

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Nineteenth Legislature

Thursday, June 5, 1980.

AFTERNOON SESSION

WELCOME TO STUDENTS

Mr. N.H. MacAULEY (Cumberland): — Mr. Speaker, I want to introduce to you some students from my constituency of Cumberland. They are accompanied by their teachers, Jake Wiebe, Helen Chaboyer and Mary Pelly. They are 26 in number. They are touring Regina and I believe this is the first time many of these students have come to Regina.

I have another group of students from Sturgeon Landing, which is 60 miles west of Le Pas, on the Manitoba border. They are accompanied by their teachers Mr. Sam Ramsbaran and Mrs. Ramsbaran. There are 14 students, from 10 to 16 years old, and they have toured the RCMP barracks here in Regina; also the museum. I understand they are going to be touring further around Regina and I hope that they are going to enjoy the proceedings here this afternoon in the House. I hope to meet with them later in the rotunda, when they get their pictures taken. Thank you very much, Mr. Speaker.

HON. MEMBERS: Hear, hear!

MR. D.G. BANDA (Redberry): — Mr. Speaker, it's a pleasure for me to introduce to the House a group of students, on behalf of the hon. member for Athabasca, Mr. Thompson, who is unable to be here today. There is a group of students here from Birchridge School, Turnor Lake. That is just east of La Loche. They are down here with their teachers, Dorothy Watson and Marie Moberly. They are Grade 6 students, I understand, 24 in number. We certainly want to welcome the students to the capital city of Regina and to the legislature. We hope that their visit is an interesting and educational one; we certainly hope that they enjoy their trip here and have a good journey back home.

HON. MEMBERS: Hear, hear!

HON. J.A. HAMMERSMITH (Minister of Northern Saskatchewan): — Mr. Speaker, I would like to add my welcome to that extended by the member for Redberry and the member for Cumberland to the students from Cumberland House and Sturgeon Landing, as well as Turnor Lake. I think that it speaks very well of those communities, of their teachers, of the Northern Light School Division, and particularly the students, that they have organized themselves for such a long journey. Not many years ago that kind of thing wasn't happening with northern schools. I trust that your stay in Regina will be interesting, informative, and enjoyable. We wish you a good stay and a safe journey home.

HON. MEMBERS: Hear, hear!

INTRODUCTION OF GUESTS

MR. W.J.G. ALLEN (Regina Rosemont): — Mr. Speaker, it's a pleasure and an honor for me to introduce to you Sir, and to the other members of the legislature, some very special guests we have with us this afternoon from the United Kingdom. I speak of Frank and Flo Hemsley, who are sitting in the Speaker's gallery and have come all the way

from London, England to be in our province in this our 75th anniversary year. I am always a little amused when I talk to people from the old country and tell them that 75 years is a long time in the life of a province or a country, when England has been around for so long. But 75 years is a long time and lots of things have happened in Saskatchewan in the last 75 years. We're delighted that you're able to be with us this year in particular, and that you'll have an opportunity to take part in many of the festivities which are taking place in Saskatchewan. They are accompanied today by Mr. and Mrs. Cliff French from the city of Regina, and Mrs. Mudway from Semans, Saskatchewan. I am sure all hon. members will join with me in welcoming these visitors from the United Kingdom to our legislature this afternoon.

HON. MEMBERS: Hear, hear!

HON. G. MacMURCHY (Minister of Agriculture): — I want to share with the member for Regina Rosemont a welcome to the visitors from overseas. I can say to them that the people accompanying you today are really finely folk – the French's and Mrs. Mudway. Mrs. Mudway lives just across the street from me in Semans and I grew up with Peggy French.

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, Mr. Speaker. . . . (inaudible interjection) . . . I'm sorry the Attorney General wasn't in the House earlier to hear my analogy with the boxing situation and the boxers. He was busy on CBC. The Attorney General has been extremely busy in the last few days. I have with me a news clipping, on which I want to make a few remarks based on the Attorney General's remarks on Bill 105. But before I do that, I would like to join with the member for Cumberland and the assistant member for Athabasca in welcoming the students from the northern part of Saskatchewan. I would say to them, that is the longest trip any students have to take in coming here. The amount of time, effort and energy by their teachers in bringing those students to the province of Saskatchewan is literally unbelievable. I think we should all welcome them, especially because of the distances they have come.

Mr. Speaker, in today's issue of the Regina Leader-Post, there is an article in which the Attorney General of the province exemplifies what I was trying to say about Bill 105 this morning. You will recall that I said Bill 105 was a perfect example of NDP power politics and the NDP takeover of everything in this province, including the legislature. The Attorney General of Saskatchewan is quoted today in the Leader-Post as follows:

Romanow said Collver has made his point and he should let it go through. (Here is the crux of what the Attorney General said to the Leader-Post reporter.) No matter how long the Unionest leader continues, Romanow said the bill will go through sooner or later with the majority government vote.

No matter what is said in this legislature; no matter what anyone might try to explain to

hon. members; no matter what debate occurs in this legislature, the opinion of the Attorney General and the opinion of the NDP government is that the bill will go through anyway. Period! What is the point of debating in the legislature, they think. What is the point, they think. Why bother debating a bill which attacks the rights of individual members? Why bother trying to present your cause? Why bother trying to state your case? The bill will go through anyway with the majority government vote! That, Mr. Speaker, is exactly what I am trying to say to the people of Saskatchewan and to other members of this legislature.

Before I go back to explaining further this NDP power grab in Saskatchewan, let me quote from one other point in this article in the Leader-Post today. Isn't this interesting for all members of this Assembly? The reporter is quoting the Leader of the Opposition and the Leader of the Progressive Conservatives in this House, who expresses their exasperation at the length of the filibuster, so-called. I'm quoting from the article, Mr. Speaker; I'm not trying to detract from the Attorney General's position. It says:

The filibuster is the longest Romanow could recall performed by a single member of the legislature in the 13 years he has been an MLA.

Every time something happens in this House, it's the first time he has seen it in the 13 years he has been an MLA. When I first got to this Legislative Assembly, it was the longest time that he has ever heard anything performed in the 8 years he had been an MLA, and then in the 9 years, and then in the 10 years. Everything is either the worst or the best or the first in his entire history as an MLA in Saskatchewan. But the Leader of the Opposition (the member for Souris-Cannington) said, when asked how the Conservatives stood on Bill No. 105, and I'm going to quote. . . . (inaudible interjection) . . . Oh, yes it is. In a minute. Ah, you have to find it because it's right at the bottom of the article, which is unfortunately all the press the Conservatives have been getting lately. It says:

Berntson said the Conservatives will speak to the bill when the opportunity arises, but he wouldn't divulge which way the caucus would vote except to say that the matter is under 'active discussion'.

Now, Mr. Speaker, I am pleased to hear that in the Conservative caucus the matter is under active discussion. I can assure them, Mr. Speaker, that in this legislative Chamber also the matter is under active discussion. Some members, Mr. Speaker, have made up their minds about Bill No. 105. I suggest that the Minister of Agriculture has made up his mind, and that the member for Biggar has made up his mind. There are others who haven't, I am inclined to believe, Mr. Speaker, even with the Attorney General's stated policy in this article that he will lose anyway, so why doesn't he stop talking on the bill; why doesn't he stop trying to explain why the bill is bad; why doesn't he stop trying to make members understand what they are doing to themselves; why doesn't he stop trying to make members understand what it's doing to future members?

Why doesn't he stop, the Attorney General says? I'm exasperated, the Attorney General says in this article. I'm exasperated by the length of discussion that Collver has brought forward in this legislature. I'm exasperated, says the Attorney General. Why doesn't he stop? Every time he enters the Assembly, from his chair he says, give up Dick, give up. Why, Mr. Speaker? Because no matter what is presented in this legislative Chamber, the Attorney General says, the majority will win anyway. So why doesn't he stop presenting the case because the majority will win anyway?

You see, Mr. Speaker, there is a tool available to the Government of Saskatchewan, and it also is mentioned in this article. There is a tool available to the majority and that tool is closure. It is a rule in the green book of this Assembly. Any time the majority wishes to have its way in a parliament, it may bring in closure in which case the matter is settled forthwith. The debate is limited. Every member of the NDP bench knows that's possible. But they want to do through the back door, Mr. Speaker, what they can't do or are afraid to do or are sissy to do through the front door.

If they want to end it, if they want me to give up, it's easy. Invoke closure. Very simple, very easy. You see, Mr. Speaker, the point is that Romanow in this article – that's the Attorney General and I'm quoting from the article:

Romanow delays decision on ending Collver's filibuster.

. . . delays decision. And in the body of the article, Mr. Speaker, it says that he hasn't ruled out the possibility of bringing in closure. But what they're hoping for, Mr. Speaker, is for an individual member who believes from the very depths of his soul in the rights of free men to be represented; in the rights of free men to speak as they will; in the rights of free men to say what they will and to associate as they will; who believes in that from the depth of his being – what they hope, Mr. Speaker, is that he will give up first. Because then they can say, (if they then push this bill through), he didn't believe in it strongly enough to fight hard enough. He didn't believe in that principle of free speech and free right of association strongly enough and therefore we win.

We can explain it to our people. We can explain our actions to the people. We can say through the back door we can take over the potash; through the back door we can take over the oil; through the back door we can take over the timber; through the back door we can take over the hog producers; through the back door we can take over Sask Tel; through the back door we can take over cable TV; through the back door we can take all the land in Saskatchewan through the land bank; through the back door we can take over the mining industries through a law that demands 50 per cent ownership; through the back door we can take over every aspect of people's lives and finally through the back door we can take over the legislature and the free will of men and women who serve in that legislature. We can blackmail them. We can coerce them if they decide to stand for something that we don't stand for. And if it sounds good to the people out there . . .

One NDP front bench, Mr. Speaker, said to me today, the reason why the people, if you like, the majority, the mass will not support me on this stand that I've taken with regard to Bill No. 105 is not that Bill No. 105 is wrong, it's because, he said the people lump the two issues together. He said, the people, the uninformed mass of people say that because you say, Mr. Member for Nipawin, that Canada is falling apart and we should look at the possibility of seeking union with the United States; because you say that on the one hand which most people do not support, we can ram through a bill to attack the rights of opposition members in this legislature and get away with it, and that's good, he said; and that's positive, he said; and that's right. What that means is might makes right.

Well, Mr. Speaker, he's wrong, and he is so dead wrong that I'm going to continue to attempt to bring some sense to individual members of this legislature for as long as it is humanly possible for me to do so. When the time comes that it is no longer possible, I know the member for Swift Current will attempt to do the same. Not that we wouldn't just as soon finish with this longest sitting legislature in Saskatchewan history. Not that

we wouldn't like to get on with the people's business, and we have tried time and again in the last week to get on with the people's business. Not that we wouldn't like to go forward and commence the real job we have and that is to present the Unionest Party's cause to the rest of the people of western Canada, to organize politically (and we don't get much organization done here in the Saskatchewan legislature).

Not that we wouldn't like to do that; not that we wouldn't like to get on with the job; but sometimes some things are more important than others, and this kind of principle is more important than anything else we might consider doing. It is more important than whether the people find out why we believe we should join with the United States; it is far more important than getting on with our lives; it is far more important than organizing a political party; it is far more important than being with our wives and children; it is far more important than any other single matter we could possibly try to do.

Sometimes, unfortunately, and I say this, Mr. Speaker, in the light of some of the examples I have brought to the attention of members of this Assembly, some individuals are caught in a situation in which entire periods of history could turn on what they decide to do. The members of the Saskatchewan legislature today are in exactly that position. The future of democratic institutions in Saskatchewan is at stake with this bill. I have said before that there are other ways if the members opposite, or the members to my right, wanted to use them, to eliminate funding of the Unionest Party in Saskatchewan through government tax moneys; there are other ways than by attacking the rights of individual members.

