

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Second Session — Nineteenth Legislature**

**Wednesday, June 4, 1980.**

**AFTERNOON SESSION**  
**INTRODUCTION OF GUESTS**

**MR. J.A. PEPPER (Weyburn):** — Mr. Speaker, I would like through you to introduce to all members of this Assembly a very special guest who is seated in the Speaker's gallery. I am referring to Her Worship, Mayor Isabelle Butters, . . .

**HON. MEMBERS:** Hear, hear!

**MR. PEPPER:** — . . . mayor of the very progressive city of Weyburn. Holding that office in itself, Mr. Speaker, is sufficient reason for her to be acknowledged by all of us; but there is an even more important reason for recognizing her today. Recently Mayor Butters was presented the Order of Canada award by the Governor General of Canada. As all of you know, this is one of the highest awards that can be given to a Canadian citizen. It was given to Mayor Butters in recognition of her dedicated service to her country, her province, and her community. Accompanying Mayor Butters is a former alderman of the city of Weyburn, Alex Miles, and my good wife, Jean. I am sure Mr. Speaker, that I speak for all members here when I offer Mayor Butters our congratulations, and welcome her as a guest in this Chamber today. Thank you.

**HON. MEMBERS:** Hear, hear!

**WELCOME TO STUDENTS**

**MR. G.S. MUIRHEAD (Arm River):** — Mr. Speaker, I wish to introduce to you and to the members of the Assembly, approximately 32 Grade 8 students from Hanley, and their teacher, Don Lockhart. I welcome you to the Assembly. I hope you enjoy your visit here this afternoon and also to the city of Regina. I ask the members of the Assembly to welcome you and to wish you a safe journey home.

**HON. MEMBERS:** Hear, hear!

**Mr. J.L. SKOBERG (Moose Jaw North):** — Thank you, Mr. Speaker. On behalf of my colleague, the Hon. Gordon Snyder, who is out of the province on government business, it gives me a great deal of pleasure in introducing to you, Mr. Speaker, and to all members of this Assembly, a group of 36 students from the William Grayson School in Moose Jaw, accompanied by Mrs. King, a teacher from that school. I'm sure that all of us recognize the fact that when you have Grades 3 and 4 in this Assembly, they look forward to some great speeches from this floor. I might also say that it's a real pleasure to introduce the students even though they probably can't see me — I'm way down here — and say that I will be able to meet with you a little while later for pictures, and also to answer any questions you might have. Congratulations for coming to the Legislative Assembly. I hope you have a real good Celebrate Saskatchewan this year.

**HON. MEMBERS:** Hear, hear!

**ADJOURNED DEBATES**  
**SECOND READINGS**

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

**MR. R.L. COLLVER (Leader of the Unionest Party):** — Thank you very much, Mr. Speaker. I'll just take a brief moment from my remarks to welcome the students and to welcome Mayor Butters to this Chamber. I do wish to add my congratulations to her. I know how hard she has worked for the community of Weyburn, and in fact for the province of Saskatchewan for many, many years. I certainly congratulate her on her award.

I would say to the students and to the mayor and the people who are accompanying her, that the member for Moose Jaw North suggested that there would be sterling speeches in this legislature to listen to. You may be aware, or you not be aware, that at the moment in the Saskatchewan legislature there is a very lengthy presentation of arguments against a bill, Bill No. 105 which some members of this Assembly believe is an attack on the rights of minorities to have whatever opinions they may desire. Because these lengthy kinds of presentations sometimes necessitate quotations from various and sundry reference works and reference texts, there may not be quite as sparkling speeches, and you may not hear quite as many members of the legislature rise to their feet as you would normally hear in this legislative debate.

Unfortunately, the other members of this Assembly earlier today decided that they again didn't want to participate particularly in this debate. Therefore you will unfortunately be subjected to relatively lengthy discussions of the same problem, not providing the greatest speechifying, if I may use that word.

I'm sorry member for Assiniboia. I have to apologize to the members of this House for not being the best speaker in this Chamber, although, Mr. Speaker, there have been times when one has to wonder whether there are any good speakers in this Chamber. One has to wonder whether or not most of the speeches given, whether they be on one topic or whether they be on many, may possibly be not quite as sparkling and as exciting as the . . .

**MR. SPEAKER:** — Order. I would want to be classed as one of the good speakers in this Chamber. Therefore, I take this opportunity to bring the member to order and get him on the subject which is Bill No. 105.

**MR. COLLVER:** — Mr. Speaker, I thought we were in the middle of introductions and this was my way of introducing and welcoming people to the Legislative Assembly. I certainly will return to the topic absolutely immediately. Now you will recall, Mr. Speaker, when we left the exciting saga of the Premier of Saskatchewan and the Attorney General and the member for Biggar in their comments to the changes in The Legislative Assembly Act and The Executive Council Act that they made in 1976, 1978 and again in 1979, we left off with the former member for Indian Head-Wolseley, a most respected member of the Chamber, Mr. Cy MacDonald. I wish to return to some of the comments of Mr. Cy MacDonald. But before I do that, Mr. Speaker (and I will get right back to that) I have one other brief quotation to make and then an announcement to make to the members of this Assembly.

I have here a book called The Practice of Freedom: Canadian Essays on Human Rights and Fundamental Freedoms by R. St. John Macdonald and John P. Humphrey, page 44. Mr. Speaker will recall that I have been referring from time to time to English examples and I have some more of them with which to enlighten the members of the Assembly. I

also have some more American examples with which to enlighten the members of the Assembly on this attack on fundamental freedoms that is occurring in Bill No. 105. However, this particular article refers, Mr. Speaker, to the Saskatchewan Bill of Rights. When I first discussed this case at the beginning of my remarks on this important bill, I said that Bill No. 105 was in opposition not only to the Canadian Bill of Rights but to the Saskatchewan Bill of Rights.

I further announced to members of this Assembly some few days ago that whether or not they passed Bill No. 105 (and I suggest that they don't because the Government of Saskatchewan has been involved in many, many court actions questioning its actions as being ultra vires of the constitution of Canada) I would be, immediately upon the passage of Bill No. 105, launching an action against the Government of Saskatchewan as attacking that fundamental human right protected in the Canadian Bill of Rights, the right of association, which all citizens and all members of the legislature have. And the facts of this particular case of Bill No. 105 are absolutely clear that: (a) it is an attack on minorities, and (b) it is an attack on the fundamental rights of people to associate and to speak as they see fit.

I announced at that time, three or four days ago, that we would, if the legislature passes Bill No. 105, certainly test it in the courts as being an attack on minorities, as being in opposition to the Canadian Bill of Rights. And we are advised by our solicitors that this would be an extremely good action and one that would in fact have a great opportunity of success in the Canadian courts.

However, in perusing this document this afternoon at lunch time in contemplation of providing the material that I was going to be presenting this afternoon on this important debate, I discovered one brief paragraph on the Saskatchewan Bill of Rights written in this particular book, *The Practice of Freedom*, that I thought was particularly enlightening. I wish to tell members that I intend to draw this chapter to the attention of my legal advisers and perhaps we can take action before this bill has passed. I had not read through the complete Saskatchewan Bill of Rights when I made my initial presentation and you can see, Mr. Speaker, the absolute necessity of providing for the information of members some of these reference works and reference texts pertaining to some of the things that are being said about Bill No. 105. Because as time goes on you find as you read through and present these reference texts to the members, that in fact there is a great deal more than meets the eye to begin with. And listen to this paragraph, Mr. Speaker:

The first province to pass a Bill of Rights was Saskatchewan. The Saskatchewan statute differs in an interesting way from the Alberta bill. It provides for freedom of conscience and religious association, freedom of expression, freedom of association, the right to membership in professional associations freedom of the press and the right to own and occupy property.

And then this paragraph goes on to say, Mr. Speaker:

The Saskatchewan legislation then provides in section 14 that every person who deprives, abridges or otherwise restricts or attempts to deprive, abridge or otherwise restrict any of these rights 'may be restrained by an injunction issued in an action in the Court of Queen's Bench.' It appears to be a more substantial piece of legislation that is more enforceable than the Alberta Bill of Rights.

Mr. Speaker, I intend, as soon as I have completed my remarks today, to visit my legal advisers to find out and seek into the possibility of bringing before the Court of Queen's Bench an injunction on the Government of Saskatchewan from bringing forward Bill No. 105 as an abridgement of the Saskatchewan Bill of Rights. Now, this may present some legal difficulties, and I am sure the Attorney General knows it, because this legislature itself passed a statute called the Saskatchewan Bill of Rights and this legislature has the right to change this statute. But it will be interesting to see, Mr. Speaker, whether or not my legal advisers, who have already informed me that the action against Bill No. 105, given the circumstances of the case, as an attack on the Canadian Bill of Rights, and therefore, ultra vires of the constitution would probably be a successful one. It will be interesting to find out whether or not they believe that the Saskatchewan Bill of Rights may supersede any subsequent legislation passed by this House. It certainly would be an interesting legal problem.

It is a legal problem, Mr. Speaker, which perhaps would not be heard by the Court of Queen's Bench because the Saskatchewan legislature has the right to bring in new legislation as it sees fit, since the Bill of Rights is not built into the constitution of the province, because the constitution of Saskatchewan vests in the British North America Act. But nevertheless, the province of Saskatchewan in all its sincerity, in all its deliberations, passed sincerely a statute which refers to a Saskatchewan Bill of Rights, and in that statute it specifically protects the right of association and the right of free speech.

No matter what members of this Chamber may think of the goal of the Unionest Party of Saskatchewan, we have stipulated time and time again, from the commencement to today, that we believe in the laws of Saskatchewan as they are; we believe in the constitution of Canada as it is. We will obey every law; we will obey every possible statute; we will obey the spirit and the exactitudes of the law. But we will present our beliefs as an option which is specifically protected by the Canadian Bill of Rights, the Saskatchewan Bill of Rights, and every precedent in every free country in the world, and that is, if we have not broken the sedition laws, if we are not charged with treason, if we are not traitors to the country and we are obeying the laws, then we are entitled to believe as we want to and to associate as we so desire.

That's what the statutes in Saskatchewan say; that's what the Canadian Bill of Rights says, and that's what the court system is all about. When that freedom or right is attacked, every individual citizen has the obligation to ensure those freedoms and those rights are maintained by every society, by every organization, by every government and by every legislature. Because, Mr. Speaker, if we do not carry that forward, if we do not take those responsibilities seriously, then there is no point to being a member or a citizen of any country, whatever name you want to give it, because you will live in a totalitarian society.

What about the people who wanted to write into the Saskatchewan Bill of Rights whether or not race should be used for hiring people? Are we to say to them as a legislature, that the principles in the Saskatchewan Bill of Rights pertaining to the right of different races to see employment on equal footing is wrong; that the statute will be overlooked because the legislature itself will attack that statute?

Mr. Speaker, as I have said many times, the members of this Chamber make a dreadful mistake if they carry this bill forward and attempt to ram it through this House, because they will cause everyone in Saskatchewan to believe that the Saskatchewan Bill of

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Rights is meaningless. We have proven in our preceding remarks that this retroactive bill, which makes lawbreakers out of members of the legislature who have broken no law, is an attack on minorities.

Mr. Speaker, no shilly-shallying, no hiding behind papers and desks . . . The member for Souris-Cannington gave me the word flimflam. That's a nice word and I'm glad he did. It's very difficult after a certain length of speech to try to think of new words. I tell you, flimflam is as good a word as any. No flimflamming of the people is going to hide the basic nature of Bill No. 105. That is, it is retroactive and therefore an attack. It is retroactive; it is designed to attack only one organization. The Leader of the Conservative Party stated publicly what that attack was. There is no way the government can hide it.

The Saskatchewan Bill of Rights was passed with sincerity by this legislature. The people of Saskatchewan expect to receive protection under the Saskatchewan Bill of Rights. They are entitled to believe, as they do, that the Bill of Rights is meaningful, that it means something not only for citizens but for legislators as well. If we in this legislature attempt to circumvent that Bill of Rights, then we tell those citizens it is meaningless in all respects.

