker, the rules we set for ourselves have, in my view, led to a travesty of justice (so to speak) in connection with this bill.

It is my intention to move in committee of the whole, that The Canadian Red Cross Society in the city of Prince Albert be exempted from property taxation as I believe no member of the committee would doubt the fact that the city of Prince Albert had given approval to this particular provision.

Motion agreed.

WELCOME TO STUDENTS

HON. G. MacMURCHY (Last Mountain-Touchwood): — Mr. Speaker, through you and all members of the Assembly, I wish to welcome the Grade 8 students from Nokomis School who are visiting here in the legislature. They are seated in the Speaker's gallery. They are accompanied by their teacher, Mr. Scott Richardson, who is a fairly faithful attender of the legislature. We welcome him back as we do the present Grade 8 class. We hope they have a very enjoyable and a very educational day here in the Assembly.

HON. MEMBERS: — Hear, hear!

MR. W. J. G. ALLEN (Regina Rosemont): — Mr. Speaker, I would like to introduce to you and to the other members of the Assembly this afternoon a group of 14 students seated in the Speaker's gallery. They are accompanied by Gay Jackson and Susan Robinson. These students are from Greenhouse Elementary School in Regina, which is an alternative kind of school. I am sure many of the members are aware of this school and are interested in the kind of education these children are receiving at this particular school. I am sure all hon. members, Mr. Speaker, will join with me in welcoming these students to the legislature this afternoon. We hope they enjoy themselves. I will look forward to meeting with them a little bit later.

HON. MEMBERS: — Hear, hear!

QUESTIONS

Drought Program — Federal Cost Sharing

MR. J. G. LANE (Qu'Appelle): — A question to the Minister of Agriculture. There are indications in today's paper that the federal government is really having a sham drought assistance program, and that it is really being done to look good even though the government expects to accomplish very little. If the federal government's program is a sham and the Saskatchewan government's program is based on the federal

program, would you not admit that the drought program you announced the other day is probably ineffectual and not something which the farmers of Saskatchewan can count on if the federal assistance is necessary?

HON. G. MacMURCHY (Minister of Agriculture): — Mr. Speaker, I am having difficulty responding to the hon. member on the activities of the federal government. I indicated to the Assembly yesterday and to the people of the province that so far as the Government of Saskatchewan is concerned, we have an agreement between the respective governments as established by the deputy ministers two weeks ago. We have a task force in place which was generously talked about by the minister responsible for the Canadian Wheat Board. We have the minister responsible for the Canadian Wheat Board saying very positive things as late as this afternoon or today noon on the farm broadcast with respect to securing barley in the country elevator system here in Saskatchewan. Yet we don't clearly have a position by the federal government with respect to the agreement reached by the deputy ministers. It seems to me, Mr. Speaker, that either the federal government will have to clarify its position on the agreements reached by the deputy ministers (of which their deputy minister was the lead minister) or take a position with respect to the position of their deputy minister.

MR. LANE: — Given the federal government's position that it really is not serious about the particular problem, do you not feel that it is now incumbent upon yourself to state definitively that the drought program you announced on Friday will proceed, with or without federal assistance?

MR. MacMURCHY: — Mr. Speaker, I think the hon. member for Qu'Appelle is aware that the drought situation doesn't just simply exist in Saskatchewan. It does in fact exist in the province of Manitoba. While there has been some relief in Alberta, I doubt that the Government of Alberta will feel that they're through the woods yet with respect to the situation there, and it extends on into the Peace and the Kootenays of British Columbia.

I report to the hon. member that I will be raising this matter at a meeting with transportation and agriculture ministers of the four western provinces on Tuesday in Victoria. I will be sharing the problem with them and also raising the problem with the Minister of Transportation and the minister responsible for the Canadian Wheat Board; I'm talking about the federal ministers who plan to attend that particular meeting.

So it's not a matter for just Saskatchewan to address, Mr. Speaker, but it's a matter for the other provinces, which share the same problem as the Government of Saskatchewan does, to address.

MR. LANE: — Question to the minister. The minister is again being evasive on a commitment that the program announced Friday will be proceeded with. I note that a press clipping today indicates that the pseudo program of last Friday is to be shared equally between the federal and provincial governments. Would you now be prepared to correct the erroneous impression the press has, that we in fact have a drought program?

MR. MacMURCHY: — Mr. Speaker, in response to the hon. member, if he looked at the announcement made by the Government of Saskatchewan on Friday, he will see that certain portions of it, as a result of deputy ministers' meetings, were in fact agreed to in terms of a 50-50 cost sharing agreement. He will see that included in our announcement were issues raised by the farm organizations at a meeting on Thursday, when we indicated that we would be pursuing these matters with, in two cases the

federal government, in another case the Saskatchewan Wheat Pool, as I recall the statement.

Closure of Big River Sawmill

MR. J. W. GARNER (Wilkie): — Mr. Speaker, my question is to the minister in charge of Sask Forest Products. Mr. Minister, the Attorney General, in reply to a question I asked him about the closing down of the sawmill at Big River on June 13, says and I quote:

The sawmill is to be shut down with a loss of 100 jobs.

I do not believe this to be the situation. Could you please clarify now, Mr. Minister, whether the sawmill at Big River is going to be shut down after June 13, after the maintenance period, and if it is going to be shut down permanently?

HON. J. R. MESSER (Minister of Mineral Resources): — Well, Mr. Speaker, it is not our intention to shut down the Big River sawmill permanently; indeed a decision has not yet been made to shut down the sawmill at all. The member, I think, will be aware that there is a problem across the North American continent, as far as the movement of lumber products is concerned. This has been brought about by high interest rates and the slow-down in housing starts. A number of industry operations have shut down or are now contemplating the need to shut down.

In the instance of Sask Forest Products, we are attempting to operate as long as possible. We are building up as large an inventory as we think is possible to store properly without serious deterioration. We are constantly monitoring the market place to see whether or not there will be an option open to us to continue to operate beyond the June deadline. I cannot answer beyond that other than to say that if there is any opportunity open for us, we will endeavour to keep that operation open as long as possible. I personally am somewhat optimistic about being able to continue to operate beyond the date to which the member alludes, June 13, but I can't be positive about that.

MR. GARNER: — Mr. Speaker, supplementary. Mr. Minister, will you tell me why then this notice appeared in an information bulletin by the Sask Forest Products Corporation, signed by N. S. Denmark, General Manager?

Reduced work at Bodmin and Carrot River — a three week maintenance period will immediately follow the shut-down. The plant will remain closed until the market for dimension lumber recovers.

Now, you can't have it both ways, Mr. Minister. I mean you are telling us it's not going to shut down, yet you hang up an information bulletin to the workers in these plants that it's going to be shut down. Now just what exactly is Sask Forest Products going to do?

MR. MESSER: — Well, Mr. Speaker, I suggest the member opposite can't have it both ways. The maintenance shut-down is not unusual; it takes place every summer. I do not know the date of the communique that he waves in front of this Legislative Assembly. I hope he would be kind enough to convey it to us. But he knows full well that we are by requirement, depending on the years of service of certain employees within that operation, to give them advance notice of any intent to shut down. That notice was given in accordance with our obligations.

But he says (clearly in the memo), and I said in my earlier response to his question, that we hoped we would be able to continue the operation. The maintenance shut-down is one that is of a normal course, one that is required in order to maintain its operations. So consequently the maintenance shut-down will take place. I am optimistic as I said earlier that we will be able to continue the operation depending on the availability of market for the production and the price of that production.

MR. GARNER: — Supplementary, Mr. Speaker. Well, Mr. Minister, please listen to this. In the bulletin it states the plant will remain closed until the market for dimension lumber recovers. It states about maintenance earlier but it will remain closed. Now this is going to affect 100 people or so in Big River and X number of people in the bush. What is your government going to do about it? The yards are full of logs. They have to be processed. You are telling me in a bulletin they are going to be shut down. Now you are telling the Chamber they are not going to be shut down. It's your bulletin; it's not from this side. The plant will remain closed until the market for dimension lumber recovers. Is it going to be closed after the maintenance is done?

MR. MESSER: — Mr. Speaker, the member is referring to a bulletin dated April 23. Certainly the market indicators at that time were very pessimistic and gloomy. It's over a month old. Well, it's several months old, well, a month old, April 23, over a month old. Today's the 27th of May. I had indicated to the member opposite that it's conveying two messages to the employees of the Big River operation. One is that the maintenance shut-down will take place. That's a normal practice for the saw milling and planing operations in that part of the province. Secondly, in light of the circumstances (April 23), the plant could be closed beyond that date unless market conditions turned around to allow the plant to continue to operate or to reopen after the maintenance period. Now the plant has not yet been shut down. The member is assuming the plant is going to be shut down, and that may or may not be the case. But I have said twice now to the member that we are hopeful we will be able to find markets for the production of that plant at prices that are reasonable and that will allow the plant to continue to operate. And in that respect, our circumstances are no different than any other sawing operation in the province of Saskatchewan or for that matter North America. All are confronted with similar dilemmas as is the Saskatchewan Forest Products.

MR. GARNER: — New question, Mr. Speaker. Mr. Minister, the yard at Big River alone is about half to three-quarters full of logs. If those logs are not sawed and processed this summer, it is my information that they will rot, worms will get in them, and this timber will be lost. Now in light of the fact that we have had half of the North burned out already, don't you think this lumber should be processed and allowed to dry naturally over the summer, that we not waste some more lumber in northern Saskatchewan and that we give the people a chance to work?

MR. MESSER: — Yes, Mr. Speaker, and that's exactly what we are attempting to do. We will attempt to continue the operation of the Big River sawing operation and planing operation for as long a period of time as possible. The member is making a mountain out of a mole hill when the plant is not yet shut down. He says: no. I suggest he may have a case if and when the plant is shut down, but the plant is not. It'll go through its normal maintenance period and we would hope that we will continue its operation at that time, but that will be dictated to us by certain circumstances that are beyond our control.

Responsibility for Weyakwin Fire

MR. L. W. BIRKBECK (Moosomin): — If I could direct a question to the minister responsible for northern Saskatchewan. Mr. Minister, Chisholm mill, a project of the Department of Northern Saskatchewan, was apparently responsible for what is known as the Weyakwin fire in northern Saskatchewan, burning in excess of 1,000 acres. It's my understanding, Mr. Speaker and Mr. Minister, that the fire was started by a workman's torch or cigarette or something of that nature. My question to you, Mr. Minister is, are you and your department prepared to accept responsibility for this fire?

HON. J. A. HAMMERSMITH (Minister of Northern Saskatchewan): — Mr. Speaker, I think there are a number of reports with regard to the possible cause of the fire. It has not yet been determined (the exact cause) except it did start in the mill. I can assure the hon. member that the Department of Northern Saskatchewan takes responsibility for the Department of Northern Saskatchewan mill which burned, and for the timber in the jurisdiction of the Department of Northern Saskatchewan for which it is responsible, which may have also burned as a result of the mill burning, which was owned by the Department of Northern Saskatchewan.