I am sorry – no, I am chagrined – that members to my right have not yet grasped the fact that what the NDP government is doing in this bill is not only attacking the funding of the Unionest Party, they are attacking the rights of individual members to choose their own sets of ideals. That's what they're doing.

I have explained to members of this Assembly on many occasions that the government could have brought in legislation to say that because of economic conditions in the province of Saskatchewan, because we are facing future recession, because of drought, because of any number of reasons, the government has decided not to provide funding to third parties in this legislature any longer. The cause of justice would be served by having only an opposition and the government funded. That would accomplish precisely the same thing but would not be attacking the rights of individual members to choose as they see fit and to do, not retroactively but for the future. Then it stops today and no more funds. That's what they could have done but that's not what they did.

I would have objected to that. I would have presented and stated my case and I would have sat down and heard the other members and voted accordingly. That is not what the NDP chose to do. I hope you Conservative members of the legislature are not going to be fooled by this NDP attempt. Having taken over all power with Sask Tel, all power with the Potash Corporation of Saskatchewan, all power with The Natural Products Marketing Act, all power with the land bank, all power with all these different organizations, they want to attack the very rights of free members of this legislature. For you to sit on your chairs and be actively discussing the situation at this stage of the game, is appalling, absolutely appalling!

The point is, Mr. Speaker, that when they can take over all of these actions and finally

take over the Saskatchewan legislature and the rights of the members of that legislature, they are attacking the very foundation of our society. . . . (inaudible interjection) . . .

Did you hear that, Mr. Speaker? I know that Mr. Speaker can't hear members speaking from their chairs, but I can. One of the members opposite said that he heard that from the Conservative Party in 1932. I know the concern of the member for Saskatoon Centre and I know he wants to hear it again in detail rather than as I've presented it, skimming the surface. I'm going to ask the member for Swift Current to see if he can find (not right now but later today) in our research documents, some of the statements of the Conservative members of this Saskatchewan legislature from 1932. That will help refresh the mind of the member for Saskatoon Centre, and help him enjoy (if you like) those words of wisdom that were presented to the people of Saskatchewan in the '30s.

Perhaps we'll even find some replies by the CCF in the '30s, who at that time were just founding and had no support at all and couldn't get elected until 1944 in the province of Saskatchewan. Of course, if the government of the day had taken the stand that the NDP government is taking today with regard to opposition, they would not be able to sit in government today. They, Mr. Speaker, would not be sitting in their cushy places if that had happened. It didn't happen. The other people, Mr. Speaker, who occupied legislative chairs in Saskatchewan, in those days, had a sense of reverence for the legislature, had a sense of principle about the legislature, and did not have a long-term design (which is what the NDP has) to totally control the lives of every citizen in this province. Mr. Speaker, it was . . . (inaudible interjection) . . . I will quote from Hansard. I will quote from Hansard, Mr. Speaker, to the member for Saskatoon Centre, and I will quote him from Hansard in answer to a question I asked in this legislature some four years ago. I said to the members opposite, is what you want to take over the day to day lives of every citizen of the province of Saskatchewan? And in Hansard it says, from the member for Saskatoon Centre – one word, 'yes'.

Now not only do they want to take over the day to day lives of everyone; not only do they want to take over the means of production of the society; not only do they want to attack the rights economically – now, Mr. Speaker, they want to attack the very legislature that controls the people, that controls the government of the province. Now they want to make every single member of this legislative Chamber kowtow to the whims, oppose only in the way they want you to oppose. Don't oppose the fundamental issue.

For example, Mr. Speaker, the NDP government does not object to the Conservatives saying, you are wrong in increasing your power in Sask Tel. As a matter of fact they welcome it. Why? (And they've done this for years; I'm not speaking against the Conservatives; I'm merely saying that I know what it's like to have said that, and to have seen it thrown back in my face.) The NDP says we're going to take over power with Sask Tel. The Conservatives say don't do it; you're taking more power unto yourself. And the NDP goes out and says, but this is why we have to take more power unto ourselves.

And they get to explain it – day after day, week after week. The more you object to that the more they get to explain it. The only time you can nail a government like this, the only time you can get to an all-powerful government like this is when they can't explain it.

And they can't explain this, Mr. Speaker. There isn't any possible way that they can explain to the people why they would introduce Bill No. 105 into the legislature, none. There are people who say we don't want to join with the States, and therefore don't use

my tax dollars to support those guys who suggest we should seek union with them and they confuse that with the main issue in this bill. Sure. At this point in time they can explain.

But, Mr. Speaker, I say to you and I say to the Conservatives, and I say to everyone in Saskatchewan, the people are not so stupid. Maybe they are confused about the issue today, but tomorrow and the next day and the day after that, they will not be so stupid. They will realize, if it's taken to them; they will realize what Bill No. 105 means. And sure, Mr. Speaker, it seems on the surface to be a very reasonable thing to do. Here's Canada falling apart. Here are the leaders in Canada meeting on Monday in a constitutional conference, and here are two people in the province of Saskatchewan who are sitting in the Saskatchewan legislature saying that because Canada is falling apart, and because there doesn't seem to be any hope, and because the differences among Canadians are irreconcilable we in western Canada should now seek union with the United States. And they say that's a danger.

I ask this question of the NDP. If that attitude had prevailed in Quebec, what do you think would have happened to Quebec prior to the formation of the Parti Quebecois. Well I'll tell you what would have happened Mr. Speaker. If the people in Quebec had made the same decision, if the legislators in Quebec had made the same decision that the NDP is making today, instead of a vote in Quebec that came out fortunately for the country, the bombings would have continued, the upheavals would have continued, the kidnappings would have continued. The only way to allow that expression of thought to get out is have it expressed freely. Don't curtail it; don't push it behind closed doors; let it come out. That's what happened in Quebec, but that's not what's happening in Saskatchewan.

Now, then, Mr. Speaker, I say to you, that as a direct result of this bill which will, starting Monday, Mr. Speaker, I promise, become more and more known in Canada, Saskatchewan will be known as a place in Canada which is less free than Quebec. . . . (inaudible interjection) . . . The Attorney General from his chair says, what's happening Monday? I don't know. I should ask the Attorney General, how are your researchers coming in trying to find ways to block me from speaking? I'm not going to tell you and you're not going to tell me. That's fair enough.

Mr. Speaker, the point is this. The province of Saskatchewan says to the rest of Canada, we can't afford to be as free as the province of Quebec. Did you hear that, Mr. Speaker? We are descendants of many cultures, descendants of British parliamentary tradition. This is the province that bred and raised John Diefenbaker, one of the greatest champions of free speech and freedom in Canada, that raised Tommy Douglas to a position of power in Canada after his coming from the lowest possible of lows with reference to political power. Who could believe that a province like the province of Saskatchewan, which brought those people to the fore, couldn't possibly afford to be as free as the province of Quebec?

Mr. Speaker, you don't think that the people of this province will find that out. You don't think that the people of the province of Saskatchewan, as a direct result of Bill No. 105, will know for certain, finally, what an NDP power takeover in Saskatchewan really means. I say to the members of the Conservative Party who are here (which is few), why wouldn't the Government of Saskatchewan come out with a reasonable way to do it if there were demands in the countryside to remove government funding for the Unionist Party? Why wouldn't they come out with a way that could accomplish the job without retroactively attacking the rights of members of the legislature? Why, do you think? You

know that it's available. The Conservatives must know that even their own legal advisers would tell them that there are other means available. Why do you think the NDP brought in this bill? To accomplish the end that the public seems to be trying to get and to get political gain out of it? Sure, that's one aspect. Why do you think it was the member for Biggar who introduced this bill, the member who wanted to spend most of his time talking about the potash takeover and ended up in charge of the potash company? Remember that fellow who was so adamant about the retroactive legislation on Bill No. 42?

You know, Mr. Speaker, a lot of people have said, who really runs the NDP? And I wonder whether it isn't the member for Biggar, in reality, with all his power. You know and every member on this side of the House knows, if you examine socialist countries around the world, which member of the government is the most powerful – the secretary. All over the place, the secretary of the Communist Party is the man in charge. He's the guy who is up there right at the top. You see what I mean. It may just be that the member for Biggar is the real power behind Allan Blakeney, and the real power behind Roy Romanow – the Premier and the Attorney General, excuse me. But whoever is behind the throne, whether it is the member for Biggar, whether it is the hon. George Taylor (oh, he's not honorable), the alderman and eminent attorney who doesn't win very many cases in the Supreme Court, that's for sure . . .

AN HON. MEMBER: — But he won Telecable!

MR. COLLVER: — But it hasn't gone to the Supreme Court yet. And I'm going to get to Telecable in a minute. I hope the Attorney General will recognize that is one of the items on the list to show the kind of NDP power takeover that's going on, ending up culminating in Bill No. 105 – the takeover of the legislature and the free will of members of the legislature. I say to the Conservatives, why do you think the bill was written in this fashion? Why do you think they introduced this bill which is so onerous, which is such an obvious attempt to thwart the aims and ambitions of any member of the legislature who decides to change his mind between elections? Why do you think, after they had the precedent of the member for Thunder Creek crossing over to the Conservatives, and they evened up the grants for the research assistants and so on for the two parties – the precedent which goes so totally against them – they introduced this retroactive bill?

Do you honestly and sincerely believe it was to try to prevent these Unionest Party people who are making this suggestion from getting government money? Oh no. The real reason was to attack this institution. You see, Mr. Speaker, when power hungry people obtain more and more power, they want it all – every ounce of power they can get, every single ounce! That's what happens when power hungry people go after power. They can't stand a free will in the legislature. What they really want, I say to the members of the Conservative Party, are people who will object to what they are doing the way they want you to object. That's what they want.

What they want is the right kind of opposition party, because then they think they can fool the people of Saskatchewan into believing that the legislature protects them from these monolithic, huge government corporations and government agencies which the NDP have built up since 1971. They think if they get the right kind of opposition here and they have majority government they can control this province and every aspect therein forever. Forever! Do you know something, members of the Conservative Party, they are absolutely right! If they get their kind of opposition, the kind they want, that's precisely what they will be able to do. You will react; they'll counter-react; you'll

counter-react; they'll counter-react. That's precisely what they want. But think slightly differently from them, come in and make a presentation to the people that's slightly different and they don't want it! All of a sudden, if you do that or if a member of this legislature does that, they're not going to be able to rule forever because people might get the news a little differently from the way they want to manage it. That, Mr. Speaker, is why this bill is so dangerous, why this Bill No. 105 is just a first step to blackmail individual members of this legislature to think just like the majority.

Now, Mr. Speaker, I have referred to the article that appeared in today's Leader-Post. The Attorney General is exasperated by the length of the filibuster, so says the article. The majority is going to win anyway, so says the Attorney General. The Attorney General is House Leader in this House and I challenge him today . . . There aren't enough of them up there so it doesn't make any difference. It has to come when it comes. It's too bad, you know. You have to try for one a day and if the press don't show, they don't show.

I challenge the Attorney General today, at 2:45 p.m. in this Legislative Assembly: if you're exasperated, you have the majority; if it's going to win anyway, bring closure! I challenge the Attorney General. He says it's going to come anyway. He says the bill is going through anyway. He's exasperated at the length of the filibuster. I challenge the Attorney General to bring closure. Bring it now! Bring it today! Bring it this minute! If the Attorney General will tell this Assembly that he is going to bring closure, I'll take my place this second. You see, Mr. Speaker, there's the problem.

AN HON. MEMBER: — Suffer!

MR. COLLVER: — Oh, suffer. Good grief! Mr. Speaker, I wasn't quoted in the press as saying that I was exasperated at the length of the speech. I wasn't quoted in the press as saying that. I wasn't quoted in the press as was the Attorney General, or Berntson, who said it will just add fuel to his fire if he brings closure. It will just add fuel to his fire if he brings closure! . . . (inaudible interjection) . . .

