LEGISLATIVE ASSEMBLY
May 5, 1981

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

WELCOME TO STUDENTS

MR. WHITE: — Mr. Speaker, permit me to introduce to the Assembly six Chinese scholars seated in your gallery. They are from different universities in China, and are now connected with the University of Regina where they are furthering their studies. Their names and disciplines are: Mrs. Sun, and Miss Zhou, department of English; Mrs. Song, history; Mr. Yu and Mr. Shi, computer science; and Mr. Xu, environmental system engineering. Mr. Hu, a chemist was also to be here, but he is in the United States. The group has been chaperoned by yours truly around the legislature for some time this morning. They much appreciated being able to attend the reception for the Chinese farmers visiting your Chambers and your discourse on the Chamber here. They also sampled the delights of the gourmets' grotto down below, and have toured the building as well.

I hope they find the question period both interesting and informative. I think I need not dwell on the importance and the desirability of their being in Canada and in Saskatchewan. Some of them were here for a year; some will be going back before long; and some will be here for a longer period. Business and exchanges like theirs promote co-operation, understanding and better relations between our two countries. I think that's very important. I hope you will all join me in welcoming the scholars to the Assembly.

HON. MEMBERS: Hear, hear!

MR. TAYLOR: — I'd like to join with the member for Wascana, on behalf of the members on this side of the House, in welcoming the scholars from China to Saskatchewan. I hope you are enjoying your studies at the University in Regina. I hope you've enjoyed your stay in Canada, and in the province of Saskatchewan, and I hope you have a good time today watching the procedures of this House. Once again, welcome.

HON. MEMBERS: Hear, hear!

MR. MOSTOWAY: — Mr. Speaker, I would like to introduce to you and members of this Assembly, 26 grade 7 students from Caswell School in Saskatoon. Caswell School is situated in Saskatoon Centre constituency. They are accompanied by their teacher, Mr. Reichert. I know that when students come into Regina from outlying areas, they always have a pretty good time. I'm sure that the students from Caswell School will not be disappointed. In that regard, I hope that you enjoy proceedings in the House, particularly in light of the fact that we do have a bit of an international flavor here this afternoon. I'll be meeting with you later on, and I do want you to enjoy yourselves and have a pleasant journey home.

HON. MEMBERS: Hear, hear!

MR. BAKER: — Mr. Speaker, I am very pleased to introduce a group of students to this Assembly. I must agree with Mr. Mostoway, the member for Saskatoon. When the students come, they can't help but have a good time in Regina. But I want to introduce a group of grade 8 students from Thompson School. They are accompanied by their teachers, Mr. Barlow and Mrs. Anthony. They are 38 in number. Thomson School was my home school, so to speak, as my daughter attended that public school right through grade 8. Over those years I was the president of the Thomson home and school. I do want to greet them and I hope they will have a pleasant and fruitful stay with us and gain much by watching the Assembly proceedings today. I will meet with them shortly and I invite you all to extend a warm welcome to them.

HON. MEMBERS: Hear, hear!

MR. SHILLINGTON: — Thank you, Mr. Speaker. Just ever so briefly I'd like to join with my colleague for Regina Victoria in welcoming these students from Thomson School. Those who live west of the school live in Regina Centre and I am delighted to welcome you here today. So few Regina students seem to make the long trek across the creek and down Albert Street. So very few students from Regina bother to come and I'm delighted to welcome those from Thomson School.

HON. MEMBERS: Hear, hear!

HON. MR. McARTHUR: — Mr. Speaker, I would like to introduce to you, and to the members of this Assembly, 23 grade 8 students sitting in the Speaker's gallery from Athabasca School. They are accompanied by Dr. Ochitwa, their teacher. I know all members of the Assembly would want to join with me in welcoming the students here, wishing them an enjoyable, as well as educational, visit during their time in the Legislative Building and in the Assembly. I look forward to meeting with the students a little later, after question period, for pictures and refreshments. Welcome.

HON. MEMBERS: Hear, hear!

QUESTIONS

Coronach Power Development — Problems with Use of Coal

MR. SWAN: — Mr. Speaker, a question to the Minister responsible for the Saskatchewan Power Corporation. My question deals with the Coronach development. I have been advised by some very worth-while sources that the project at Coronach has not been developing at the pace it should; that it is indeed about 18 months behind schedule. The concern I am raising is that there appears to be a problem with the use of coal. This particular plant was designed close to the coal supplies at Coronach and yet, I understand, there are considerable quantities of bunker fuel being added to provide enough BTUs to get the heat up to the point where this plant will indeed produce the 300 megawatts for which it is designed. Could you advise the Assembly as to what the problem is and how much bunker fuel is being used?

HON. MR. McARTHUR: — Mr. Speaker, I should, first of all, advise the members that bunker fuel is used as a supplement to coal in all thermal generating stations during start-up periods and during close-down periods in order to bring the correct balance to the burning within the boiler. I should indicate to the hon. member that the project (I'm sure he's talking about phase 1) has proceeded on pace. There have been occasional delays but nothing that has created any problem, and certainly nothing that

has created any difficulty in terms of shortage of electrical supplies in relation to demand. It is true that bunker fuel is being used to supplement the flame during start-up period. That is not an unusual practice. The contractors and others are now working on getting a balance in the flame so that we will be fully dependent on coal when this project is supplying the system on a regular basis.

MR. SWAN: — Could you advise the Assembly what amount of bunker fuel the plant was designed to use and what amounts you are now using beyond that point?

HON. MR. McARTHUR: — Mr. Speaker, I couldn't give absolute numbers. I can tell the hon. member that the plant can burn bunker fuel totally if necessary. But, of course, that's not desirable. During start-up period, bunker fuel is used to supplement combustion. I don't have exact figures on how much bunker fuel is being used during this start-up period, but I can get those figures for the hon. member. Of course, he will understand that it is quite a usual practice, as you bring on line a new combustion system like this, to be utilizing bunker fuel as a supplement while you get the flame in balance.

MR. SWAN: — How long do you expect to use bunker fuel in order to get the flame on balance? The indications are that there have been many train loads of bunker fuel going to Coronach and this has been happening over an extended period of time. Now, "start-up" to me doesn't mean months and months; it means perhaps weeks, but not into many months. I believe the costs are going to be far beyond what was anticipated. I would like to know what kind of time frame you are looking at when you speak of "start-up"?

HON. MR. McARTHUR: — Well, Mr. Speaker, this is a very complicated form of technology as I'm sure the hon. member understands. There is no absolute guarantee or absolute prescription that says that you will be off bunker fuel within a certain number of weeks or months. When you're bringing on-line a new system like this, there is a great deal of work which must take place, a great deal of adjustment in the burners and so on which must take place in order to get the right kind of flame burning on a regular basis.

I think I can tell the hon. member that there was never any fixed projection of when the system would be operating fully on coal without a bunker supplement. And, of course, it will always be using a bunker supplement as we bring it on stream and take if off stream. During the start-up days you do that quite often as you get the plant into adjustment. So we are bringing it on and taking it down on numerous occasions during this start-up period. I would expect that as the winter approaches next year, we will want to have the system fully functioning and hopefully, fully dependent upon coal.

Removal of Liquor Ads from Cable TV

MR. THATCHER: — A question to the minister in charge of the communications secretariat. Mr. Attorney General, recently a report came down that indicated the government was going to remove the liquor commercials from cable television. In that report it was indicated that the capital equipment would require about a $200,000 outlay, with annual operating expenses of $100,000. That is probably the most ominous portion of it. This is quite a bit of money to delete a few commercials. Since 600,000 people do not get cable television and since already Sask Tel, as a starting position, has indicated it is prepared to pick up half the cost, which means that ultimately you're going to pick up all of the cost (if that's your starting position), would

you agree that these 600,000 people who do not get cable television should not have to pay, through their dollars, for you to go ahead with your hypocrisy as it pertains to deleting these commercials?

MR. SPEAKER: — Order.

HON. MR. ROMANOW: — Well, Mr. Speaker, I suppose we have here a clear difference of position between the government and the official opposition. The hon. member says that $100,000 is a burden which Saskatchewan people ought not to bear with respect to the negative impact and effect of liquor advertising on our society.

Of all the millions of dollars which are spent yearly in this province on the treatment of alcohol addiction and alcohol abuse, both publicly and privately, I say that the expenditure of $100,00 (wherever that burden should fall), if at all cuts back in the abuse and in the costs for the treatment of that abuse, would be money well-spent by any taxpayer's or any person's yardstick. I am frankly disappointed that the Conservatives take the point of view that advertising of liquor, beer and wine commercials is innocuous, inoffensive, notwithstanding the overwhelming evidence that advertising only gets more usage and more abuse and tremendous social upset as a consequence.

SOME HON. MEMBERS: Hear, hear!

MR. THATCHER: — A supplementary question to the Attorney General. Statistically it has been shown that the situation you have described, that is an increase of consumption of alcohol, does not happen in any state in the United States. It shows it has not happened in any province in Canada where alcohol advertising has been in place for two and one-half years. Would the Attorney General tell me, in light of his attitude and in light of that answer which he has just provided, does that mean that since the government had controls on liquor and the liquor hours that we can see a reduction in the number of liquor stores? Are we now going to see a reduction in the availability of alcohol since the government controls it all? In other words, are you going to move in the medium where you have direct control?

HON. MR. ROMANOW: — Mr. Speaker, I dispute the hon. member's and the Conservatives' position that advertising has no effect. What does the hon. member tell the House? That Budweiser beer spends millions of advertising dollars a year, with no consequences in mind for Budweiser beer; that they're doing this as a charity for the television companies and for the friends of the Conservative Party opposite? Does the hon. member say that advertising is simply doled out with no specific objective in mind? Nobody in this House can believe that.

MR. SPEAKER: — Order, order! I think we have had a nice little debate on this. Could we have a new question?

MR. THATCHER: — Mr. Attorney General, my new question is simply this: how can you justify this sanctimonious, moral hypocrisy on the part of your government in closing . . .