MR. BIRKBECK: — Supplementary, Mr. Speaker. It would seem to me, Mr. Speaker, reasonable to assume that if in fact the minister and the department have accepted responsibility, (and by your admittance today the fire was started in the Chisholm mill), that either your department or the log mill or both would have liability insurance and it would be incumbent upon you to call on that particular liability insurance for the people of Saskatchewan, so those particular funds can be directed toward continuing the fire-fighting in northern Saskatchewan. Mr. Speaker, in concluding my question I would say it seems rather ironic that your department, and in fact, your government state very clearly on many occasions that we have to suppress fires. Mr. Minister . . .

MR. SPEAKER: — I'll take the member for Thunder Creek. That's all right. If the member has a question that's fine.

MR. BIRKBECK: — Would you not agree, Mr. Minister, that it's ironic your government and your department are suggesting that people suppress fires, and you own department is in fact starting them?

MR. HAMMERSMITH: — Well, Mr. Speaker, I report to the hon. member that negotiations are under way to assure that the Department of Northern Saskatchewan reimburses the Department of Northern Saskatchewan for the Department of Northern Saskatchewan property which may have burned because of an accident resulting from the efforts of workmen in the Department of Northern Saskatchewan.

MR. LANE: — Supplementary to the minister. Can he tell us where he has his liability insurance?

Clarification of Premier's Statement

MR. W. C. THATCHER (Thunder Creek): — Question to the Premier, Mr. Speaker. Mr. Premier, yesterday I addressed a question to you in reference to a press clipping which I must confess I didn't track down even though several members of the press gallery recalled the statement at a press conference, because the question had, in a different form, been addressed to you in the question period. I won't make any suggestion that you chose to duck the question yesterday, so I'll simply repeat it.

Mr. Premier, you are quoted as saying in Hansard and in press reports that western

Canadians are prepared to accept a lower standard of living in order to keep Quebec as a part of confederation. Mr. Premier, I ask you directly, for whom are you speaking? Are you speaking for other western premiers? Are you speaking for the people of Saskatchewan? Are you speaking for your government? Are you speaking for the New Democratic Party, or are you speaking as one Allan Blakeney?

HON. A. E. BLAKENEY (Premier): — Mr. Speaker, I've been quoted wrongly if I've been quoted that way. I have the Hansard and I invite all hon. members to read the Hansard. The Hansard is dealing not with Quebec withdrawing from confederation but with the four western provinces withdrawing from confederation. I invite all hon. members to look at page 1865 at which time Mr. Ham asks me the question and I replied. It is very clear from the context that what is suggested is that western Canada withdraw from confederation and then we would all be wealthier. The question is: do I agree with the proposition that we ought to stay in confederation, maintain a united Canada, rather than western Canada standing alone . . . would be if it stood alone and accordingly are very much attached to . . . and so on.

It is very clear that the question directed is whether or not I agree with the idea of western Canada standing alone or whether I agree that western Canada should remain within confederation, thereby possibly as I say, in the short run, having a lower standard of living.

My answer is western Canadians wish that western Canada remain within confederation. If this means, as I say, in the short run having a lower standard of living, western Canadians are at least at this time prepared to bear that lower standard of living in order to remain as part of a united Canada. That was the statement I made; that is the statement I make today. I make it on behalf of our government and I believe I make it on behalf of the people of Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

MR. THATCHER: — Supplementary question. Basically, if I may just quote one line very quickly, Mr. Speaker:

I think that the answer shortly put is that western Canadians are willing to accept a lower standard of living than they might have in the short run in order to maintain a united Canada.

Mr. Premier, my supplementary question to you is this. Are you telling us, in light of your answer a moment ago, that western Canadians would be wealthier if they were not part of Canada? Are you telling us that we might have cheaper oil? Are you telling us that we might have lower taxes? Are you telling us, in effect, that we might have to pay less for our manufactured goods rather than the premium for made in Canada? Are you telling us that we in western Canada would be much better off economically if we were not part of Canada? Is that what you said a moment ago?

MR. BLAKENEY: — Mr. Speaker, I don't believe that's what I said a moment ago. I don't recall those words. What I am saying, and what I've said on a number of occasions is that I think a case can be made, and a pretty good case, that in the short run the four western provinces would be better off economically to be separate from Canada. I say in the short run, because I believe our long run economic interests are to be part of a larger economic group.

We are, however . . . (inaudible interjection) . . . The member for Nipawin suggests a much larger economic group, and this choice is the United States. My choice is a united Canada.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — I think that any resource rich area in the world, as we are in western Canada, could at least in the short run be wealthier if it were keeping all its temporary resource revenues for itself. That, I think, is the situation we're in, in western Canada. I believe in the short run we could be better off. I believe it would be folly for us to adopt that course for a large number of reasons, but in economic terms, because our long-term economic interest does not lie along that line. Therefore, I believe a large number of western Canadians agree with me and accordingly are prepared to accept a lower standard of living than they might have in the short run in order to maintain a united Canada.

MR. THATCHER: — Supplementary to the Premier. I could respond by saying that I'm sure we're all grateful for that lower standard of living that you're promising us.

My question to you, Mr. Premier is: your government has proposed an energy pricing policy to the rest of Canada. That program will cost the province of Saskatchewan and the taxpayers of this province some \$2 billion over the decade of the '80s.

Mr. Premier, my question to you is this: is that \$2 billion part of your sell-out on the part of your government to central Canada?

MR. BLAKENEY: — Mr. Speaker, I do not agree with the assessment of our proposed oil pricing policy put forward by the hon. member for Thunder Creek. I do say western Canadians, in this province, in Alberta and in British Columbia, through their governments, have all expressed the view that we're prepared to take less than the world price for gasoline (I should say for petroleum products), at least for a time, as part of our contribution to easing Canada's current economic problems.

This is the view held, so far as I'm aware, by all four western governments and certainly by the three western provinces that have petroleum production. This is certainly my understanding of the position put forward by the Premier of Alberta. I think it is a very generous and magnanimous position put forward by the Premier of Alberta. It is one with which we would like to associate ourselves. We would hope we would not be asked to make this contribution over too long a period of time but we are again stating our view that we are not, as a government, now demanding, this month, the world price for petroleum products, however attractive it would be if we could obtain it.

MR. THATCHER: — A final supplementary to the Premier, and it's a brief one. Mr. Premier, western Canadians have been making contributions to central Canada for about 113 years. Would the Premier not agree it is perhaps time that western Canada stopped making contributions to central Canada, and perhaps took their rightful place in confederation, as an equal partner with central Canada?

MR. BLAKENEY: — Mr. Speaker, I couldn't agree more with the sentiment expressed by the hon. member. There is, however, a timing problem obviously. We would very much like to have the opportunity to share the full benefit of our resources, and we hope this can be achieved. I'm sure the governments of British Columbia, Alberta and Manitoba

share with me that view. We do hope and press for the renewed federalism of which we have all been talking. We very much take the view that that renewed federalism should include a recognition of the rightful role of western Canada and the protection of the economic interests of western Canada. We propose to press for that in the future as we have in the past.

MINISTERIAL STATEMENTS

Drought Relief Program

HON. G. MacMURCHY (Minister of Agriculture): — Mr. Speaker, I wish to report on the progress of the provincial government's action in the face of the current drought. I think hon. members have been hearing conflicting reports on action taken, or about to be taken, by both federal and provincial governments.

Hon. members will be aware, along with the announcement made by the Government of Saskatchewan, last Friday there was a program announcement by the Hon. Minister of Agriculture in Manitoba along specific lines. So there are conflicting reports. However I would like to make the hon. members aware of Saskatchewan agriculture's latest steps to relieve specifically the critical situation regarding feed for Saskatchewan cattle.

As part of our 1980 drought relief program we have finalized arrangements with the Saskatchewan Wheat Pool to ship from Thunder Bay approximately 20,000 tonnes of pelletized screenings during the months of June and July. The first 12 carloads will be transported to pool farm service centres at Yorkton, Whitewood, Oxbow and to the Regina pool livestock centre around the first week in June. Distribution will be handled by Saskatchewan Wheat Pool.

Mr. Speaker, as many already know, pelletized screenings are considered suitable for dairy cow feed. Priority will therefore be given to needs of dairy farmers; however dairy and beef producers are being asked to contact their local dairy or agricultural representatives if their immediate feed situations are critical. I think hon. members should note that while the priority is dairy, beef producers should contact their ag. rep. if their feed situation is critical.

As well, Mr. Speaker, arrangements have been made with the wheat pool for the backhaul of hay by cattle liners from Ontario. It is reported to me that the Saskatchewan Wheat Pool has nailed down 200 tonnes with a potential of an additional 200 tonnes. Since the amount of hay available through this source is limited on a weekly basis, it will be consigned to dairy farmers in the Yorkton, Regina and Weyburn areas. For the Saskatoon milk shed area, arrangements have been made with the alfalfa group to ship 1,000 alfalfa pellets from northern Alberta. All of the pellets have been allocated to dairy farmers in the Saskatoon area and delivery is expected around June 10. Saskatchewan agriculture will pay the major part of the freight costs for the transport of the pelletized screenings, the backhaul of hay and the alfalfa pellet shipments. The cost is about \$30 per tonne and Saskatchewan agriculture will be paying \$25 of the \$30 per tonne.

SOME HON. MEMBERS: — Hear, hear!

MR. W. C. THATCHER (Thunder Creek): — Mr. Minister, in the absence of our agricultural critic who cannot be in the House this afternoon, I would like to respond to you. Mr. Minister, I would like to say that today's announcement is a complete

indictment of your government and the policy which it has fought, and that is the cleaning of grain on the Prairies. There have been groups in Saskatchewan who for years have been pressing your government, advocating the cleaning of grain on the Prairies so that it is in export position and meets clean export standards here on the Prairies. The screenings would then be available here on the Prairie for use in the event of a drought.

Your government as adamantly and always opposed this philosophy. I find it ironic, Mr. Minister, that the organization you have asked to handle this product has also adamantly opposed this concept. It is regrettable that it has taken a drought of this magnitude to show the sheer fallacy of your government's reasoning. Now we face the spectacle of farmers hauling their grain to market, being docked, paying the freight of the grain from their elevator (wherever it may be in this province) to either Thunder Bay or Vancouver, giving it to the company, and the company then taking those screenings (which the farmer paid freight on to the terminal at Lakehead) and selling them back to those same farmers.

It is a terrible thing that it has taken a drought like this to show the fallacy of your philosophy. If there has ever been a case of an obvious demonstration of a wasted resource, namely our screenings, it is in your announcement today. Mr. Minister, I think it is most unfortunate that your government has not listened in the past, because there would be feed on the Prairies today if you had listened. I can only say that out of the admission today, hopefully your government will do a thorough re-examination of its philosophy. I hope the people who have opposed this philosophy in the past will do a re-examination of their position and that this valuable feed resource, something which could perhaps save our livestock industry this year, will be conserved for use on the Prairies in the future.