The Conservative opposition in this legislature says, in the words of its leader:

I've heard everything he had to say. In fact, I've heard most of his stuff four or five times.

That's what he said.

AN HON. MEMBER: — What about closure? What did he say about closure?

MR. COLLVER: — Hold it! Would you let me give my speech my way? Is that all right with you? You know, I'll get there. I promise the Attorney General, I'll get there. I'll get right to it! I'll get right to it, Mr. Speaker, as quick as I can.

I must tell you that this is not a tactic that the Unionest Party discussed in caucus . . . (inaudible interjection) . . . Is it all right if I go forward now? Thank you, Mr. Member for Moosomin. At least the Attorney General is waiting for me to make this speech because I told him I was going to make it.

The Leader of the Opposition is quoted as saying that he's heard the stuff four or five times. The Attorney General is quoted as saying he's exasperated by the length of the

speech. The Attorney General says he's opposed to closure because it would add fuel to the fire of the member for Nipawin. The Leader of the Opposition says he's opposed to closure because it's the ultimate denial of freedom of speech.

I say to the Attorney General and to the Leader of the Opposition, the way is clear. If, as the Attorney General says, he's exasperated; if as the Leader of the Opposition . . . Oh, but you see the Leader of the Opposition can't bring closure in and the Attorney General will know that. He will know, Mr. Speaker, that only the House Leader can do that. So, since the House Leader is sitting in this House today, I challenge the Attorney General, because of his exasperation and because of the Leader of the Opposition's concern, to bring closure today. I challenge you! The Attorney General says it's going through anyway – the majority is pushing it through.

So why doesn't the member for Nipawin quit? Well, Mr. Speaker, I'm trying to say that I can't quit because I believe in this to the depths of my feet. I can't! The Minister of Health says, give up. Quit! I can't. Now, Mr. Speaker, I'm going to go until I can't go any longer. I told them that a month ago. I am doing my best. That's all anybody can do to fight something so onerous as the attack on this very legislative institution for what might be said to be pure political gain on the part of the NDP. But, Mr. Speaker, more than pure political gain on the part of the NDP, it is an attempt by the NDP to add to that list of power structures which it has in the province of Saskatchewan. . . . (inaudible interjection) . . .

Mr. Speaker, I'm sorry. The member for Moose Jaw North has asked me a question. I know Mr. Speaker would rule it out of order. He's asked me to give him the aims and objectives of the Unionest Party. I know you will rule it out of order so I will not answer him.

However, I invite the member to drop around to my office at 10:15 this evening. I'd be most happy to go through it for you. We have applications for membership there and if you're interested, please stop by. I'd be more than happy to go through it in detail with you.

So I say to the Attorney General of the province of Saskatchewan, as a result of this press clipping today on Bill No. 105, if it is true that it's going through, that the majority is going to ram it through anyway, if it is true that you decide the order of House business, if it is true that this Assembly will not grant me an adjourned debate, then the only choice you have left, if you owe a duty and a responsibility to the people of Saskatchewan, is to listen for as long as I can keep speaking or to invoke closure in this legislature. That's the challenge I pass along to the Attorney General. He may say . . . The members are saying – oh, keep talking, keep talking, my goodness. Then I say to you, Mr. Speaker, that they had better be prepared because I only wish to tell Mr. Speaker and the members of the Assembly I will return to this immediately. And I only wish to tell them – I'm not going to read this back into the record again. I have done so twice. This is the amendment we propose to make. Of the 11 items which we believe this bill is opposed to, the principle of Bill No. 105 is opposed to, I have so far only spoken to 4 of them; of the 11 reasons why we believe this bill is wrong, I have only spoken to 4 of them.

AN HON. MEMBER: — How does Ted Malone stand on this one?

MR. COLLVER: — Oh, for heaven's sakes, Mr. Speaker. Would Mr. Speaker give me the privilege of making an introduction while I'm on my feet?

MR. SPEAKER: — Will you allow the hon. member to make an introduction? Agreed.

INTRODUCTION OF GUEST

MR. COLLVER: — Thank you very much, Mr. Speaker. I know all hon. members in this Assembly will want to give a special welcome to a former member of this legislature (and I emphasize the word former), the current Leader of the Liberal Party in the province of Saskatchewan, and I'm sure a champion whom all of us would wish to emulate, none other than Mr. Ted Malone.

HON. MEMBERS: Hear, hear!

MR. COLLVER: — I understand Mr. Malone is going to be receiving some time in August — I unfortunately will not be able to be there; it would have been my greatest pleasure to have been there — a roast put on by assorted members of Saskatchewan's political scene and the press. And I hope Mr. Malone will thank me later for giving that little plug to his fund raising effort. Unfortunately I won't be there to help him.

AN HON. MEMBER: — Where will you be?

MR. COLLVER: — I have the unfortunate opinion that I'll still be standing in this very place speaking to Bill No. 105.

Well, Mr. Speaker, the original stand . . . Oh, I thought the member for Thunder Creek was going to rise on a point of order to welcome also his former leader and friend.

AN HON. MEMBER: — Which one?

MR. COLLVER: — Well he has had several in his career. That really is too bad.

Mr. Speaker, I would like to return now to the principles of Bill No. 105. Well I don't know where the Liberals stand. But I'll be quite frank with you, Mr. Speaker. It's not really fair to debate the Liberal Party in this legislature since they are not here. You know, it's like we used to talk about debating civil servants who couldn't rise in their places and defend themselves. It's like trying to bring about a debate for example with people in society who can't come in here and defend themselves. And I must only say that when the Liberals were in here, they had a heck of a lot of trouble defending themselves, and I'm sure they are going to have the same kind of trouble defending themselves outside this legislature.

I mentioned in this very debate that in the constituency of Nipawin (and I am pleased that the Leader of the Liberal Party is here, because he will know) the Unionest Party has far more support than the Liberal Party of Saskatchewan. He will know that. That's also true in the constituency of Swift Current. So it's interesting to note that they have shifted from third party, which is covered by Bill No. 105, down to fourth party in some areas of the province of Saskatchewan.

I suppose, Mr. Speaker, if the Rhinoceros Party were formally introduced into the electoral system in Saskatchewan, in other constituencies in the province the Liberal Party would sink even lower. If they were formally introduced in Nipawin or in Swift Current they would then become fifth party.

Now I know that I have just brought the press running to Mr. Malone and asking him to respond to my comments made in this legislature. For that I hope Mr. Malone will thank me as well. It gives him at least one opportunity per month to get his face seen on television or be heard somewhere in the province of Saskatchewan.

Now to return to Bill 105. . . . (inaudible interjections) . . . Well, you see, Mr. Speaker, I mentioned earlier in this debate that this very bill, even if passed, would allow any members of this legislature to sit over here as third party and call themselves Liberals and all of the funding would still go to them. You can see that the negotiations are being carried on right now for just such an eventuality.

Now I hope, Mr. Speaker, to bring every member of this legislature to his senses. I hope that they will come to their senses and that they will not pass this bill. One can see right this very minute, negotiations are under way which will prove that this bill is nothing more than an attempt by the NDP to get an opposition of its choice.

I remember in this legislature when we were third party, Mr. Speaker. I remember when the Liberals were here. I tell you, Mr. Speaker, from 1975 to 1978, the NDP couldn't have had a better opposition than the Liberal Party of Saskatchewan. I sat here. (Even the member for Estevan will remember this; he sat here and watched them as well, and he knows precisely how they behaved in this legislature). I remember sitting in on a debate when I was sitting over here, with the member for Estevan and the member for Moosomin. I remember sitting right here (or reasonably close to here) and watching a Liberal rise in his place and ask a written question and the Attorney General rise in his place and reply with a written answer. Not once, but many, many, many times. I watched. That's their kind of opposition; that's the kind of opposition that the NDP wants – the kind that will write out the questions in advance, so that the NDP can write out their answers in advance.

Why do you think that the Liberal Party is exempted from Bill No. 105? Why do you think that? No other party in Saskatchewan is exempted from Bill No. 105. Not the Socreds, they're not exempted; not the Rhinoceros Party, they're not exempted; not the Marxist-Leninists, they're not exempted. The Liberal Party of Saskatchewan is exempted from Bill No. 105.

The NDP would like nothing better than to see the Conservatives supplanted and replaced and sit over here as third party and have the Liberals sit right there. They would like nothing better, and so they want to encourage the Liberal Party of Saskatchewan. They want the Liberal Party of Saskatchewan to extend its control, to extend its tentacles to all parts of Saskatchewan.

Mr. Speaker, I don't think the NDP is going to be successful in that regard. The Liberal Party, as you will know, is the Government of Canada under Pierre Elliott Trudeau and his group. I don't think the people of Saskatchewan, no matter what happens in the next little while, are going to want to have anything whatsoever to do with that group of people. And I told you, Mr. Speaker, in Nipawin and Swift Current that I know of (I don't know of any others), the Unionest Party has more support than the Liberals. And we're not even government of any place. We don't have the power of the purse from the federal government to attract the lawyers to our party. We don't have the power to give out any graft and corruption through the offices of the PFRA, or the DREE office. We can't hand out largesse like the Liberals; we can't grease the pork barrel like the Liberals. They can keep that pork barrel rolling out of the federal purse all the time. But I say to you today that the Liberals will never occupy third party position in this Assembly.

Never. They'll never be opposition, and they sure as heck will never be government again. Never.

Bill 105, as I said before, is nothing more than an NDP attack on minority rights and minority parties, in order that the Attorney General and the NDP can get an opposition party of their choice. The Attorney General now sits in his chair and says, the Liberal Party by 1983 will be up there, way above the Conservatives. Do you know why he says that? Because he brings in Bill 105; because he's going to encourage the Liberals. He exempts the Liberals from Bill 105. That's what he does. He says the Liberals are going to surge ahead because the NDP is going to get the opposition of its choice – not the opposition of the people's choice. That's what he thinks.

But I tell you, Mr. Speaker, the Attorney General is wrong. I know because I was there as the Leader of the Conservative Party when it was nothing and as it grew, and I know that the Conservatives are going to come to their senses. I tell you that, Mr. Attorney General. I know that the Conservatives in this province do not want to sit in third party status; they want to sit in government, and the only way they are going to do it is to come to their senses. I believe, with the inherent faith of my soul, that they are going to come to their senses and they are going to start to see the real power play by the NDP. They are going to see it, Mr. Speaker. They are going to come to their senses. They are going to understand why the NDP chose this kind of a bill to bring before the Assembly. They are going to see it, Mr. Speaker, before the dawn of many, many days.

I'll make you a prediction. I predict that the Progressive Conservatives in very short order are going to see what the NDP is doing with Bill 105 and they are going to oppose Bill 105. That's what I predict. I predict that of the Conservatives, who also believe sincerely (I think wrongfully) that the Unionist Party shouldn't receive any government funding because we propose to present to the electorate an option that is not acceptable to them. They support that. But the way the NDP has brought this bill in they will not support. And I predict that. Well, we'll see, we'll see.

MR. SPEAKER: — I wonder if the member for Nipawin would allow an introduction.

MR. COLLVER: — I would be most happy to, Mr. Speaker.

WELCOME TO STUDENTS

MR. N.H. Macauley (Cumberland): — Mr. Speaker, I would like to introduce to you another group of students from Timber Bay. These students have travelled from Timber Bay today. I am sure they are going to find their visit to the House interesting. The 11 students are accompanied by their teachers Ellen Ducharme and Lorna Ducharme. I am not sure if the students have just arrived or not but I do know they are going to enjoy being in Regina and the many things they will see here. We hope they have a safe journey home.