Mr. Speaker, I have said earlier that a great many people on the NDP side and on the Conservative side have attempted to make this bill into nothing more than a money issue. They have tried to say that it is reasonable and rational to attack minority groups in this legislature by withdrawing their standing as a party, even though the law says it is legal and legitimate, by retroactively changing the law. They have attempted to make it into a money bill. I wish to table today, in this Assembly, a receipt from Donor's Choice combined appeal, dated May 30, 1980, in my name for \$702.10, being the net amount paid by the Clerk's office to the leader of the third party. I wish to table this in the House. I will table this receipt every month for as long as this bill is intact. . . (inaudible interjection) . . .

The member asks what does the member for Swift Current do? This bill doesn't affect the member for Swift Current. It only affects the leader of the third party and the leader's office. The leader of the third party, by statutes that have been investigated in '76, '78, and again '79, receives a stipend. I have stated that I would not take that personal stipend because I do not believe that this bill has anything to do with personal money. I believe this bill is an attack on minority rights and I have tabled today a copy of that receipt and will do so every month as long as I am a member of this legislature.

Now, you see, Mr. Speaker, the issue here is not money. Let me return to the words of Cy MacDonald, the member for Indian Head-Wolseley in 1978. He is responding to the words of the Premier, which you will recall indicate clearly to this House that in 1978, and again before in 1976, the Hughes committee report was the basis on which the legislation adopting third party status was revised and on which it was based. And the words of the Premier you will recall, Mr. Speaker, that were read into the record this morning, specifically and clearly state that the cabinet had reviewed the bill and the provisions and had decided that they were the right thing to do.

Mr. Speaker, you will recall that the Premier made those remarks after the member for Thunder Creek, who ran and was elected as a Liberal in 1975, crossed to the Conservatives, thereby equalizing the forces in the legislature. The allowances, adjustments and payments to the leader's office and to the leaders of both the Liberals and the Conservatives were equalized, were changed. The Liberals went down and the

Conservatives went up as a result of that equalization. And you will recall that the Premier in his remarks specifically stated that they had examined the possibility of a tie in the legislature (that was after the tie occurred) brought about by a member leaving one party to join another.

Then the member for Indian Head-Wolseley came in to give the Liberal Party's comments. You will recall that he usually said 'I would like to see and as I said, honestly,' and that he had that habit. Mr. Speaker, I want to include the remarks of the member for Indian Head-Wolseley in Hansard because I think they are right on point.

I tell some people that when I first became involved in Liberal politics that they wouldn't even let the opposition to the government in the Legislative Assembly Building. I don't know how many of these members would believe that, but the Liberal office was down in the McCallum Hill Building and the Leader of the Opposition couldn't even have an office in this building. (Now listen to this, Mr. Speaker; he says it in 1978). That's how the growth and the progression to maturity came about.

Are we to throw away, Mr. Speaker, all of that growth and maturity that's occurred in this legislative Chamber? Are we to discard the growth and maturity referred to by Mr. MacDonald? Are we to return to the kinds of policies that existed when he first became a member, which were such that the Leader of the Opposition didn't even have an office in the Legislative Building? Is that what members to my right want? Because if that's what they want and they keep supporting this bill, that's precisely what they are going to get. When you can attack one member of the legislature, you can attack any member of the legislature. When you can attack one minority, you can attack any minority.

He goes on to say:

I suppose it was Tommy Douglas who first made the initial change that permitted the opposition to become a fundamental part of government in Saskatchewan and at least let us have an office. But I only used that as an illustration of the fact that we have progressed and matured in wisdom in relation to dealing with ourselves.

Now you will recall, Mr. Speaker, from the Premier's remarks, that he said the governments don't like to discuss this legislation because it deals with ourselves. The member of the Liberal Party at the time, the member for Indian Head-Wolseley, said in April 1978, members don't really like to deal with themselves. And now he says, we have come a long way. Why then, Mr. Speaker, in 1980, does the government bring forward a bill which attacks those very principles which were established in 1976, in 1978 and in 1979? Why? They haven't answered those questions yet.

Is it because they don't want any taxpayers' funds to go to a party which supports the break-up of Canada, even though we have said at least a dozen times (and at our initial interview with the press which was a full-scale press conference at which the members had opportunities to ask any question they so desired for one and one-half hours) we do not support the break-up of Canada? We said Canada is breaking up, and as a result, we believe other options should be presented to the people of western Canada. Now, Mr. Speaker, unless some charge is laid, unless some criminal activity is shown, unless some intent is shown to attack the institutions of the province of Saskatchewan or of

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Canada, then why would the members say that two members of the Legislative Assembly should be less than full members of the Legislative Assembly if they weren't attacking those people because of what they believe in?

Mr. Speaker, we have seen time and again (and we will see more times during the course of this debate) examples of other legislatures, in other jurisdictions and other times, which decided to take it upon themselves to attack minority members of a legislative Chamber. I can't figure out just who arrived in the Chamber, but I know it is an urgent matter. I am sure the Sergeant at Arms will attend to it almost momentarily.

**AN HON. MEMBER:** — You should put all of this on tape; then you wouldn't have to be standing there.

**MR. COLLVER:** — I notice the radio is on. Perhaps it is all on tape. I am sure Hansard has it all on tape as well. I am sure any radio station that wants it can get it on tape. So I don't think the member has to say from his chair, we should put it all on tape.

**AN HON. MEMBER:** — It's priceless.

**MR. COLLVER:** — I know it's priceless. I suggest, Mr. Speaker, from time to time, the Hansard readers think we are burning up the wires so much they can't even understand what we are trying to say. I think that is true. As a matter of fact, from time to time, Mr. Speaker, the Hansard readers have come to me and asked to borrow the books which are sitting on the desk. As a matter of fact, today at noon that very same thing happened. They said, could we please take your book because we want to make sure we have your quotations accurate? They did. I thank the Hansard people for bringing it back and placing it exactly on my desk as I had left it. That is a very thoughtful way for them to behave.

But what more can you say, Mr. Speaker? What more can you say than the fact that if you bring in retroactive legislation to attack two members in this Assembly, to rule away their rights in legislation, which has been reviewed in '76, '78 and '79, that is an attack on minorities. There is nothing else you can possibly deem, as I told the members opposite this morning. I told them how they could go about doing this. If what they want to do is to remove the payments to the third party in this legislature, bring in a bill removing payments to any third party in this legislature. That is not an attack on minorities; it's stupid but it is not an attack on minorities.

That's one thing. If (as the member for Shellbrook said from his chair last night) what you are really trying to do is force members, who decide to change the party banner under which they ran, to resign and seek by-election, then bring such a bill before this legislature. That would be against all party tradition, all parliamentary tradition and against everything (except for that one-year period in Alberta) that has happened in parliamentary democracy for 200 years. If that is what you are trying to attack, bring such a bill before this legislature. But don't bring a bill like Bill 105 that retroactively makes lawbreakers out of two members of the Assembly who have broken no law. Because then you are attacking minorities and then it is against the Canadian Bill of Rights, the Saskatchewan Bill of Rights, the United Nations Charter and against every parliamentary tradition we have built up over hundreds of years. Then it is against what the members, the Premier, the member for Biggar and the Attorney General have said in this Assembly in previous introductions of changes to this bill. Relatively soon I will get to the remarks of the Attorney General when he brought forward Bill No. 106 on May 3, 1979. I hope the Attorney General hasn't forgotten those remarks because I think they

are extremely interesting as they pertain to this new Bill No. 105.

Now, Mr. Speaker, the member for Indian Head-Wolseley, Mr. Cy MacDonald, on April 10, 1978 (let's not believe that's 100 years ago for a precedent that doesn't apply; it was only two years ago that all happened and came about) concludes by saying to the Premier . . . I invite the press to get Hansard from that time; I invite anybody to get Hansard from that time to see if I've omitted anything. Remember I said: wouldn't it have been right for the Liberals at the time to have damned the government for dividing the third party spoils (if you want) into the opposition spoils, for dividing them in two and saying that both parties get the same. You would have thought at the time that the Liberals would have said that 12 of our members were elected as Liberals and only 10 of the Conservatives were elected as Conservatives; therefore we're the opposition and they are the third party. You would have thought they would have said that, given the same principles of Bill No. 105, and they didn't. Mr. MacDonald concludes his remarks by saying:

I do urge the consideration upon the Premier. I am sure it would pay off in rich dividends to him and to all members of the Assembly, not only at the present time but in the years to come.

What Mr. MacDonald proposed on April 10, 1978, after being invited to do so by the Premier of Saskatchewan, was that an independent group be responsible for The Legislative Assembly and Executive Council Act. That's what he proposed. He said that because of the embarrassment all members had in bringing forward changes in this legislation and because of the difficulties and dangers that exist in bringing forward this legislation, that an independent, outside the legislature commission should be set up and established to make changes as they are required to The Legislative Assembly and Executive Council Act. That's what the member for Indian Head-Wolseley said at the time. Did the Premier listen, even though he invited the comments? He did not. Was an independent commission established? No, it was not.

What has happened since? On May 3, 1979 the Attorney General, not an independent outside commission, introduces new legislation – changes to the act. And Mr. Speaker, the Premier advises all of the other members of the Assembly at his press conference, as by the way, he did today . . . He didn't have time to sit in the legislative session and hear his own words shot back at him. He said he had to go talk to Mr. Robarts. But he certainly had time today to hold his weekly press conference and make the comments at his press conference. He didn't have time to debate this bill in here, and participate in here when other members are debating this bill. Oh, no. But he had time to hold a press conference.

Well, at one of his press conferences the Premier of Saskatchewan said, the bill is going through. That's what he said. The bill is going through. Well, perhaps that's true, and perhaps in the long run – Mr. Speaker, we all know about the rules of closure. At any time the government so desires it may introduce closure, and it may immediately shut down this debate, because it has the majority and we have but a minority. And it appears certain from what we've seen so far during the course of these discussions that the Conservatives are going to support them.

Now you see, Mr. Speaker, that can be done by the government any time. There's no need to prolong. Every member knows that. And I say to the Government of Saskatchewan, if you are so bound and determined to follow your leader against his own words, against the words of the Attorney General, against the words of the member



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for Biggar – if you're determined to follow him, and the bill is going through, then put it through. But don't sit in your chair and expect the member for Nipawin or the member for Swift Current to kowtow and beg and wait and bend to your will. Because, I can assure every member of this Assembly that I have no intention whatsoever of bending to anyone's will. That is precisely and exactly what I'm fighting in this Bill.

Every citizen of this province has a right to think, to act and to associate any way he chooses as long as he is prepared to obey the laws, and no majority government may attempt through coercion, or blackmail, or retroactive legislation to remove those rights. None. If the law is the law, then the law must be obeyed, not only by the citizens but by these legislators. And if they don't like the laws that they made, change them; but don't come into this Assembly and retroactively change them to attack people, because if you can do it to us you can do it to anyone. And every one in this province knows that or will know that eventually. The more you attempt to follow what the Premier said at his press conference, that the bill is going through, the more knowledgeable the people will become of your attempt to shut off minority groups and minority expression of opinion in this province. And what may be the result and outcome of this very debate is that they will turn minority views into majority views. I say to them, keep it up, because if we eventually have the majority views, we will ensure that your rights to be a minority will not be retroactively changed. We will not attack you when we become the majority. Keep it up; follow your leader; goose-step in tune – the bill will go through no matter what they said in the past.

I tell you, Mr. Speaker, we will not back down from this challenge. I hope the members of this Assembly are more intelligent and more reasonable than that. I hope they will recognize what this bill is; I hope they will recognize what they are trying to do before it's too late, before they convince the people of the province of Saskatchewan that the entire Saskatchewan Bill of Rights and the entire Canadian bill of Rights are no good.

Now I want to mention further on the debate of April 1978, who entered the debate after Mr. MacDonald sat down. I must admit, in April, 1978, I was the leader of this gentleman's group. I must also admit that in April 1978, what this gentleman had to say was the next concern of the Conservatives. You will recall, the member for Rosthern asked the Premier a couple of questions, and then he came back on April 10, 1978. Did he talk about minority parties? Did he talk about the crossing of the member for Thunder Creek? Did he talk about the equalization of the Liberals and the Conservatives in this House? He did not. Here's what he said:

Mr. Speaker, all I was going to ask and make one statement – as I said to the Premier earlier, would he accept a formula and in Committee of the Whole I would like to bring a formula so – I have been here three years and we have changed this three times – the mail allowance, so that we can make it easier.