Well now I keep hearing — never mind, I shall refrain from that, Mr. Speaker, I'll stay on the subject. Mr. Minister, it's laudable about the 200 tonnes of hay which you have found. Pardon me if I am facetious, but that's about 75 cows through the winter. It's laudable that you have found another 200 tonnes of hay (respectfully); that's about another 75 cows, so you have saved, I suppose today, 150 cows through next winter. Mr. Minister, you cannot make it rain, but let's keep things in perspective. I really wonder how much hay a possum belly can haul? You may note that the cattle which Saskatchewan Wheat Pool sends to Ontario (and at this point in time that's not very many) go out in possum bellies. Mr. Minister, somehow I have difficulty visualizing possum bellies hauling very much hay. I wish the people luck who are going to do so.

Mr. Minister, instead of talking about possum bellies to haul hay, why aren't you talking to the Saskatchewan Trucking Association to send the flatbeds to Ontario, many of which may come back empty? Why aren't you talking to them and saying, get every flatbed available and we will use it to haul hay back here instead of talking about a useless hay hauling machine like a possum belly?

SOME HON. MEMBERS: — Hear, hear!

MR. THATCHER: — Mr. Minister, there is such a thing as common sense and I invite your Department of Agriculture to go out and hire some because in this particular announcement, I don't see very much of it.

SOME HON. MEMBERS: — Hear, hear!

MR. D. M. HAM (Swift Current): — Mr. Speaker, on behalf of the Unionest caucus I would like to make the following comments. It is of great concern to the members of this caucus that we have witnessed a reversal of the government's attitude of an announcement of just a few days or a few weeks ago; this has the appearance of a typical piece of windowdressing. Obviously the government hopes the good Lord is going to solve the problem of a drought in Saskatchewan because the pittance of this particular announcement borders on being laughable. Therefore, because the announcement has been changed substantially, because the program you announced originally is not going forward, on behalf of the Leader of the Unionest Party I withdraw our congratulations.

Statement by Mr. Speaker

MR. SPEAKER: — Order! Before orders of the day I have a statement I wish to make.

On May 26, 1980 the member for Nipawin rose 'on a matter of personal privilege with reference to an answer given in this Chamber today, in question period to a question posed by the member for Thunder Creek.' Initially the member for Thunder Creek asked his question regarding a weekly press conference about two weeks ago. He asked if the Premier were:

... speaking on behalf of other western premiers, or were you speaking on behalf of yourself, your government, or the people of Saskatchewan when you indicated that the people of western Canada were prepared to accept a lower standard of living in order keep Quebec part of Canada?

The member for Nipawin then read a partial quotation from a question period about five and one-half weeks ago in this Chamber. At this point, it will be clear to members that there is a dispute as to what are the facts. Beauchesne's, Fifth Edition, paragraph 19(1) states:

A dispute arising between two Members, as to the allegations of facts, does not fulfill the conditions of parliamentary privilege.

I therefore rule that the member doesn't have a *prima facie* case of privilege.

Essentially I came to the same conclusion about a similar question of breach of privilege raised by the member for Thunder Creek later the same day.

I have a further statement with regard to still photography in the Chamber. Since there seems to be some confusion on this matter, I hope this statement will serve to clarify the situation.

On February 26, 1980 I received a request from the chairman of the public service commission for permission to photograph proceedings in the Chamber for the sole purpose of building a slide-tape presentation for internal instruction of government employees, in part, in the legislative process. On March 3, 1980, by letter, I gave my permission to the chairman of the commission, with carbon copies to the Premier, the House Leader, and the Leader of the Opposition. Further, on March 27, 1980 I informed the chairman of the public service commission that I wished to view the final selection of photos which would be used.

Regarding the same issue of photography but in a different context, prior to the visit of

the championship curlers to the Chamber on March 1, 1980 I sought and obtained from each side of the House, permission to allow photographs during the time the curlers were in the Chamber. Pictures were taken by the Leader-Post photographer which have subsequently appeared in the Leader-Post, not in connection with news reports about the championship curlers and without my permission.

I have by letter of May 23, 1980 referred this situation to the rules committee for their discussion. Each member of the rules committee received copies of the referred item.

In conclusion, there is no connection whatsoever between pictures being taken for internal public service commission use and photos which appeared in the Leader- Post on May 14, 16 and 23, 1980.

MR. W. C. THATCHER (Thunder Creek): — Mr. Speaker, may I ask you a question on your statement? It pertains to the Leader-Post photographs. May I ask Mr. Speaker how it was determined that the photographs which have appeared in the Leader-Post were taken by the Leader-Post photographer?

MR. SPEAKER: — I believe that it's possible to determine from some of the photos taken, that they could only be taken at a certain time. I'm not sure as to the validity of that with regard to all three photos that appeared in the Leader-Post. But that was one of the opportunities available to the media and others to take pictures in the Chamber and I think it's easy enough to validate that. I intend to validate that before the rules committee when I discuss the matter with them later on.

Question re Point of Privilege

MR. D. G. TAYLOR (Indian Head-Wolseley): — Mr. Speaker, on Friday, May 23 I rose on a point of privilege concerning remarks made by the Minister of Government Services to questions being raised about the missing files. Your statement was that you would review the record and see if there is a question of privilege. You have not reported back yet. Did you review the record? In your judgment, was there a question of privilege?

MR. SPEAKER: — I reviewed the remarks the member for Indian Head-Wolseley made when he was raising the alleged point of privilege. In his remarks he said, if you see fit, Mr. Speaker, I was unsure as how to interpret that and consequently I did not bring a ruling back to the House. If the member was suggesting that I bring a ruling back to the House on the matter, I am prepared to state at this time that I have reviewed the record of the comments of the Minister of Government Services and the point of privilege raised by the member for Indian Head-Wolseley. I find that the decision I have made is similar to the decision I made earlier today and that would be supported by the same citation from Beauchesne's Fifth Edition, paragraph 19:

A dispute arising between two Members, as to allegation of facts, does not fulfill the conditions of parliamentary privilege.

WELCOME TO STUDENTS

MR. P. PREBBLE (Saskatoon-Sutherland): — Mr. Speaker, I'd like to introduce to you and through you to the House a group of 58 Grades 7 and 8 students from Greystone Heights School in my constituency. They are seated in the west gallery and are accompanied by their teachers, Freda True, Jackie Semchuk, Dave Cross and Errol

Harrison. Mr. Speaker, the students have visited the RCMP barracks and the Natural History Museum and they've just completed a tour of the legislature. I've had an opportunity to visit with them for a few minutes. We had a very pleasant visit. I'd like to ask all members of the House to welcome them. We wish them all a safe trip home and thank them for coming to the legislature.

HON. MEMBERS: — Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 03 — An Act respecting Saskatchewan Wheat Pool, being an Act to amend and consolidate 'An Act respecting Saskatchewan Wheat Pool, being an Act to amend and consolidate An Act to incorporate Saskatchewan Co-operative Wheat Producers Limited'

Sections 1 to 34 agreed.

The committee agreed to report the bill.

Bill No. 05 — An Act to provide for exemption from taxation of Property of The Canadian Red Cross Society Saskatchewan Division

MR. W. J. G. ALLEN (Regina Rosemont): — Mr. Deputy Chairman, I want to say a few words about this bill before introducing an amendment to it. Committee members will be aware that from time to time we have pieces of legislation like this particular piece of legislation, that come to the legislature dealing with exempting charitable organizations from municipal taxation. The rules we've applied to this particular type of operation have been observed more in the breach than in keeping to the letter of the rules we set for ourselves.

Last year the committee said we should try to enforce the rule as strictly as we can; the rule being that we get the approval of the municipality involved to exempt the taxation before we do it by a private bill in the legislature. In this connection when the solicitor for the Canadian Red Cross Society contacted me about it, I informed him originally over the phone what the provisions were, and asked him to see that we got from the municipalities involved permission to proceed with the exemptions in their particular city. I also wrote to him. Subsequent to that I received word that the city of Prince Albert had given such an approval. I then wrote to the solicitor as follows believing this to be the decision of our committee. I'll just quote this to the House:

I'm in receipt of your letter of December 11, 1979 pertaining to a private bill exempting the Canadian Red Cross Society, Saskatchewan Division, from municipal taxation. I have the following to report:

1. I will sponsor the bill.
2. I will move to amend the bill to have the sections dealing with Saskatoon and Regina deleted unless I hear back from you that the councils of these two cities have approved the exemption.

When the hon. solicitor for the Canadian Red Cross Society informed the Clerk that he would be introducing such a bill, he received a letter from the Clerk. I quote from the Clerk's letter to the solicitor. It reads in part:

I must at this time draw to your attention a ruling of the private bills committee of Saskatchewan which states as follows:

In cases where the proposed bill provides the property to be used or occupied by the institution or company being incorporated, be exempt from taxation, either in whole or in part, a certified copy of the resolution granting such exemption is passed by the council of the city, town or village, in which the said property is situated, must be filed by the Clerk of the Assembly with the petition.

I can report to the House that in the case of the city of Prince Albert these provisions have been followed and followed to the letter.

Just before I move a motion dealing with the city of Prince Albert, I want to say that in the committee this morning a couple of things happened that I think could be a problem. A couple of members in the committee raised the question of whether or not we should be moving with this type of legislation, if any city involved is not in agreement with it. I think that's a good question perhaps to ask. It's not a question that's particular relevant to this case or to the rules we had already established. I can report to the House that in every respect as far as the city of Prince Albert is concerned, the Canadian Red Cross Society and their solicitor followed the rules. So I would therefore move, seconded by the member for Assiniboia Gravelbourg (Mr. Engel), that the bill as amended in private bills committee be further amended as follows:

That a section 1 be added before section 2 that reads as follows:

1. All property real and personal now or hereafter situated at the city of Prince Albert, all in the province of Saskatchewan, and more particularly described as lot 9, block E in a subdivision of part of river lot 78 in the settlement of Prince Albert, in the province of Saskatchewan, in the Dominion of Canada according to a plan of record in the land titles office for the Prince Albert Registration District as No. E, excepting firstly the most northerly 10 feet in perpendicular width throughout is exempt from all taxation save local improvement taxes that may be assessed on and from January 1, 1979 so long as the property is used exclusively for the charitable and worthwhile purposes of the Canadian Red Cross Society, Saskatchewan Division.

Motion agreed to.

MR. ALLEN: — Mr. Deputy Chairman, the second thing I want to deal with is a question that was raised in the committee and I think should be decided by the House and that deals with the question of exempting taxation for the Canadian Red Cross Society in the city of Saskatoon.

The question was raised by the solicitor for the Canadian Red Cross Society with the city of Saskatoon. The city of Saskatoon dealt with the question and informed the solicitor as follows:

My recommendation to council (this is a letter from the Mayor of Saskatoon) be that the resolution to the provincial government be that our position is not changed in respect to tax exemption by legislation but as long as it remains in effect (I repeat that, as long as it remains in effect) the Red Cross should be considered an equal candidate with those covered by this legislation.