HON. MEMBERS: Hear, hear!

MR. SPEAKER: — The member for Nipawin.

MR. COLLVER: — Thank you, Mr. Speaker. It is a real pleasure to see these students come all the way from the northern part of Saskatchewan to hear a debate; unfortunately they are hearing a rather lengthy dissertation.

Mr. Speaker, I note with interest (and this is a very brief interjection) that the member for Saskatoon-Sutherland is here. I think I have mentioned before in this Assembly when he wasn't here, and I did want to mention while he is here that the member for Saskatoon-Sutherland has exhibited certain views over the past few months that, although he is a member of the NDP, do not coincide with NDP policy. He has been rather vocal in his presentation of these views. I say to him that he had better be more concerned than he seems about the principle of Bill No. 105. Because how can any member object to or go against a majority view in this legislature if he knows there is a possibility of his being blackmailed as this bill is attempting to do to two members on this side of the House?

The member for Saskatoon-Sutherland has exhibited some considerable courage from time to time. I must say I don't agree with him, but he has exhibited considerable courage in coming out in opposition to some of the NDP policies. As I say, I don't agree with the stands he has taken but I do defend to the death his right to take those stands and his right to rise in this Chamber. He has shown to every NDP member in this entire House what real thinking people can do if they want to stand up for what they believe.

I remember another incident that I have not yet brought to the attention of this Assembly. I wonder if the NDP remembers the case of that eminent member of theirs, Mr. John Richards from Saskatoon, Mr. John Richards the MLA for Saskatoon-Sutherland. (I think that was the name of his constituency; it was jiggered out of the pocket by one of the constituency boundary changes, but I believe it was actually called Saskatoon-Sutherland.)

Perhaps Saskatoon-Sutherland is famous for bringing members to this legislature who think for themselves. I can recall the intervening member between the present member for Saskatoon-Sutherland and Mr. Richards – Mr. Harold Lane. And I can recall Mr. Harold Lane certainly standing in this Assembly and presenting his views as an individual member, and sometimes in presenting those views, getting the party with which he was associated in quite considerable trouble. I can think of two words he used once in debate that the Attorney General certainly made the most of in a presentation to the . . . (inaudible interjection) . . .

Well, Mr. Speaker, there is another slant on this Bill No. 105. Maybe the NDP should think: if we discourage this independent thought, we are never going to get members like Harold Lane rising in this Chamber and using those words. Maybe they should take it from another point of view. Instead of thinking it is some kind of a positive thing – as one member of your caucus said to me today, keep going because all you're doing is destroying the Conservatives – I say to them, maybe you should stop thinking about it that way. Maybe if you look at Bill No. 105 the other way, that if you pass this legislation, members are going to be reluctant to rise in their places and take any kind of an independent stand.

Now perhaps that's precisely what you wanted to do to the member for Saskatoon-Sutherland; perhaps you wanted to discourage him. Having said I have admired him from time to time for standing in his place and speaking his own mind, I must say his view on the tradition of the NDP I do not agree with. Sitting in his place during a vote – if he believes in something, he should vote for it. If he doesn't believe in something he should vote against it. That's pretty straightforward. There are times when the issue is not monumental, or there is a dispute between two parties and the third party can sit back and say, well, the dispute is between them, and it's not a monumental issue so we

can abstain, or, if it doesn't interest us; we can abstain. But when you abstain on a matter of principle, that, quite frankly, Mr. Speaker, is not what you're sent here as an MLA to do, and I hope the member for Saskatoon-Sutherland in future will realize that – he is sent here to cast his ballot and to cast his ballot with his own best judgment. If he is against a policy of the government he should stand in his place and be recorded as such, not abstain, or sit in his chair even though he opposes the actions of the government.

But really, Mr. Speaker, think about (I want to direct my remarks now to this NDP) this Bill No. 105 as an attack on the very kinds of great issues you have been able to build up in the Saskatchewan legislature over the last number of years. Think about those two words the member for Saskatoon-Sutherland, Mr. Harold Lane, said. You will recall that those two words were, filthy hospitals. That's what he said. He was fired up in debate; he was rising in his chair and he was waving his arms, and he used the words, filthy hospitals. Now, that was a prime example of an individual member saying what he believed and saying it as vehemently and strongly as he possibly could. What he meant to say of course was that the hospitals weren't as clean as they should be. That's what he meant to say, but he didn't say it. He stood in his place and said the words, filthy hospitals.

Think of the benefit the NDP got from that individual member having the courage of his convictions, having the wherewithal to stand in his place and use those two words! Why, it went all over the province – Conservatives say NDP hospitals are filthy; the NDP calls in Hewitt Helmsing to act as a witness in this Chamber. The benefits which accrued to the NDP as a result of that were literally unbelievable. Why would you want to end that I wonder. Why would the NDP want to make individual members of this legislature feel that they can't rise in their places and say whatever comes to their minds? You could use that. Good grief! – we had to back up our member, I recall, Mr. Speaker, as a party, and we had to come down and attempt to do our very utmost to get out of that box. It ended up that we weren't very successful about getting out of that box but that was only the political acumen of the NDP.

If they believe that, if they have this great majority over there, think of the benefits of having independent individual members who are able to speak their piece. I don't think, Mr. Speaker, that the NDP at this point in time is even thinking that way. I don't know why. I think they should be thinking that way, but I don't think they are. . . . (inaudible interjection) . . . Well, that would have been something back then. In those days that would have been absolutely terrific.

Now, Mr. Speaker, . . . (inaudible interjection) . . . The member for Redcoats, Saskatchewan – I'm sorry, the Minister of Telephones, from his chair, is talking about skewering. The only skewering that's going on in this Assembly (or that has gone on in this Assembly, to my knowledge) is the skewering that the NDP has done to the people of the province of Saskatchewan. That's the only skewering I know of. And the definition I suppose one might use of skewering, Mr. Speaker, is to take all of the rights and privileges of the people of the province and centralize them in one spot, put them under the control of four or five guys who are sitting around in that inner cabinet the NDP has, dictate everything to all of the other people in Saskatchewan, put that all under there in

the one place – the one individual place – that is available to those members to present the views of some other citizens, the Saskatchewan legislature, and all of a sudden come right back in and attack it. What's next?

Well, Mr. Speaker, I say to you, what's next? When the NDP has the opposition of its choice in this legislature (which, unless the Conservatives come to their senses, they're going to have and they won't even have to call themselves Liberals), you mark my words, Mr. Speaker, they're going to bring in changes to The Election Act. That's next.

When there is no one in this legislature who will oppose in a different way; when there is no one in this legislature who takes a different position entirely than the government; when there's no one in this legislature who is available to present things in a different way to the people of Saskatchewan; when all they've got is their own reaction-action-reaction-action kind of thing, 'I can manage better than you, you can manage better than me, ha, ha, ha' kind of thing, I predict that in comes a change in The Election Act. The Election Act, as you know, is pretty favorable toward the government members right now. It's pretty darn hard to convince anyone who has run in this province in the past that The Election Act is 100 per cent fair and reasonable, when the NDP always appoints NDPers as returning officers. But right now, it appears to be fair. You mark my words, Mr. Speaker, the next attack by this NDP government, after it has this legislature under its thumb and has the opposition it wants, will be on The Election Act because then there won't be anybody here to oppose it. What they will do, the opposition of their choice, is say, this is terrible. You're jiggering the elections. The NDP will say, no we're not, and they'll say, yes you are, and they'll say, no we're not. We could change it better, they'll say. That's what will happen if the opposition of their choice is here.

And the people won't buy it anyway. If they bring in a change to The Election Act, then it is all gone – once a voter cannot vote fairly for a candidate of his choice, can only vote for the party of the government's choice. Remember, Mr. Speaker, the NDP in Bill 105 has chosen three parties . . . (inaudible interjections) . . . No, Mr. Speaker, I don't need to take a break. I just have to stop coughing. They've chosen only three parties – the Liberals, the Conservatives and the NDP. That's it. No other party in Saskatchewan is recognized by Bill 105. That's their choice – the Liberals, the Conservatives, the NDP, recognized by Bill 105. That means the NDP is now choosing the parties for the people of Saskatchewan. Isn't that a power play? Isn't that a takeover? Isn't that . . . (inaudible interjections) . . . Mr. Speaker, the members opposite say they keep hearing all these things before in 1933 or 1932 or 1944. I have yet, Mr. Speaker, to present these things to the people in this Chamber. My research must have slipped, because I had been looking for ideas (to make a presentation on Bill No. 105) that had been said before by other people to bring precedent to bear on this legislature and make members come to their senses. I thank the members opposite for sending all this free information over – '43, '44, we will certainly look at, thank you Mr. Member for Yorkton; and '32 we will look at, thank you Mr. Member for Saskatoon Centre.

As I said the other day, Mr. Speaker, perhaps every 20 or 30 years it is necessary for one person somehow, in some way, to stand up and be counted against the power of the majority. I've mentioned Wilkes; I've mentioned Thomas Berger. I have a few others, Mr. Speaker, who are exactly like that, whom I wish to draw to the attention of the member here. They are identical to that case, where individuals, members of the legislature were attacked by the majority.

But I say today, that my earlier remarks were only a preliminary to the main theme and that is that it is an NDP power grab for every single resource in this province, including

that most fundamental of our institutions, the legislature itself. That is the key issue in Bill No. 105 — an attempt by the NDP to get the opposition it wants instead of getting the opposition that the people might want.

Now, Mr. Speaker, what other kinds of power grabs have occurred since 1971 that would indicate Bill No. 105 is also a power grab? Well, I would like to speak for a few brief moments about oil in the province in Saskatchewan, about the taxation of oil. I would like to talk for a few brief seconds to remind the people of Saskatchewan and the members of the legislature, what the NDP has done to the oil industry in our province as a result of its legislative capacities and legislative powers; and to tell the people of Saskatchewan that if Bill 105 goes through there is absolutely no possible way that they will find out again about that kind of takeover.

You will recall, Mr. Speaker, that Bill No. 42 was brought into this legislature against the wishes of the oil industry, without consultation with the oil industry, and it taxed them in such a way that the oil industry attacked in the courts the constitutionality of that legislation. Now that was an attack not just on Exxon, not just on Gulf, because, Mr. Speaker, those are the kinds of organizations that the NDP want in this province. They have made deals with them in the North, in the mining development in the North. Exxon, Gulf, Shell, those are the kind of people they need here. But the kind of people that the NDP doesn't want in Saskatchewan are the people like Roy Rudichuk.

Now, I remember that particular case, Mr. Speaker, and I want to relate it to the members because it relates directly to an all-powerful government majority attacking in such a way that the rights of one individual are totally removed. He exemplifies all of the other small oil companies in the province of Saskatchewan.

Mr. Rudichuk was a geologist. He was a home grown product. He grew up in Regina. He was a small businessman. He owned his own consulting firm. Mr. Rudichuk, over the years, had assisted many organizations in finding oil, and he was reasonably successful. He had built up as his stake some oil leases worth some \$300,000. He started from nowhere, Mr. Speaker. He was just a little guy who went out and worked his heart out as a geologist to build up a stake. By working, and by finding oil on behalf of various organizations, Mr. Rudichuk was able to go out and accumulate oil leases worth \$300,000. It was his total worth. It was his life's savings. The NDP government — and this is just one example, Mr. Speaker, just one example — with Bill 42, by the stroke of an illegal pen, wiped out the value of those leases that Mr. Rudichuk, the geologist, had built up over his career; made them worth zero with the stroke of the pen.

Now Mr. Rudichuk was attempting to go on as a consultant. He was a well-known consultant and well paid. He continued to work for various oil organizations in the province, but you will remember, Mr. Speaker, that as a result of Bill 42, not only were Mr. Rudichuk's assets wiped out from \$300,000 to zero, but the oil industry dried up. All the business just left the province, fast. We're not coming back, they said. The member for Estevan has brought to the attention of this House on many occasions other examples of small businesses that, as a direct result of Bill 42, went broke. Couldn't go on. Couldn't survive.