That's it. Next in this debate (and this is how much concern the members had about the sections on opposition, the sections on third party status in the legislature), Mr. Wiebe, the member for Morse got in. It was not a very large statement, Mr. Speaker. Remember, he was the second Liberal to enter into this debate at the time – April, 1978. They had just been changed; keep it in mind. Not very many months before the member for Thunder Creek ran as a Liberal, sat as a Conservative and evened up the numbers in the House. The members of the NDP knew this; they knew it was a result of two members

crossing from the Liberals to the Conservatives that third party status was changed. Why the sudden change of heart if it is just a deficiency in the bill? What nonsense! That's the excuse given. The members of the NDP knew that; they knew two members crossed at the time. And here is what the Liberal member for Morse, Mr. Wiebe said:

Mr. Speaker, just a few brief comments in regard to this particular legislation. Let me say at the outset that I, too, join with the Premier and the member for Indian Head-Wolseley in support of this particular bill.

A second Liberal enters the debate, the member for Morse, and supports the bill. Then he goes on:

Let me talk briefly in regard to telephones.

That's his next statement – just to say how imperative it is that rural members serving rural constituencies do have access to a private line. This is something that I think is very imperative – third party status. Their leaders just lost I don't know how many thousands of dollars a year. The leaders' offices lost more thousands of dollars a year. They got fewer research grants and they got less research money as the direct result of a member crossing the floor. He goes on:

The majority of people I know in my particular case just automatically take it for granted that I do have a private line, which I don't. And when the constituent starts to explain his problem to me I explain to him at that point in time that I do have a rural line, at which time arrangements have to be made by which I can go to a private line to phone him back or in effect drive out to see the individual constituent. I believe that it is very imperative that MLAs do have private lines. Basically the lines are for their convenience. The lines are for the convenience of the constituents and the members they represent.

Remember, Mr. Speaker, not one page before the Premier of Saskatchewan said:

The matter of a tie in the opposition was dealt with in so far as the Leader of the Opposition's salary was concerned, and the leader of the third party's salary, and was dealt with with respect to the grants for their offices, but through some oversight the matter of the whips was not dealt with.

Remember, he said that not fifteen minutes before, and here's the member for Morse, the Liberal member whose party lost as a result of that crossing of the floor. What does he go on to say?

While I am talking about telephones I concur as well with the fact that a raise was made in regard to mailing privileges. I would like to suggest some discussion between all members of the House in regard to the allowance for telephone long distance calls. We could probably discuss it prior to committee of the whole, with a view of possibly making some amendments at that particular point in time. Our present allowance was increased from \$600 a year to \$800 a year. I know there are probably more members in this Assembly than myself who, a couple of months ago or a month ago, had reached the maximum of \$800. It does not apply so much in terms of city members but it certainly does apply in terms of rural members. Telephone rates have gone up slightly, so I think there would be justification there as well, for probably looking at and raising that a further \$200 to \$1,000 a month.

That was his opinion. That was the urgent matter that he had to talk about in 1978, when not 10 minutes or 15 minutes before the Premier of Saskatchewan said the matter of a tie in the opposition was dealt with. But I don't want to mislead you, Mr. Speaker. The member for Morse goes on to discuss another area of concern. I wouldn't like to try and mislead this House to believe that in some way, at this time in Hansard, there was more said than there was so I'll go on. This is what Mr. Wiebe said further:

Another area of concern I would like to throw out to all members to consider is, in regard to the expense allowance that is being allowed to committee members, increasing it from \$35 to \$50 a day. I have no hesitation there whatsoever. I think what we should try to do is to be a bit consistent in this regard. Maybe we should be taking a look at increasing the members' expense allowances for the session. I think in terms as well of going through various sections of the act. I see section 23(a) where there has been a slight increase of recognition made of the Speaker's expenses when he does come to Regina in terms of government business. This has been left at \$35 while, I understand, committee members receive \$60. I would suggest that this is something that we should be looking at prior to committee of the whole. Maybe if all parties feel the same way that I do, possibly recommendations or amendments can be made at that time.

Thus conclude the remarks of the member for Morse, Mr. Wiebe, a member of the Liberal caucus who has just been put through the mill of watching a member cross from the Liberals to the Conservatives and their grants being cut and the Conservative's grants going up. And speaking right after, the Premier said the matter of a tie in the opposition was dealt with.

Is there a precedent, Mr. Speaker? Of course there's a precedent. Why? What is Bill No. 105 about? If that's the case, if that's the investigation of the Hughes committee, the cabinet, your NDP caucus in '76, in '78, in '79 (and in a few minutes I'll get to those remarks of the Attorney General) . . . Why then Bill No. 105? Why? Because the members listened to those loudmouths in their constituency who said, we don't want our tax dollars going to anybody who supports the break-up of Canada, even though they didn't know, didn't bother to find out, hadn't bothered to come and ask, if the member for Swift Current or the member for Nipawin supports the break-up of Canada, even though they didn't know, didn't bother to find out, hadn't bothered to come and ask, if the member for Swift Current or the member for Nipawin supports the break-up of Canada. They didn't bother to come and ask. They didn't bother to check. They didn't bother to check with the press. They didn't bother to check with anyone. We received at the time one letter from Montreal asking if we supported the break-up of Canada and a 'yes' vote in Quebec, and so we said no. We said no.

The press was there at the press conference. Many of the members of this press corp were there and they know what was said at that initial press conference. They know that we said no. We do not support the break-up of Canada; we believe Canada is breaking up and as a result an option must be presented to the people of western Canada. That's correct and that has always been the case.

Well, Mr. Speaker, it's difficult to keep anyone awake for a long period of time. Every once in awhile I can keep the member for Shellbrook awake or he wouldn't make comments from his seat . . . (inaudible interjection) . . . You won't let me adjourn debate. You see, Mr. Speaker, it's like you work with a bunch of little children fighting back and forth . . . (inaudible interjection) . . . Oh, Mr. Speaker, I'm sorry the member for Kelsey-Tisdale doesn't come around the House and listen to the rules once in a while and understand them himself. I wish he would, because in any debate that any

member ever has he gets a chance to rebut what other people raise. In this debate the member knows that's not possible unless you allow me to adjourn debate. Let's not fool around and understand the rules a little bit, Mr. Member for Kelsey-Tisdale. . . (inaudible interjection) . . . That can't be done. So you let me adjourn debate, then you can rise and speak on the bill, then I get a chance to rebut. That's fair enough. That's always been the tradition of this Assembly. In this very session, Mr. Speaker, not one single adjourned debate has been turned down by the NDP for the Conservatives, or by the Conservatives for the NDP – not one single one. And the first time it happened was the very first time in this whole session. Don't tell me that you understand the rules . . . (inaudible interjection) . . . Do they? Well, I think sometimes they work to your disadvantage, Mr. Speaker. And sometimes, as the Attorney General found out today, the rules are the rules and you can't bend them or break them or try and find out if there isn't some way around something that's embarrassing you.

Mr. Speaker, I'm sorry to bore the member for Thunder Creek. I do appreciate his at least being here. It's a sign that at least one or two in his caucus seem to want to maintain some semblance of opposition in this Assembly . . . (inaudible interjection) . . . Mr. Speaker, I won't touch that one at all and I won't go out of order on the remarks of the member.

What happened next, Mr. Speaker, in the debate of 1978? A very short thing. The member for Estevan rose to his feet and said:

Mr. Chairman, just a couple of words. We concur with this Bill 30. There is one comment I would like to make. I have been vocal about the members that live quite extra distances compared to myself – 125 miles. These people drive all day and spend a lot more time away from home really, especially in their off time. I think that there could even be further leeway on these far northern members. I am glad to see that you are leaving the gas mileage the same. I think that in the future something in the way of further consideration has to be done here. That may sound funny coming from me, but I really believe this has to happen because they do spend a lot of their own time on the road.

And next in Hansard, Mr. Speaker, is: motion agreed to and bill read the second time. That's all – a-1-1. It went into committee and it was passed with no amendments and it was then given third reading and proclaimed the law. That is the total, Mr. Speaker – the total debate on April 30, 1978 of a bill to change The Legislative Assembly Act, to bring it up to date with the recommendations of the Hughes committee, according to the Premier, to have examined the potential of a tie which had already occurred in the opposition forces. That is the total said in 1978 about the need for change to The Legislative Assembly Act and The Executive Council Act.

Mr. Speaker, since it was examined by the Premier and examined by the council and examined by the NDP caucus and examined by the whole Chamber, you would certainly think that one member, especially those 12 Liberal members who had just been euchred by this very same law, would have at least mentioned the anomaly in the law, so called, the discrepancy in the bill, so-called, the unfairness of third party, so-called. But not one mention is made in the entire debate.

Well, Mr. Speaker, that bill was changed again and I mentioned it the other day. And it

was changed less than one year before the introduction of Bill No. 105. It's a little more than one year ago today. It was first introduced on May 3, 1979 by the Attorney General of the province of Saskatchewan. At that time it was called Bill No. 106. It's interesting that most of these changes to The Legislative Assembly Act and The Executive Council Act seem to have numbers in excess of 100. I wonder if that's because, as the Premier of Saskatchewan said in his remarks in 1978, members are embarrassed to talk about their own pay and their own set up. So they bring it in at the end of the session. Now one of those bills, which Mr. Blakeney brought in and which was the major one on April 30, 1978 was Bill No. 30. That was one which came before the legislature early. That was one which everyone had an opportunity to look at. Then that is the one which said that the legislation dealt with the tie. That is the one where it said it dealt with third party status. But it was Bill No. 30, which meant that it came in early. Then all members (and their caucuses) had a chance to examine it and allow their experts and lawyers to look at it. All of this expertise was used to examine the bills, three times in the last four years, and no one picked up this potential discrepancy even though it already happened once. Nobody is going to believe that. Not a living or breathing soul in Saskatchewan is going to believe that. What they know it to be is a retroactive attack on minorities.

Mr. Speaker, on May 3, 1979, the Attorney General, Hon. Roy Romanow, moved second reading of Bill No. 106, An Act respecting the Legislative Assembly, the Executive Council and Legislative Secretaries. I want you to hear the Attorney General's remarks at the time.

Mr. Speaker, I move second reading of The Legislative Assembly and Executive Council Act. This year I think all members will know, the public certainly knows, that we have brought forth new acts in a number of areas which affect the rights, privileges and responsibilities of the members. For example, tonight we dealt with sections of The Legislative Assembly Act dealing with the matters relating to conflict of interest. We think, therefore, this is an appropriate time to consolidate The Legislative Assembly Act, The Legislative Secretaries Act and The Executive Council Act.

This bill provides, Mr. Speaker, for new salaries and allowances for members. There are, of course, many ways and many opinions about the way to revise the salaries and allowances paid to members. In the past we have set up a committee chaired by one of the judges of our superior courts to review the matter. This was done with Mr. Justice Woods and was done with Mr. Justice E.N. Hughes.

In his report, Mr. Justice E.N. Hughes noted that the ever-expanding workload of MLAs is present. He commented that while it was not yet a full-time job (that was in 1976), the trend was definitely in that direction. Mr. Speaker, I believe and the government believes that we have reached that point where for many MLAs it is a full-time job. The sessions are longer and harder and there are usually two sittings. Constituents are placing increasing demands on MLAs. Most members find that even when the House is not sitting they make very frequent trips to Regina on behalf of the constituents. The time has come for the pay scale to adequately compensate MLAs for the work that they do.

Now, Mr. Speaker, in order to prove my point about Bill No. 105, I am going to have to read into the record all of the remarks of the Attorney General and the individuals who replied. They are not very long, but I have to be able to show, Mr. Speaker, that at no

time in this entire act and in this entire discussion, at no time after reviewing all of the legislation up to May 3, 1979 did any member, did Mr. Justice Hughes, raise the issue even though it has already happened once in the Assembly that the third party legislation should be revised because of the crossing of members from one party to another?

Mr. Speaker, in future submissions in this debate I intend to show the members that what they are doing with Bill No. 105 is recognizing three parties only in Saskatchewan: the Liberals, the Conservatives and the NDP. That is the total recognition in the province. And some member shouted across, good. How would you have liked a bill like that in 1934 that only recognized the then existing parties? The answer is you wouldn't have liked it at all because the CCF could never have formed.