That indicated to me a couple of things, Mr. Deputy Chairman. First thing I think it indicated to me was that the mayor of the city of Saskatoon and I believe the council of the city of Saskatoon are not in agreement with private members' bills in the provincial legislature dealing with the exemption of taxation at all. They are not in agreement with it dealing with the Red Cross. In fact, they are not in agreement dealing with the Boy Scouts, with any other charitable organization. That is the position of the city of Saskatoon. What the mayor was saying was this: as long as you are going to have that kind of legislation, we do not object to you exempting the Canadian Red Cross Society because they are equal (to quote once again from the letter of the mayor):

Canadian Red Cross should be considered an equal candidate with those covered by legislation.

So my argument to the House, Mr. Deputy Chairman, is this: we should do either one of two things. We should exempt the Canadian Red Cross Society in Saskatoon because the city of Saskatoon already exempts the Red Cross Society, or we should move to do away with all provincial laws which deal with municipal taxation. I would certainly be willing at a different time than this to deal with that type of question. But at this particular time, Mr. Deputy Chairman, I believe we should exempt, as Saskatoon has, the Canadian Red Cross Society from paying municipal taxes.

MR. DEPUTY CHAIRMAN: — Order. The motion before the committee is moved by the member for Regina Rosemont (Mr. Allen), seconded by the member for Saskatoon Eastview (Mr. Poniatowski), that section 2 of the printed bill be renumbered section 3, and a new section 2 be added which reads as follows:

All property real and personal, now or hereafter, situated at the city of Saskatoon, all in the province of Saskatchewan and more particularly described as lots 17, 18, 19 and 20, except out of said lot 20 the most northwesterly 3 feet in perpendicular width throughout in block 155, in the city of Saskatoon, in the province of Saskatchewan, in the Dominion of Canada, according to a plan of record in the land titles office for the Saskatoon Registration District as number Q2C195, is exempt from all taxation save local improvement taxes that may be assessed on and from January 1, 1979, so long as the property is used exclusively for the charitable and worthwhile purposes of the Canadian Red Cross Society, Saskatchewan Division.

MR. P. PREBBLE (Saskatoon-Sutherland): — Thank you, Mr. Deputy Chairman, I would just like to urge all members of the House to vote in support of this provision. I want to say that I think the difficulty the private bills committee found itself in this morning is unfortunate, and it shows the need for the committee to lay down better guidelines in the future as to how to deal with situations in which the municipality involved is opposed in principle to having its local property tax powers removed. That is basically what we're talking about in this particular instance with respect to the Red Cross. However, the Red Cross has approached us and has followed the rules set down at this time. The rules specifically stated that the Red Cross or any other charitable

organization was required to get indication from the municipality involved (in this case the city of Saskatoon) that property tax exemption had been approved by resolution in the previous year. The fact of the matter is that the city of Saskatoon has exempted the Red Cross from property taxation.

The point that the city of Saskatoon is trying to make is that it wants to reserve the right to provide that exemption on a yearly basis. It's essentially stating that it opposes in principle the notion of having its powers removed. However, those are not the rules under which the House has been operating. The House and the private bills committee have specifically said that if in a particular given year under review, the charitable organization approaches the legislature and is able to prove to the private bills committee that the municipality involved has been willing to grant it a tax exemption, then the private bills committee will find that the request for tax exemption by the legislature, by way of legislation, is acceptable. And that's the situation we are facing here now.

Mr. Deputy Chairman, we have to do two things. First of all we need to say yes to the Red Cross's request for property tax exemption, in the future. Secondly it's essential in order to avoid further confusion on this matter, that the private bills committee and this legislature lay down as a guideline that in the future the legislature will not agree to exempt charitable organizations from paying property taxes unless the municipality agrees to that as a matter of principle (which the city of Saskatoon has not done). The city of Saskatoon has only agreed to it for the year 1979, not for the year 1980, or 1985, or 1990 which this legislation would provide. So I recommend, Mr. Deputy Chairman, that we make this one last exception since the Red Cross has come in assuming that we were following our old guidelines and that in the future we change the rules so they are more acceptable to municipalities in the province.

MR. R. L. COLLVER (Nipawin): — Mr. Deputy Chairman, I would just like to make a few brief remarks about this situation. First of all, I am very pleased to see that the member for Regina Rosemont and the member for Saskatoon-Sutherland accept the principle that when the laws are made, they are made for all and those who comply with the laws at the time are going to be accepted under those laws. You don't make laws prospectively, in other words, or retroactively. I am very pleased and I hope on all matter the members for Regina Rosemont and the member for Saskatoon-Sutherland will accept that principle.

You see, Mr. Deputy Chairman, it's an important concept in this legislature that if the rules and laws are as we make them now, and people come in here and comply with those rules and the laws, they must (even if those rules are conflicting with some interests of someone else) as a legislature stand behind the rule of law and change the rules in future for future organizations. I am, therefore, quite happy to accept the principle as espoused by the member for Saskatoon-Sutherland and the principle expressed by the member for Regina Rosemont. We must as a legislature accept the Red Cross in the city of Saskatoon this time because they have in fact complied with the laws. If the laws are wrong then we change them for the future. We don't change them in the past.

HON. R. J. ROMANOW (Attorney General): — Thank you very much, Mr. Deputy Chairman, much of what I may have to say may have been said but I do want to outline for the members what I think is at issue in this particular matter. The policy of the private bills committee has been, since 1956, that with respect to the exemption of municipal

taxes for charitable organizations, the committee would recommend the same to the legislature only if there were, accompanying the petition requesting that exemption, a validly passed resolution by the local authority agreeing to the concept of the proposal.

In this particular matter three communities are involved. Prince Albert has, beyond the doubt of anybody, passed the appropriate resolution agreeing to the tax exemption. Regina, beyond the doubt of anybody including the sponsor of the bill, the hon. member for Regina Rosemont, seems to have taken a position the other way, not agreeing to the tax exemption or at best, neutral and indifferent to it. The issue before the House is what to do with Saskatoon, which in this case, has not, in my judgment, fully complied with the 1956 rules committee proposal that there be an accompanying resolution agreeing to the thrust of the petition, namely, tax exemption.

The city of Saskatoon has indicated, by its own internal council organization and dealings, that it is prepared to tax exempt the Red Cross for a fiscal year — 1979-80 or 1980-81. I am confused as to which one of those. The point is not in perpetuity, which is the thrust of this bill. The committee has therefore dealt with and agreed that we should agree to the Prince Albert recommendation because, as the sponsor of the bill says, to do otherwise would negative the policy the committee has itself set. This is what we did unfortunately (depending on your point of view) when we made the motion on clause 1 in the committee.

Regina is out of the picture. The only issue, therefore, is whether or not this House should vote yes to allow tax exemption from the city of Saskatoon in perpetuity or vote no and not allow the city of Regina tax exemption in perpetuity.

Now to finish this, the sponsor of the bill and the member for Saskatoon-Sutherland argue that while the form of the 1956 private bills committee has not been fully met, namely a resolution by Saskatoon fully exempting, by all intents and purposes and practices, Saskatoon has indicated that same end result, that same objective. It seems to me the committee therefore has two options open to it. We can say, while there is no formal motion as requested and set down by precedent in 1956, we are nevertheless treating Saskatoon as if there were a motion, based on the evidence which council and the Red Cross presented. I think that would be tenuous but it's a possible interpretation; Rosemont and Sutherland are urging that on us. Or, in the alternative, we can say there has not been full compliance and we will not vote yes to this proposal; it is out.

What am I going to do? I took the position in the committee that I could not support the tax exemption in Saskatoon because of non-compliance with the rules of the committee. I must tell the members of the House and the members of the committee that I have changed my position and I will be voting for the inclusion of Saskatoon. I do so with two regrets; I make this clear. First of all, I still believe the advice we received and the committee chairman's interpretation of that advice are correct; there has not been full compliance. We are subject to some possible criticism from Saskatoon and area that the legislature is imposing its will on a locally elected body. But having heard all of the arguments on this matter. I am prepared to draw the very long bow and to accept that the practice, if not the form, is such that an exemption is being requested.

The second caveat, and I will conclude on my remarks in this area, indicates not in my capacity as a government member but in my capacity as a private individual, that we should publicly and loudly say hereafter to any charitable organization, we shall solemnly and strictly follow the rule of 1956 in order to avoid the embarrassment that members of this House are put in (I'm not saying this in any malicious sense) of either

voting for the Red Cross or against the Red Cross, in these kinds of simplistic and I think unfair terms. We hereby take the position that from here on in there shall be no exemptions whatsoever unless and until we have a clear imprimatur by the Clerk that the resolution has been met in all its respects. And furthermore, any petitioners coming to the committee, while we cannot deny them the right to do so, should know that they will be coming to the committee at their own peril. Further, in this area, Mr. Deputy Chairman, the whole question of exemptions of charitable organizations really ought not to be in the hands of the legislature but ought to be in the hands of the municipality as a matter of policy, notwithstanding the 1956 motion or anything that took place subsequently.

One could adopt that quite validly, forgetting about any of the procedural aspects that are involved here. I want to emphasize that in my judgment our officials in our committee have acted totally properly and correctly in this matter. There is an argument, however, and in order that we do not penalize the Red Cross for a possible misunderstanding and misinterpretation and in order for us as members of this House to draw the line once and for all hereafter, I think we should allow Saskatoon the tax exemption for the Red Cross and Prince Albert (which we've already done). We should say no to Regina because they're clearly opposed to it. There's not an argument there at all.

We should serve notice to charitable organizations heretofore that these matters will only be dealt with if there is a resolution and that there may be many of us who say it should be dealt with properly and exclusively by the municipally elected government heretofore.

MR. J. L. SKOBERG (Moose Jaw North): — Mr. Chairman, very briefly I'm going to take the opposite stance to what my hon. colleagues on this side have taken up to now. It's my opinion that a year ago we had the Boy Scouts before us. At that particular time and with the very same committee we then said, this is the last time unless all of the requirements of the then recognized regulations were lived up to.

The regulations and the motion as put down by the private bills committee some years back clearly spelled out that there should be a resolution and there should be support either for the bill that is before the legislature or there should not be. Under this particular situation there has been absolutely no resolution from the city of Saskatoon. Now, for the council for the Red Cross to say that a person is arguing against the Red Cross or for the Red Cross isn't the issue in this particular situation, but the council for the Red Cross led the committee to believe this morning that in effect the Saskatoon City Council did say it would approve the bill.

My reading of the letter from the city council did not say that whatsoever. They did say, as has been suggested by the hon. member for Rosemont, that the Red Cross would be considered as equal candidates, but equal candidates for tax exemption by the municipality each and every year if they so saw fit. Now, I have some difficulty in believing that when you read the correspondence and when you looked at what the previous private bills committee has said in the past you could possibly read into it that now we need some new regulations and new direction for those people appearing before that committee.