The big boys, the Exxons, the Gulfs, and the Shells had the money and the legal counsel to hop to it to take the NDP government to court for passing a law that was unconstitutional. Now Mr. Speaker, at this point in time these little guys, this minority group, these small little fellows who grew in Saskatchewan and built up their little stake, were wiped out. But the big guys were not wiped out at all. They can afford to go

on drawing oil out of Alberta, drawing oil out of Alaska, drawing it out of the North Sea. The NDP government, using the moneys raised by that taxation and other taxations, went out and created SaskOil, a government monopoly. This majority government doesn't like to hear this, Mr. Speaker. This is right on point with minorities being attacked by majorities, so they don't like to hear that. It's hurting over there, hurting heavy because it wasn't Exxon which was wrecked, it wasn't Gulf that was wrecked, or any of those, because they are right back in business with them in the North. It was the little guys like Roy Rudichuk, and I'm going to get back to him in a moment to tell you what happened to him. Bill No. 42 . . . (inaudible interjection) . . . Oh, yes he was, and I'm going to tell you why too. I'll tell you the whole story. It will come out.

This power play that the NDP is pulling on this Legislative Assembly with Bill No. 105 is exactly the same as the other power plays; you'll see it Mr. Speaker, and more people will see it. Like I said – the big guys weren't hurt; it was only the little guys. But Bill No. 42 was tested in the courts. Now I recall in this Assembly, I wasn't here then, but I recall the debate which occurred in this Assembly from the Liberals at that time, and in those days I don't think the Liberals were the kind of opposition the NDP wanted. They only developed into that kind of opposition in 1975; the kind which the NDP wanted. That opposition fought Bill No. 42 and fought it tooth and nail. They argued against it. They presented it to the people of the province. They said to the people of the province of Saskatchewan: this is a scandal, it's unconstitutional. The NDP said: no, it's not. Just as I have said with Bill No. 105, that it's unconstitutional, the NDP said: no, it's not.

Instead of approaching the taxation of oil companies, like the province of Alberta, and getting the maximum mileage out of oil because the price of oil was skyrocketing in the world, instead of doing that, they decided to use the power of their majority to bring about Bill No. 42. Even against the advice of every constitutional expert in this country, even against the advice of the opposition, even against all the advice they received, they said: this is the law, we are going after it. They didn't hurt one big guy, not one. But they wiped Roy Rudichuk out, so Roy Rudichuk got mad. Now he was never a political animal. As a matter of fact, Mr. Speaker, he was never a politician of any kind. He was just a businessman, a little guy who was attacked by the big guy, and he said: that's not right. I'm going to stand up for what I believe in. So he went out in 1975 as a Progressive Conservative candidate in Regina when the Conservatives were expected to receive no more than 2 per cent of the vote, just as the Conservatives in 1971 received only 2 per cent of the vote. I tell you that in 1975 the Progressive Conservatives received 29 per cent of the vote, and I bet you my bottom dollar half of it was because of people just like Roy Rudichuk. He didn't win in his constituency but that started the Progressive Conservatives on the road, that kind of dedication, that kind of concern brought about by an unthinking, unfeeling, stupid majority government which tried to attack the big companies but ended up just attacking poor little guys who had built up a small stake.

Mr. Speaker, that's what Bill No. 105 is going to create. That's the kind of feeling this is going to create, all over the province. So, Mr. Speaker, if they think just because it's June in Saskatchewan, and the news isn't getting out, just because the Saskatchewan press corps from time to time want to leave the Assembly because they have heard this speech, and have heard me talk for 27 hours or more, if you think the news isn't going to get out about the NDP power play in this province, Mr. Speaker, they have another think coming.

I say this to you, Mr. Speaker. I say that the oil play on Bill No. 42 cost the people of

Saskatchewan some of its finest citizens. Roy Rudichuk, who grew up in this very town, now lives in Tulsa, Oklahoma. He didn't want to move; no he didn't. Roy Rudichuk didn't want to leave his home town. He wanted to stay here and practise his profession. But he couldn't do it, because he was wiped out by this kind of autocratic, all-knowing, all-powerful government.

And what would have happened if the opposition hadn't drawn that bill to the attention of the people of the province? What would have happened? They never would have known about the Roy Rudichuks of this world. They never would have known about the little fellows who were destroyed as a result of what Mr. Larter, the member for Estevan, has brought before this Chamber on many occasions. They'd never know. If the NDP gets an opposition like they want; if the NDP gets an opposition like they create – a reactive kind of opposition like the Liberals were from 1975 to 1978 – then there's no hope left.

What happened after Bill No. 42? After all the advice on constitutionality, the big giants took them to court and they won. The bill was deemed to be unconstitutional.

Now the NDP government comes back and now I'm sitting in this legislative Chamber. They come back into this Chamber and say, because we didn't listen (they don't say this, but these are the facts) because we didn't hear, because the opposition in here wasn't strong enough or didn't fight long enough or hard enough, because they didn't present the facts to the people for whatever reasons – the people of Saskatchewan are now going to have to put out of their pockets \$500 million of their hard-earned tax money and pay it back, primarily to Exxon, Gulf, Shell and the big boys. Not to the Roy Rudichuks, because you see, Mr. Speaker, Roy Rudichuk is already gone. He was destroyed by Bill No. 42. His business collapsed; his leases were worthless.

When the retroactive bill was brought before this Assembly later, (and I just can't remember the number, Bill No. 47, was it?) the explanation was that those dirty guys in eastern Canada (the supreme court) were once again attacking our right to tax people as we like. The NDP was able to sell it to the people of Saskatchewan. How, I don't know. The people of Saskatchewan are going to have to pay half-a-billion bucks back to these multinational corporations, and therefore we're going to bring in a bill that retroactively changes the law, so that \$500 million doesn't have to be paid back.

That's the excuse they used for the retroactive oil legislation. It's those dirty central Canadians, through their supreme court, and through Trudeau and those Liberals who brought about this situation. That's the excuse.

Now, Mr. Speaker, no amount of explanation to the people about the stupidity of the NDP could counter that explanation. No one could convince the people that it wasn't just another example of a power play by central Canada against the interests of the people of Saskatchewan. Yet the province of Alberta at the time was able to pass legislation and collect its taxation.

What happened as a result? I was forced into the position in this legislature of having to make the decision, the terrible decision whether the people should have to repay that \$500 million to Exxon and Gulf (They had never been damaged one iota by the NDP. Roy Rudichuk and those little guys who went broke weren't going to get one dime anyway.) and support the retroactive bill or, oppose the retroactive bill and watch the people of Saskatchewan suffer for the mistakes and stupidity of the majority government that wouldn't listen and wouldn't think.

I chose the people, I thought at the time. I chose to support the government's action to retroactively change the law, because they should have put that law in to begin with. They were told to by the opposition, but they didn't listen. They used their majority to ram it through. Those little guys were hurt. Those people left Saskatchewan. The same kind of attitude, however, is not going to be present for Bill 105.

Mr. Speaker, let me ask you this: do you think the Government of Saskatchewan, the NDP majority, are going to be able to go out and sell the people, convince the people that it is the United States of America which is causing the NDP to attack individual MLAs in this province? Do you think they will buy that? They might have bought that the supreme court was central Canadian. But are they going to buy in the case of one lone MLA stuck at the back of the Chamber, on his feet trying to say that they shouldn't attack individual MLAs to the detriment of this Chamber, that the United States of America forced them into it?

The NDP might have been able to sell that oil bill. They might have been able to sell the fact that it was the central Canadians attacking Saskatchewan, which brought about the need for retroactive legislation. How are they going to sell this bill, this retroactive legislation?

AN HON. MEMBER: — We don't have to, you are!

MR. COLLVER: — Yes. See, I don't have to, you do. Leave it to the other guy. But if you can use blackmail to try to coerce individual members, then how can those individual members go forward and sell their case?

AN HON. MEMBER: — Easy!

MR. COLLVER: — Ah, easy he says. I notice how easy it is to do research without researchers, to do secretarial work without secretaries. Every member of this legislature is entitled to that. But oh, no, according to the NDP . . . (inaudible interjection) . . . Ah, we are not more enlightened than before, not a bit. What we want to do is treat some members differently from others. That's fair? Why not?

Well, Mr. Speaker, I don't think you can sell that to the people. I honestly don't. There's no big multinational chasing us now. There's no big multinational they can attack today. There's no big central Canadian government that they go after today on this NDP power play. Oh no. The only possible thing they can do now is to try to explain away to the people why they are attacking the legislature.

Now I say to you, Mr. Speaker, it's going to be difficult for them to sell after all these takeovers that have happened, after all these eventualities. You see the difference, and what the NDP forgets is that Mr. Rudichuk was a Saskatchewan-born citizen. Mr. Rudichuk has a brother; and Mr. Rudichuk's brother lives in Regina; and Mr. Rudichuk's brother, who never before became involved in politics, became an active and involved Progressive Conservative and helped the Conservatives raise their vote from 29 per cent to 39 per cent. That's what they forgot. You don't turf out individual citizens of Saskatchewan and think you're going to get away with it . . . (inaudible interjection) . . .

You see that, Mr. Speaker? I don't even understand the member for Biggar when he's on his feet, let alone when he's speaking from his chair . . . (inaudible interjection) . . .

I didn't hear him saying anything either. It's a pity that the member for Biggar, when he introduced this bill, wouldn't have introduced this bill with at least some comments about what the government thought about the same situation in this very legislature with the crossing of the member for Thunder Creek from the Liberals to the Conservatives, and the adjustment of grants accordingly. The member for Biggar didn't bother to say anything about that. I think, unfortunately, the press have never asked him about that.

Maybe the press will ask the member for Biggar about how he justifies Bill No. 105, when the Premier of the province recognized the tie, and the member for Biggar recognized it, and the grants were adjusted when a member crossed from one place to another. Why hasn't the press corps asked him that question? All I want is an answer. The member for Biggar hasn't given that answer in this Assembly. I asked the question yesterday. I was hoping some intelligent member of the press corps would go out and ask the member for Biggar, have you thought about this? And why is it like that? What is the difference? I'd like to hear the difference myself. I'd like to know what the difference is with precedent in this very Chamber.

Well, perhaps it's not important anyway. Perhaps the comments of the member for Biggar aren't important. Perhaps the only thing that is important is what the Attorney General of Saskatchewan said today:

Collver has made his point and he should let it go through.

If I let it go through then I'm supporting it, am I not? If I let it go through in part, I'm saying it's not as serious as I said it was. If I let it go through, it means I don't believe in it strongly enough, and that's what the Attorney General would like.

No matter how long the Unionest leader continues, Romanow said, the bill will go through sooner or later with a majority government vote.

I am saying to the Attorney General again, don't blame me for the tremendous cost of operating this building. Don't blame me for keeping this open. If you want to shut it down, do so now, this minute, tomorrow or any time. You have the right. You have the majority. If it's going through by a majority anyway, for goodness sakes, Mr. Attorney General, don't waste the money of the people. Bring closure. There are only two of us here, but they won't bring closure. The majority is going to win eventually anyway.

You see, Mr. Speaker, sometimes in this legislative Chamber I have believed, especially during the first two or three years when we were third party here, that the rules of this Chamber and the rules of parliament were jiggered in such a way that nobody could do what they believed. But that wasn't true, Mr. Speaker. In those days I was dead wrong. Why, Mr. Speaker, did I believe that? Because I didn't know the rules. Why did I believe that, when I was third party in this legislature? Because I didn't understand this institution and I didn't understand the rules of the institution.