Mr. Speaker, if the member for Shellbrook wants to bring a bill before this Assembly requiring that any member who runs under one party banner be required, if he changes that party banner, to seek re-election in a by-election, let him bring that bill before this Assembly. That, Mr. Speaker, is how you deal with that question. You don't deal with that question through this kind of a bill. If you want that requirement, bring it forward. Don't for one minute suggest that this bill covers that aspect because it doesn't.

Mr. Romanow, the Attorney General, on May 3, 1979 went on to say:

The combined indemnity and annual expense allowance in this bill will go from \$16,030 to \$17,500 or an increase of 9 per cent. The allowance paid to cabinet ministers is increased from \$19,300 to \$20,500, an increase of about 6 per cent. The Premier's allowance goes up in this bill from \$26,095 to \$27,250, an increase of 4.5 per cent. The Leader of the Opposition receives the same allowance as a cabinet minister. The grant to the office of the Leader of the Opposition will increase from \$40,000 to \$50,000. Members will also receive an increase in the sessional expense allowance from \$3,530 to \$5,000. The travelling, telephone, communication, constituency office allowances and sessional per diem allowances paid to members have also been revised to take into account increased responsibilities. The grants paid to the caucus offices will be increased. This will allow for improvement in research and other facilities provided for all members. The further allowances of legislative secretaries will increase to \$5,000.

The other changes in the Executive Council and legislative secretary's portion are mainly of a housekeeping nature. The act provides that in future the salaries and allowances paid to members will be adjusted in accordance with the average weekly wages and salaries of the industrial composite in Canada.

Although this means that we're always one year behind, it will eliminate the necessity to come back to the legislature time after time to change salaries and allowances.

Mr. Speaker, important objectives are accomplished in this bill: (1) We have brought together three pieces of legislation affecting the rights, privileges and obligations of our members. (2) We have established a system of allowances which will enable members to serve their constituents better. (3) In my judgment we will have provided for a means of adjusting members'

salaries and allowances, without legislative amendment, to compensate them for the onerous and important job that we carry out. Mr. Speaker, I move second reading of a bill respecting the members The Legislative Assembly, the Executive Council and the Legislative Secretaries Act.

Amazingly enough, Mr. Speaker, there's the Attorney General on May 3, 1979. Having gone through this exercise with the member for Biggar in '76, gone through the exercise with the Premier in '78, gone through the Hughes committee, the Attorney General introduces this bill. We have already seen members cross and change, again, Mr. Speaker, with not one suggestion that there was anything wrong with the definition of third party status in the legislature. Even though it materially affected a third party during the preceding two or three years, not one mention of any change.

And, Mr. Speaker, what was the reply? The reply came from Mr. Thatcher (the member for Thunder Creek) and Mr. Katzman (the member for Rosthern), and that's all. Let me remind the member for Thunder Creek of his words, and let me remind the member for Rosthern of his words. The member for Thunder Creek said, May 3, 1979:

Mr. Speaker, I think it's fair to say that when a bill such as this reaches the Assembly, I think all members on both sides of the House find it highly distasteful.

Again he finds it highly distasteful. He found it distasteful in 1978, and now he's finding it distasteful again. 'In fact I think it's fair to say that the entire exercise could be categorized and summarized as degrading.' Now the member for Thunder Creek in 1979, and before in 1978, believed the whole process of having to come before this legislative Chamber to discuss the salaries, indemnities, the status of the opposition, the status of the third party, the research for this group, the research for that group, was degrading.

The Premier in 1978 said he found it somehow not distasteful, but a little embarrassing. The Attorney General introduced it in 1979. The member for Biggar introduced it in 1976. And on every single occasion they did so toward the end of the session when no one else could see it was somehow distasteful, somehow degrading. But, Mr. Speaker, it isn't degrading for any of them to bring an attack against two members of this legislature to amend this bill, and to support an amendment because you see they are trying to accomplish something else. They are trying to accomplish some kind of rapport with those people in their constituencies who say, I don't want my tax money to go to someone who's going to try to break up Canada.

But, Mr. Speaker, that's exactly the same without proof, without evidence, without charge, without precedent, as listening to those members of your constituency who say, the Indians are not good and we should do away with grants to them. Mr. Speaker, that's equally irresponsible. I have never been known to say that, for the information of the members opposite who like to . . . (inaudible interjection) . . . In the Pelly by-election, Mr. Speaker, it seems to me I worked extremely hard on the reserves, and it seems to me the Progressive Conservatives at that time got 22 times more votes than they had received in the previous election on the reserves. Now, quite frankly, the previous election of the Progressive Conservatives in Pelly didn't receive very much support on the reserves. I must agree with that, but during the Pelly by-election . . . (inaudible interjection) . . . I tell the member for Prince Albert-Duck Lake, that during the course of the Pelly by-election one reserve went solid . . .

**MR. SPEAKER:** — Order! I can't understand what the Pelly by-election has to do with Bill No. 105.

**MR. COLLVER:** — I couldn't agree more. At the time of the Pelly by-election had the Progressive Conservatives won that by-election, we would have, prior to the '78 election, made the Liberal Party the third party in this Assembly. . . (inaudible interjection) . . . Oh, no, we didn't come third; the Liberals came third in that by-election. But I'm not going to talk about the Pelly by-election because that's not salient to the point at hand. It was the members opposite who wanted to interject and entice me to incur Mr. Speaker's wrath by going off the topic. I'm not going to listen to them and I'm doing my best. But, Mr. Speaker, when their noises are so loud, it's so difficult to keep yourself on the topic when members want to suck in and obtain the due wrath that they deserve from some of the their silly comments from the floor.

Mr. Thatcher, the member for Thunder Creek, went on to say:

Mr. Speaker, we have heard in the Assembly this evening the phrase, 'instilling public confidence' used a great deal in association with another bill.

Mr. Speaker, we had an election in this province last October 18. I would like to suggest to this Assembly this evening that probably politicians, not only in this province but all over, are really not in the highest standing in the eyes of the public. There are reasons for that; things have happened south of the border. But whatever the reason, the public perception of politicians is not good.

Mr. Speaker, at that time, May 3, 1979 there was no third party in the province of Saskatchewan but the third party legislation remained. Every single member on May 3, 1979 knew the experience of what happened pertaining to third parties in this legislature from the period 1975 to 1978. Every member knew it. And even though they knew that, they determined to make no change on May 3, 1979. They determined that legislation should remain; that it was fair before; that it was fair even though the member for Thunder Creek crossed, and the member for Qu'Appelle crossed. It was fair under those circumstances, so it must have been fair to all members.

They reviewed it again in May of 1979. Mr. Thatcher reminded the NDP at that time, that from May 3, 1979 there was now a new government, and even larger NDP government in Saskatchewan. They had received a new mandate to govern in October 1978. They had received from the people 48 per cent of the popular vote, not quite a majority but darn close. They had received from the people of this province the right as the majority to do what they would with the province. But with every right goes a corresponding responsibility. If the members of the Assembly do not exhibit the same kinds of responsibilities that they expect other organizations to exhibit in terms of the rights of minorities, in terms of retroactively making lawbreakers of those who have broken no laws. If they do not accept that responsibility then they are denying their right to govern. With every right goes a responsibility.

Mr. Speaker, I happen to believe that this attempted legislation by the NDP, this attempt to deny the rights of minorities in the Saskatchewan legislature is nothing more than a sop to the bigots in Saskatchewan — but not racial bigots, intellectual bigots. You can be, as some people in the women's movement say, a sexual bigot; you can be a racial bigot, as some people who are in minority race groups believe; but you can also be an



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intellectual bigot in that you won't accept that the views of others, although they do not coincide with yours, may have equal merit and should be heard. That is what a free society is all about; that's why people emigrated to this country from all over the world; that's why people emigrated to the United States from all over the world, because they had the opportunity not only to see a democracy in action, but also to see the rights of minorities protected so new ideas, new thought processes and new ways could hit the people and could be utilized by the people.

I mentioned last night, Mr. Speaker, about the Chartists. Not too many members on the NDP side understood what they were. As I tried to explain to them, they were the commencing group (if you will) of the socialist movement in Britain which was the commencing group of the socialist movement in the world. The Chartists were the forerunners of 'Jacobite' socialism (I think that's the right word; is that right?) The Chartists were first, then came the Jacobite socialists, and then came the socialist party and then came the Labour Party and out of that came all of the socialist movements all over the world.

It is an interesting point in history, Mr. Speaker, to understand that the Chartists had a six-point program when they first formed. They presented a six-point program. Chartists were hung in Britain for their ideas and by the early 1920s five of those six programs had been adopted by every single party in Britain. They were reviled for their ideas when they first came out.

The member for Regina Wascana has just entered and I just wanted to ask him, Mr. Speaker, if I may (while he's from his chair, he could shout it out). First came the Chartists and then it was the Jacobite socialists or what's the word? Jacobite. Thank you very much. The point I am trying to make is what you attempt to do to intellectual minorities today may be the wave of the future; it may not. There have been lots of groups formed; their ideas were reviled and they never went anywhere; their ideas were no good. But the thought process at the time and the thoughts of the majority at that time of any introduction of a new idea are going to be to reject that idea. But a liberal democratic society says that we are strong enough as a society to accept any new idea, and as long as those ideas are to work within our institutions, to work within our laws, and as long as they are presented within our laws, they are entitled to their views and they are entitled not to be attacked because of them.

Now you may say Bill 105 is a very little attack. Good grief! What a tiny little attack in this legislature. All we're doing is saying you are not third party because you didn't run in the last election under your present banner. But we've already said that if we'd crossed from there over to the Liberals, although there are no Liberals in this House, we would be recognized as third party in this legislature. We've already said that. But that doesn't seem to sink through to many of the members. They think that this is just a little point, just a little thing. They fail to recognize a group in this Assembly as third party even though we brought it in three times in the last four years, examined it on each occasion and found it to be exactly the way it should be. And we've had it tested once – the very same provision – for the very same reasons that you say we should be removed as third party retroactively in this House. Even though all of that has happened, you still say you are right in bringing this forward as a technical change of the bill.

Mr. Speaker, I can't see how people can sit in their chairs or stand on their feet and say that all of those facts brought before them would indicate anything less than the true

meaning of Bill 105, and that's to attack people for what they believe. It's been tested. We've reviewed it three times in four years. The Hughes committee was there for two years. We put this bill in place. We thought it was a liberal bill. We thought it was a right kind of bill. It's tested in this place. Nobody objects to the test. Nobody objects to what happened. And I'm going to prove that Mr. Speaker, because in Hansard of May, 1979, with precisely the same reasoning with which the member for Biggar brought in this Bill 105 in the debate at this time. It was tested and proved accurate. And the members desired it. And these same members, not other legislators, desired it in May of 1979. But now it's June of 1980 and they say we have to change. They say we have to make a technical change, just a correction of an oversight. No one believes that, and how can any member in this Chamber believe that? It is an attack on people for what they believe.

Mr. Thatcher went on, the member for Thunder Creek, on May 3, 1979 to say about the election on October 18:

As I mentioned a moment ago, we had an election last October. We could have handled this matter this evening very, very simply, and very cleanly and concisely. It has been suggested in this Assembly before that a preceding legislature should set the salaries and conditions prior to the election.

Do you hear that, Mr. Speaker? 'Prior to the election,' the member for Thunder Creek said. Other members in this Assembly have said you shouldn't set your own salaries in here because you are really going against the wishes of the people who elected you on the basis of the salaries from before. What really the member for Thunder Creek saying, Mr. Speaker. The member for Thunder Creek is saying, you should, in 1978, prior to October, have set before the public those salaries which you intended to put forward for yourselves, then seek election and let others run against you. Was that done? No. Should members have to resign because they change the terms and conditions of their employment, seven months after they were elected, under terms and conditions which the people believed? Well, not one member of this House has resigned, not one member of this House has sent his cheque back to the Clerk, and not one member of the House has been required to return to the people to say, I changed the terms and conditions of my job I was running for in 1978. You knew what they were; you could see the act; you could see the law. But in May, 1979, I changed that. I, in this legislature, changed the terms and conditions. Suddenly, members who change their minds after an election don't have to resign? Isn't that interesting?