I do say that the municipal councils are the ones that have to derive the taxation from whatever source possible and if they have to derive that taxation revenue then they are the ones who should make that decision, or at least do as Prince Albert did, give to us in

letter form the resolution of council that says they approve the intent of the bill. We have not received that from Saskatoon, nor from Regina, because Regina City Council was just approached last evening, I was given to understand.

Mr. Deputy Chairman, if we're going to assume the position that the private bills committee is forever and a day going to say this is the last time, then this will continue on forever and a day.

There is another year for the very same people, the Red Cross or whoever it may be, to counsel the municipalities that they do business with, to ask them to support their resolution before they come to the private bills committee. In that particular case, we know what their position is and they know what our position is, because we have no argument whatsoever. It means that the taxation could be exempt by legislation with the approval of the municipalities.

I was a little bit surprised by the hon. member for Regina Rosemont introducing Saskatoon in the second motion. It was my opinion in committee this morning we had the same problem. We had both of them together once; then we had one of them and then we defeated both of them. I wouldn't like to see that happen again. However, we'll see how the politics of that particular situation exist a little later on.

I'm really saying that if there had been a resolution from Saskatoon, a clear-cut resolution from the municipal council of Saskatoon, no question in my mind . . . There was not that clear-cut resolution. The only thing that they had before us was the fact that the city council of Saskatoon did say that they had exempted the Red Cross. That's true and they've done it in previous years. Many municipalities do that. All I'm saying to the hon. member for Nipawin is that if he is of the opinion that the law applies differently from one municipality to the other at different times, then if we approve the exemption under legislation, we are subscribing to that. Under this situation the law should apply equally. Prince Albert did live up to the law; Saskatoon did not. I will be voting against the amendment we have before us.

MR. R. KATZMAN (Rosthern): — Mr. Deputy Chairman, this committee has a very tough time when we see zero bills (as they are called) brought before the committee. Last year the committee tried to make a ruling which (I must agree with the Attorney General) is not at the present time totally clear to a person coming for a prospective exemption bill. That seems to be where the confusion hangs and that's why I think we had the happenings this morning and that's why I think we're into debate presently.

Nobody argues the benefits and that the Red Cross deserves to be exempt; nobody argues that. The city of Saskatoon gives them an exemption each year, passed in council; that has been the record. The city of Regina refuses that exemption; that has been the record. The city of Prince Albert said yes, you can exempt them forever as far as we're concerned, and that's what the first clause will do. The city of Saskatoon seems to indicate, we will exempt them forever; we do not want your doing our job. That's really what the debate is all about. Nobody disagrees that the Red Cross deserves to be exempt.

The member for Saskatoon-Sutherland also indicates that there is a problem with the rules. The member for Saskatoon Riversdale indicates that they're a little shaky — we're just not sure and therefore maybe we should say O.K. that's it and we draw the line from now on. On this one there wasn't a totally clear picture, therefore we let it go. They brought the '79 exemption, passed by city council, saying they would exempt them

from '79 taxes. They've always exempted them and therefore we can assume that they will; therefore we'll pass Motion No. 2.

He has legitimate cause for that argument. The other argument he makes, that they haven't sent the same letter as Prince Albert, is also a legitimate argument.

My concern is not the Red Cross, because I know they will be exempt in Saskatoon one way or the other. My concern is we have to get the rules straight for everybody when they come to the zero bill committee. We're all concerned that the rules be clear so when somebody appears before the zero bill committee, we in the committee know and they know what is required. That's what I'm concerned with, because nobody doubts that Saskatoon will exempt the Red Cross; they've always done it. So I think the more important thing is not the Saskatoon Red Cross, whether we exempt them or Saskatoon exempts them because we know they are going to be exempt but to get our committee straightened out so that the rules are there, so we all know before they come to the committee what they have to do; that's why my concern is.

HON. H. H. ROLFES (Minister of Health): — Mr. Deputy Chairman, just a few remarks on this bill. I want to indicate from the outset that I will be voting against the bill for several reasons, the main reason being as the Attorney General has indicated, there has not been complete compliance with the 1956 rules or regulations which were set down for the private bills committee. Secondly, I will be voting against this bill because I think it does erode local autonomy; and thirdly, I'll be voting against this bill because the Red Cross will neither gain or suffer if we pass or negate this bill. I am concerned that we did not have a clear-cut supporting resolution from the Saskatoon City Council, (which the committee was to have had) as we did from Prince Albert. Therefore, I urge all members to vote against this bill because, as I've indicated, it erodes in my opinion the autonomy which we give to local government. If the city of Saskatoon wanted us clearly to pass this particular bill it would have seen to it that a supporting resolution accompanied the bill or that the committee had access to such a resolution. Therefore, I urge all members to vote against this particular bill.

MR. N. E. BYERS (Kelvington-Wadena): — Mr. Chairman, I want to say just a few words on this bill, and a few words on the subject of exempting from the property tax, properties owned by charitable organizations. I think the question of exempting charitable organizations from the property tax is a matter of some concern to all governments at all levels in this country. All of us in this House appreciate the work of the Red Cross and would be the first to acknowledge that it is as worthy of, and as entitled to, a property tax exemption as any charitable group. I think the question of the procedure for applying has been overemphasized and, in my opinion, perhaps slightly exaggerated.

I do not consider it the role of the private bills committee, (of which I've been a member for many, many years) to simply endorse an application on the basis of complying with some procedure which was established by a committee of a previous legislature. I think the issue here is not whether the charitable group should be exempt from paying property tax. I think the issue is clearly which level of government should grant the exemption. Those who say it should be the provincial government, even though there may not be the endorsement of the local government for the proposal, are in effect passing an act which commits and binds future local councils until the law could be changed by an act of the provincial legislature. I think the proper way for tax exemptions on property to be handled is that the property ought to be on the tax roll, the taxes should be collected and paid and then the local government whose tax roll the

property is can decide annually whether to rebate all of the property taxes, a portion of the property taxes, or none of the property tax.

Now it so happens in the case of Prince Albert that the council provided a letter endorsing the exemption of the property tax on a permanent basis. That is the wish of the present council in Prince Albert. That may not be the wish of a future council. The procedure for changing or complying with the wish of a future council would be long and cumbersome and I respectfully suggest that it may take as long as two years to have the decision reversed.

In the case of Saskatoon, the city council in Saskatoon is not prepared to make a commitment to bind future councils. They city council in Saskatoon is clearly willing to grant a full tax exemption on an annual basis. I don't think it will cause undue stress or undue wear and tear on the city council in Saskatoon, which I'm sure handles many applications in a year for tax exemptions or for a rebate of the taxes, to deal with this particular case.

I therefore feel that the question of rebates — full, partial, or nil — should be a decision that a local government makes of its own volition on an annual basis without attempt to commit future councils. I therefore will not be supporting the section pertaining to Saskatoon and I will therefore not be supporting the bill.

MR. COLLVER: — Mr. Chairman, I just have one further comment to make, if I may. Thank you . . . (inaudible interjection) . . . I'm very pleased that I have the permission of the member for Rosthern to speak.

It is my understanding in this particular matter (as opposed to what the member for Moose Jaw North said and what the member for Kelvington said) that because of the fuzzy nature of the rules which have not been presented appropriately to the various municipalities or charitable organizations, that in terms of absolute and strict compliance with the rules, neither Prince Albert nor Saskatoon comply. Saskatoon came closer to complying with the rules than did the city of Prince Albert because it is my understanding that it was necessary to provide either an exemption certificate or a resolution of council. The resolution of council was in fact presented to the rules committee this morning.

Now it seems to me that the legislature has established these laws and rules. It seems that those rules, perhaps in the presentation of them, are a little fuzzy. But why should we jeopardize the Canadian Red Cross which legitimately believed that it could present a certified resolution from the Saskatoon City Council and be exempted by the private bills committee. That's what they believed; that's what the rules said and that's what they presented. So they did comply with the laws as laid down by the committee. We would, in my judgment, be contravening the spirit of the law if we remove their right then to come to the legislature and obtain this exemption. Now, Mr. Deputy Chairman, the point really is this. It is not whether it's local government's decision to make the exemption or not. Of course, it is local government's decision and should be local government's decision. No one disagrees with that. What we are talking about, however, in this committee of the whole is whether or not the Canadian Red Cross Society complied with the rules established by the legislature and the committee to obtain an exemption. As I have been informed, they did. And, therefore I will support the move.

MR. A. W. ENGEL (Assiniboia-Gravelbourg): — Mr. Deputy Chairman, I was in that rules

committee meeting this morning as well. I intend to agree with the member for Nipawin. There are two points I want to raise. The Red Cross hasn't been paying tax in Saskatoon, but they have had to apply annually for this exemption and go through this process. They can't budget because a change of council might change what is happening as far as their tax structure is concerned in the future. I think it is foolish of this legislature, because the kind of information which came back from the Saskatoon City Council wasn't exactly like it was requested at last year's meeting of the committee, to turn down their application. I think the intent was there and he has the information for which they asked. I was perfectly satisfied in the committee this morning that Saskatoon would be agreeable to the Red Cross being offered this exemption.

From the qualifying letter which Saskatoon wrote to me at the legislature, what I read out of that information which came was that they don't like to be involved in making these exemptions. And they don't want to have a blanket thing opened saying that anybody who wants to come for an exemption in Saskatoon can somehow prove they are a charitable organization and, therefore, get an exemption. I think we should support this amendment the member has brought forward, that Saskatoon would also be included in this bill. I would urge the rest of the members to support that amendment.

MR. ALLEN: — I know we have other business to deal with and I will be very brief and try to wind this up. My personal opinion is that the city of Saskatoon does not agree with this exemption. It does not agree with any exemptions which are made by the provincial legislature. That is the position of the city of Saskatoon, but its position also is that as long as you are going to be granting these exemptions, and in light of the fact that we exempt the Canadian Red Cross Society every year, why should you penalize the Canadian Red Cross Society and not the Boy Scouts? I think that is the argument. The only way we are ever going to resolve this, in my view, is for the government to resolve it by dealing with the report of the urban law review commission to deal with the whole question of municipal taxation and exemptions from municipal taxation. That is how this has to be dealt with. There is no use saying the Boy Scouts can have an exemption and the Red Cross can't. We will never deal with that type of an operation. Either they can all have provincial exemptions or none of them can. And I suggest we shouldn't make that larger decision on the basis of one bill dealing with the Canadian Red Cross Society. I think the government has a responsibility to deal with that larger question, separate and apart from this particular question.

Motion agreed.

The committee agreed to report the bill.

Bill No. 06 — An Act to incorporate St. Anthony's Home of Moose Jaw

Sections 1 to 11 agreed.

The committee agreed to report the bill.

The committee reported progress.

PUBLIC BILLS AND ORDERS

ADJOURNED DEBATES

Resolution No. 32 — Rail Safety

The Assembly resumed the adjourned debate on the proposed resolution by Mr. Skoberg (Moose Jaw North):

That this Assembly urges the federal Minister of Transport to expand the public inquiry into the Mississauga accident to all major CNR and CP Rail terminals in Canada in order to determine whether proper safety and maintenance is being practised in the Canadian railway operation.