But after five or six years around this building and around the people in this building, you get to know something or other about the rules and you know that the Attorney General has the right at any time to call a different order of business if he wants. You know that the House has a right to grant you an adjourned debate so that you can get on with the pressing business at home. You know that if you are a two member caucus you only get to speak to the matter once, the amendment and the bill, and that's all you get. You can't come back again and rebut anything that's said against you. You know that.

So, we have to govern ourselves accordingly.

If we object strongly enough and vehemently enough about a bill, perhaps it will change. Perhaps the members will change their minds. Perhaps they will be realistic and reasonable, and then again, perhaps they won't. If the Attorney General is correct, the majority will win anyway. If he is right, if the majority will win anyway, I say to the Attorney General, it is your fault then. You can close the debate today. You can stop this right now; just bring closure.

I don't know where his courage is, Mr. Speaker. I don't know where the courage of any of the members opposite is. But I do know this, that as long as I am able I'm going to fight this bill and it's on the Attorney General and the government's side to make the decision when it stops. They can do that.

As I said earlier, Mr. Speaker, of the 11 reasons why we believe Bill No. 105 is defective, I have only, so far, spoken to four of them. So I think at this point in time, Mr. Speaker, I would like to speak to one of the others, briefly. I have quite a considerable number of remarks to make about it. Item No. 7 of our proposed amendment that I intend to issue to the Speaker at the conclusion of my remarks reads:

That the House decline to give second reading to Bill No. 105 – An Act to amend The Legislative Assembly and Executive Council Act, because the principle of the bill is contrary to accepted principles of natural justice by which citizens can expect to rely on laws passed by this legislature and not have them reversed retroactively.

Now, Mr. Speaker, what is natural justice? Before you can comment in any possible way that the principle of Bill No. 105 is against natural justice, you have to understand what natural justice is.

The doctrine of natural law has existed continuously for almost 2,500 years in various forms. During this period it has been used as a criterion for the evaluation of human positive law and as an ideal by which legal systems should be guided. While the problem of natural law may not appear relevant to the problem of purpose of the law, many theories of natural law endeavor to define law in terms of purpose.

Hence it may be profitable to examine very briefly the many contributions of philosophy to these two related problems. The ancient Greek philosophers were the founders of natural law, and its true meaning is still a matter of controversy. Greek philosophy, medieval rationalism, Roman law and Christian theology, actual custom and moral intuition are all classified together.

Although there is a good deal of confusion the theory is still concerned with the two main problems – what is the permanent foundation of law and in what way is it related to justice? There can be no doubt that natural law has greatly influenced legal developments over the centuries. Therefore, it is important to have some appreciation of it in order to understand legal philosophy.

For instance, American thinking in institutions was formulated in a marked degree by the philosophy of natural law during the seventeenth and eighteenth centuries. And I might say, Mr. Speaker, that English thinking in institutions has also owed a great debt to the development in the field of natural law.

We have taken our institutions primarily from England, but we also have attempted over the years, to adopt some of these institutions through the American example because they are an older country than we are. The thought that law is an essential foundation for the life of society, and that law is based upon man's needs as a reasonable being, is the dominating force in natural law. In the eyes of the Greeks, justice and ethics were closely related to law.

Kelsen suggested that whatever has been learned about the essence of justice can be discovered in the works of Plato and Aristotle. In his Republic, Plato endeavored to find the foundations of justice, while Aristotle viewed justice as being either what is lawful or what is fair and equal. He divided justice into distributive and remedial. Distributive justice is concerned with the distribution of honor and wealth among citizens, while remedial justice is concerned with the nature of the injury and endeavors to restore the equality which existed before the wrong was done.

Bill 105 is an attack on the principles of natural justice and remedial steps must be taken before the bill is introduced in order that natural justice will prevail.

Aristotle also distinguished between natural justice which is universal, and conventional justice which is binding only because it was ordered by some authority. Live according to nature was the maxim of the Stoics who regarded the universe as being governed by reason similar to that which lay in man. Therefore, he who based his life upon the rule of reason could confidently face the world because a universe founded upon reason could not be adverse to him. This stoic theory was used by the Roman classical writers whose texts provided the foundations of legal study for very many years. In this way, a theory of natural law became established. Gaius says that every system of positive law can be classified into rules that may be changed because they depend upon men's wills and rules which are generally accepted and unchangeable because they depend upon reason. So, *ius gentium* became the fundamental basis of every legal system because in whatever way conventional law may change, rules based upon nature are beyond the power of man. Nevertheless, the praetor peregrinus evolved rules to deal with foreigners where the rules of the *ius civile* did not apply. Such rules were sometimes spoken of as the *ius gentium* which signified a wider application of the practice of mankind. What was generally accepted by men was presumed to be reasonable. Therefore the *ius gentium* was regarded as being in accordance with natural law.

So the *ius naturale* which was the philosophic theory, the fundamental element in all law, bore some resemblance to the *ius gentium* which had a two-fold use namely: the actual common practice of mankind and the special rules which praetor peregrinus had evolved for dealing with foreigners. However, if in the view of natural law, every man should be free and if natural law was the unchanging basis . . .

As civilization progresses and respect for human personality grows, the rules of law also develop. So it becomes impossible to find rules of law which are unchangeable. In the process of time, the Roman idea of the rules grew further away from the high ideals of Greek philosophy. The Christian fathers ascribed a divine origin to natural law and quoted the approval of Saint Paul to their doctrine. In this way the truths of revealed religion could be relied upon and as a consequence, a theory of natural law became important because the element of reasonableness was interpreted in accordance with the views of the Roman jurists and the Christian teachers. The Christian fathers believed that God created a state for the purpose of correcting the general tendency to evil and that private property and slavery were instituted by God to meet the

requirements of man which resulted from the fall of man. Here there's a great diversity of thought between the theory of Christian fathers and the theory of Aristotle who regarded the state as a natural result of the social tendencies in man.

The Middle Ages saw a steady growth in the popularity of the theory of natural law. Here we see the beginning of theories which were to be of great practical importance in the years to come. Certain writers gave to the world the theory of social contracts when seeking for some principle in order to justify the power of the state. Though there were many different ideas on the subject, the most popular was that the head of the state was beyond positive law but was under the dominance of natural law. As R.W. and A.J. Carlyle point out, Ayo thought that an edict of the empire which was against natural law was a malady. There is thus a sharp distinction between this view and the view of Roman jurists that natural law is the unchangeable part of civil law. Therefore natural law may be the foundation upon which positive law is laid, although there is a predisposition to view natural law as being in some way superior. So during the Middle Ages, we see the beginnings of the subsequent theory of natural rights. M.J. Adler says that Saint Thomas Aquinas points out that the intellect and free will of men are the closest image of God in this universe. It is asserted that the will of God, in accordance with his wisdom, guides the world. So this eternal law is the natural, moral law, the true rule being – act according to your moral nature. The Ten Commandments are the natural law, and they do not render the positive law redundant. Thus, positive law should coincide with natural law. Law is reason. Adler also says that the theory of St. Thomas has been misconstrued and this is due to the belief that the term, law, is employed in precisely the same sense as it is in the terms, natural law and positive law.

It is unfortunate that St. Thomas did not explain that the word can be employed in two ways – natural law, which binds the conscience, means the ultimate end; whereas positive law, which binds because of a sanction, involves a certain course of action after due consideration of all the circumstances. But natural law and positive law should coincide.

Put simply, positive law is a decree of reason, made for the good of all men by one who is responsible for the common good. It would have been better if the moral law had been limited to positive law and a different word used for *ius naturale*. The principle of natural justice is the term which expresses the idea of the Middle Ages. Are we today to return to the Middle Ages by differentiating natural law and positive law?

In the seventeenth century, the foremost jurist was Grotius. He believed that natural law was founded upon the nature of man. That is to say, the dictate of right, reason, indicating that any act from its agreement with the rational and social nature of man has in it a moral necessity. In the opinion of Grotius, in order to find out what the rules of natural law are, one must look for what is in accordance with the natural and social nature of man. One must then see whether the rule has been accepted by most civilized nations. Grotius thought that man had an incurable desire for society.

MR. SPEAKER: — Order! After listening carefully to the member for Nipawin for about 10 minutes, it appears the member is giving a discourse on natural law. During that time I have been listening carefully to see if I could discover anything related to the bill which is before us, the principle of which we are to be discussing.

Now, if this has something to do with the nature or amount of grants to the third party, I have been unable to fathom any connection whatsoever in the last 10 minutes. I want to tell the member I will not allow him to proceed on this basis. He has to relate to the

principle of the bill before us, otherwise he cannot continue.

MR. COLLVER: — Mr. Speaker, I would like to get back then to Beauchesne's to the amendment I proposed, and to what I attempted to tell Mr. Speaker at the start of my discourse on natural law.

First of all, Beauchesne's says that concerning relevance, the benefit of the doubt should be left with the member. I believe, and I am attempting to prove to members of this Assembly that the principles of Bill No. 105 are against the principles of natural law.

Now the principles of natural law are of a complicated and complex nature which have been built up over the centuries to indicate that natural law and positive law should coincide. I say that the positive law which exists in Bill No. 105, as a result of its attack on the freedom of speech and the rights of association of the member for Swift Current and the member for Nipawin, is in opposition to the principles of natural law. Now, in order to make that understood and to contain that connection, one must understand what natural law is. It is a very complicated and complex field. Mr. Speaker. That is why I am attempting to bring this to the attention of this Assembly. I hope you will allow me to continue because this is precisely in accordance with Beauchesne's and the rules of this Assembly. I have already stated, not just today but on previous occasions, that we believe this bill is opposed to natural law. We believe that positive law, which this is, and natural law which has been built up since the Middle Ages . . . (inaudible interjection) . . . We will bring it right on point but in order to do so we must be able to go back and build up what natural law is. That is what I am attempting to do, so I hope Mr. Speaker will allow me to continue.

I will, from time to time, if Mr. Speaker desires, indicate how the principles which I am attempting to determine in natural law relate directly to Bill No. 105. But in order to do that, I hope Mr. Speaker will allow me enough latitude in terms of relevance to at least make it understood what I am talking about when I say natural law. It is a very difficult concept, one on which there have been hundreds and hundreds of works. I do wish Mr. Speaker would allow me to continue in that vein.

MR. SPEAKER: — Well, I think any fair reading of any rulings I have made with regard to keeping the member in order would find that I have been generous, if judged by Beauchesne, in attempting to keep the member in order and allowing him the widest possible latitude in the debate.

It seems to me, without getting into the member's debate, that I have to keep him on the principles of the bill which is before us. One of the principles of the bill before us is the nature and amount of the grants to the third party. Unless I am convinced that what the member is bringing forward in the matter of debate is directly related to this, then I have to rule him out of order. Now I have told the member that I had listened for 10 minutes to the member's discourse on natural law and I am not convinced that what the member is doing is related to the principle of the bill. It's not my job to tell the member how to relate to the principle of the bill, that's his job. I don't wish to get into the debate. I could tell the member that, but that's not my job. Therefore, if the member continues with a long discourse on natural law without relating to the principles of this bill, I will have to rule the member out of order.

MR. COLLVER: — Mr. Speaker, I know it was just an oversight when you said in your

ruling that the member could only speak to the principle of the bill, since Beauchesne specifically says that the member in moving an amendment should not be penalized and should be able to speak to the amendment as well as the bill since he doesn't have an opportunity to come back into the debate. I repeat, the bill plus the amendment. If the Speaker rules that portion out of order where I say the amendment I intend to make is this:

... the House declines to give a second reading to Bill No. 105, an Act to amend The Legislative Assembly and Executive Council Act, because in section 7, the principle of the bill is contrary to the accepted principles of natural justice by which citizens can expect to rely on laws passed by this legislature and not have them reversed retroactively.