Members who decide to change their minds after an election and decide to bring about an increase in their salaries which the public is not aware of – none of them should have to resign from the legislature. But let a member decide in this Assembly that he can't see another political party which believes the same as he does, so he and another member, believing their way is the right way, and their approach is the right way, under all the laws of Saskatchewan, obeying every law, form a political party – let them do that and they (according to the member for Shellbrook) are expected to resign and seek office in a by-election. Why shouldn't the member for Shellbrook resign and seek office in a by-election in Shellbrook because he changed his mind after he was elected. He changed his mind because what the people had elected him on was based on the salary at that time, not the salary he gave himself in May 3, 1979.

I presume, Mr. Speaker, that the intelligent comments forthcoming across this House today are designed to improve the debate. The same comments came yesterday and the day before that, the same comments exactly. They said, because he's a good guy, and

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you're a bad guy, that's why we're doing it . . . (inaudible interjection) . . . Oh, you say, he's a good guy but I'm a worse guy, is that it?

Mr. Speaker, I think if I can be accused of anything else in this Assembly, there's one thing no member of this Assembly can accuse me of and that's that I'm dumb; that's for certain.

Everyone sees it and everyone who is going to seek collective office knows exactly what the terms and conditions are which he is walking into. He knows what it is going to be; he should know before he seeks nomination, and certainly before he gets down to the nitty gritty of an election.

Mr. Speaker, as I think I mentioned about an hour ago, on another bill (I'm still referring to Mr. Thatcher):

It could have been done front and centre so that everybody who was interested in obtaining election in this province knew exactly what he was coming into. This degrading exercise could be avoided.

Well, I say to the member for Thunder Creek, who unfortunately seems to be absent to attend to other business, (but I know the member for Rosetown will pass this along), if he thinks it was degrading in 1978, if he thinks it was degrading for him in 1979, let me tell him how degrading it is for me to have to stand here in this legislature to try to convince other members of their responsibility as it pertains to minorities. If you think that's degrading, try this kind of exercise on for size.

You know, Mr. Speaker, the member for Rosetown-Elrose talked about someone taking one's place. I suggest to the member for Rosetown-Elrose that someday in some way he, or his children, will find themselves in the intellectual minority. Then when someone tries to attack those children, who are in the minority position, with just this kind of legislation, I know the member for Rosetown-Elrose will remember the kind of fight which has been going on in this legislature, no matter what he may vote in the forthcoming vote, no matter what he may feel. At some point in time when he or a member of his family will be in the intellectual minority; then he will find out what it is all about. Mr. Thatcher went on to say:

As I think I mentioned about an hour ago on another bill, I have no comment to make on the terms and conditions of what is contained in this bill. They deal with one or two things that I would like to point out and draw to your attention.

Listen to that, Mr. Speaker. He finds it degrading. He doesn't want to comment on this bill. Now remember, Mr. Speaker, the amended bill is what we are dealing with. The amended bill deals specifically with third party legislation. The amended bill deals with the office of the leader of the third party. It says how many members must be there. It says what a member has to do. It says what a political party has to do to fall into that status. We have an exact example when the member for Thunder Creek crossed to the Conservatives. It is all there in front of him. It is all there in front of all the Conservatives. It is all there in front of the NDP, just elected in October (now this is May of 1979), and anyone who objected to it could have done so.

Mr. Speaker, what are the members attempting to suggest to the people of this province of Saskatchewan that they believe, given the Saskatchewan traditions? — Mr. Walter

Erb crossing from the CCF to the Liberals; Mr. Ross Thatcher crossing from the NDP to the Liberals; Mr. Hazen Argue crossing from the NDP to the Liberals. Then, suddenly, a downfall in the fortunes of the Liberals, and Mr. Thatcher Jr., crossing from the Liberals to the Conservatives; Mr. Lane crossing from the Liberals to the Conservatives. Would they have us believe that the members of the Executive Council, the members of this Chamber on the NDP side, the members of this Chamber who are Conservatives, in May of 1979 didn't consider the possibility that maybe one or two or three of four members of this Assembly might during the course of the session cross the floor? Are they trying to tell the people that? The answer is, they couldn't possibly do so, because those traditions are obvious. The examples are obvious for all to see. They considered it and believe that the bill as it was written, was written so that Liberal democratic traditions would be maintained in the province of Saskatchewan. They did it clearly, with a clear mind and a clear conscience. But, Mr. Speaker, they didn't introduce bill No. 105 with a clear mind or a clear conscience. They introduced Bill No. 105 to attack; they perceived it to be a popular attack on minorities.

But I sincerely believe, Mr. Speaker, that in the last few days and, perhaps, over the forthcoming days and weeks, members will decide to come to their senses. Members will decide that this kind of an attack on minorities is unacceptable in the province of Saskatchewan. They will decide that the danger it does to the Saskatchewan Bill of Rights; the danger it brings upon them through court action and the Canadian Bill of Rights; the danger it does to the NDP in the tremendous powers it takes unto itself in government and in suddenly attacking the legislative Chamber, which is the only controlling force on an all-powerful government in the minds of the people – those dangers will become increasingly apparent to them.

Mr. Speaker, before I lose whatever energy I have left, and the member for Swift Current loses whatever energy he has left – if they haven't come to their senses by then, they will in fact pass Bill No. 105. And they will do so with what they consider to be a perceived desire on the part of the people of the province of Saskatchewan. And they may even have some letters on it. I haven't seen any, but perhaps they have. We haven't seen any published, but perhaps there are some.

I know, Mr. Speaker, that it might interest members to my right to know that I have received to date no less than seven telephone calls from executive members, or former executive members. I'm sorry, that's not true; they were from people who are presently executive members of the Progressive Conservative Party of Saskatchewan. And I don't mean the Executive Council; I mean the executive Committee. No less than seven have telephoned me and stated that they cannot understand the Conservative support of this bill; they may not believe the United States is the future but they certainly can't believe the Conservatives would support a bill to attack minorities in the province. That's how it's getting out. No less than seven on the executive committee of the Progressive Conservative Party . . . (inaudible interjections) . . .

I say to them that principle should ride above all other considerations in any deliberations they may have. And especially it should rise above any political considerations of short-term gain. Because let me tell the members to my right that in the long run, if you stand up for the principles that are the basis of your party, you must defeat that government. If you don't stand up for the principles of your party, if all you do is attack them as bad managers and put yourselves forward as better managers, I predict there won't be three of you left in this Chamber after the next provincial election.

But if the NDP persists in ramming this bill through, I also believe there won't be any of you left. I think the only person in the province of Saskatchewan. . . (inaudible interjection) . . . Oh no. There's another group which, at the moment, Mr. Speaker, has no support whatsoever. But let me tell you there's another group that has a core organization. I'm not saying the Unionest Party would pick up that strength, but I am saying, Mr. Speaker, that the Liberal Party in Saskatchewan will be the beneficiary. They will be the beneficiary of passing this kind of repressive, retrograde legislation.

They will be smart enough, I believe, to find a means by which politically they will go out and say the NDP has taken all this power; they are even attacking minorities in the legislature. And that, Mr. Speaker, will catch fire because citizens in this province usually don't give a tinker's darn whether or not you nationalize potash mines. Good grief, I remember that debate. People couldn't have cared less, the vast majority of them. There were a few who did. But most of them didn't care. There were a few farmers who got mad at The Natural Products Marketing Act but most didn't give a darn. When you took power in Sask Tel most people didn't give a darn. Mr. Speaker, whether they are in unions, whether they are in the teaching profession, whether they are in the United Church, whether they are in whatever coalition of forces the NDP has put together in the province of Saskatchewan, one thing in the backs of their minds is that they can socialize and nationalize but we have two protections. Protection number one is a vote every fifth year and protection number two is that the opposition in the legislature will hold the government in check. That's what they believe. And when the majority in the government attacks the minority in opposition, that's going to trigger them to recognize the power-hungry people that NDPers have become. And that will trigger people throughout this province if somebody gets out there and sells it. And I tell you, Mr. Speaker, the only beneficiary from the passage of this bill in this legislature, given the NDP position and given the Conservative's position so far, will be the Saskatchewan Liberal Party, even with Ted Malone as its leader.

What else did Mr. Thatcher, the member for Thunder Creek, say back in May of 1979? After he said:

. . . I have no comment to make on the terms and conditions of what is contained in the bill.

And it was a good speech and I know the members are listening because they certainly have paid attention. Actually your speech was very short, but today it's taking quite a long time to go through because as comments which I agree with or don't agree with come up, I have been interjecting my own thoughts on how that relates to Bill No. 105. But what I have said, for the benefit of the member for Thunder Creek who has been out of the House just momentarily, I have said to him in his own behalf and at his own behest, at the time Bill No. 106 was introduced (an amendment to this completed bill which had all the third party legislation laid out in it). And from the experience in 1977-78, as a result of the member for Thunder Creek's crossing from the Liberals to the Conservatives, and the examples therein, even the member for Thunder Creek did not approve of the Government of Saskatchewan bringing forward the raises in this House. This is what he said:

I have no comment to make on the terms and conditions of what is contained in the bill.

He didn't want to change third party status either. There wasn't even a third party in this House at the time. He had no desire to change it. He said:

I have no hesitation in stating categorically, I think the Premier and, at the very least, some of the senior cabinet ministers (probably the majority of the cabinet ministers) are grossly underpaid. Frankly, Mr. Speaker, if this bill were to make the Premier of this province the highest paid man in government, I would be the first one to stand up and say go because I firmly believe the Premier should be the highest paid man in government. We've heard the exercise during the Committee of Finance as this side of the House has asked for salaries of heads of various departments and deputy ministers. We have heard what some of these salaries are. Mr. Speaker, when you compare the Premier's salary with the heads of many of our Crown corporations, it is a pittance. I suppose more than any of you, I know what that job can take out of an individual. I don't know why the government (this is not a new speech for me in this area; I've said this before in 1975), refuses to mention or refuses to acknowledge the most difficult job is that of the Premier because the buck must stop with him. (He goes on to say) I think those of you who have watched the Premier, you see him age five years for every one of us. I firmly believe he should be the highest paid man in government.

Mr. Speaker, I would only like to say, as a result of the comments the member for Thunder Creek made in those days about the Premier aging five years for every one of us, today in question period I would say it must have been at least 10 years. The member for Thunder Creek said:

I firmly believe he should be the highest paid man in government. I think it is a ridiculous situation when the cabinet ministers, who must account for their entire department, are paid less money in a vast majority of cases than their deputies. Again, if the government chose to recognize this situation and elevate the salaries of senior cabinet ministers, I have no quarrel with that.

Now, Mr. Speaker, has he talked about third party status? Has he talked about payment to the leader of the third party? Has he talked about the urgent and compelling necessity to change the legislation which was brought in in 1976 and again revised in 1978? He did not. He said:

Mr. Speaker, as far as MLAs are concerned, I'm not prepared to acknowledge the Attorney General's assertion that the job of an ordinary MLA has become a full-time job.

Now, Mr. Speaker, interestingly enough, for the first time in 1979 it appeared that the MLAs job had become a full-time job. The recalcitrance of members to my right and the stupidity of the government opposite is bringing about a situation in which all MLAs are going to be required to spend their time in this legislative Chamber instead of spending time doing the work for their constituents which is also part of their job. The belief of members to my right is that somehow they are making yards in the months of May and June with the electorate, against all previous evidence to the contrary, against all suggestions by any political expert in the province of Saskatchewan that would tell them you make no yards in the legislature in late May, in June, in July or in August because people want to be out with their families and on their boats. They want to be on

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their farms. They want to be outside. This is a winter country. When the summer months come people don't want to be fooling around inside. That belief by the Conservatives has led to the dragging on of the session.

I tell you, Mr. Speaker, the stupidity of the government opposite has led to the further dragging out of this session. The introduction of Bill No. 105 was in fact a stupid thing to do. I think more and more members are starting to realize how stupid it was. It was the kind of suggestion, the kind of thing brought about through the heat of the moment because of the Quebec referendum. They thought, by George, we'll just show how patriotic we are, because we'll attack those two guys in Saskatchewan who say the country is falling apart – not we're going to help it fall apart; it is falling apart. And we'll attack them and that will make us look very patriotic.