Motion agreed.

Resolution No. 11 — School Bus Safety

The Assembly resumed the adjourned debate on the proposed resolution by Mr. Nelson (Yorkton):

That this Assembly commend the Government of Saskatchewan, its agencies, the Saskatchewan School Trustees' Association and the school boards of this province for their ceaseless efforts in the promotion of school bus safety which in the last year has seen the introduction of: (1) one of the most comprehensive school bus safety inspection programs in Canada; (2) the first ever safety standards in Canada for van type vehicles converted into school buses; (3) the development of a new and innovative school bus driver training program for implementation in the fall of 1979, plus a stringent and comprehensive testing program combined with a demanding physical fitness standard.

Motion agreed.

Resolution No. 30 — Renewable Alcohol Production

Debate adjourned.

SECOND READINGS

MR. R. L. ANDREW (Kindersley) moved second reading of Bill No. 53 — **An Act respecting the Right of the Public to Government Information (No. 2).**

He said: Mr. Speaker, I wish to move second reading of a bill entitled The Right to Government Information Act otherwise known as freedom of information legislation. I wish to bring to the attention of the members of the House that the bill we are presently dealing with is certainly a watered down form. The original bill as proposed on freedom of information was (I believe) introduced in the fall and quite rightly ruled out of order by Mr. Speaker as being a money bill. I do think though we should bear in mind the bill, originally presented, set out the requirements that I would see for any meaningful freedom of information legislation before this Assembly. I think there is a point to be made that changes could be made in our rules so private members are able to introduce legislation which has money implications to it, with certain restrictions. Than at least it could go to second vote, to a vote in principle, so we can vote on principle on a certain piece of legislation. However that is not the case. Prior to moving into the pros and cons of freedom of information legislation, I think it is important to make reference

to the parliamentarians in the past who have dealt with the subject of freedom of information. Those people, I think, have pioneered this field in the commonwealth parliaments.

In particular is Ged Baldwin, the former Conservative MP from Peace River who, since 1969 in the federal House of Commons, has introduced freedom of information legislation. Prior to Ged Baldwin, one Barry Mather (a member of the NDP since 1964) has introduced freedom of information legislation. The two champions in the House of Commons right now dealing with freedom of information are Andrew Brewin of the NDP and Perrin Beatty of the Conservatives.

I think it's important that we acknowledge the Clark administration for introduction of Bill C-15 in the last parliament, which was very close to the bill presently before this House or originally put before this House. Previously in this Legislative Assembly, Mr. Stuart Cameron, former Liberal MLA for Regina, introduced freedom of information legislation. I would simply point out that both the province of Nova Scotia and the province of New Brunswick have introduced freedom of information legislation. Be it shallow, as it is, it is the first in the Commonwealth Parliamentary Association where freedom of information has been advanced.

In the prior debate in this Assembly, many people stork up and spoke on what they felt was an important subject with regard to the taxation of the Red Cross. Since this bill presently before the House (Bill No. 63, I believe it is) is a very watered down version and does little more than simply adopt the principle of freedom of information, I hope that other members will put the same effort into expressing their views on the whole concept, the whole idea of freedom of information.

May people have expressed themselves, as I said before, to this whole subject of freedom of information and I wish at the outset to quote a few of the people who have spoken on this subject. The first one is James Madison, former president of the United States. What he had to say about the whole concept of freedom, Mr. Speaker, was this:

A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both. Knowledge will forever govern ignorance and the people who mean to be their own governors must arm themselves with the power that knowledge gives.

I think that is very true. The other quote I wish to advance is one made by Pierre Elliott Trudeau in 1964, prior to his becoming involved in the political forum and prior to his becoming part of a government in Canada. What Mr. Trudeau had to say in 1964 was this:

Democratic process requires the ready availability of true and complete information. In this way people can objectively evaluate the government policies. To act otherwise is to give way to despotic secrecy.

I wonder if Mr. Trudeau really recognized what he was saying when he advanced that argument. As well, the Canadian Bar Association has made an extensive investigation and extensive studies and has published two books on the subject of freedom of information. What the Canadian Bar Association has to say and I think again, it's very

worth-while to read, is:

At the outset, however, it is important to stress the bar association's view that the right of information must be regarded as a fundamental rather than procedural. Access to information as a prerequisite to the exercise of other fundamental rights and freedoms and without such access other rights lose much of their meaning. Information is power (it goes on to say). Concealing information can lead to the abuse of power. As well, information is essential for a working participatory democracy. The citizen's ability to participate depends directly upon the amount of information at his disposal. As well, freedom of information legislation is essential for the protection of civil liberties, and the public rights of individuals. The individual must have access to government information pertaining to himself; he must be protected from circumstances of confidential information about himself.

Mr. Clark, former prime minister, in 1968, speaking in the Canadian House of Commons, dealing with the motion of Mr. Ged Baldwin, (the bill very, very similar to the one I originally advanced in this Assembly) had this to say:

Let me emphasize that the burden for making that argument must rest not on those who want sunshine, which must be the norm, but on those who want secrecy, which must be the exception. That is the essence of freedom of information. Any law not based on the principles will make a mockery of the law of its own commitment, not just of freedom of information, but to basic democracy.

In that same debate, one Andrew Brewin, of the NDP, had this to say:

It may have been said that well-informed citizens are the lifeblood of democracy. I believe that to be true. We cannot have truly effective democracy unless we have at the same time a well-informed group of citizens. They can only be well-informed if they have access to information. For that reason our party (the NDP federally) will support this freedom of information act.

I think reference could be made to the recent report of the ombudsman tabled in this legislature about a week ago, I believe. What the ombudsman said was this, and I quote:

Consideration of the desirability of privacy and freedom of information in Saskatchewan had not proceeded past the point of a private member's bill dying on the order paper several sessions ago until a quite different private member's bill was introduced in the current session of the legislature.

I would urge the members of the legislature and the government to initiate in one form or another this kind of protection for the Saskatchewan residents. The experience of my office leaves no doubt as to its need.

I think it is clear, Mr. Speaker, that when we talk about freedom of information legislation we are not talking simply about the ability of an opposition party to obtain information. It goes far beyond that. As well, it deals with the right of the citizen to privacy, but also the right of the citizen to obtain information on government files about himself. It also entitles various interest groups to have the right, as well, to find the information to further advance their cause to promote, I believe, the right of democracy

throughout this country.

As well, the people on this side of the provincial and federal governments are not alone. There are other parties which freedom of information must address and must look at either now or in the future. Those I speak of are local governments, whether town council, school board, of what it might be, as well as certain large corporations, where I also believe the freedom of information act must be looking at the right of the shareholder to have information about that corporate structure.

Quite simply put, Mr. Speaker, freedom of information deals with this problem. The present situation in government today is this: all government information is secret unless the government decides it should be released. That is the situation now, both in Saskatchewan and in Ottawa. Those who oppose that view, including most of the proponents of the freedom of information legislation, basically say the reverse should be true — all government information should be released unless the government can make a strong case as to why it should not be released.

Ultimately that debate, Mr. Speaker, centres on the question of ministerial responsibility and centres on the question of political neutrality. Those obviously are issues which we must face, and I shall say more about those later when I deal with this part of the subject matter. I am sure that many people and everyone in this House can cite examples of where, time after time, information from governments has been denied to them or someone they know. I think an example is the spraying of chemicals over the city of Winnipeg. I believe that happened in 1953. The information came to light because of freedom of information legislation in the United States, not because of anything here, but because it was made public in the United States.

There are other ones as well, such as the Hutterite case in Saskatchewan. However, I have two cases which perhaps do not point out the folly of the thing as it relates to an opposition member but as it relates to other times.

One case occurred when I was involved in the practice of law in the town of Kindersley prior to being elected as a member of this legislature. In this particular case (I have the permission of the client, for anyone who is concerned about that) a father came to me concerned that his child had been locked in a dark room at school, which seemed something of a strange situation. The facts of the matter basically were these. The child had disciplinary problems at school. The school unit had employed the services of a school psychologist, or so he called himself. The child psychologist had dealt with this particular student and had certain psychological tests and had been making a psychological analysis of him. The school principal, in order to discipline this child (I think he was a Grade 7 student), took him to a storage room filled with, among other things, certain poisonous chemicals. The principal sat the student at a desk and left him there. There was one light bulb in the room. A short time later the power went off and the child sat in the dark room, I believe for an hour and three-quarters, afraid to come out. I think the father did in fact have a legitimate complaint.

First, we made an approach to the school board to see if we could obtain the information with regard to the psychological reports and other records of this particular child. We were denied them. The only remedy we felt was left open to us was to initiate charges of assault against the school teacher and against the principal. To substantiate the charge we again sought information from the school unit and were denied. As a result we obtained a bench warrant from the local magistrate. Armed with the bench warrant we went in and tried to obtain the files. We proceeded to commence

the trial. The eventual result was that the Department of the Attorney General did not give the required permission to proceed with the assault charge. What that case shows me is exactly where we can go if we do not guard against the principle of the right of the individual to know what is against him.

The second case involves a situation which happened last summer. An individual came to me. He was not from my constituency. He was from somewhere in the south-central part of Saskatchewan. He had been a farmer farming land bank land. The land was subsequently taken away from him, or there was an appeal process. In any event the appeal process developed and he was refused the land.

Now if anybody understands the working of the land bank commission, which is a quasi-judicial board he will know you appear separately before the board, not with all the applicants, to make your case or to have the case made against you. The board informed this guy he could not have the land bank land. I inquired of the land bank why the land was taken away from him. They advanced two arguments. One was that they felt there was a ploy involved, with giving some other land to his brother — which proved to be false to the extent that the man is no longer a farmer. But the land bank branch also wrote in the letter that there were indications from other applicants that one, whoever the guy was, had an alcohol problem. But this was not proven or used against him. So clearly you can say, why would the land bank commission, if it were not proven, if it were not used against him, even make reference to it? The farmer said, I would like to know what that charge was which was made against me. As a result, we made presentation to the land bank commission to hear the tapes of the appeal process. Those tapes were available, readily available. But the land bank indicated that it was confidential, and it is. It's covered by regulation, and it is confidential, but he could review what he said to the land bank commission. But he could not hear what someone else said.

So we're left, Mr. Speaker, in the type of situation where perhaps this scenario can develop. People come in and make an accusation against this man. The accusation cannot be substantiated, but who knows if it can or cannot be countered by other arguments? Why should the man not have that? Why should that man not have the information against him? I suggest that type of thing is what freedom of information can address itself to.

I think, prior to getting into the total of the legislation, we should look at a brief history of freedom of information in the free world. Sweden was the first country to bring in freedom of information. In 1766, freedom of information (in a very rough sense) was in place in Sweden. It was put into a modern form in 1949. Sweden probably has the most open government of any country in the western world. There are certain difference, of course, between the Swedish system and the Canadian system. I suppose the difference basically are that in Sweden the government deals with very broad policies. The administration of the government is substantially separated from the political people. Therefore, the administration operates neutral of government.