Now I say that is the principle of the bill plus the amendment.

Mr. Speaker will be aware (and I know it was just an oversight) Beauchesne is very clear on that, the member should not be penalized when he is going to move an amendment in terms of natural justice, in terms of the accepted principles of natural justice, before I can make the point on Bill No. 105 as to why it is opposed to the principles of natural justice surely I must state what the principles of natural justice are.

MR. SPEAKER: — Just so that the member won't misinterpret my position in this situation, I stated at another time in this debate that I care not a whit what the amendment is at this point. It doesn't matter to me at all. And it matters not to me until I have that amendment in my hand in deciding whether that amendment is in order or not. All I can rule on right now is what the member is saying. And as I said before, I listened for at least 10 minutes and I was unable to connect what the member was saying directly to the principle of the bill before us. I'm just telling the member that I find that kind of debate out of order, and that the member must hasten to bring his debate to order, and it's not my job to tell him how to do that. So therefore the member has the floor provided he can make his debate in order.

MR. COLLVER: — Well, I certainly will, Mr. Speaker, and I almost lost my speech on natural justice. Certainly the speech is relatively lengthy and I wouldn't want Mr. Speaker to believe that somehow the speech was out of order. So I'll attempt to go on to leave the introductory part of the speech and get on to the section of my speech called Bias.

Now natural justice, Mr. Speaker, is based on bias. We say that Bill No. 105 is biased. It's showing bias for three political parties in the province of Saskatchewan. It only recognizes the NDP, the Liberals and the Progressive Conservatives. That's all that it recognizes. Bill No. 105 specifically says that. If you want me to relate that to the bill, I will. It specifically says in the bill:

... where that group is a political party registered under The Election Act on the day of the last general election.

Now the only three political parties that were registered as political parties under The Election Act on the day of the last election were the Liberal Party, the Progressive Conservative Party and the New Democratic Party. Only those three parties were registered with the chief electoral officer at the time, which means that there is bias shown by this bill. Now bias is the basic flaw of natural justice. If a bill is biased toward any citizen of the province of Saskatchewan, of Canada, or in fact in terms of natural

justice, of the world; if a bill or an act or a move by a legislature, by a government, by a speaker, is biased; that bias is opposed to natural justice.

Now I hope that I have made Mr. Speaker understand why I believe that since there are only three political parties that are affected by this bill positively, and since there is one political party that is affected by this bill negatively, at least one, then the bill is showing bias. Now I hope that that links the principles of bias to Bill No. 105, because I have a number of remarks to make about bias, and how over the years the principle of bias in terms of natural justice has been fought and died for. I hope Mr. Speaker will allow me to show that most legislators, most enlightened liberals, most enlightened people in this world believe that natural law and positive law must coincide.

Now, Mr. Speaker, you may believe, as I'm sure some do, that doesn't tie to Bill No. 105. You may sit in your chair and say that this dry discourse on legal principles and legal tenets doesn't sound to me like the kind of political speech that is given in this legislature from time to time. Mr. Speaker, it is my contention that this is no ordinary bill. It is my contention that this is an attack bill, an attack on rights bill, and therefore it requires extraordinary measures.

Mr. Speaker will recall that one of the reasons for the design of this building is that it shall be treated similarly to a court of law under the adversary system. One adversary there and one adversary here. Sometimes the law is dry. Sometimes it has to go back and build up its points for not 10 minutes, maybe for an hour. It might take an hour to get to the point where you say: because of all of this, bias is included in this bill; because of all of this, it is important that you not pass this bill; because I, as a legislator, believe it to be true and I believe it to be relevant to this issue. Bias is what this bill is all about. Now, this starts, Mr. Speaker . . .

MR. SPEAKER: — I wonder if the member would permit an introduction?

WELCOME TO STUDENTS

HON. R.J. GROSS (Morse): — Mr. Speaker, I would like to thank the member for Nipawin for so graciously allowing me the time to introduce 15 Grade 8 students from Waldeck Elementary School. They are accompanied here today by their teachers, Mr. John Bergen, Claudette Penner and Joyce Beisul and their bus driver, Harry Northcott. I am not sure if the group just arrived in town at this point, or if they have visited other sights in the city; I am sure they will make themselves available to those sights. I trust they will enjoy their afternoon in the legislature and will look forward to returning at some later day. I understand we are meeting a little bit later for pictures and for conversation of mutual interest. I would like to thank the member for Nipawin again for allowing this important time he is taking off in his debate. Thank you.

HON. MEMBERS: Hear, hear!

MR. COLLVER: — Thank you, Mr. Speaker. I wish to thank the students for coming to the Assembly and having the time to be introduced by the hon. member for Morse to the Assembly at this time. I wouldn't want to say that it helped in any way, but I certainly appreciate the introduction and the students' arrival. It was quite timely, I think.

ADJOURNED DEBATES

SECOND READINGS

Bill No. 105 (continued)

MR. COLLVER: — Now, Mr. Speaker, I hope I have explained that I believe the bill to be biased. In order to show the principle of bias and how the principle of bias developed through natural justice, it will be necessary for me to talk about the history of bias in natural justice, and why I believe the bill to be opposed to the principles of natural justice.

The rule that no man shall be judged in his own cause was stated by Justinian in his institutes, book 4, title 5, law 1. Also see Justinian code 351, while there are various cases to be found in support of the principle in the Yearbooks such as 8 Edward 2, 382; 5 Edward 3, 30; 13 Edward 37 AGNM6; 37, 39 AGN 6 32; 9 Edward 4, 14A. Brockton wrote in Delegebus; page 412, that a judge must not try a cause if there is any suspicion of consanguinity, friendship or enmity with a party to the case or whether there was subordinate status towards a party or where he had been advocate to a party.

Now, Mr. Speaker, let me say that this institution of parliament is supposed to be a judge. This institution of parliament and the majority government in the province of Saskatchewan finds itself in the position where in fact there is enmity for the member for Nipawin. I asked on several occasions in the past in this debate why the members would bring forward such a bill attacking the members of this legislature. Why? I suggested before, in different words, that it was enmity.

One of the principles of natural justice is that no man shall be a judge in his own cause. One of the principles of natural justice is that you must not bring a law against someone when you have enmity for that person and only for that reason.

For brevities sake I am going to refer to the crossing of the member for Thunder Creek from the Liberals to the Conservatives, because it is an important and key element in my case. I am going to refer to it as 'the crossing' so I don't have to go through that again. I am sure the member for Biggar will understand and hopefully will be asked by the press about the crossing and whether his government considered it under this very Legislative Assembly and Executive Council Act. Why did they allow that precedent to affect third party status and why they are attacking this precedent? Why did they allow that precedent for establishing grants when the member crossed from here to here, not having run before. I will just refer to it as the crossing.

The only possible reason we could see for this bill being introduced by the NDP at this time was enmity toward the two of us. Beyond that, Mr. Speaker, ... (inaudible interjections) ... You are not interrupting me. I can listen to you all if you like. But you see, when the members speak louder than the speaker, it is difficult, I know, for anyone to hear. And the speaker (I don't mean the Speaker in the Chair; I mean the speaker on his feet) is going to have to speak a little lower, perhaps not as loud as he has in the past at least for the next few hours.

Now we have said it is an NDP power play. But in addition to being a power play, which is the key issue of the bill, the NDP is also bringing forward the bill against natural justice. Why? One of the reasons it is against natural justice is that there is enmity by the NDP for the member for Swift Current and the member for Nipawin.

What reasons do they have? One of the reasons they have is that we do not believe Canada is going to survive. We do not believe that the principles of unity which are necessary in any country can be reconciled in this country. We don't believe it. They have enmity toward us because of those beliefs. I was attempting to prove that, Mr. Speaker in the 10 minutes you listened to before. I was attempting to show you that natural justice and positive law must coincide. If you bring forward a law that is in opposition to natural justice, it will not survive, and there is example after example. I will be bringing some of them forward to you in this dissertation. But there are many examples of legislatures which have attempted to bring forward laws that were in opposition to natural justice, and either the legislatures themselves did not survive, or the law did not survive.

You see, Mr. Speaker, when you suggested the 10 minutes during which I was talking about natural justice before weren't related to Bill 105, what I was attempting to show (and I don't want to go against your ruling) was the kind of things that have happened in the past where natural justice and the law have not coincided, and what has happened to those laws and what has happened to those societies that tried to pass those laws.

A prime example, right up front, is the example of the laws passed in Nazi Germany in the '30s which went against the most fundamental of natural laws – thou shalt not kill. The laws passed by Nazi Germany in its parliament removed the right of citizens to live by inserting them into concentration camps, by experimenting on them. And what happened to the rights of parliament in those days? They disappeared. There were no rights left. It wasn't decree that brought about Nazi Germany; it was a parliament that brought about Nazi Germany, a parliament passing laws that were against natural justice.

You will recall you couldn't understand how, Mr. Speaker, the first part of my address on natural justice could possibly relate to Bill No. 105, but you will recall in Nazi Germany, for example . . .

MR. SPEAKER: — Order. I get the distinct impression the member is debating with me. I get the distinct impression the member is debating my ruling. The member is to debate the principle of the bill. He's not debating with me, and if the member could put it in the proper context I'd be prepared to accept it. I can't accept it when the member continues to debate as though it were my ruling he is debating, rather than the principle of the bill.

MR. COLLVER: — Please, Mr. Speaker, I was certainly not attempting to debate your ruling in any possible way. I was speaking to you because I'm supposed to speak through you. But since my voice has gone a little bit sour, for the next few minutes I would like to speak a little softer than I have in the past. It's difficult to do that and look around the room and watch and get fired up. I was speaking to you, but I was not debating your ruling.

What I am trying to point out, Mr. Speaker, is not that I was objecting to your ruling but just merely how this bill is opposed to natural justice. And as I said, it is a very complicated and complex field.

Why is this particular bill against natural justice? Well, it is against one of the basic and fundamental tenets of natural justice, and that is you should not pass a law against those for whom you have an enmity, or a hatred, or a dislike. You should not pass laws against those people. That is opposed to natural justice. As an example of other kinds of laws that were opposed to natural justice which led to the same kinds of conclusions

that we predict if Bill No. 105 passes this legislature. I'm citing examples, perhaps extended examples, or exaggerated examples, but nevertheless examples of the kind of difficulty you can get into when you attempt to put a positive law through which is opposed to a natural law.

I'm sure Mr. Speaker will be aware that I certainly am not a lawyer nor do I pretend to have any knowledge of the law; I think perhaps Mr. Speaker and most members of the Assembly are not lawyers. But when you're dealing with subject matter as complicated as this, you have to ask for the best advice you can possibly get. So you go to a lawyer and ask, is this bill opposed to natural justice? The lawyer says yes. You say to him, will you prepare for me a dissertation on natural justice in opposition to this bill? The man says sure.

Now we all have researchers. I have watched every member of this House stand in his place and read his speech. The fact that from time to time I have been able to give the odd speech in this House without referring to notes shouldn't preclude me from reading from a speech that I asked some lawyer to prepare for me, based on natural justice.

MR. SPEAKER: — I rise on another point of order with regard to what the member has said. Earlier today the member said at the beginning of this debate: 'I have had one or two speeches prepared for me by outsiders and I do intend to deliver them in this debate. One is entitled, The Growth of Democratic Government.' Further on he says: '... and the other is How Bill No. 105 Attacks the Principles of Natural Justice, and those speeches will be delivered in due course.'

Now I want to make some citations to the hon. member so that he will understand my position with regard to governing and controlling how the debate moves in the House. Beauchesne's, Fifth Edition, paragraph 309, says:

(1) It is a rule in both Houses of Parliament that a Member must address the House orally, and not read from a written, previously prepared speech.