But you see, Mr. Speaker, the Quebec referendum was a non-event. That's what they failed to recognize. The Quebec referendum was nothing more than a repeat of the federal election in February. The vote was the same; the participants were the same; everything was the same. If they weren't concerned about the vote in February, then they shouldn't have been concerned about the Quebec referendum. But they thought in the splash of all that news, here's a way we'll look like we're really patriotic and standing up for this country. But when that feeling dies down people start to think. People start to realize that there are more important things than referendums in a province 2,500 miles away.

Some of those important things are whether or not the Government of Saskatchewan believes in its own Bill of Rights, whether the Government of Saskatchewan stands up for western Canadians, and says, we will not accept compulsory bilingualism in the province of Saskatchewan. They don't see that what people are thinking is, we will not accept the government in Ottawa that takes away our resource revenue because it's our time to succeed. All of the rest of the provinces have had their chance and we won't accept it. That's what they are looking for. And when you combine those forces and when people are thinking clearly about the future and what's good for their children and grandchildren, they forget that spill of so-called enthusiasm, or so-called relief, or so-called concern as a result of a vote 2,500 miles away that was nothing more than a repeat of the February federal election. And they start to realize what's really important is the province of Saskatchewan, and the future of their children and grandchildren. And that, Mr. Speaker, is the big mistake and the stupidity of the introduction of this bill.

You cannot buy political allegiance by catering to the whim of political expediency at the moment. You have to stand for something. If you stand for a liberal democracy and a liberal free society, whether it be a socialist liberal democracy or whether it be a free-enterprise liberal democracy then people can understand where you stand. But if not, if you attempt to appeal to the political expediency of the moment, inevitably that will backfire on your political aims and ambitions. And that, Mr. Speaker, is why Bill 105 was a stupid thing for the NDP to do. And that's why, Mr. Speaker, members to my right will be well advised to understand the stupidity of their present stance, whatever that may be.

And Mr. Speaker, the member for Thunder Creek went on and he said:

This evening we've heard a great deal. In another bill about an hour ago, we heard the phrase, used several times by the Attorney General, of instilling public confidence, Mr. Speaker, I must say I don't think we are instilling very much public confidence in anything at 11:15 in the last night of this session . . .

Isn't that interesting, Mr. Speaker? Here's this debate on May 3, 1979 about this urgent act that had been brought in to raise MLAs' pay, discussed at 11:15 at night on the last night of the session, first, second and third readings . . . (inaudible interjection) . . . Absolutely. I intended to get to that, Mr. Member for Thunder Creek, because Mr. Romanow goes on later and that's even more interesting. He says: 'Mr. Speaker, I have no comment as I have indicated . . .' He repeats this many times so obviously the member for Thunder Creek must have thought a great deal about the contents of the amended bill. He must have because he keeps repeating himself. He said:

I have no comment as I have indicated about the terms and conditions of this bill. I have to say, Mr. Speaker, I think it is very presumptuous of any member in this Assembly to choose to run in an election based on the assumption that when he arrives in this Assembly there will be an automatic pay increase. I believe that when you come into this Assembly you know what the terms and conditions are and I think you should be prepared to accept them.

That was the member for Thunder Creek. He goes on to say:

The point that the Attorney General makes as far as increasing the benefits may very well be valid. I have no quarrel with them (he says); I have no dispute with them. However, Mr. Speaker, I think that when we are supposedly advocating some degree of restraint in our economy, the example should start with the Assembly.

I wonder whether, Mr. Speaker, we could listen to the words of the member for Thunder Creek repeated on this very same Bill No. 105. I wonder whether it isn't incumbent upon the members of this Assembly to exhibit some example of restraint and responsibility to the people of the province of Saskatchewan, by indicating to them that the Bill of Rights in Saskatchewan is a statute that they believe in. And in that Bill of Rights it says every individual in Saskatchewan has a right to free speech, and a right to associate with those with whom he has similar views. That's the law here. And, Mr. Speaker, I am going to be most interested in the conversations that I have with my legal advisors to find out whether we can in fact bring an injunction in the Court of Queen's Bench under clause 14 of The Saskatchewan Human Rights Commission Act, to bring about an end to this charade. As I said, it may be a difficult legal problem because the Saskatchewan bill does not supersede the rights of the legislature. The Canadian bill however supersedes the rights of the Saskatchewan legislature, and any bill passed that detracts from human rights as guaranteed in the Canadian Bill of Rights is ultra vires of the BNA Act. Therefore, Mr. Speaker, it's an exercise in futility for the NDP to think that whenever a vote on Bill No. 105 comes before this legislative Chamber, that's going to be the end of the matter, because it won't be.

They are going to be faced with continued discussion of this matter and I assure you, Mr. Speaker, that the more discussion of this matter which comes for the attention of the people of Saskatchewan, the more individual citizens of this province are going to recognize the onerous nature of the bill which attacks retroactively the rights of members of the legislature. As I said, if the members feel so strongly about this, they could bring in the bill not retroactively, but for the future – if that's the way the members feel. I don't happen to believe that's a correct assumption either. Because I think there are too many precedents and traditions in British parliamentary history to indicate that members can, should, and must from time to time change their minds in between elections.



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I think that we would do away with one of the very fundamental principles of a true legislature in the British tradition if we enacted such legislation. Perhaps, Mr. Speaker, the more correct approach is to follow the American model in some states. That is to have provisions for a recall election. If that is the kind of provision which the members of this legislative Chamber believe should be installed in the province of Saskatchewan, then bring forward a bill which says just that. If a certain percentage of the votes in a constituency sign a petition duly circulated to recommend that a recall election be held between elections, then perhaps that kind of a bill would gain considerable support in Saskatchewan. That would be more reasonable, Mr. Speaker, because it would be fair to all members. Suppose that just such a bill as is presently before the Saskatchewan legislature is brought before this legislature again, then perhaps an opposition member would have an opportunity to go into Regina Elphinstone, or to go into Regina Victoria, or to go into Saskatoon Buena Vista, or wherever to raise the necessary signatures and have some recall by-elections. Or, if you want, if a member does what the member for Nipawin or the member for Swift Current does, to whip out there to Nipawin, or to whip out there to Swift Current, raise the necessary number of signatures which would demand a recall election.

That might gain considerable support in this province. But, Mr. Speaker, to retroactively attack members of the legislature because of changing their minds between elections against all the precedents and traditions which are before us is nothing more than an attack on minorities. You have all these alternatives. Members have all these various alternatives that they can consider which are direct and to the point. But they decide in June of 1980 to bring before this legislature a surreptitious, retroactive bill against the traditions, against the examples of this very House. They decide to bring this bill forward to attack two of their own members even though for two straight years one of the members described the debate on this bill as distasteful. I will repeat again what the member for Thunder Creek said when he started out in May of 1979. He said:

Mr. Speaker, I find it highly distasteful.

Would you like to hear the words of the Premier of the province of Saskatchewan when he brought it in in 1978? I've only said them four times but I'd be happy to repeat them for you again . . . (inaudible interjection) . . . Fine, the Minister of Telephones says he's heard them. But he also found it distasteful. And here again in '79 the member for Thunder Creek finds it distasteful. I said when the member for Thunder Creek was out of the House if you think you find it distasteful, to rise at 11:15 on the last day of the session to talk about changes in The Legislative Assembly and Executive Council Act, put yourself in this position for a little while, if you want to really taste distaste. He again says, Mr. Speaker, the member for Thunder Creek:

I have no comment to make on the terms and conditions of the bill. I have to say, Mr. Speaker, I thin it's presumptuous.

And he goes on to say:

Mr. Speaker, it is my contention that I must oppose this bill as a matter of conscience, and I pass no judgment whatsoever on anyone who chooses to support it. As I indicated earlier, the Attorney General's reasons and his numbers are probably very valid.

But for the reason that I indicate, Mr. Speaker, that the government did not present this package in the past legislature that all candidates of any party could have run under these terms and conditions, and taken away the degradation of this exercise . . .

So the member for Thunder Creek didn't support the bill because he believed that prior to an election the members should present to their constituents what they were running for, how much value and how much money they were going to receive after they became members of the legislature. That's the reason that he didn't say it. I want to say for the benefit of the member for Thunder Creek that even though he doesn't have a chance to be heard in this legislature today, he was heard in this legislature today through his remarks of one year ago, and he should be proud of those remarks.

**AN HON. MEMBER:** — At about 12:30 at night.

**MR. COLLVER:** — At 11:15; the member mentioned it in his very own speech. And the member for Thunder Creek who unfortunately has a habit of this, Mr. Speaker, repeated himself again. He says:

As the Attorney General has said, he has probably some valid reasons but for the reasons I have indicated that it was not done before the election, I feel that I have no choice but to express my opposition.

Well, Mr. Speaker, you will recall that the reason that I am bringing forward this entire debate . . . I am pleased to see the Attorney General back in his chair because he missed his sterling words read into this debate from May 3, 1979. Just since he's here I'll just briefly mention two words that he used.

**AN HON. MEMBER:** — I'll have to go outside again.

**MR. COLLVER:** — Oh, I'll just mention the two words before you run. He said:

. . . second reading of this act because the public will know we have brought a number of areas which affect the rights, privileges (I'm sorry three words) and responsibilities of members.

Those were the three things that cabinet reviewed again in May, 1979; rights, privileges and responsibility to the members.

Now, Mr. Speaker, I wouldn't want to mislead anyone. There was one more speaker in this debate. His remarks are not very long. But I am attempting to show by reading this into the record that at no time in 1976, in 1978 or in 1979, even though it was mentioned by the introducer of the bills, even though we had a prime example of it when the member for Thunder Creek crossed from the Liberals to the Conservatives, did anyone object to the definitions with reference to third party status. And even though it euchred the Liberals right out of their position as opposition and diminished them to half of the total opposition, they didn't even oppose it.

And here, Mr. Speaker, is the last comment, the last item on the debate which occurred in 1979. Mr. Katzman, the member for Rosthern, rises:

Mr. Speaker, I stand in support of this bill for two reasons. First of all, it deals with the reality of the increases because it ties them to the industrial

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composite in the future.

Secondly, it deals with the added expenses . . .

**AN HON. MEMBER:** — We heard this yesterday.

**MR. COLLVER:** — Mr. Member for Wilkie, if you had the capacity to listen you could possibly learn something.

**AN HON. MEMBER:** — You are not going to repeat yourself, are you?

**MR. COLLVER:** — Well, when Mr. Speaker recognizes the member for Wilkie, we'll see. I think the member for Wilkie should return to his wife and family he misses so terribly.

**AN HON. MEMBER:** — I have one to return to.

**MR. COLLVER:** — Well, fortunately, Mr. Speaker, my wife is here helping in this cause.

First of all, it deals with the reality of the increases because it ties them to the industrial composite (the member says).

Secondly, it deals with the added expenses of an MLA not having his prime residence in Regina. Added expense items will go some way to easing the expensive costs of being an MLA.

For these two reasons I feel justified in supporting this bill. And in addition, I believe an MLA puts in well in excess of 2,080 hours which is considered to be a working year; therefore, I will support the bill.

And it follows — Motion agreed to and bill read a second time. That's all, Mr. Speaker. That's the total debate which occurred on the bills pertaining to The Legislative Assembly and Executive Council Act since 1976 — the total.

The members of the Legislative Assembly brought in Mr. Justice Hughes and his committee. The members of the Legislative Assembly brought in the cabinet and their experts. The Premier introduced one of the bills and talked about the tie that existed. The member for Biggar brings in the bill in 1976, and says it is the recommendations of the Hughes committee. The Attorney General brings it in in 1979, and not once does any member hint at, indicate, suggest, put forward the suggestion that the definition of third party in this legislature was in any way erroneous or deficient. Now, Mr. Speaker, I can understand members not thinking about it perhaps, but I certainly can't understand why a dogmatic group, as the Liberals were in this legislature (and every member who was here then will recall how dogmatic they were) who had just been euchred out of being the official opposition by the member for Thunder Creek crossing, wouldn't have said something if they thought the bill was deficient. They certainly had good reason. I might say at the time I believed the NDP had good reason as well, because it appeared that the Conservatives were on the upsurge, and the Liberals were on the down swing. The NDP admitted in this House on several occasions that it had to bolster the Liberals a little in order to protect itself. Any member who sat in the Chamber in those days would recognize there was a certain amount of bolstering, which you can understand from a political point of view. But here were the Liberals who were suckered, euchred right out of their position by the member for Thunder Creek, and the

NDP wanted to bolster them so the Conservatives wouldn't continue their rise.