MR. SPEAKER: — Order, order! I thought maybe the member for Thunder Creek got the message. The message was that his question was debatable and, as a consequence, the Attorney General's answer was debatable. For the member to use words such as he

uses at the beginning of his questions certainly indicates debate. Those are debatable questions and debatable terms. Questions are not supposed to be for debate; they are supposed to lead to answers. I would ask the member to give a question that is not a debate.

MR. THATCHER: — May I ask the Attorney General if he could briefly outline the apparent contradiction between the situation of removing liquor advertising from cable television, yet at the same time expanding the number of liquor stores, the number of outlets, the number of everything else which encourages and which makes alcohol more available? Mr. Attorney General, the question is merely this: how can you justify, on one hand, cutting back the advertising, yet at the same time making the product more and more available? Is that not an example of complete hypocrisy (and I ask that strictly as a question, not debatable)?

HON. MR. ROMANOW: — Mr. Speaker, the hon. member can characterize the position of the government, obviously, in any fashion that he wants. The fact of the matter is that it was under the administration of the late Premier Ross Thatcher, where liberalization of liquor laws in the province of Saskatchewan took place in a massive way. I don't say that critically. It was done under controlled circumstances and it was done in circumstances where alcohol would be, at least, mitigated in its use under some acceptable social circumstances. To do that it does not necessarily follow that we should go whole hog and simply open up the doors to advertising, as government policy, of this obvious drug.

That is not consistent and our position is no more inconsistent than the position of the former premier of the province of Saskatchewan, Ross Thatcher, who maintained the ban on liquor advertising on television and radio from 1964 to 1971 in Saskatchewan, all the while that the outlets were being liberalized and the laws were being expanded in Saskatchewan.

MR. LANE: — A question to the Deputy Premier. Given your arguments for opposing liquor ads on television, I wonder how the Attorney General squares that with the fact that looking through the newspaper today, there's a soft porn movie on the government-controlled Teletheatre being shown, tonight. Taking the Attorney General's arguments, would one not be able to draw the obvious and logical conclusion that the government opposite supports pornography but opposes liquor on television?

HON. MR. ROMANOW: — Mr. Speaker, first of all, the hon. member opposite would be the first to know, I am sure, that the Teletheatre operation is a joint operation involving government and the private operators of the province of Saskatchewan, and that the programming is controlled by the operators. That's part of the agreement. Point number one: we may be in a majority position on ownership; the programming is decided by the operators. Point number two: the general policy is to show on Teletheatre those movies which have been cleared by the normal censor process in the province of Saskatchewan. Point number three (and most importantly, Mr. Speaker): you do not have to buy Teletheatre. If you object to the stuff that is being shown on Teletheatre, you do not have to buy it. There is no way that you are exposed to that, as you would call it, soft porn or hard porn (by the way, I dispute the categorization by the hon. minister) program. There is a mechanism of control. There is no mechanism of control when one turns on cable television to watch, for example, the afternoon basketball game and sees, during the course of that afternoon basketball game —

where there are children of all ages watching — tens, if not hundreds of beer advertising commercials.

As I say, I am surprised in a way, but not totally, that the Conservatives would see fit to adopt that kind of policy. It certainly is not the policy of the province of Saskatchewan.

MR. LANE: — I suppose one should not be surprised at the support for soft porn by the government opposite, considering what it is doing to the public of Saskatchewan on SGI. Mr. Deputy Premier, the Premier, in the past, said that he is not hooked up to cable television. I wonder where the law is in the province of Saskatchewan requiring people to hook up to cable television if they don't want to see the beer ads?

HON. MR. ROMANOW: — Mr. Speaker, there is no law requiring an individual to hook up to cable television. As I have tried to say to the hon. members opposite for quite some time, we have a principle here at stake. The principle is the policy of this government that beer and wine commercials on television should not be allowed for the reasons I have articulated — the untold damage that they do to individuals, families (all of the unit of the family) and the expenses with respect to health. That is our policy.

That policy is effective on regular television and radio. What we are seeing here is the policy being attacked, frontally, by cable television. It is inconceivable that we could allow liquor advertising on cable television to proceed unchecked while at the same time allowing it to proceed checked on regular television. We either have a policy and see it through to its conclusion, or we don't. We are seeing it through to its conclusion. That is the reason why it is being sought to be applied as against cable companies.

MR. THATCHER: — I have a question to the Attorney General. Mr. Attorney General, listening to your logic and statements about the increase in the consumption of alcohol under advertising, may I briefly refer you to page 14 of this year's annual report of the Saskatchewan Alcohol Commission? The report shows rehabilitation down in that time period. May I refer you to the Saskatchewan Liquor Board sales, which show sales constant in that time period since the advertising has been in Saskatchewan. The figures clearly destroy the argument of the Attorney General about increase in consumption. My question to the Attorney General is simply this: isn't it true that this intrusion removing these ads from the medium is strictly opening the door for the ultimate control of the medium by the NDP government and the New Democratic Party? Isn't this just step one? Today it's liquor advertising; what's it going to be the next day?

HON. MR. ROMANOW: — Mr. Speaker, I find the reasoning of the hon. member to be faulty to say the least. I repeat again, to the members of this House, it was the former late premier of the province of Saskatchewan, Ross Thatcher, who himself maintained the policy of censorship (to use the word of the hon. member for Thunder Creek). It was that particular government, supported by the member for Qu'Appelle (who was in a higher position of policy, advising the former attorney general from 1964 to 1971), which used this same "censorship policy."

Mr. Speaker, it is absolutely ridiculous to argue that it is that kind of inconsistency. We were in favour of it then. I was in favor of it then. I am in favor of it now. I am saying that as Saskatchewan people we have had a history, since 1935, of not trying to promote, by liquor advertising on television and radio, those kinds of activities.

Now, the Conservatives may want to promote them by allowing them to go on television

and cable. We don't. We have to maintain the consistency of policy.

MR. LANE: — Do you support the showing of the soft porn movies on television?

HON. MR. ROMANOW: — Mr. Speaker, I do not support the showing of so-called soft porn movies on television. I note the alarm which the hon. member for Qu'Appelle has in his voice on this matter and the shock which he exhibits with respect to this. I would remind the hon. member if he has any specific complaint about a movie which offends the law (the Criminal Code of Canada), that he as a lawyer knows full well what the opportunities and options are to have that kind of a program deleted. I would see to it, as much as it is within my power as Attorney General, that I, too, would take those actions. You can use terms like that very easily and very glibly. What they mean when translating them in law, of course, the hon. member opposite knows is a little more complex than that. No one supports (least of all this government) the kind of proliferation of attitudes which may be used for the destruction of the values of our society. But just saying things in general and applying them, of course, are two different things.

Report of the Provincial Ombudsman

MR. TAYLOR: — A question to the Premier. Mr. Premier, in the report of the provincial ombudsman, he recommends that his powers of investigation be broadened so that they can include the administrative actions of deputy ministers. Is it the intention of the government opposite to act upon the recommendation of the ombudsman and bring in legislation to enlarge his powers of investigation?

HON. MR. BLAKENEY: — Mr. Speaker, we do not have the intention of doing that at this late stage in the session. We intend to take the report of the ombudsman and consider it over the next period of some months.

MR. TAYLOR: — Mr. Premier, I am sure you are aware that in the eight other provinces which do have ombudsmen, the ombudsman does have this power. I would like to ask if you do not feel that we are lagging behind in this regard by not bringing this in. I would like to mention that if you would like to bring in an amendment to the act, it would certainly be supported from this side of the House.

HON. MR. BLAKENEY: — We certainly thank the hon. members for support on this matter. We will be giving it . . .

AN HON. MEMBER: — You didn't support the main bill, boys. You opposed the main bill.

AN HON. MEMBER: — You didn't go far enough in. We told you that.

HON. MR. BLAKENEY: — Members will recall the change of heart on the part of the opposition in this regard. As I indicated, we will be giving consideration to the recommendations of the ombudsman, and government policy will be announced in due course.

MR. TAYLOR: — Final supplementary. Seeing that the ombudsman does not have this

right of investigation, I think the citizens of Saskatchewan are being somewhat deprived. I would ask you, Mr. Premier, as we may have another two or three weeks left: would you draft legislation and bring it in this session?

HON. MR. BLAKENEY: — Mr. Speaker, I just had an opportunity to read the ombudsman's report last night. I believe it has only been available for two or three days. I think it does not now appear possible that we would be able to consider and draft legislation and have it available for this session. We do not intend to do so. We will be considering the matter further, as I indicated earlier.

Consumers' Association Support of Public Utilities Review Commission

MRS. DUNCAN: — My question is to the Minister of Consumer and Commercial Affairs. The consumers' association in Saskatchewan has, once again, come out in support of the establishment of a public utilities review commission — a stand which they have supported since 1976. Mr. Minister, do you support the association's stand on this matter.

HON. MR. KOSKIE: — Mr. Speaker, I had the opportunity of attending the annual convention in Prince Albert during the weekend. I want to say that, at this time, I have not received the specific resolution of the association.

AN HON. MEMBER: — And you were there, for God's sake.

HON. MR. KOSKIE: — I wasn't there for all of it. It could be a substantial difference. By the way, I am answering the question. What I am indicating to the hon. members in respect to this is that I want to look at the specific nature of their resolution. I want to have some considerable discussion with them in order that we understand the nature of the particular request.

MRS. DUNCAN: — It sounds like a big political shuffle to me, Mr. Minister. They've petitioned the government yearly since 1976 requesting that a review board be established. Could you tell me, in light of your answer: how many more years will the consumers' association in Saskatchewan have to petition the government before you will seriously look at its request?

HON. MR. KOSKIE: — As I indicated to the hon. member, I am prepared to discuss the basis of their resolutions. They have a number of them. Accordingly, a decision will be made in due course.

MRS. DUNCAN: — Mr. Minister, do you personally support the concept of a public utility review board?

HON. MR. KOSKIE: — Personally, I don't think that I'm required to answer because I am talking about government policy. While the hon. members across laugh, I would like to say that in provinces such as Alberta, where there are many private corporations, I think this type of board is needed and required. There is far less need for a public utilities board in a province such as Saskatchewan, where the people own the public utilities. The basis of operations of the public utilities is essentially to operate and to give the people of Saskatchewan the best services.