Now the members of this House will be quite conversant with the fact that quite often members prepare speeches and read them in this House with no serious objections. They speak from notes or they speak from prepared documents, which they have prepared and brought into the House. However, there is a subreference here to Bourinot, page 335. Bourinot on page 335 says as follows:

III. Written speeches not permissible. If the practice of reading speeches should prevail, members might read speeches that were written by other people and the time of the House be taken up in considering the argument of persons who are not deserving of their attention.

At the beginning of today's debate, the member for Nipawin said (and I have the debate here) these speeches were prepared by outsiders and he intended to deliver them in this House. Now that is contrary to the rules of this House, and it's contrary to parliamentary rules that the opinions you express in this House are your opinions and not opinions prepared and merely delivered by you in this House. So, therefore, if the member intends to continue with either of these documents which you mentioned earlier today, I would have to consider him to be out of order because he is in fact delivering the opinions of some outsiders from outside of this House, who Bourinot says:

We would be taking up the time of this House, giving attention to arguments of people who were not deserving of that attention.

MR. COLLVER: — Mr. Speaker, you are quite correct and I certainly will not deliver either of those two speeches to this Assembly. I know, Mr. Speaker is correct in terms of past parliamentary precedent. In the past some members of this Assembly have presented speeches, certainly that were so difficult for them to read that they didn't even understand the words and mispronounced the words — they were prepared by outsiders. I might have thought when one is honest about it, that it was prepared by outsiders and delivered in this Assembly, that the Saskatchewan legislature, in the light of past experience, might have overlooked it. But, Mr. Speaker, is quite correct in his assumption and so I shall not deliver that speech. I shall merely attempt to explain natural justice and the reasons why this Bill No. 105 is in opposition to natural justice in my own words.

Now, Mr. Speaker, will appreciate that I will not be able to use the same kinds of words that someone who is well versed in the law could, but I would certainly attempt to do that myself, at least certainly for the next little while, because it's a very complex and complicated subject.

I started out by saying that one of the principles of natural law is that you should not pass a law against someone because there is enmity for that person. That is in opposition to natural law. Another example of that, and I gave the example, is the decision by various parliaments in Germany to create special classes of citizens (they didn't like Jewish people, for example). So they passed laws that were in opposition to that group of people, just as Bill No. 105 is an attempt by the Saskatchewan legislature to pass a law against two of its own members, because they don't like what those members are talking about.

Now, when natural justice is interfered with, the logical conclusion (and I know most lawyers will understand that) which would come about as a result of interfering, of making a positive law against a natural law, is that the natural law will prevail. The natural love, in the long run, of a man for another man will prevail. And if you pass a law against one man, other men will rise up and say no, that's wrong because natural law says you shouldn't have done that. And, Mr. Speaker, that is precisely what I've been attempting to say to the members of this Assembly; this bill is against the natural law. You mustn't pass a law against people because you don't like what they believe in. No society has ever survived when its government made laws against the natural law. Anyone who has studied any history knows that's true. Eventually that society crumbles. That's one of the reasons, Mr. Speaker, why in western democracies there has been developing in the past number of years, the past 50 or 60 years, what's known as the liberal democracy. As a matter of fact some would call it the liberal socialist democracy. They say, and I give this as another example, you must not pass a law in a legislature which favors a few board members in Toronto because what will happen is the natural law that you must treat everyone the same will eventually prevail, and that law will prove to work very badly. Let me give you an example of the kind of law I mean. I don't think too many people are aware of it.

Some years ago the T. Eaton Company in Toronto found itself in a position where it could not continue to hire part-time people at a reasonable rate for its Toronto store, which was its flagship store, as a result of the rules and regulations which were put forward by the unemployment insurance commission. In other words, the people of

Toronto found it more reasonable to draw unemployment insurance than to work for T. Eaton on a part-time basis. The T. Eaton Company couldn't find people to work in its store. Its board chairman decided to approach the then Liberal government in Canada to get special consideration and special rules so that they could have people work part time in the T. Eaton stores in Toronto and also draw unemployment insurance at the same time. Because of their bias; because of the favoritism shown by the government to the T. Eaton Company in Toronto, they changed the rules and regulations applicable to unemployment insurance so that employees could work part time at Eaton's (and not only Eaton's but everywhere else in Canada – they in fact changed the rules so that it was true for everybody), and also draw unemployment insurance.

But what happened as a result, Mr. Speaker, of a law that was passed which was biased? The natural law prevailed. Everyone started to abuse the unemployment insurance system; everyone. It over drew the unemployment insurance fund in Canada to such a degree that for the first time the Government of Canada had to feed that fund out of the current operating moneys of the Government of Canada. That started, if you recall, Mr. Speaker, (and I know that anyone who is familiar with Canadian history will recall this) the ever-increasing spiral of inflation which happened in Canada. Then what happened as a result of this biased law primarily designed for one company in one city? The fund became so depleted and such a drain on the Canadian economy that legitimate claimants, legitimately out of work claimants in high unemployment areas had to be cut off. And Mr. Speaker will recall when that happened as well.

So here's a nice little law that's made up like the principles of natural law. Here's a nice little law that's made up favoring one group, which resulted in the entire country getting into an inflationary spiral. I'm not saying that's all the reason but it was certainly a very large reason, which resulted in inflation, which resulted in workers who had legitimate claims being cut off from benefits from unemployment insurance because of this one little change in the law, which was up in opposition to the principles of natural justice. You not only don't produce a law if you want to have good law, where you have enmity for someone, you also don't produce a law where you favor someone because the natural law will prevail.

Another example of that kind of thing, Mr. Speaker, is the kinds of laws that are currently extant in the Soviet Union as it relates to the intellectual community in the Soviet Union. There, when a member of the intellectual community decides that he has differences with the state, and he decides to present those differences to the state, natural law says he should have the right to speak, and he should have the right to vent those feelings, and he should not be placed in jeopardy by the state. But Soviet law being what it is states that if this individual or intellectual expresses views against the state, and starts to win — there's the big difference in Soviet Russia. Anybody can talk against the state, (although I'm told by people who travel there that no one does) as long as you don't start to win some converts, as long as you don't start to convince someone. That's what I was trying to say to the members to my right earlier today; what the NDP wants is an opposition of its choice. They want you to oppose the way they want you to oppose. And let me tell you, I know because I have been there. They can sucker you pretty darn good into opposing just the way they want you to oppose.

But in Soviet Russia they say they are a very enlightened state, because the penalty

under Stalin was they were taken to Siberia or they were shot. The penalty now is either they are sent to a mental institution or in the words of Solzhenitsyn, to a Gulag or to exile. Now there's a law that is in opposition to natural law but what has the Soviet society lost as a result? They have lost, as a result of the very law, some of their greatest artists, some of their greatest thinkers, some of their greatest writers. They have lost some of their greatest scientists. Their society and the people in their society have lost the input that those people could make to that society. They have lost the upgrading effect that those people could have made to that society, as a result of that law that went against the natural law. You do not pass a law that favors anyone and you do not pass a law because you hate someone. You pass a law because it's right for all and that will coincide with natural justice and that kind of society will survive.

Mr. Speaker, I'm sure that all members can be convinced that Bill No. 105 is biased. It has to be biased. What's the definition of biased? Bias is when one group is favored over another, or put another way, when one group is disfavored over another. The bill specifically adds the words: political party registered under the election act in the day of the last general election and passes that law retroactively. That means that this Assembly then will only recognize three political parties: the Liberals, the Conservatives, the NDP. Because there are more political parties in Saskatchewan than that, the bill is biased. There is no other possible explanation. It is biased.

Can it survive? What is the logical or possible result? I said before that the bill is against natural law. If an act is passed against natural law, it doesn't survive and society is the loser. What is the possible potential outcome of the passage of Bill No. 105? Let's talk about just a few.

One is the impending court action that will be taken against the Government of Saskatchewan because the bill is against the Canadian Bill of Rights. The bill plus the facts are against the Canadian Bill of Rights which guarantees the right of free speech and the right of free association to any citizen of the country. No legislature may run contrary to that federal statute. When that Canadian Bill of Rights was first introduced, many lawyers thought that the Canadian Bill of Rights could not be used in that way; but the courts have decided (and I'm sure the Attorney General or any other lawyer in their midst would be most happy to explain that to you) that the Canadian Bill of Rights can be used as an overriding statute on provincial legislators and especially those legislators who have passed their own Bill of Rights which is identical or almost identical to the one passed in Canada. So the courts will hold that the Canadian Bill of Rights applies and this bill plus the facts against them are principles of the Canadian Bill of Rights. So there will be an ensuing court action. I want to ask, Mr. Speaker, this question. It will come about not at the higher levels of court but at the lower levels of court in about 18 months time, which would be probably just immediately before or shortly before the next provincial general election. Now you might say, well, so what? What do you think would happen? Suppose you are wrong in bringing this bill to this House and passing it. And suppose I'm right in terms of the Canadian Bill of Rights and suppose the court decision at that point in time, just a few months before the next provincial general election, states that the government of the province of Saskatchewan did not have the right to pass Bill No. 105 because it was ultra vires of the Canadian constitution; it was in opposition to the Canadian Bill of Rights.

There is one outcome which could occur as a direct result of the passage of this bill. I want every member in this Assembly to understand clearly what the implications of that would be politically. Never mind the feelings of the people now. Think of what the feelings of the people would be if, in the Court of Queen's Bench or wherever in

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Saskatchewan, the judge decides that the Government of Saskatchewan was contrary to the Canadian Bill of Rights because it went against free speech and freedom of association. I wonder if the members have thought about the consequences of that happening. That's one consequence.

There is another natural consequence, when you pass a bill like this, that is against the principles of natural justice. When you pass a bill that is biased, you pass a bill because you don't like what people think rather than a bill which is fair for all.

Another natural consequence of this action will be that the people who formerly believed that the legislature was the ultimate arbiter and controller of the Crown corporations and big government of the NDP, will now have reason to believe that the legislators in this Chamber are not able to avoid persecution and attack in the completion of their duties. That's a second natural outcome of passing a positive law that is in opposition to natural justice.

Those are two likely outcomes, and I tell you there are more. You heard me say earlier the quotation supposedly from Louis XIV:

Do not build a prison lest thy children inhabit it.

That could be another natural outcome of passing this bill. The children, if you like, or future members of this legislature will have to live with the actions of the members of this legislature. They'll have to live with it; they'll have to live with the precedents you set.

Surely those kinds of outcomes of this bill are not worth the immediate so-called or perceived political gain to be achieved by retroactively attacking members of this legislature, when in fact there are other methods, if you are adamant about ceasing the funds for the Unionest Party. There are other methods to achieve it.

The minister responsible for agriculture wasn't in the House when I said earlier today that you could for economic reasons, or because there's a drought, or for any number of reasons, say that the government has to economize and there will be no third party grants in this House. That's possible. There are none, not retroactively, just from now on.

For economic measures, you could have done that. I would have objected, but you wouldn't be establishing a precedent like the one you're trying to establish now. You see, there are ways that it can be done. But when you pass this kind of legislation, then you must think (and I hope the Conservatives are thinking) that because they could have done it this other way and they did it this way, there must be some kind of ulterior motive that you can ascribe to the NDP. And the only motive that you can place on it is that they want total control of this legislative Chamber. They want to control the individual members of this legislative Chamber.

Now, Mr. Speaker, I don't wish to go back to any of these other speeches I have, as I told you earlier, had prepared, because they are very complicated fields. I haven't even touched on all of the ideas in natural justice that I believe Bill 105 opposes. I will do my very utmost as time goes on, in my own layman's fashion to bring to the members' attention why I believe the bill is opposed to natural justice.

I believe it's 5 o'clock, Mr. Speaker, if you would like to check the clock.

The Assembly recessed until 7 p.m.