The other country where major freedom of information legislation has been advanced is in the United States of America. Freedom of information was first introduced in the United States in 1967. It was substantially strengthened in the year 1974. Now, again, when we talk about ministerial responsibility, obviously that does not exist in the United States with the separation of powers. In the United States, there is a clear move, clear legislation, and government in the United States is very open. So a distinction obviously has to be drawn between countries like Sweden, countries like the United

States, and the commonwealth parliamentary system of government. And those basically deal with ministerial responsibility, on the one hand, and political neutrality on the other hand.

Most proponents of freedom of information (I'm inclined to agree with them) say that the idea of ministerial responsibility (that the minister is responsible for everything which happens in his department) no longer has the meaning it once did 100 years ago. I think that's perhaps true. You see, the members opposite when they are put to defend their various departments (whether it happened today, or whether it happened ten years ago) can say and I think with a certain degree of credibility, well really the machinery of government grinds on and I can't be there to O.K. every move. Political neutrality which is a second argument, they also say, is a sham as many of the senior people of government, the senior bureaucrats, are in fact every bit as political as their master. The senior civil servants are in fact making and advancing policy decisions in the media, in news conferences, or at various speaking engagements. I think that is true as well.

What the proponents of freedom of information are saying (and I think with a certain degree of credibility), is that all governments, not just the Government of Saskatchewan, but all provincial governments and the federal government, are using to a large degree this idea of ministerial responsibility, and this idea of political neutrality as a man of straw. What they are really saying is, boys we don't want to get this can open. That's the concern they have. I suppose it was most clearly expressed in the debate in the United States relating to this subject. I think it was before the supreme court. What was said was this: we are a unique and distinct system of government in the United States. I've heard that argument before. We have separation of powers. That was their concern. It is absolutely unthinkable that this material should be open to public scrutiny. That statement was made by the lawyers for the great champion of open government, Richard Nixon.

What, Mr. Speaker, are the main elements of any freedom of information legislation? What is an act supposed to do? I suggest there are five requirements in any freedom of information legislation. Requirement number one is a clear preamble, a clear statement that says all government information should be released unless the government can prove it is to be kept secret. That preamble sets the spirit of open government. What I'm basically saying is that without the spirit of open government we will have no place to develop the credibility the general public must have, that their governments are being open, their governments are being fair.

Number two requires a record to be set up, or a cataloguing to be set up of all information available in the government. We have, as well, a fee set for that, not based on user pay. It would be a moderate fee, perhaps \$5 or \$10, so that there is a disincentive to simply go in there and grab everything. But it is catalogued and there's a small cost to obtain it.

Number three, there must be a set of very narrowly defined and very specific exceptions to the rule. Those exceptions are set out in the original bill I proposed, in section 27. Briefly put, those exceptions include cabinet documents. Obviously that is not a subject that can be advanced in freedom of information legislation. The second relates to personal privacy. Obviously any freedom of information legislation cannot deal with questions about the personal record of a man, or any other personal thing related to that man, except for himself. So, what I am saying is that privacy and privacy legislation becomes very important.

The third exemption relates to commercial transactions, commercial information. It is important that the legitimate economic interests of Saskatchewan are protected; information cannot be revealed if it puts Saskatchewan in an unfortunate position or in a lesser bargaining position as it relates to certain things.

Finally, there must be an exemption for certain law enforcement information. Obviously, no one would deny that.

Number four is that the legislation calls for the creation of an information commissioner, and in each department an information agent. That information commissioner would be independent, much like an ombudsman. That particular person would be the guy you would ultimately . . .

HON. R. J. ROMANOW (Attorney General): — I'm listening to the hon. member but I'm having a great deal of difficulty following what he is talking about. What bill are we talking about? Are we talking about Bill No. 53 — information, commissioner? I'm sorry I was out for five minutes.

MR. SPEAKER: — We're discussing Bill No. 53 — An Act respecting the Right of the Public to Government information.

I think what the member is doing is speaking to the principle of the bill and what he envisions it means. I don't think the point of order is well taken.

MR. ANDREW: — I can answer the Attorney General so he understands, Mr. Speaker, what we were talking about. It's the bill which is presently before the House. It's in skeleton form, obviously, because you cannot have a money bill. Therefore, the suggestions I am making are that once the bill is introduced there are regulations to be made by Executive Council, and that's the only way we can get through them.

These are the types of regulations I would like to see, because that is the only vehicle which seems available to us. So, what I am saying is that we should have a freedom of information commissioner, a person who oversees disputes and tries to rectify situations where the ministers of government say, no you cannot have that information. If that dispute continues, you must have an ultimate place, an ultimate person, who would decide whether it should be released or whether it should be kept secret.

Most proponents of freedom of information say it should go to the courts; we should have judicial review. In the final process, there must be a judicial review to look at the ultimate question of whether the information should be kept secret or whether the information should be disclosed to the public.

As well, I would propose that legislation be enacted so there would be a special standing committee of the legislature struck, which would observe the workings of any freedom of information legislation, would act on certain problems associated with it, and would bring forth resolutions to the Assembly so the act could be changed and improved as time goes on.

Mr. Speaker, I believe that few have to be convinced as to the need for freedom of information. The case has been made over and over a hundred times. So what are the arguments against freedom of information? Why do people resist it? Perhaps one can

advance the argument it's going to cost too much. I would suggest the cost will be minimal when you look at the total effect which is going to come from it.

The government, by reducing part of its advertising program in this province, could easily cover the total cost of freedom of information. The next answer then will be ministerial responsibility. Ministerial responsibility is a big concern. It's the thing that will stop us.

I think a point can be made, Mr. Speaker, that ministerial responsibility has some place in the parliamentary system and cannot be simply thrown out altogether. However, I think that question in dealing with the questions of exemptions, can be handled. Surely our exemptions can be drafted so that we get away from the problems of this particular government that they cannot issue this information without completely destroying the concept of parliamentary government. I think that is a weak argument. I think it is simply a man of straw.

If we talk about judicial review, and say that it takes away ministerial responsibility, then what we are saying basically is that our judicial system isn't worth a hoot in this country. Basically what we're saying is that the judicial system does not have the ability, does not have the fairness to deal properly with what information should be there ultimately. That's exactly what the members opposite will be saying. That's exactly what governments across this country are saying on freedom of information. Time is running on. I simply say this. The members opposite in the past have said that they will have freedom of information. I said that Bill C-15 has been advanced in the House of Commons and on May 14, 1980, the question was put to the Minister of Communications responsible for freedom of information, Mr. Francis Fox. What Mr. Francis Fox said is this: We are reviewing the bill, which in respects is a very good bill, introduced by the former government. We are examining the criticisms made of the bill and hope to be coming up with an improved bill in the very near future.

I hope that isn't the same as the government in Ottawa saying in 1968, that we are committed to bringing forward in the next session effective freedom of information legislation. I hope this government is not going to again stand with the same statement made by the Attorney General in 1978 when this debate was advanced:

I think that the need to provide a policy toward the access to government information is something that needs to be looked at. (Well, isn't that nice?) In short, I think this concept requires a great deal more consideration and more thought before it is promulgated into legislation.

That's what the Attorney General says. He will stand up I suggest and probably indicate that he believes in the concept of freedom of information. I simply say this in concluding, Mr. Speaker. There have been many reviews including the Ontario legislation, which is I think a 13 or 14 volume report on freedom of information, undertaken in Ontario by the commission on freedom of information. What the Canadian Bar Association says is as follows:

It is essential that Canada follows the lead of the United States in providing an effective means for the ordinary citizen to scrutinize government activities. The right to confront the decision-making apparatus of the state with informed opinion is founded on liberal democracy. If the enormous growth of government activities has been accompanied by an increasing insulation of decision-making process for political responsibility, the

government cannot be allowed to escape public scrutiny by clinging to nineteenth century notions for support. There can no longer be any justification for the aura of secrecy that surrounds the business of government. Access to government information is essential to participatory democracy and access must be a meaningful legislative right, rather than a sham. Anything less would continue to erode the trust relationship that should exist between the people and their government.

And I think that clearly states the view I have. As I said at the start, this is not the first time this legislation has been advanced. It is supported by the provincial ombudsman. It is supported by the Canadian Bar Association, the Canadian Human Rights Commission and Access, which is a very strong group for freedom of information. There have been strong articles written by the Canadian Labour Congress, by all political parties, by journalists and by the academic community.

I simply say in conclusion, it is time that we have something more in this country than people simply standing up and saying yes, it's a good principle but we have to study it some more. I say to you it is time to make the change. It is time to see some action now on freedom of information.

SOME HON. MEMBERS: — Hear, hear!

MR. ROMANOW: — Mr. Speaker, I must make a few comments before I beg leave to adjourn the debate. I must say to the hon. member opposite that much of what he says I could support and do support. I'm sure there are very few members in any House anywhere who would take exception to the general statements from which he quotes. But I do say, Mr. Speaker, that it is incorrect to say that the Canadian Bar Association and all the organizations he has indicated support the legislation.

It may be fair to say that these organizations support some form of freedom of information legislation. I don't argue that. I support some form of freedom of information legislation. But supporting the principle of freedom of information and putting it into legislation which neatly balances the freedom of information with the rights to privacy that individuals have — these very same individuals for whom, the member for Kindersley says, freedom of information is needed, privacy is also needed. It is an entirely different operation.

Because if it were easy to do, Mr. Speaker, we would not have legislation in New Brunswick unproclaimed and not acted upon, to the best of my knowledge. Nova Scotia passed but never proclaimed legislation. The House of Commons foray into this area, laudable as it may be, fell a considerable distance short of the objectives, worthy as they may be, enunciated by the various members.

Mr. Speaker, I want to make one point as crystal-clear as I can with respect to Bill No. 53, which is what we're debating. There is absolutely no way that any person would accept this bill as drafted or even as potentially amended (if it could be potentially amended) and do justice to the basic principles which have unfortunately been untouched by the hon. member in his lengthy discourse.

I invite you, Mr. Speaker, and members of this House, to take a look at what is before this legislature in Bill No. 53. What is before this legislature is a one and one-quarter page bill. It has section 1, short title; section 2, right to information; section 4, regulations. By the way it simply says cabinet can make any regulation, whatsoever; if government

introduced such motions they would, as we have heard in this House before, be subject to a great deal of criticism. And section 5, the bill comes into force on proclamation.

Now I direct your attention to the two relevant portions of this bill: section 2, proposed clause (c). Now you have to define record in order to know what you have the freedom to obtain, what you're going to have access to. Record is defined as follows:

. . . means the whole or any part (I stress the words, any part) of any book, document, paper, card, film or other thing, which made or acquired in the course of public business or in which information is written, recorded, stored, or reproduced, and where any record does not convey the information contained in the record by reason of its being in the form that requires explanation, includes a transcript of an explanation of the record.

Now, Mr. Speaker, there are a number of operative words. Record means the whole or any part of virtually anything, or any other thing. It also includes anything that may have occurred directly or indirectly in the course of public business. It also includes the reasons, where reasons are thought to be necessary.