MRS. DUNCAN: — I take it then, Mr. Minister, that your government doesn't support the concept. Are you telling me that the consumers in Saskatchewan have no right to

present their concerns to the government or Crown corporations about ever-increasing utility rates, right across the board — Sask Power, Sask Tel and SGI (Saskatchewan Government Insurance) — just because the government owns those corporations which provide a service to the consuming public? Because the government owns them, do the consumers have no right to question the justification for increases?

HON. MR. KOSKIE: — As I indicated to the hon. member, I think that the public utilities in this province are owned by the people of Saskatchewan. I think that every consumer in this province can make a direct representation to the very member who represents him. In fact, in my constituency, the consumers make representations to me. I am able to take those representations to the government as an MLA. Since those corporations are owned by the people of Saskatchewan, we respond in the interests of the public.

SOME HON. MEMBERS: Hear, hear!

INTRODUCTION OF BILLS

Bill No. 96 — An Act to establish an Environmental Magna Carta for Saskatchewan

MRS. DUNCAN: — I move first reading of a bill to establish an Environmental Magna Carta for Saskatchewan.

Motion agreed to and ordered to be read a second time at the next sitting.

ORDERS OF THE DAY

PRIVATE BILLS

THIRD READINGS

Bill No. 03 — An Act respecting St. Peter's Hospital, Melville, being An Act to amend and consolidate An Act to incorporate St. Peter's Hospital, Melville

MR. KOWALCHUK: — Mr. Speaker, I move that Bill No. 03 — An Act respecting St. Peter's Hospital, Melville, being An Act to amend and consolidate An Act to incorporate St. Peter's Hospital, Melville be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

COMMITTEE OF THE WHOLE

Bill No. 01 — An Act to amend An Act to incorporate Radville Christian College

Sections 1 to 5 inclusive agreed.

The committee agreed to report the bill.

Bill No. 07 — An Act to incorporate the Canadian Baptist Theological College

Sections 1 to 15 inclusive agreed.

The committee agreed to report the bill.

THIRD READINGS

Bill No. 01 — An Act to amend an Act to incorporate Radville Christian College

MR. PEPPER: — Mr. Speaker, I move that Bill No. 01 be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

Bill No. 07 — An Act to incorporate the Canadian Baptist Theological College

MR. PREBBLE: — Mr. Speaker, I move that Bill No. 07 be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

MOTIONS

Resolution No. 34 — Concern for Vasyl Stus

MR. SHILLINGTON: — I don't want anyone to believe that I was not quite prepared for this resolution, Mr. Speaker. I will be relatively brief.

Some three weeks ago we met with the Saskatchewan Chapter of Amnesty International. I think the basis of the organization is in Saskatoon, although they have members throughout the province. Amnesty International has a number of causes it pursues. One of them is people who are so-called prisoners of conscience, people who are imprisoned for no other reason than what they believe in. One of the cases brought to our attention when we met with Amnesty International was a case that has become the peculiar concern of the Saskatchewan Chapter of Amnesty International. Each of these chapters, I gather, is allocated one or more of these hard cases of prisoners of conscience. The Saskatchewan chapter was allocated (if I might use that phrase) the case of Vasyl Stus. That was, I suppose, the reason they brought it to our attention. I may say at this juncture, Mr. Speaker, that's the reason why I picked this case out of, no doubt, tens of thousands of prisoners of conscience in various countries around the world — it is a deserving case, it has been thoroughly researched by Amnesty International and, in a sense, it's supporting the Saskatchewan Chapter of Amnesty International in something they are doing.

I will give the Legislative Assembly some background on Vasyl Stus. Amnesty International received reports that Vasyl Stus, who was a Ukrainian poet and writer and translator, was arrested in mid-May 1980. He was tried on October 2, and was given a very severe sentence: 10 years imprisonment and 5 years international exile as a recividist. Mr. Stus is a Ukrainian and a citizen of the Soviet Union. He is 44 years of age and he is in poor health. He had recently completed five years of corrective hard labor in a colony, and three years of internal exile. His rearrest in May took place during a country-wide crackdown on Soviet dissenters charged with anti-Soviet agitation and propaganda. Members of Ukrainian groups of intellectuals, honoring the Helsinki accord, are all suspect and many others may have received harsh sentences.

As I say, this particular case is being pursued because I do have information on it. I have

some confidence in Amnesty International; they research these cases quite thoroughly. They have a good reputation for not pursuing false cases.

He was first arrested, actually, in 1972 because of his continuing protests against the Russification of the Ukraine and for his defence of imprisoned Ukrainian intellectuals. He steadfastly refused to renounce his convictions, and he asked to emigrate out of the Soviet Union. He has close relatives in Canada who will vouch for his upkeep.

In the autumn of 1975, Vasyl Stus was taken to Kiev for "re-education." While in prison he suffered from stomach ulcers and for a time was denied treatment and forced to do hard labor while suffering from this ailment. Eventually he was sent to Leningrad for treatment, where in 1976 a large section of his stomach was removed. He was then sent back to the labor camp.

In prison, Mr. Stus continued writing and translating. Hundreds of these works were confiscated; he was forced to burn all of his correspondence; he was subject to constant harassment and denied the special diet he needed. All of his writings had the same theme of freedom and liberty for Ukrainian people.

In 1977, he was exiled to a remote part of the Soviet Union, kept under close surveillance with constant harassment and intimidation. None the less, he announced his intention of joining the Ukrainian Helsinki monitoring group. Completing his sentence, he returned to Kiev in 1979 and attempted to become an active member of the group.

As a young man, Mr. Stus took teacher training, taught school and served in the Soviet army. His poems and literary articles were published in Ukrainian periodicals. While working in the Shevchenko Institute of Literature in 1965, he spoke out against the imprisonment of Ukrainian intellectuals and cultural workers. He was dismissed from the cultural institute, and denied publication of his poems and articles. He obtained work in construction as a laborer but was fired ostensibly for holding a job alien to his qualifications.

In 1965 his writing was widely circulated in the *Ukrainian Samizdat*, which brought his reputation as one of the finest Ukrainian poets to the attention of the world. Two of his books of poems have reached the West, *Winter Trees*, in 1970, and *Candle in the Mirror*, in 1977. The Legislative Library can obtain both of those books for anyone who cares to pursue it.

Stus' achievements, as a poet, have been recognized by invitations to lecture in U.S. universities, and by an honorary membership in the International Pen (Poets, Editors, and Novelists) group.

It is with this background, Mr. Speaker, that I want to move the resolution which members have before them in the blues. I will be asking the Assembly to express its concern that Vasyl Stus, a citizen of the Soviet Union, has been in prison for his ideals, and for expressing those ideals of freedom and liberty. I will be asking the Assembly to request the authorities in the Soviet Union to arrange for his release from prison. I will be requesting the authorities in the Soviet Union to allow him, his wife and his son to immigrate to Canada. I will be asking the legislative Clerk to send the text of this resolution to a number of people named in the resolution.

I might just mention one thing, Mr. Speaker, the name is Wasyl Stus, but of

course, it is spelled Vasyl. Somewhere along the line Vasyl was converted to to Wasyl. So, notwithstanding the way it is printed in the blues, I'll spell it property in the resolution. I move, seconded by the hon. member for Saskatoon Centre:

> That this Assembly: (1) express its concern that Vasyl Stus, a citizen of the Soviet Union, has been imprisoned in the Soviet Union for expressing ideals of freedom and liberty; (2) request the authorities of the Soviet Union to release Vasyl Stus from prison: (3) request the authorities of the Soviet Union to allow Vasyl Stus, his wife and son to immigrate to Canada; (4) instruct the Clerk of the Legislative Assembly to forward the text of this resolution to Leonid Brezhnev, General Secretary of the Communist Party of the Soviet Union, and Mr. F.K. Glukh, procurator in the Ukraine and his Excellency Dr. Alexander Yakovlev, U.S.S.R. Ambassador in Ottawa.

MR. MOSTOWAY: — Mr. Speaker, I welcome the opportunity to second this resolution calling on Soviet authorities to release a Ukrainian poet, writer and translator, Vasyl Stus. I will not go into the details of Vasyl Stus' struggle to allow dissent in the Soviet Union because I'm sure that many of you are aware of them. I say this because in many respects the story of his struggle on behalf of humanity parallels the stories of others in the Soviet Union, yes, and El Salvador, Chile, East Germany and the list could go on and on. I do, however, want to mention that PEN (short for poets playwrights, editors, essayists and novelists) a world association founded in London in the United Kingdom in 1921, is very concerned in regard to at least 40 writers and journalists held in Soviet prisons, labor camps, mental hospitals or internal exile. PEN is particularly concerned because such treatment afforded these citizens endangers the moral and intellectual development of mankind. Singling out Vasyl Stus for special recognition this year, the United Kingdom branch of PEN has elected him an honorary member and in one sense, his singling out is symbolic of PEN's and much of mankind's concern relative to the suppression and manifestation of thought.

Mr. Speaker, having been charged with the distribution of false thought and having been severely sentenced to a Siberian gold mine, Vasyl Stus has had most of his writing confiscated, even though it is claimed by the censor of his writings that his writings have no political character at all. Mr. Speaker, we in Saskatchewan who live in a cultural mosaic, which includes the contributions of citizens of Ukrainian and Russian heritage (and I particularly mention that in light of the fact that the resolution will be sent to Soviet authorities) are living proof that man's ultimate greatness is best attained by not restricting man such as has been the case with Vasyl Stus. We, in this province, live in relative harmony because we do not restrict the thought of our citizens, even though we may disagree with them. And we have, under these circumstances, a relatively happy and thought-producing province.

It is with this in mind, Mr. Speaker, that I urge Soviet authorities to release Vasyl Stus and others in the same situation in their land. Vasyl Stus is a sick man. Death may be near at hand for him, and in reading some of his poems, I notice that the word 'death' is very often used. But he does not fear it because if he did, he would have ceased his activities long ago. But he hasn't. Now, if Soviet authorities are concerned with public opinion, and I am sure they are, what better gesture to world public opinion is there than to release Vasyl Stus and others in the same situation? What better gesture is there than to allow him to spend his remaining years in peaceful, productive activity?