Are you telling me that not one Liberal and not one New Democrat thought at the time that maybe it was unreasonable that the member for Thunder Creek should be able to cross from a party that he didn't run under to another party, and enable it to attain third party status or even status as far as grants and privileges and rights are concerned. Are you telling the people of Saskatchewan that? Because they won't believe it. They couldn't believe that 44 NDPers, or 43 minus the Speaker, and all the Liberals who sat there, could possibly have not understood exactly and precisely that if they had wanted they could have brought this bill in then (which would have prevented, because of that crossing, the Conservatives from receiving equal status to the Liberals). Identical principle; identical situation; same bill; same third party . . . (inaudible interjection) . . . Same speech, says the member. Well I don't believe that it is the same speech. . . (inaudible interjection) . . . And I know that if the Speaker believed it was the same speech, he would soon call me to order.

I can appreciate the desires of the Minister of Education to want to become the Speaker, to avoid the kind of testing that he's had to do in the province of Saskatchewan over the last number of months. I can appreciate that, but I don't think this is the place to ask for it. I think you should approach your boss and say, look here, I'm tired of being Minister of Education and I know that the Speaker may be getting tired of being the Speaker. Unfortunately the Speaker has to listen to all of these crazy speeches and that may in time drive anyone to drink or to anything else. . . (inaudible interjection) . . . Well, I believe that's true.

Now, Mr. Speaker, I must say that certain parts are more important to emphasize than others in any discussion of the impact of Bill No. 105. One of the most important aspects, to which I have alluded from time to time, is the Canadian constitution and human rights. One of the most respected authors on the subject is a gentleman by the name of Frank R. Scott, who spoke on the Canadian Broadcasting Corporation about this very topic. And I think some of his remarks are germane. It's not a very long quotation, Mr. Speaker, but I think it is germane to this topic. I will certainly, if I appear to be in any way straying from the topic, promise you, Mr. Speaker, that I will bring it back to Bill No. 105 almost instantly.

Mr. Frank Scott developed three lectures on rights in Canada for CBC radio. The first three pertain to other topics. This talk is only one of them, and he says:

In my first three lectures I traced the origins and development of civil liberties and human rights in Canada. We saw that there is much in the BNA Act which guarantees or implies these rights.

Now, the reason I'm introducing these, Mr. Speaker, is this: I stated earlier in this debate that even should Bill No. 105 pass this legislature, it will be tested in the courts in Canada. I don't think that the people of Saskatchewan should be subjected to those legal costs. So I say to the members who are attempting to introduce this bill, you'd better be certain of your position legally before you finally decide to pass this legislation. In order that the people of Saskatchewan not be dragged through the courts again, you'd better be absolutely certain of your position before you decide to pass it. Surely, that is a reasonable position for you to take, to check it out even with your own Attorney General, to check it out with some other lawyers and to find out whether the facts and circumstances in this particular situation would not be held by courts in Saskatchewan and in Canada as a flagrant violation of the Canadian Bill of Rights

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which is ultra vires of provincial legislators. I don't think that's an unreasonable request to make of the people opposite, of the members in the NDP. But I think before they make up their minds on that, they should hear what Mr. Scott says about the Canadian Bill of Rights and then decide for themselves.

We saw also that there are many particular statutes in Canada which secure special rights such as the right to collective bargaining for trade unions or the right to enter public places without discrimination because of race or religion, and when examining all these laws, we say that our human rights are protected in three ways: some of them by provisions in the BNA (British North America Act), some of them by federal statutes and some by provincial statutes. If this were not already complicated enough, we found there are many different kinds of rights to be protected and that different rules have to be worked out which will be appropriate to each. So don't be surprised to find that while it is easy enough to say we should have a Bill of Rights, it is not at all easy to decide just how many rights are to go into the bill or just what constitutional effect we will give to the bill when we adopt it.

Mr. Deputy Speaker, obviously this talk was given before the Bill of Rights, introduced by John Diefenbaker, was passed. So in addition to the Canadian Bill of Rights, there are also all of these rights that this man talks about.

In thinking about a Bill of Rights, let's first of all make some simple distinctions. Let's separate bills which declare rights from bills which protect them by law. A bill may be a solemn declaration of rights without any legal effect. It may just simply say, as the opening words of Mr. Diefenbaker's proposed bill actually do say (and I now quote from section 2) it is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights and fundamental freedoms namely . . .

Then follows the list of the well-know rights to life, liberty, security of the person and so on.

This is the kind of declaration which the French National Assembly adopted in 1789 in its famous declaration of the Rights of Man and which the United Nations adopted in 1948 in the Universal Declaration of Human Rights.

Mr. Diefenbaker's bill goes a little farther than this as I shall show in a moment. But such declarations have as their prime purpose, not the enactment of a strict legal code which the courts can enforce, but a statement of principles which are to guide the courts in the legislature in the development of laws.

Now I want to stop there in this dissertation. What this man is saying is that although this is an act of the legislature of Canada, it is supposed to be used as a guideline to legislators in proposing laws. This guideline which is called the Canadian Bill of Rights is a law and has been tested in the courts, but says specifically that every citizen shall have a right of free speech and a right of association. And it even goes beyond that Mr. Speaker. . . (inaudible interjection) . . . Well, you see I'm attempting to emphasize some of the points, Mr. Speaker, that Mr. Scott made in his radio broadcast at the time that the Bill of Rights was introduced.

They are directives of social policy, or to use the United Nations phrase, a common standard of achievement for all peoples and nations. I think such declarations have great value. They make public and precise the vague yearning for liberty which I believe to be inherent in all human beings. They can be taught in schools, referred to in legal argument before the courts and quoted in after-dinner speeches, but they fall far short of those bills of rights which lay down rules binding on courts or legislatures. This kind, which I call a true bill of rights, has legal as well as moral force. A law is a command of the state which must be obeyed and which the power of the state will enforce through the courts.

Now at the time this man wrote this article for the radio, the Bill of Rights was just being introduced. But today that bill of Rights has been tested in the courts and has been found to have the protection of law in Canada. It has been found to be binding. And although no legislature yet, since the passage of the Bill of Rights in Canada, has attempted to pass a law that is contrary to the Canadian Bill of Rights, this law would be the first such law attempted to be passed by a legislature in Canada. Other legislators have been more intelligent and have recognized their responsibilities to this Bill of Rights and to the constitution, and have gone forward to pass laws that will work.

I told you yesterday, I explained to every member of this Assembly, if you don't want the third party to have money, you have the right to eliminate the third party legislation for all. Then you're not specific to any one group. You are not trying to use the law retroactively to attack one group. You want to pass it from now on so no third party gets any money, that's it. That's your right. That's not against the Bill of Rights.

It may be wrong. It may be unfair. It may be reasonable. But at least it would be legal; at least it wouldn't be an attack on fundamental human rights. There are ways to do those things, if that's what you want to accomplish. If in fact what you want to say is: we don't like what the Unionests are doing; we're going to pay them nothing; no more third parties get paid in this House; well, that's a bill that would work to accomplish that end. You are introducing a retroactive bill that says the Unionests have broken the law even though they haven't. You have introduced a bill that says what has already happened in this House for one group, under this very same legislation, may not happen for another retroactively. If you can't see that, then you don't understand the very principles of a free society. It is a simple matter. To bring in legislation which is fair to everyone, which treats everyone the same for all time is much more realistic and much more reasonable. You could say to yourself if you want, Saskatchewan had no provision, zero provision, for third parties up to 1975. You might say to yourself, because of the that from now on we will have no provision for third parties. Although that wouldn't be fair or might not seem fair to the people, it would be your right to do so and it would not be attacking a minority group. But that is not what you have done. You have made a bill which retroactively attacks a group which has already established itself under all the legitimate laws of the province of Saskatchewan. That is what you have done. That is what is so dead wrong.

A right set out in a legal rule establishes legal relationships which cannot be changed except by an amendment of the law itself.

I would like to tell Mr. Frank R. Scott, unfortunately he is wrong. He was wrong when he

wrote that because he said:

A right set out in a legal rule establishes legal relationships which cannot be changed except by an amendment of the law itself.

That's right, except in the province of Saskatchewan, I would tell Mr. Scott, where they believe in retroactive laws, where they attack people, institutions and political parties retroactively.

**MR. ROMANOW:** — I will tell you, Dick. I am getting to the point now where I am almost ready to support this bill.

**MR. COLLVER:** — Well, Mr. Speaker, I am pleased to hear that. I would be excited and enthusiastic about the Attorney General jumping on the bandwagon and supporting Bill No. 105. It seems to me he has been supporting his caucus all week in terms of adjournment of debate. So the funky, little, back-and-forth asides he makes to various and sundry people about how, I didn't support it, I did support it . .

**MR. ROMANOW:** — I can support it. You have made your point without having to adjourn. You have made your point over 20 some odd hours. Everything goes through sooner or later, Dick, even Bill No. 105.

**MR. COLLVER:** — Well, Mr. Speaker, if the Attorney General is getting tired of this debate, perhaps he would allow an adjournment to proceed with the people's business. Then we could go on and discuss this further, which would also allow others to participate in the debate and would allow me to rebut any arguments which come forward, which is only fair in any debate.

**MR. ROMANOW:** — So I could go from one filibuster to another filibuster.

**MR. COLLVER:** — Oh, I don't know about one filibuster to another filibuster.

**MR. ROMANOW:** — At least yours is an organized filibuster. These guys would disorganize the filibuster.

**AN HON. MEMBER:** — The heck with that. I would rather stick and listen to you.

**MR. COLLVER:** — I see. Well, they may decide to do what they want. Mr. Scott, declaration of rights . . . When the members are finished their discussions, Mr. Speaker, I would be more than happy to continue. Can you hear, Mr. Speaker? I may have to adjust the tone and level of my voice, Mr. Speaker. I know I have been attempting to should over the side comments which have been made by various members. I know you want to hear me. I am afraid I will have to tell you that at this point in time I may have to adjust the tonal level because I seem to have run out of Strepsils, at least the lemon ones.

A declaration of rights could not stop the deportation of Canadian citizens under the War Measure's Act; a true Bill of Rights could for it reduces the powers of government and stops the state from taking action which violates the bill's provisions. When we start thinking about a true Bill of Rights, we must make more distinctions. Since Canada is a federal state, there are three kinds of bills we must adopt. We can have one which, like Mr. Diefenbaker's only attempts to cover the field of federal jurisdiction. Or we can have one

like the existing Saskatchewan Bill of Rights enacted by the provincial legislature. Or we can make an amendment to the BNA Act which will cover the whole of Canada and will place certain freedoms beyond the reach of any legislature.

Now, you see, Mr. Speaker, that is precisely what Pierre Trudeau has said is non-negotiable in any new constitutional discussions. He has said that he wants a Bill of Rights which includes language rights enacted in the constitution. Mr. Speaker, if that was part of the Canadian constitution, those rights would supersede any legislative authority the Government of Saskatchewan might have. That, Mr. Speaker, in the course of time might prove to be an embarrassment to most provincial legislatures, because when it happens their right to enact legislation will be severely minimized.

I am not saying that I don't believe a Bill of Rights should be enacted which is appropriate for all Canadians. I am, however, saying that a Bill of Rights which is so all-inclusive as Mr. Trudeau is suggesting will cause for more disunity than unity. That even John Diefenbaker knew at the time he brought in his Bill of Rights, which is why it is the kind of bill it is and the kind of enactment it is, and that is also why no attempt was made to go to Britain and change the BNA Act to firmly establish a Canadian Bill of Rights in the constitution. He could have done it; he had the members in the Chamber to do it, but he decided against it because he thought it would be more disunifying than unifying.

But I can tell you, Mr. Speaker, if Diefenbaker had put that into the BNA Act instead of merely passing the Canadian Bill of Rights as a law, the Government of Saskatchewan could never bring in Bill No. 105 – never. It would be impossible because it would be in the constitution, and the constitutional guarantee. It wouldn't have to go to testing in the courts. They just wouldn't be allowed to bring it in.

Now the Attorney General says he is about to support it; that will be interesting, when he presents those arguments; and that is another interesting thing about the Attorney General saying, geez, you've talked so long, I might want to support it.