Under section 3, any person by application may ask for that record and the agency shall forthwith produce it. That's what this bill says. Now if we were to enact this bill and it became law, would I be entitled to go to the Saskatchewan Medical Care Insurance Commission and say that I want to receive the full and complete medical record of the Leader of the Opposition in the last 6, 7, or 8 years? The hon. member opposite would say there's an exemption which would not allow us to get that kind of information. If it's an exemption, Mr. Speaker, why wasn't the exemption written into the bill? Does it allow me to come to the Attorney General's department if I'm in a different capacity and say I want to receive the complete police investigation file on a particular individual because of my right to know? No, the hon. member would say, that is a drafting matter which could be incorporated in an exemption. This is yet another exemption with respect to this bill. Why wasn't the exemption included with respect to this bill?

Mr. Speaker, one could go on. My point here is clear. Stating the principle of freedom of information is easy; anybody can do it in a page and one-quarter. But the other side of the bill (even in the first one or the House of Commons bill), the other side of the coin, the right to privacy, namely, defining the exemptions is not so easy. Take a look at the New Brunswick bill. Don't say to us now that it's because they have an Attorney General who doesn't believe in freedom of information and so forth and he won't do it.

Take a look at New Brunswick. Take a look at the House of Commons. Take a look at the New Brunswick one which, by the way, does not talk about privacy of information officers or a special committee. It's a Conservative government but I don't pay any particular import to that. Take a look at what you see in it with respect to the exemptions. It states — the right to know. But then it says it shall not apply to these areas — (a), (b), (c), etc. I'm only picking out three, there are a list of about 11 exemptions.

For example, (b) reveal personal information given on a confidential basis concerning another person. By the way, we all heard the example of the land bank information given on a confidential basis affecting another person. Under the New Brunswick law that would be exempt. You wouldn't have the right to get the freedom of information with respect to that particular matter. I would suggest to the hon. member opposite he would be better off with a law suit with an examination for discovery.

Consider (g) not subject to freedom of information, would disclose opinions or recommendations by public servants for a minister of the Executive Council or (h) would disclose the substance of proposed legislation or regulations. You could go on down the list as you try to define the exemptions involving police activity, involving medical activity, involving other financial activity and the business activity of the community. There is not a privacy commissioner or a judge or a legislative committee (or however you structure it) who, if he saw fit, could not interpret this as being outside of the ambit of the right to know. Because, Mr. Speaker, it is not an easy thing to balance the public's right to know and the public's right to be protected, with a right of privacy in this system as well.

SOME HON. MEMBERS: — Hear, hear!

MR. ROMANOW: — Now, Mr. Speaker, the hon. members opposite are fond of accusing us in another bill, another debate, Bill 13, of being big brother, the all-seeing, all-hearing eyes and ears of the public as a whole and that there is a need for somebody to stand up for individual rights and freedoms. I invite members of the press gallery or members of this House to run down the list of areas where you deal with government, from drivers' licences to medical records, to all kinds of land bank appeals or otherwise. The members opposite would say that the right to know's so important it outweighs the right to privacy. Then they say to us that it is big brother in Bill No. 13 who is dominating the operation.

I say that this is an issue which many members of the public, especially some members of the press, simply are ill informed about. It is the kind of issue which gets the general proposition of support but fails to address the very many principal areas which have to be examined in detail.

Mr. Speaker, I want to tell the hon. member opposite that yes, I am going to use one of the arguments which he ascribes to me, and that is the United States example. I do want to say to the hon. member and to this House, that no matter how you shuffle the deck you can't change the spots on the cards. The spots on the cards are that the United States' congressional system of government is entirely and totally different from the parliamentary ministerial responsibility of government. If you want me to come to this House in question period and answer for and defend the various agencies which respond to me, then you have to give the minister some element of balancing the right to know with the right to privacy. If you want to give all of those agencies the total and absolute power and obligation to report everything on an application which they may make or decide, then do not pin me with ministerial responsibility.

In the United States the government is different. In the United States the principle is such that the environmental protection agency is an independent organization from the minister of the environment. In fact, they don't even have one at the federal level; they do have it in some operations. That is the situation which exists there. Accordingly, to be able to take that kind of mechanism, transport it here into the parliamentary British system with daily question period, (which Washington and state legislatures do not have) as imperfect as it is, our mechanisms for orders for return, our system of the ombudsman . . . (inaudible interjection) . . . The hon. members opposite laugh. They laugh so much they tabled 450 questions this year. That is how much faith they have in the routine.

May I say, of those 450 questions, almost all of them could have been done by any

research officer spending some hours in the books. But leaving that as an aside, that system is imperfect as it is, provides a right for the public to know, in the full glare of the publicity of the press (and when the television comes) that is not afforded to the congressional system in the United States, Mr. Speaker. That is a fact, because it is a basic difference.

I say, Mr. Speaker, that freedom of information needs to be tackled. Freedom of information needs to be adapted to the British parliamentary system. Freedom of information needs to be implemented, (that is one side of the coin); but only after members of this legislature, the press and the public know the other side of the coin. That is the right to privacy, namely the exclusions. I want to tell you, Mr. Speaker, it is not good enough for the member for Kindersley or the members of the press or any member in this House to say, well, it is up to the government to draft those regulations and those exemptions. Because there are no governments which have drafted them with precision. And my ideals are no better, nor am I more able than the member of Kindersley to grapple with those areas of privacy . . .

SOME HON. MEMBERS: — . . . with those areas of the right to know. And the fact that he came to this House with a bill so barren of specifics and principles indicates, he, too, has not thought out the major issues which we are about to face in this area.

Mr. Speaker, I say to the hon. members opposite and to the public as a whole that this government and this parliamentary system is the most open of any form of government which exists in the free world. The hon. members opposite do not accept that. I happen to think the parliamentary system is indeed the greatest. But I do want to say, Mr. Speaker, the test of the greatest is the degree of open business conducted openly by the public. It is never perfect, but it is the best. And freedom of information or otherwise, notwithstanding, as amending as it might be, it is still the best. And I invite any member opposite to challenge that proposition. It is not good enough to go around saying, well, it is all in the hands of the government and the like. I say, Mr. Speaker, this difficult issue does not . . . The hon. member failed (I say, regretfully) in his speech to talk about at least four or five major areas and principles.

Firstly, I have made a point of the balance between freedom of information and the right to individual privacy when these matters come into conflict. How is it handled? What are these areas of conflict? That is an area which he skirted around.

Secondly, the impact of freedom of information legislation on the parliamentary democratic process, including the efficiency of the parliamentary form of government.

Thirdly, the scope of any freedom of information legislation in terms of its applicability to governmental agencies — do we follow the member's suggestion that it applies to everybody, everywhere, at all times? How does it relate to provincial boards, commissions, Crown corporations, municipal and education institutions? The hon. member wanted to get the local school board to pony up information because his client was not satisfied with the information available to him, and wanted to use freedom of information in that lawsuit case. Is that a proper use of freedom of information? Is that the scope of freedom of information, Mr. Speaker? The hon. member seems to indicate it is.

Fourthly, the scope of freedom of information legislation in terms of its applicability to

policy formulations, if you exempt the cabinet, do you exempt the deputy minister? Do you exempt the executive assistant? Do you exempt the director? Where does the level of cutoff stop in the flow of information process in order to make the policy up? Where does that go? You have to define that; you have to speak to that issue; you can't simply say I am for freedom of information to which all of us could subscribe, without defining those particular matters in the member's speech which were regrettably very negligent and lacking in that area. Or the need for exemption, I have talked about it already — security matters, perhaps not national security in the Saskatchewan sense, but security in a broader sense.

Finally, the desirability of giving the public the opportunity to participate in the rule or regulation-making process, by having a notice and comment procedure as in the United States; not a word about the notice and comment procedure in the United States, giving the public the right first to respond to the regulation before it becomes regulation. That's where true freedom of information counts. We don't have that now. No government in the parliamentary system has that now. And the hon. member opposite says, amend that now. I mean, as I say again, I have no better expertise. My departmental lawyers are no better qualified than the department of lawyers or the Department of the Attorney General of Alberta or the Department of the Attorney General of Ontario.

In Ontario they are trying to address these issues by the Krever commission. The hon. member referred to it. We are awaiting the report of the Krever commission because you in detail have to define these principles. And it is not a simple question of drafting. This is a principal issue. It's a question of fundamentals, a question of where freedom of information cuts, and all these other rights and freedoms and privileges to which we are entitled in our democratic system, worked in as a protection.

Mr. Speaker, I say to the hon. members opposite that they are insincere in this activity. They are insincere and if they are not insincere, they are incompetent. Because if they are sincere, they would have addressed themselves in detail to these fundamental issues either by way of the proposals of the bill, given the limitations of this House, or in the address; they didn't and I invite the record to show that. And if you don't want to accept this bill as being the example, then go to New Brunswick or Nova Scotia or Ottawa (the Joe Clark bill) and tell me where those issues have been resolved or satisfactorily addressed.

It hasn't been done, Mr. Speaker. And the ombudsman can talk all he wants about freedom of information. I will subscribe to everything that he says about freedom of information but it means nothing unless we can draft a bill which, in our rush to satisfy the media aspect of this matter, fails to trample on the individual rights of people who are concerned in this area.

Mr. Speaker, fundamental questions have not been addressed. Fundamental questions have been missed by this legislation; fundamental questions I fear have not even been addressed by the members opposite, and I believe that we cannot move with this bill. Mr. Speaker, before I adjourn my remarks, I say to the members of this House what I said in speaking to a group of people a few months ago on freedom of information: we are embarking upon (it's going to take some time) this kind of a detailed analysis of the principles and the policy aspects of freedom of information, trying to graft it on to the parliamentary system, wholesale operation.

I tell you that in this regard the opposition has been singularly unhelpful. But we are

intending to proceed with this approach and it is our hope that within the next 12 to 18 months, perhaps 24 months, a proposal will be before this legislature in the form of a white paper which will give the public lots of opportunity to make comments on the specifics of the bill and the principles which guide the legislation which may be proposed. Freedom of information I think is a positive step forward. Freedom of information is indeed something which all of us, as members of this House, ought to work toward.

I think we ought not to be stampeded as I have said. I think we ought to have the benefit of the advice of wise men and women who are studying this situation, such as the Horace Krever commission report and others in law reform commission worlds, who are doing research in this area, before we act hastily. I say that if we are all interested in achieving this goal, we ought not to be trying to politicize the issue in partisan terms (as unfortunately the member for Kindersley has been doing). We ought to be getting the benefit of all this advice, weighing the issues and the principles and then moving in the best interests of the individuals and the legislature and the legislators. Mr. Speaker, I beg leave to adjourn the debate.

SOME HON. MEMBERS: — Hear, hear!

Debate adjourned.

COMMITTEE OF FINANCE

MR. CHAIRMAN: — It being close to 5 o'clock I do now leave the Chair until 7 o'clock this evening.

The committee recessed until 7 p.m.