Vasyl Stus personifies the world's will to contribute so the world will be a better place in which to live. This will can never be imprisoned or completely silenced, and those who

try to throttle in this manner lose something which they usually seek to gain. I ask all members of all political parties in this legislature to fully support this resolution for the enhancement of humanity.

MR. ANDREWS: — I would like to join with the members opposite. I certainly have no objection to a motion of this nature. I think it's perhaps time (perhaps we don't do it enough in our country), when a motion like this comes forward, to recognize just exactly what freedoms are for the people of a free world and, particularly, for the people of Canada. We have the fundamental right to free speech which very often we take for granted, the right to assembly, the right to thought and the right to freedom of religion. Those rights are pretty fundamental to the whole system by which we live. I think it's important that we reflect on those, not just one or two times a year but often, because most people in this world do not live under such a system. I certainly wish the mover well in his motion and hope it comes to pass. I happen to be one who suspects the foreign policy of Jimmy Carter during the last administration in the United States — the idea of promoting a foreign policy dominated by human rights and trying to criticize the Soviet Union for its policy on human rights. I didn't see that it accomplished a great deal. I am also sceptical that this will go very far, although I think it is important that we speak on the question. So while I support the motion, I must say that I am not overly optimistic that the resolution of this House is going to affect that.

I think the policy of the Carter administration really reflects one thing to us. That is the reason emotion does not apply to the Soviet way of thing. The Soviet Union is a military force. It's a communist force. It's imperialistic. I believe that the philosophy of the Communist is to dominate the world. That may sound like right-wing talk to a lot of people. But if you look at the history of the Soviet Union, you will see that it has proceeded on a path of developing further and further into foreign territories and jurisdictions. I think everybody agrees that there is denial of fundamental rights in the Soviet Union. I suppose it's rather fitting as we debate the constitution in this country particularly as it relates to the charter of rights, that we note that many of the rights found in the present charter of rights in Canada are also found in the charter of rights of the Soviet Union. What that tells us is that rights and freedoms come from the people, not from the laws as passed by legislatures or by parliaments. Rights come from the will of the people. I think the will of the people of this province and this country is to stand against any infringement on that. I will be supporting this motion moved by the member for Regina.

MR. KATZMAN: — Mr. Speaker, as much as I may agree with this motion, it leaves out a very important area. I think we are all aware that, over the past years, the U.S.S.R. has persecuted the people of several faiths for their religious beliefs. I realize that in the particular case of this individual, religious belief was not part of what he was imprisoned for. But I rise to speak about that particular issue and my understanding of it in the Soviet Union.

The faith to which I belong has a long history of persecution in the U.S.S.R. from the experience of my own family, I can speak. This summer, I had the pleasure of meeting a cousin of mine for the first time in my life, who had finally been allowed to leave the U.S.S.R. and move to the United States of America. He was able to visit our family this summer. We celebrated a homecoming around this province. Our family had a special homecoming as a member of our family was released from the U.S.S.R., and was allowed to join us here in this country. Mr. Speaker, I can talk about an older brother whom I, fortunately, have been able to grow up with, and who was born in the U.S.S.R. He was literally

bought by bribes and other things so he could come to this country. I can talk from personal feelings abut persecution in the U.S.S.R. I have felt them. My family has felt them.

The letters which we received in our family in the last five or six years were being smuggled out of the U.S.S.R. They tell us about members of my father's family who are still there and the things which have happened to them because of their religious beliefs. It's not because of their beliefs in anything else, but their beliefs in religion. We are fortunate in this country to be allowed the freedom of our religious beliefs, and we should treasure those. It is hard for anybody who comes from the U.S.S.R. to talk about what they lived through with respect to the persecution for their religious beliefs.

I can understand why the mover of this motion feels the way he does, and the concerns which he has for this individual who has had the ability to be able to stand up and speak against an oppressive government with respect to the oppressions of freedom. This gentleman has received notoriety because of it. Because of Amnesty International, he is fighting his case.

I compliment the member for bringing this motion to the House. But with his motion, I suggest that he consider all the other people persecuted in the rest of the world for the basic freedoms which we hold dearly — the first freedom being the freedom of religion.

Both I and the member for Melfort, I assume, could spend long hours on our feet and talk about the history of our particular group of people, our origin, and the religious persecution which has been laid upon our people. The motion refers to the U.S.S.R. and the Soviet bloc countries which have persecuted people in the religious area, as well as the freedom area, more than any other country.

Mr. Speaker, a comment I should make is that we all know that the Right Hon. John D., when he was alive, was a fighter in this particular case. I should mention here that it was the Right Hon. John Diefenbaker who got my brother out of Russia. That may explain a lot of old friendship which goes back there.

Mr. Speaker, I am tempted to make an amendment to this resolution. It should include the words "religious persecution," but unfortunately it would not be fitting in this particular case. Therefore, rather than doing any harm to the possibility of a resolution in this House having some strong impact to assist one more person to come to freedom, I will resist that temptation. But I will say in my comments that, hopefully, some day we will all be blessed in seeing people around the world enjoying the freedoms we have in this country, both in liberty, decision-making, and in having many other benefits. But, the first freedom that we must all have, and the most important freedom of them all, is the freedom to believe and worship in our own religious way. It is so important and is the fundamental basic freedom in society that we respect in this country.

With those comments, I will resist the temptation to make the amendment, because I think it is so important that one more person should become free of a country which is oppressive. Hopefully, some day in this House, a motion along the lines of freedom for all, on religious beliefs, will pass unanimously on that point. Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

Motion agreed to.

ADJOURNED DEBATES

MOTIONS

Resolution No. 1 — Federal Petroleum and Gas Revenue Tax

The Assembly resumed the adjourned debate on the proposed resolution by Mr. White:

> That this Assembly condemn the federal government's imposition of the 8 per cent petroleum and gas revenue tax which will adversely affect the revenues of provincial Crown corporations such as SaskOil, invade the province's constitutional and tax room and render unprofitable much of Saskatchewan's oil production activity, and urge the federal government to remove the tax on Crown corporations and make provincial royalties deductible.

and the proposed amendment thereto moved by Mr. Andrew:

That all the words after the words "federal government" in the sixth line be deleted and following substituted therefor:

> to recognize the serious shortcomings of the entire national energy program; in particular that it:
>
> (1) fails to recognize the serious need to address the question of energy self-sufficiency;
>
> (2) will seriously lead to industrial and economic slowdown throughout Canada;
>
> (3) will cause serious regional tensions in the country that will take years to overcome.
>
> and further urge the federal government to modify the national energy program in order to put the country onto a sound economic strategy for the future.

MR. BANDA: — Mr. Speaker, I am pleased to have this opportunity to speak on the motion and the proposed amendment which we have before us. I must confess that I am somewhat surprised and disturbed by the opposition's pathetic attempt to weaken the motion put forward by my colleague, the member for Regina Wascana. His motion was one, I felt, which would be supported by all members of this Assembly. I certainly couldn't find anything objectionable in it. Yet, Mr. Speaker, the opposition objects to the motion.

The members opposite would strike down the two key provisions in this motion. In considering the Conservative amendment I have also considered the statements put forward by their energy critic, the member for Kindersley. There is much we can learn about Conservative energy policy from those statements and from the amendment he proposes. Today I want to spend a few moments examining the issues placed before us in the motion and the shameful attempt by the Conservatives to duck those issues by putting forward a vague amendment.

Mr. Speaker, the motion put forward by the member for Regina Wascana condemns the federal government's 8 per cent petroleum and gas revenue tax. We all seem to agree on that. The motion also condemns Ottawa's invasion of Saskatchewan's constitutional and tax room and we seem to agree on that. But on two critical points the Conservatives disagree.

The motion urges the federal government to remove the 8 per cent revenue tax from Crown corporations. Members opposite want that demand dropped. That motion also says provincial royalties should be deductible from federal taxes. The Conservatives don't agree. They also want part of the motion dropped. All they can muster as a substitute is a vague, but verbose call for Ottawa to realize the shortcomings of a national energy program, along with a suggestion that the federal government modify that program.

Instead of concrete suggestions for removing some of the most damaging aspects of the national energy program, members opposite want to retreat into obscurity by calls for modification. The members opposite do not want to go on record as opposing the new 8 per cent revenue tax on Crown oil and gas corporations. The Conservatives do not want to go on record as being in favor of allowing provincial royalties to be deducted from federal tax. The best the opposition can manage is a watered-down plea for modification in a federal energy policy — a modification, indeed, Mr. Speaker. Our oil and gas resources are under attack, and the opposition only wants things modified. Just whose interests are the Conservatives looking out for, anyway?

Let's have a look at their energy policy. Over the last several years, Conservative policy has had a common thread: less resource money for Saskatchewan, and more for out of province interests. Today that policy remains unchanged. Mr. Speaker, this government has fought a long, hard battle to protect our resources and the revenues for them. Members opposite have opposed us every step of the way, and they oppose us today.

I want to remind everyone here of a very important debate in 1973. This government brought forward a bill called Bill No. 42. It was designed to capture windfall oil revenues for the people of Saskatchewan. We know who led the charge against that bill. It was the member for Qu'Appelle — the PC Party president at that time, and the man who wants to lead the Conservative Party. The member for Qu'Appelle fought long and hard to prevent extra oil revenue from going to Saskatchewan.

He also argued that Alberta should not get the revenue from oil price increases. His remarks about selfish Saskatchewan and Alberta are on the public record. They are to be found in the December 13, 1973 *Hansard* on page 576. The member for Qu'Appelle argued that if revenue from oil price increases went to the producing provinces, that would upset the federal-provincial fiscal arrangements upon which equalization was based. He said:

> . . . this selfish attitude of the Government of Saskatchewan is wrong and threatens to destroy the very program that has kept them viable for the last two and a half years.

There we have it. The member for Qu'Appelle said producing provinces were selfish to demand more oil revenue. He wants less resource revenue for the province and more for the vested interests outside of Saskatchewan.

When the oil companies sued Saskatchewan, they were no doubt heartened to find politicians like the member for Qu'Appelle supporting their attempt to keep oil revenues out of the hands of the Saskatchewan people.