**MR. ROMANOW:** — I didn't say that.

**MR. COLLVER:** — That is what I thought I heard him say; wasn't that what he said, Mr. Member for Wilkie?

**AN HON. MEMBER:** — Yes, I heard him say it.

**MR. COLLVER:** — That's two members. That's two people, but wait the press heard you say it, too. All of a sudden, Mr. Speaker, the Attorney General says, you've spoken so long that you've tired me out and I might support that bill.

**MR. ROMANOW:** — Mr. Speaker, I said nothing. I haven't taken part in this debate.

**MR. COLLVER:** — Mr. Speaker, I know you can't hear the member from his seat, who is speaking relatively loudly. Everyone else can hear him, but you can't hear him and I'm not supposed to hear him.

Frank R. Scott, who discussed the Canadian Bill of Rights before it was introduced explained these fundamental freedoms which existed even before the Canadian Bill of Rights.



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A true Bill of Rights (he said) could reduce the powers of government . . . When we start thinking about a true Bill of Rights, we must make more distinctions. Since Canada is a federal state, there are three kinds of bills we might adopt. We can have one, which like Mr. Diefenbaker's only attempts to cover the field of federal jurisdiction, or we can have one like the existing Saskatchewan Bill of Rights enacted by the provincial legislature or we can make an amendment to the BNA Act.

Now, Mr. Speaker, that is interesting, because the courts have held that Mr. Diefenbaker's Bill of Rights (and I am sure the Attorney General will correct me if I'm wrong) was in fact a Bill of Rights for all of Canada, even though (and not just for federal jurisdiction) Saskatchewan has its own Bill of Rights. Therefore, we in Saskatchewan supposedly are doubly protected; our rights and freedoms are doubly protected. But are we protected from ourselves in this legislature?

Well, Mr. Speaker, I don't think that anyone in this legislature has the right to hold himself above any other citizen. I don't believe that we in this legislature, because we are elected to this legislature, have any more rights, or any less, than any other citizen in the province of Saskatchewan. If I, as a legislator, am a citizen of the province (as I am), if the member for Swift Current is a citizen of the province (as he is), his rights should be doubly protected by the Saskatchewan Bill of Rights, by the Canadian Bill of Rights. The right of free speech and the right of association are protected. That is what we are fighting about, an attack on a minority.

Mr. Scott goes on about the bill before parliament. I don't want to go into any great depth about his later comments. This is some time ago. Remember this is just when the Bill of Rights in Canada was before the federal government, just before the parliament. He says:

I am not opposed to provincial bills of rights. I think Saskatchewan was taking a progressive step when it enacted this bill . . . (inaudible interjection) . . . (Oh no, this is later on). All the American states have bills of rights in their constitutions but these are of the stricter type which limit the state legislators.

Did you hear that, Mr. Speaker? If you want real human rights and real protection of those rights, what this man says is the Americans have found the solution.

. . . enact into your constitution the rights which unify people.

We don't have that because we have no constitution in Saskatchewan. We don't have that written into the Canadian constitution, but Mr. Trudeau says it's coming. In order to get that kind of constitution in Canada, Mr. Trudeau says we have to put language rights in there too. I say that a compulsory bilingualism won't work. I say that it can't work. I say no way can the Canadian constitution demand that compulsory bilingualism be embodied in the constitution because in no possible way can the people of Saskatchewan be expected to provide a bilingual Sask Tel, a bilingual Sask Power, a bilingual Potash Corporation of Saskatchewan. . . (inaudible interjection) . . .

**MR. SPEAKER:** — Order, order! The member for Nipawin will realize that there is nothing about linguistic rights in Bill No. 105. He is out of order.

**MR. COLLVER:** — Agreed, Mr. Speaker. I temporarily got out of order because of my enthusiasm about a Canadian Bill of Rights which is going to demand these language rights be included. It was a very short slip, and will not continue.

I know, Mr. Speaker, I am not going to answer the Attorney General any more from his chair. If he'd allow an adjourned debate here and bring forward that department that he's responsible for, intergovernmental affairs, we could have an appropriate debate in this legislature about language rights. I look forward to the day that comes about.

This man goes on to say about that:

Alberta once passed a Bill of Rights but it was so tied up with Social Credit policies that the Privy Council threw it out. Other provinces content themselves with piecemeal legislation designed to protect one right at a time.

Now this was a number of years ago, and Mr. Speaker will be aware that the Government of Saskatchewan is not now the only province, as it was at this time, that had enacted a Bill of Rights. But think of it, Mr. Speaker. Here we are in the province of Saskatchewan with a Saskatchewan Bill of rights being the first province to enact it. We even enacted a Bill of Rights prior to the Government of Canada enacting theirs. Here we are the very first. Here we are with a Premier of Saskatchewan who doesn't want to bring about changes to The Legislative Assembly Act, and who, in 1978 says, I'm reticent to do so because it is kind of uncomfortable. We have replies saying it's distasteful to talk about.

We have examples right here in Saskatchewan of the very thing that's happened with reference to members crossing the floor or changing their minds between elections. And here we are attacking through the legislation two MLAs, who are also citizens of the province, and entitled to the protection of those Bill of Rights. We were the first, but maybe we're not the best. We were the first but maybe we're going to find out in the courts that the Saskatchewan Bill of Rights is meaningless. Maybe we're going to find out in the courts that Bill No. 105 is in opposition to the Canadian Bill of rights, and therefore ultra vires of the jurisdiction of the legislature and also ultra vires of provisions of the BNA Act with reference to the rights of free association of individuals. . . (inaudible interjection) . . .

Well, I didn't say that, Mr. Speaker, in this context. The point is very clear. We were the first to bring forward this Bill of Rights. Why should members want to be the worst? First and worst? Now there are other provinces with this kind of legislation on the books, a Bill of Rights in Alberta, for example. Would Alberta dare to find some small excuse, even though it went against every precedent in its legislature, to eliminate the rights of Mr. Grant Notley, the NDP leader in the province of Alberta? Would Alberta dare to remove those rights through some dreamed-up excuse? He gets \$75,000 for research and secretarial help — one member. Would they dare? No. Why not? Because they're not that stupid, that's why. They know darn well if they remove his rights, the NDP would get 30 members in the next House. Why then does the Government of Saskatchewan want to exhibit its stupidity in doing to members of this House what the Government of Alberta won't do to an NDPer in Alberta? If there hadn't been any precedents in Saskatchewan and if the member for Swift Current and the member for Nipawin were the first to ever cross the floor from one party to another, I might possibly be prepared to see what the government was getting at in this legislation — if we were the first. If it had only happened one time before in the province of Saskatchewan that one member

between elections crossed the floor, decided to become a different kind of member, and didn't resign to go to the people in a by-election (if it was even the second time in the province's history), we might perhaps be prepared to look at this bill with some degree of reason. But, Mr. Speaker, this is the umpteenth time it has happened here.

It has happened time after time after time in the province of Saskatchewan with no. . . (inaudible interjection) . . . No, I only said the last time, Mr. Speaker, for the benefit of the member for Shellbrook; I said time after time after time after time. I know; I was counting my fingers. This time I only said time after time after time. So I don't think the member for Shellbrook should try to call me to order when in fact I said one less time after time than I did before. . . (inaudible interjection) . . . I definitely said that twice, Mr. Speaker; it was repetition.

Mr. Speaker, I think it's interesting to note just one other paragraph from this article A Bill of Rights for All Canadians, as it might interest all members of this Assembly to know a little bit about history. So he refers to this and says:

Well the first problem of course is the problem of getting agreement to make such an amendment. In a speech introducing this bill, Mr. Diefenbaker talked about this and said, 'The experience of 80 years indicates very clearly that the provinces, jealous of their jurisdiction, would not support a constitutional amendment applicable to themselves.'

That's what Mr. Diefenbaker said in, I believe, 1958 or 1959. So his bill is confined to federal matters.

Mr. Pearson on the other hand (we all remember him) urged that an effort be made to secure the co-operation and support of the province.

And now, Mr. Speaker, comes the wonderful news.

And Mr. Argue, speaking for the CCF Party, proposed that steps should be taken to see that the BNA Act itself should be amended.

Is that the same Mr. Argue, speaking for the CCF Party, who subsequently changed to the Liberals? He stayed in his chair; he wasn't attacked; subsequently he became a Liberal senator who is now the minister responsible for the Canadian Wheat Board. Is that the same Mr. Hazen Argue, speaking on behalf of the CCF? Is that the same CCF Party that is currently the NDP? Is that the party that between elections changed its name, changed its affiliation and changed its entire outlook to the detriment of those voters who supported it as a farmer-progressive party, and suddenly tied itself in with organized labor and started to spout the words of organizing? Is that the same NDP, from the CCF. Goodness gracious, you know, when you read from some of these documents, Mr. Speaker, to remember what has happened in the past, one asks are these the same liberal socialists, liberal democrats who stand up for individuals and for their right to speak? Are these the same liberal democrats who used to be CCF? Are they now the NDP? Is this the same group Mr. Hazen Argue quit and stayed as a member? Is it really true? Are they really the same group? Can we believe that, Mr. Speaker? Is it possible?

**AN HON. MEMBER:** — They're supporting us. Mind you, that doesn't help us very much either.

**MR. COLLVER:** — Well, when an unprincipled group decides to support another, I don't think it adds one whit to the amount of principles that may be left in this Chamber or anywhere else.

Mr. Speaker, this is some years ago, remember, and he says no one has suggested that the federal parliament attempt to secure an amendment in the United Kingdom binding provinces without first winning their consent.

Now he's talking about the proposed Canadian Bill of Rights, Mr. Speaker. But he's talking about other approaches and other freedoms that were inherent in Canada before the enactment of the Bill of Rights. Fortunately for Canadians, the courts have upheld the Bill of Rights in most instances as binding on all Canadians. As I say Mr. Speaker, I can't wait for this particular day to end so I can get together with my legal advisors so they can investigate the potential of bringing an injunction on the Government of Saskatchewan for introducing Bill No. 105 as being contrary to the Saskatchewan Bill of Rights. As I said earlier, I think that may be very difficult legally but certainly it is the remedy that is available to citizens of this province and it is the . . . Well the Attorney General yells across, not a chance.

**HON. R.J. ROMANOW (Attorney General):** — Mr. Speaker, on a point of order. I didn't yell a thing across. The member keeps putting words in my mouth and saying I said something or other. I would like a chance to get into this debate perhaps (although I wouldn't count on it too strenuously) to say something so I could be quoted back. I don't know why he keeps insisting that I've said something when I haven't.

**MR. COLLVER:** — Mr. Speaker, I withdraw that statement. I withdraw the comment that the Attorney General said anything from his chair and I withdraw the comment that the Attorney General said, not a chance for the Saskatchewan Bill of Rights.

**AN HON. MEMBER:** — There he goes again. He does it again.

**MR. COLLVER:** — No, I withdrew it. I said, he didn't say it. I didn't hear him, Mr. Speaker. You know Mr. Speaker didn't hear him say it because when anyone speaks from his chair the Speaker can't possibly hear from him.

I'd just like to conclude, Mr. Speaker, with what Mr. Scott says with reference to the freedoms that Canadians had before the Bill of Rights, which means that not only can Bill No. 105 be attacked because of the Canadian Bill of Rights, but Bill No. 105 can also be attacked in spite of the Canadian Bill of Rights.

These rights on these matters we want the state to do something, whereas on the other freedoms, we want the state to do nothing, to leave freedom alone. Some freedoms must be protected against the state. Others must be protected with the aid of the state by having it pass appropriate laws. Those rights which must be protected against state action are in my opinion the ones most appropriate for inclusion in a constitutional amendment. So a Bill of Rights in the constitution will likely be shorter than one which is a mere declaration of good principles of government.

On the other hand many modern constitutions such as those of Pakistan and India include both types of rights, the economic and social rights as well as the political rights. The economic rights are listed as guides to legislation and the standards by which to measure state policy.

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Mr. Speaker, I believe it's 5 o'clock. . . (inaudible interjection) . . . Mr. Speaker, I believe it is 5 o'clock.  
Am I mistaken?

**MR. SPEAKER:** — The member is correct.

The Assembly adjourned at 5 p.m.