Nor did the Conservatives change that policy after the 1974 election. In fact, in 1978 their leader (the member, is it for Arizona now — a sometime visitor to Nipawin), said we would roll back our oil and gas royalties. Well, he was loyally supported by the members opposite. Their latest energy critic, the Arizona cowboy, said we should run our oil and gas industry like they do in Alberta. From 1974 to 1977 Saskatchewan received just over $840 million in oil revenue. Taxed like Alberta, as the Leader of the Conservatives and his faithful servants for Qu'Appelle and Kindersley wanted. Saskatchewan would only have received $402 million in that period. The specifics of their plan, when worked out, would have cost Saskatchewan an average of $110 million a year over four years.

Again, we saw the essence of Tory resource policy: less resource revenue for Saskatchewan, and more for the vested interest outside of this province.

Well, the people of Saskatchewan rejected those Conservative giveaway schemes in 1978. But the Conservatives have not changed their policy. Now the member for Kindersley is pushing the policy of their guru from Nipawin, remaining loyal to the principles of the leader he so vigorously backed in 1978.

Just a little over a week ago in this Assembly, on March 24, 1981, the member for Kindersley, the energy critic, was calling for a tax structure like Alberta. His remarks are to be found on page 1367 of *Hansard*. He said that the province should roll back its royalties to the Alberta level. He said, and I quote: "We should have a similar royalty structure to that of the province of Alberta."

Well, let's take a look at such a scheme and find out what would happen. If we did have a royalty structure like Alberta. In the last two years, Saskatchewan's royalties have been just over $635 million. Now applying an Alberta royalty structure would have yielded Saskatchewan $290 million. Mr. Speaker, that's a difference of over $340 million, over half of our oil revenue.

This fiscal year, despite the national energy program, Saskatchewan oil royalties should be about or just over $325 million. With Alberta's royalty structure, Saskatchewan would get about $160 million, less than half. This year alone, the Tories' half-baked energy policy would cost Saskatchewan people over $160 million. Applied from 1978 to 1979 to the end of '80-'81, it would have cost the province over $0.5 billion. That's the kind of economic policy the Conservatives offer — give away half a billion dollars, while accomplishing nothing.

And what is the reason they offer for such nonsense? The member for Kindersley says that the province's share of oil revenue is too large and is forcing the industry to slow down. Yet 1980 was a record year for the Saskatchewan oil and gas industry. The member for Kindersley bleats about provincial royalties, yet with those royalties a record number of wells were drilled, a record number of drilling licences were issued and sales of petroleum and natural gas rights reached record levels.

With our national energy program, we know 1981 will be a year of slowdown in the industry. If the Conservatives opposite were to think about it, it would be clear, even to them, that the problem is with the national energy program, not with provincial

royalties.

Oil royalties last year were accompanied by a record breaking year for the industry in Saskatchewan. The only change for the industry, Mr. Speaker, has been the new federal energy policy. But what the member for Kindersley suggests is just what the Trudeau Liberals want. They both want Saskatchewan royalties rolled back. If Saskatchewan were to cut its royalties in half, Marc Lalonde and the Ottawa Liberals would be smiling. They want more oil revenue, and that's what the Conservatives would give them by cutting our royalties in half.

The member for Kindersley would have us believe that with a royalty structure like Alberta, everything would be fine here. He seems to assume things are going well in Alberta, despite the national energy program. We know that is simply untrue. We know the Alberta government is so concerned about the whole issue that it has cut production, a move which, while it may be justified for some reasons, will certainly have a negative impact on the industry.

We also know that the Canadian Association of Oil Drilling Contractors (CAODC), located in Calgary, says the industry there is hurting very badly. The Alberta royalty system has not prevented damage being done by the national energy program in Alberta. How the member for Kindersley thinks a similar royalty structure would solve the problem is beyond reason. The fact of the matter is that it wouldn't help and it would, in fact, cost hundreds of millions of dollars annually.

Let's have a look at what the drillers in Alberta have to say. By the end of April the association predicts that 30 per cent of Canadian drilling and servicing capacity would be out of service. As the oil industry is primarily in Alberta, the largest impact of the federal program will be felt there by the middle of this month. The CAODC says over 200 drilling rigs will be out of service; nearly 100 additional service rigs will have left the country.

Even in Alberta, with its lower royalties and higher quality crude, the industry is slowing down; drilling and service rigs are shutting down. I say it is dishonest for any member opposite to suggest that an Alberta royalty structure would solve any problems. It would accomplish nothing, while costing us hundreds of millions of dollars.

Alberta, like Saskatchewan, has seen a slowdown in the oil industry because of that national energy program. Members opposite do not seem to realize that a province only sells its oil once. Reducing royalties would mean dollars lost forever. Once oil is used it is gone forever. The resource is depleting and we owe it to the people to get the best possible return on that resource. Mr. Speaker, the suggestion by members opposite that the problem is somehow Saskatchewan's is nonsense. I want to inform members opposite that the CAODC's economic director just last month released the latest figures on the slowdown.

From Calgary comes word that of 411 drilling rigs in that province as of the end of March, barely half, 211, are drilling and 190 are gone. In all of western Canada there are 519 drilling rigs: 260 of those rigs are drilling, 25 are preparing to drill, and 234 are down. Over 100 drilling rigs have already left the country. That same report also suggests that there are some 422 service rigs in the West. Over half of those, 236, are down. Eighty per cent of the western inventory, or 362 of the 422 service rigs, are in Alberta. Members opposite are simply spouting nonsense when they say a royalty rollback would help the situation.

If members opposite cannot quite grasp this, let them look at northern Canada. Frontier exploration and development is supposedly a high priority. In 1973 there were 56 rigs in the North; today there are 6, and 4 are down. I hope members opposite will come to realize just how ignorant of the problem they are, and think about pressing Ottawa to roll back its policy rather than telling the people of Saskatchewan how greedy they are. We do not intend to let the opposition give it away. It is nonsense for the Conservatives to suggest everything is all right in Alberta. And it is nonsense to suggest slashing our royalties would help at all, when we know Ottawa would simply move in to tax away the resulting revenue. Their entire energy program is nonsense, Mr. Speaker.

There is simply no credibility in Conservative energy policy. They say, "Stand fast with the West and fight federal revenue grants." In the same breath they say, "Cut royalties, and allow the federal government room to move in and tax away more money." the members opposite say, "Stand fast with Alberta, and support the decision to cut supplies," and in the same breath they call for actions here to stimulate production. Now, in short, their energy policy is a short-sighted, ill-conceived attempt to manipulate a serious problem to their own narrow partisan needs. Their policy makes no sense.

They have opposed every move of this government to give more resource revenue to the province — from 1973 when the member for Qu'Appelle said Saskatchewan was selfish through to 1978 and even today, when they call for Alberta-style royalties. Again and again it's the same story from the give-away artists opposite: less oil revenue for the people. We reject that policy. We rejected it in 1973. We rejected it in 1978 and we reject it today, Mr. Speaker. We say the people of Saskatchewan have a right to a fair return on the resources they own. But what the member for Qu'Appelle suggested eight years ago, and what the Conservative leader called for two years ago, and what the member for Kindersley calls for today, are nothing short of economic quackery.

The Conservatives do not want to stand with a motion saying provincial royalties should be deductible from federal taxes. Making provincial royalties non-deductible was one of the federal Liberals' early moves to grab resource revenue. We fought Ottawa long and hard on that one. The Conservatives want to give it up, and allow Trudeau-Lalonde forces in the back door. Their attempt to strike that part of the motion calling for deductibility of royalties is a shameful dereliction of their duty to stand up for Saskatchewan people. It's a distasteful abandonment of the people, Mr. Speaker. It is, sadly, the same old Tory policy.

There is also the matter of removing the new federal 8 per cent petroleum and gas tax on Crown corporations. They also want that dropped from the motion. Mr. Speaker, this tax if allowed to stand, will cost Saskatchewan citizens many millions of dollars. Why the conservatives want this tax put on the people, I don't know. I would suggest, however, that members opposite know the people of Saskatchewan will not let them do away with our energy corporations such as SaskOil and Sask Power. They hope to let the federal government do their dirty work for them by taxing our publicly owned energy companies to death.

I want to remind members that on March 11 the opposition's new energy critic suggested that the federal government could tax the Saskatchewan Mining and Development Corporation as it saw fit. Never mind that the BNA (British North America) Act says that one level of government cannot tax another. I do not propose to review the obscurity of his argument today. He suggested, in his usual roundabout fashion, that

Ottawa was free to tax our Crown corporations.

Members opposite, along with allowing increased taxation of public companies, also want utility rates frozen. That policy can only mean two things: increased taxes and decreased revenues for Crown corporations. More federal taxes and less revenue — those are their plans for Crown corporations. Such a formula is guaranteed to kill our companies and no amount of double talk from members opposite can hide that fact. We do not intend to stand idly by while the Conservatives opposite try to open the back door for further federal rates on our publicly owned companies.

Mr. Speaker, this amendment is a shameful attempt by the opposition to accomplish indirectly what it cannot do in an open, straightforward manner. We do not accept this amendment which backs away from the issue and says that Saskatchewan citizens should pay even more energy taxes to Ottawa. This amendment is nothing more than a thinly disguised attack on provincial royalties and on our own Crown corporations. Why else would they oppose calling on Ottawa to remove its new 8 per cent petroleum and gas tax? Why else would they oppose demanding Ottawa to allow deductibility of provincial royalties? Why else would they want provincial royalties rolled back? All members opposite see in the entire issue is yet another chance to add to the costs borne by the people while increasing the profits for others. The Conservatives don't like to admit it, but their energy program is identical to that of Ottawa Liberals in all key aspects. Mr. Speaker, their policy is less money for Saskatchewan, more for Ottawa and the companies, and non-deductibility of provincial royalties.

We cannot support such a ludicrous policy. We cannot support any moves to strike from the motion precisely those words which so clearly identify the unfair and damaging aspects of the national energy program. If members opposite want to support the federal Liberals in this fight, let them vote against the motion. We'll have no part of the attempt to amend this motion into meaninglessness. Let us see if they at least have the guts to do that or if, as is their style, they again attempt to duck the issue by talking the motion out.

Mr. Speaker, the amendment put forward by the opposition is a sham. It removes the key provisions in the original motion and substitutes vague generalities. It is a betrayal of the people of Saskatchewan. It's not worthy of support. It is a faint-hearted effort. We on this side intend to stand up for Saskatchewan. We will not support Conservative attempts to give away our heritage.

SOME HON. MEMBERS: Hear, hear!

MR. BANDA: — Mr. Speaker, I urge all members, including those opposite, who in their hearts must know how wrong their energy critic is, to vote against this amendment. I urge all members to join with this government in the struggle to protect our resource and to vote for the motion unamended as put forward by my colleague for Regina Wascana.

SOME HON. MEMBERS: Hear, hear!

MR. BIRKBECK: — Mr. Speaker, I just want to say a few words on this motion. I find it difficult when a member in the Assembly stands up and is nothing but critical from his opening remarks to his conclusion. He didn't have a positive thing to say, Mr. Speaker, neither from his own approach nor from what the government's position is. He didn't have a positive thing to say about the member for Kindersley or the opposition's

approach to addressing the question of energy. And there's a very important point that's being missed here, Mr. Speaker. This Assembly should be united in its stand against Ottawa, and its energy policies, and constitutional policies; and it is not. I have been waiting for a long time. I sat here, and I said to my colleague, "Isn't this pleasurable?" Do you know why I said that Mr. Speaker? Because I have waited for five years, sitting and watching this government defend the positive alternatives being provided in this House by this opposition.

They are in defence, Mr. Speaker, they are scrambling like (I won't say it), but they are scrambling desperately to get out from under the sheets before the public crucifies them for it. They have been with the Liberals for so long . . . You know the member opposite knows. I could tell you more about sheets than you'll ever know in the rest of your life . . . (inaudible interjection) . . . That's right, I don't mind admitting that it looks like the only thing that got under the sheets from your point is your head.

The fact of the matter is that it was an ND Party that defeated the Tory government. It's the NDP that's been with the Liberals on the constitution. It doesn't matter, Mr. Speaker, what the issue is; it's the NDP and the Liberals. Then we see the member for Redberry get up and talk about the Liberal and Conservative policies being one and the same and all that. The members opposite and the government know for sure that they are the ones that are in trouble with the electorate. Now they are in defence. And by their hollow laughter, Mr. Speaker, they realize that they have a problem. As I've said, I have waited five years to see the government on the defensive.

What I want to say, basically, before I adjourn debate on the motion is that the NDP, Mr. Speaker, is still living in the past. They know that the Progressive Conservative Party is a party for the future, a party that's going to let this Rip Van Winkle of the West emerge and let the people of Saskatchewan be rich and bountiful like other parts of the nation and others part of North America in particular . . . (inaudible interjection) . . . Yes, like Manitoba.

You talk about Manitoba. We see, as the member for Kindersley has said, the short-circuiting by the Premier of the opportunities that the Manitoba government has to provide electricity to Saskatchewan and Alberta. The proposal is agreed upon by both of those governments — but not Saskatchewan; it is taking an anti-West position again. Certainly, if the member for Redberry had been fair in his comments, he would have reflected the true policy of the government. And when it comes to energy, it is a question of the kettle's calling the pot black. Certainly the provincial government's royalty structure and its total taxation policy on the energy question — the whole energy development in Saskatchewan — is far and away worse than the federal government's.

That brings the member for Redberry into the field, where he feels he is able to criticize us in that respect. Certainly we disagree with the federal Liberal government's policies on energy but we have to disagree with a lot of yours too. You're placing a pretty heavy burden. Let's face it; you're having a very difficult time in justifying your 20 per cent gas tax. It's very difficult for you to try to place SaskOil in an advantageous position.

Let's talk about SaskOil; the member for Redberry went on and on about SaskOil. It really wasn't that relevant to the motion because we're talking about removing the 8 per cent petroleum and gas revenue tax. When you talk about SaskOil, it disturbs me that it's drilling for oil and it has struck oil in Kirkella, across the line in Manitoba. Are you telling me that there isn't any oil in my constituency, that is just a few miles away?

Then, of course, we were interested in the rumors that SaskOil was going to be drilling in the United States. It knows it can't even do business with its own government here in Saskatchewan. That's a shame to have such a policy. None the less, I'm not going to be critical of everyone in general on the energy question. I think the member for Kindersley is in all probability one of the best energy spokesmen that has entered this House in recent years.

SOME HON. MEMBERS: Hear, hear!

MR. BIRKBECK: — I feel that the member for Redberry has obviously missed something because he's criticizing the member for Kindersley. I really don't see why because if you look at the amendment, Mr. Deputy Speaker, what he is saying is that he wants this motion to be expanded and so it should be. It should be expanded because your policy is very narrowly based and so is your resolution subsequently.

All he is asking is to recognize the serious shortcomings of the entire national energy program and, in particular if you read the amendment, that it fails to recognize the serious need to address the question of energy self-sufficiency. It does, and so does your policy. It will seriously lead to industrial and economic slowdown throughout Canada. It has and will continue to do so. All you have to do, and you should, is to take some time off and visit some other parts of the continent, in particular the United States, and see the economic development that is taking place there. There is no great geographic advantage. It's just that they have a different policy.

It says, "will cause serious regional tension in the country that will take years to overcome." That's true. Now, why you would want to be critical of that is beyond me. I think you should want to support us in that. We're trying to expand on the motion that was introduced. We're not trying to take anything away from it. We're trying to be united with the government opposite, united in a stand against the central government in its energy program. There can be no question that we're all opposed to the national energy program in a general way.

Mr. Deputy Speaker, with those few brief remarks, and wanting as well to put some things in very clear and concise perspective for the government and in particular the member for Redberry, I would ask leave to adjourn debate.

Debate adjourned.

Resolution No. 24 — Establishment of a Saskatchewan Housing Initiative Program

The Assembly resumed the adjourned debate on the proposed resolution by Mr. Pickering:

> That this Assembly recommends the establishment of a Saskatchewan housing initiative program to counter the impact of high interest rates by providing low-cost mortgages for first-time home-owners.

MR. MOSTOWAY: — I just have a few words to say on this resolution, and at the end of my remarks I have a little amendment which I know opposition members will be supporting.

At any rate, to get into the meat of this particular resolution, it would appear to me that

members opposite are suggesting that somehow the provincial government rustle up $100 million or $200 million (they never were very specific) and make it available to the people of Saskatchewan so that low-cost housing could be provided. Mr. Deputy Speaker, they have never given any indication as to where the provincial government is going to get this money. They have never mentioned that in order to borrow this money interest will have to be paid. So, in a sense it's contradictory, particularly in light of what they've been saying. They have been saying, "Spend more but reduce taxes." the two are incompatible.

Mr. Deputy Speaker, we know that mortgage rates in this province, as well as in other provinces of Canada, are almost beyond the reach of the ordinary citizen — the ordinary citizen, not the one born with a silver spoon in his mouth; there is no problem to him. But most of us in Saskatchewan are not born with silver spoons in our mouths, although I should grant you that some of us are. The high mortgage rates charged by the financial institutions of Canada come under the jurisdiction of the federal government. They, in turn, borrow money — in the main from the Bank of Canada, which has a very high rate of interest on money lent out. The Bank of Canada rate, in turn, is dependent on the rates charged by the banks in the United States. The Bank of Canada is always saying, "We must set our rates around the same rate as they have in the United States, or even higher — if we don't, we will not get foreign or American money into this country." And that is probably correct, but it just points out the need for an independent policy in Canada, particularly an independent policy with regard to our natural resources.

Mr. Deputy Speaker, we are very, very rich in natural resources and yet we are totally dependent on the United States . . . (inaudible interjection) . . . You want another silver spoon, Mr. Member for Thunderbolt. That points out the need for an independent resource policy on the part of the Government of Canada. We have seen, through successive Tory and Liberal government, that that just isn't going to occur.

Mr. Deputy Speaker, the real solution lies in the fact that some government (probably the federal government), in light of the hundreds of millions of dollars in profit that the financial institutions of Canada have been making yearly, should be going to those financial institutions and saying, "Look, in light of the tremendous profits you have been making, you must set aside a portion and give that money out in the form of mortgages at preferred rates." They should be forced to do that.

The answer from the financial institutions is, "Well, we only made $300 million or $400 million last year and we couldn't possibly afford to do that." So the federal government would have to take another step, it would have to counter the plan or the suggestion on the part of the financial institutions that they would lower the interest rates paid on savings accounts. The answer to that is: coupled with forcing them to set aside a certain amount of money for mortgages, they should also say that the rate paid on investments in your institutions, banking and otherwise, will remain constant. That's the only solution.

It's not appropriate for a province to tackle piecemeal a national problem, a problem which has been compounded over the years by successive Tory and Liberal folly policies.

Mr. Deputy Speaker, with that in mind, and knowing full well that I will have the full support of all members of this House, I would like to move an amendment seconded by my seatmate, the member for Redberry, that all the words after the word "Assembly" be

deleted and the following be substituted therefor:

commends the Government of Saskatchewan for its housing initiatives in introducing the following programs, which reduce the cost of providing housing to the people of Saskatchewan:

1. The mortgage tax credit for home-owners;

2. The land assembly program;

3. The co-operative house building program;

4. The new farm housing program;

5. The senior citizens' home repair grants;

6. A residential rehabilitation program;

7. Other housing programs, such as the public housing program, the non-profit housing program, the rural and native program, and the open native pilot housing program which are cost shared with the federal government.

MRS. DUNCAN: — Mr. Speaker, the amendment moved by the hon. member appears to be very, very lengthy. Certainly we, on this side of the House, feel it changes the original resolution fairly significantly. With that in mind, I would just like to say we would like to study in detail the proposed amendment, so I would ask for leave to adjourn the debate.

Debate adjourned.

COMMITTEE OF THE WHOLE

Bill No. 79 — An Act to amend The Veterinarians Act

Section 1

MR. THATCHER: — Mr. Chairman, I would like to ask the member: what is the background on this bill? Why do we need it? To the best of my knowledge, there are many veterinarians out working in the field. Would the member mind explaining the background material: what is there, where the shortage of field personnel is and, in essence, give us a quick run-down as to why this bill is here?

MR. MOSTOWAY: — I would be more than delighted to do so. It doesn't really concern a shortage or surplus of veterinarians. It deals primarily with graduate students at the College of Veterinary Medicine at the University of Saskatchewan in Saskatoon.

Amendments to this bill were requested by the veterinarians' association. The prime purpose of the amendments is to allow graduate students, who are not fully qualified veterinarians but who are going to be doing some veterinary work before becoming veterinarians, pro tem. membership in the veterinarians' association. It is pro tem, because many of them are not going to be staying in Saskatchewan. Understandably, some will be going to Alberta and Manitoba, because we do draw from those three provinces. That is it, in a nutshell.

MR. THATCHER: — Well, perhaps the member would tell me why, in his explanation, he used the term "not fully qualified." Am I to understand that the member is suggesting that he is introducing legislation that would send unqualified veterinarians out into the field to work on our farms and ranches? If that is what he is suggesting, taking his own words, that bill should be withdrawn immediately.

MR. MOSTOWAY: — Then I suggest that the hon. member come up with a motion to that effect. I suggest you do that. No, I did not say that.

These graduate students are still going to school. It is imperative that they go out in the field under the supervision of qualified veterinarians and involve themselves in the work that they will be more fully involving themselves after graduation. It is desirable that they become temporary, or at least have the opportunity of becoming temporary members of the association. To suggest that they will be doing the work of fully qualified veterinarians is not true.

MR. THATCHER: — I just took your words. I believe it was you who used the terminology that these were not completely qualified veterinarians. I just simply posed the question to you. I am really curious as to why you are so defensive about it. I suppose it is a fair question if this legislation is requested by the veterinarian's association. I'm not using the correct term. I'm not sure if they call themselves a college. I guess my question is: why is this a private member's bill and not a government bill? If it is something the government feels is worth-while and useful, why isn't it coming from the Department of Agriculture. Why is it coming as a private member's bill?

MR. MOSTOWAY: — Well, member for Thunder Creek, it could have gone either way. I was in discussion with the Minister of Agriculture on that. We came to no conclusion as to who should be sponsoring it — the government, a cabinet minister or me (a non-cabinet minister). It was suggested by the association's president in Saskatoon that I look after it and do everything possible to see that it was passed in the legislature. I took this route thinking that it would probably be the easiest and quickest.

AN HON. MEMBER: — Are you getting farm votes in his constituency?

MR. MOSTOWAY: — Yes, I do have a number of farmers living in Saskatoon Centre constituency. They are not all just living out in the rural areas, as you well know.

Section 1 agreed.

Section 2

HON. MR. ROMANOW: — Mr. Chairman, we want a standing vote on section 1 please.

Mr. Chairman, on a point of order, my colleague and I are asking for a standing vote on section 1. Perhaps you can explain to me why we can't get it?

MR. CHAIRMAN: — I accepted that section 1 was already agreed to and moved to section 2 and asked for section 2 to be agreed. That is when you two stood up.

HON. MR. ROMANOW: — I am asking that we revert back to section 1.

MR. CHAIRMAN: — It requires leave to revert to section 1. Is it agreed?

MR. BIRKBECK: — I have a point of order, Mr. Chairman. I would suggest that as Chairman you seem to be doing a pretty good job and should just proceed. They ask for leave and it seems to me that they have it. Would you mind running the Chair and let the Attorney General sit in his place where he belongs?

MR. CHAIRMAN: — There was a request to revert to section 1. It requires leave. Is leave granted? Okay, we are back on section 1.

Section 1 agreed to on the following recorded division.

YEAS — 30

Pepper	MacAuley	Berntson
Snyder	Thompson	Thatcher
Romanow	Koskie	Birkbeck
Smishek	Matsalla	Duncan
Skoberg	Shillington	Taylor
Rolfes	Lusney	Swan
MacMurchy	Nelson	Hardy
Mostoway	White	Katzman
Banda	Solomon	Andrew
Kowalchuk	Miner	McLeod

NAYS — 0

Sections 2 and 3 agreed.

The committee agreed to report the bill.

THIRD READING

Bill No. 79 — An Act to amend The Veterinarians Act

MR. MOSTOWAY: — Mr. Speaker, I move this bill be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

SECOND READINGS

Bill No. 52 — An Act to guarantee Certain Rights of Children whose Interests are affected in Domestic Disputes

HON. MR. ROMANOW: — Mr. Speaker, on a point of order. I would just ask that there be

no delay in the proceedings. I would like to draw to your attention (perhaps after the member finishes the second reading speech) some sections of the bill and ask if you might care to make a ruling, particularly sections 6, 7, 8, 9 and 10. These call on the official guardian to retain services of a member of the law society, to prepare and submit reports, and to designate a thorough investigation of a relationship. I don't want to speak to the principle of the bill, and I don't want to look like I'm trying to divert what I think, is a subject worthy of debate. I do, however, in the interests of trying to understand the rules and the maintenance of the rules as I understand them under the act, as you to look at it. As far as I am concerned, I think the hon. member should be given permission to proceed with second reading. Perhaps at some time, at a future date you could come back and give me your ruling as to whether or not my objection is well-taken or not.

MR. THATCHER: — Mr. Speaker, may I speak to that point of order?

MR. SPEAKER: — Order! I want some clarification before I allow the member to speak. I would ask the Attorney General if, in fact, he is raising sections 6, 7, 8, 9 and 10 as being money?

HON. MR. ROMANOW: — Yes.

MR. THATCHER: — Mr. Speaker, I am merely speaking to the Attorney General's point of order. When you are making your ruling, I would like to refer you to section 33 of the official guardian's act. If I could briefly read that to you . . . I will refer you to it. In effect what section 33 does (and I apologize for anticipating the Attorney General's point of order) is empower the official guardian to do precisely what I am going to propose in my bill. I refer you to that section 33 when you decide whether or not the sections to which the Attorney General has referred make my bill out of order. I think, when you look at this section, the answer is rather clear. May I move on with the balance of the bill?

MR. SPEAKER: — Since the point has been raised with regard to whether this bill is money or not, I would prefer that the member stand the bill at this time. At the earliest opportunity, I would come back with a ruling with regard to whether it is, in fact, money. The usual procedure is that the Speaker makes the decision before we get into second reading. The Attorney General has suggested the possibility of moving ahead at this time. Because of that suggestion, I will put myself in the hands of the House. I would ask the members if they wish to proceed with the bill, and accept a ruling later on? Is that agreed?

MR. THATCHER: — Thank you, Mr. Speaker. I thank the members of the Assembly for giving me leave to proceed with this bill.

Mr. Speaker, the area of this bill is one in which I may be an unlikely candidate to raise in this Assembly. I must acknowledge I have been like many MLAs, when legislation goes through this Assembly, that if it is really not in my area of interest and we have an adequate critic in the field, I tend to slough off and accept what the critic may inform me about that bill.

I have to confess that what is behind this bill has been a very, very difficult personal experience — one which has made me aware of a situation which is apparent in Saskatchewan. It is a situation which exists and, I believe, must be remedied immediately. I believe it must be remedied in this session of the legislature.

This bill pertains to probably the most important resource this province has, and that is our children. It is a sad fact of life that marriage breakdown is on the increase and increasing dramatically. None of us in this Assembly are going to change that. We can express our disapproval, but we are not going to change it. As so often happens in situations like this, the innocent victims invariably end up to be the people who did not participate in that breakdown, did not cause it in any way, shape or form, and that is the children.

Mr. Speaker, I am sure you can recall a couple of years ago when the United Nations designated (I think it was 1979) the Year of the Child. How many times did you hear members in this Assembly, in Ottawa, or in Washington preface their remarks to almost any subject with, "This is The Year of the Child"?

Mr. Speaker, I respectfully suggest that, in this province, we have apparently failed badly in the dealings with our children as far as their position in society. Mr. Speaker, it is a fair comment to say that our children under the age of 14 have virtually no rights as individuals before our law. Now, that is a bit of a surprising statement, I know. I want to refer to page 51 of the most recent edition of the law reform commission. At the top of the page:

> Technically, a child has no right to legal representation in custody proceedings.

Now, that is from the law reform commission. Those aren't my words. Probably, the bulk of you didn't know that, because I didn't until I had it thrust upon me in a very horrible fashion. You are probably ignorant of that fact for the same reasons I was. You just had no reason to ever find out. Believe me, I sincerely hope that none of you ever have occasion to find out how few rights your children have before law.

Mr. Speaker, the situation in our courts, at this point in time, is that, if children are of the chronological age of 14, generally their wishes in a custody matter will be acknowledged. They are not guaranteed, by any stretch of the imagination, but, generally, it is conceded that their rights will be respected.

Mr. Speaker, I believe we all have a tendency to view children in the same context as that which existed when we were in that age group. I ask you to think back to when you were 10, 11 or 12 and remember the things you knew at that age — the things which you were conscious of around you — and what your level of education was. Then compare it to where your children are today. Those of you who are teachers know very well that the children of today are taught in a vastly superior fashion to what we were as children. They are moved along at a faster rate. The teachers doing the instruction are better trained, better qualified and generally just plain better teachers.

Consequently, the children of today have moved along at a rate far, far faster than we would have ever dreamed possible when we were that age. Certainly, they have the benefit of television — a medium which most of us did not have access to when we were that age. In short, what I am saying is the level of maturity of children today is vastly ahead of what it was when we were at a comparable age. They read and write faster; they do mathematics faster; they are much more conscious of worldly situations; they are much more fully aware of everything — much more fully aware of almost any subject that you would care to discuss with them.

You know, if you think back to the age when you probably discovered the facts of life, if I

may use that terminology, it was probably your middle teens. For those of you who have children, you know what it is right now — it's 10 or 11. It's incredible. They are taught that in the schools; they are taught things in the schools that were taboo for us.

Mr. Speaker, with that suggestion that children of today are much further down the road to maturity than we were at a similar age, I am proposing in this bill to give those children rights before the law, or at least some input into their own destiny at a much earlier age than is presently given under our court system.

Mr. Speaker, I want to repeat, so that everybody will understand, that at the present time a child has no rights before the court in Saskatchewan law today. I don't mean this disparagingly to any government department, but that is not true in Ontario; it is not true in B.C.; it is not true in Alberta. I respectfully suggest to this Assembly that it is true in Saskatchewan. We lag far behind some other provinces. We lag far behind many of the United States.

Mr. Minister, I propose in this bill to give a child of 10 years certain rights before the law. Mr. Chairman, I chose the age of 10 not entirely based on personal experience, but also because that is the age in the state of California. It's also the situation in the state of Alabama and several other states. I suppose California has been a leader in divorce legislation long before divorce became fashionable up here. The fact that they have found the age of 10 to be satisfactory, over about an eight- or nine-year period, I think gives some credence to the advisability of that age. Obviously, they've studies to base it on; they must feel that it is working.

Mr. Speaker, we do not have legislation in place right now which will give a child the right to determine his own fate with regard to which parent he will live with in light of a marriage breakdown. Mr. Speaker, we have in place an act known as The Infants Act, and I have discussed The Infants Act with the Attorney General privately. I think it's fair to say that The Infants Act which we passed some years ago has been virtually ignored by the judiciary in Saskatchewan. In other words, they have used the terminology (and I've heard it used in court), "The legislature had a bad day when they passed that one" or "The legislature didn't mean that."

In The Infants Act, there is phraseology such as "The court shall have regard only for the welfare of the infant." there is phraseology such as "the preference of the infant, to the extent the court considers appropriate, having regard to the age and maturity of the infant."

Mr. Speaker, one bill which I would have liked very much to have drafted in this Assembly is one which would have removed the adversary system from custody cases. Frankly, I didn't know how to approach it; I didn't know how to go about it. I thought about it for a long time and I couldn't come up with anything that didn't make the existing situation worse.

Under our present system, in a contested custody case we have both parents coming in armed with their lawyers. They come in with witnesses for and against. Then they go at it with broadswords and the ultimate winner is the one who can probably discredit the other in a greater fashion. Now, there are exceptions to that, but, in the majority of cases, it ends up being won by the lawyer who can cut the other parent up a little bit further.

I ask you to consider exactly what a judge sees. A judge gets to see these two parents on the stand for (depending on the complexity of the case) maybe half an hour, 45 minutes, or an hour. He hears some people saying, "Oh, he's good" or "She's bad" or "She's great and he's bad." I don't know how many of you have ever taken a witness stand, but it is a different experience. If you've been in the legislature, you're used to being on your feet and talking; it doesn't bother you. But, imagine a parent who is not used to it, somebody who has never been there. These are two ordinary people who have never been in a situation like this before and are being cross-examined by somebody in a black robe — sitting up there, peering down at them is somebody wearing a black robe with a red collar around it.

To somebody who has never been there, it has to be a bit of a terrorizing experience. This is how the judge gets to see the parents. He gets to see them in this fashion, when they're probably scared and not putting forward their best fronts. On that basis, the judge is forced to say, "You're a little bit better; you're not quite as good." I ask you to speculate whether that is the proper way to go.

Where do the children fit in? That is what we are here to discuss today. What role do the children have? Can the children come forward and say, "I want to live with my dad," or "I want to live with my mother"? No, they cannot. The children have no way to express their preference; in fact, the court doesn't even have to find out what their preference is. In many cases the court doesn't even care. In many cases, (and there are judgments showing this), the judge simply will ignore the wishes of the child, even if they have been communicated to him in some fashion.

Mr. Speaker, today I propose to put the right to determine where a child shall live, where it belongs — in the hands of the child. I propose to put that power in that child's hands in such a fashion that it must be acknowledged unless there are very extenuating circumstances as to why he should not.

Mr. Speaker, there are a variety of ways that the opinion of a child can be communicated in court. Certainly, when you are talking of 10 years of age, you have to assume that that child has the maturity of a 10-year-old. There are certainly ways to find out without any great difficulty. There are child psychologists all over the province who can very quickly tell you what the real or mental age of that child is. That's no problem.

If that child has the maturity of a normal 10-year-old, fully cognizant of what he is saying and fully aware of what his wishes are, I wish to ensure that that child's rights will be respected. I propose to give that child the right to in some fashion say, "I want to live with my mom," "I want to live with my dad." I want his wishes to be respected.

Mr. Speaker, that is why, under item 3, I use the words "predominant consideration." I am saying, in this bill, that the predominating consideration as to the disposition of that child by the judge shall be given to the wishes of that child, provided he fulfills the description I have just given you.

I suppose there is also another reason I used that terminology. Frankly, if those wishes are ignored (and I used the word "predominant") it's a fast, quick, precise route into the court of appeal for an overturn. I believe those words to be very important in this bill.

Mr. Speaker, the law reform commission, as it proposes a concept known as amicus curiae, is suggesting that the testimony of a child psychiatrist who has interviewed the child, may be a convenient way to place both the wishes of the child and the grounds for assessing those wishes before the court.

I have to respectfully say that that doesn't necessarily work. It may work in many cases, but it's not far enough. If I may briefly point from personal experience, three psychiatrists (one appointed by the court) went to the stand and predicted that the 11-year-old son of mine, if he was placed in custody other than mine would run away — three of them, two of them from the University of Saskatchewan with a curriculum vitae that long — the best we have.

Those of you who are from Saskatoon University Hospital know to whom I refer. Your top one in the Department of Health reiterated the same words — all done independently of the parents. For whatever reason, the court chose to ignore that. That is why I have worded this as such. I think it is a necessity. I think it is important that we acknowledge the level of maturity that children of today have at 10 years of age.

I would like to make a comment which I don't mean to be disparaging to anyone. I think we have to be a little more precise than this. When you think back, many of our judges are in their 60s and 70s. It has been a long time since they had any children at home. That's why I suggest that we be precise in this area. Mr. Speaker, I have also added something else in reference to the use of the official guardian.

Before I move into why I have done that, I am going to read the clause, Mr. Speaker, and perhaps this will help you in your deliberations as to whether this bill is in order. I am going to read this into the record for you to check in *Hansard* tomorrow. Clause 33, that I have raised in defence of the bill being completely in order, says:

> Infants required to be served with notice of any application to the court may be served by delivering to the official guardian a copy of the petition or other process required to be delivered. From the time of service the official guardian shall be the guardian of the infant, unless the court or judge orders otherwise and the official guardian or any other guardian appointed by the court for the individual shall take all such proceedings as he thinks necessary for the protection of the interests of the infant and attend actively to the interests of the infant, and for that purpose communicate with all proper parties.

Mr. Speaker, I believe, and I respectfully submit to you that that clause, under the official guardians act, clearly gives me the right to propose additions to the staff necessary to perform that service. That is how I have proceeded in this bill.

Mr. Speaker, some years ago, in the early 1970s, there was a court case known as McKercher v. McKercher. The judge at that time, who is presently our new chief justice, was one Judge Bayda. Judge Bayda took a very radical step. He ordered the official guardian to intervene. The reasons as to why he made that order are really not important, but the fact is he ordered the official guardian to intervene on behalf of the children. That precedent is widely quoted. However, it's not as well quoted what the result of that intervention was. The result was that the official guardian was immobilized. They didn't know what to do; they didn't have the staff; they did nothing.

Judge Bayda is one of the more progressive judges in this area. Perhaps that's why he is

the new chief justice. Obviously it was Judge Bayda's intention for the official guardian to provide some sort of counsel on behalf of the children. Without meaning to be disrespectful to the official guardian's office, at that time they were ill-equipped to handle it. While the case of McKercher v. McKercher is widely cited, the results are not. The official guardian was in no position to do anything; they didn't know how.

So with that brief explanation, Mr. Speaker, that accounts for the section which I have under the title of official guardian in this bill.

The intention of this aspect is to provide somewhere where the rights of the child can be protected by an agency. Obviously the logical one had to be the official guardian. We are not talking about counselling such as you have in the unified family court. We're talking about innocent victims who are caught in the middle; where do they go to get help? It has to be the official guardian. If the official guardian, under this bill, has to absorb some people from other branches of government, fine; if they have to hire some new people, fine. But this is what I believe should be the mechanism to provide the sort of assistance that I am suggesting.

Mr. Speaker, we had another court case in Saskatchewan that went a little bit contrary to McKercher v. McKercher. I'm going to quote briefly from the law reform proposal. This court case was Johnson v. Johnson. The Saskatchewan Court of Queen's Bench apparently limited participation of the child's counsel to an examination in chief of the child in order to place the child's wishes before the court.

> Since the amicus curiae appointed by the Edmonton family court has duties connected solely with investigation and assessment, his participation in the proceedings is limited.

Mr. Speaker, in order words, what this means is that this child was not, under the Saskatchewan Court of Queen's Bench, entitled to appropriate representation. That is what we're dealing with today. That's what I'm dealing with. I want to remove this grossly unfair burden on all of our children. I ask members opposite to think very carefully about this bill. I ask you to consider the non-political ramifications of it. I ask those of you who have seen a family break up and what happened to the children, to reflect on whether the wishes of the children were respected.

I don't think it's really important who proposes this legislation. You'll note that I held back until quite late in the session before presenting this bill because I was optimistic that something would come from the government side of the House. It hasn't come from your side of the House but I sincerely hope that you can support this bill. I sincerely hope that it's not going to be one which simply goes onto the order paper and quietly gets stood off at the end of this session. There are just too many important things here which must be dealt with. As I indicated earlier, I don't care who passes the bill. I don't care what amendments go in, provided we get something in place in this session which gives children rights before the law.

Mr. Speaker, it has been suggested to me that the law reform commission is already doing much of what I am proposing to do in this bill. That really isn't quite true. The law reform commission is proposing a concept known as amicus curiae. That concept, briefly put, is one where a counsel responsible only to the court would safeguard the interests of the children. In other words, that individual is not responsible to the child he may be representing but to the court. I don't think that is exactly what we're looking for, I think what we have to put into statute are clear and concise rights for a child when

he or she is the unfortunate victim of a custody case. I feel that we must have the official guardian involved as a potential fact-finding vehicle, regardless of what mechanism may be used.

I'd like to read briefly from the law reform commission report, it's opinion of investigations and assessments in the judicial process.

> The use of investigation and assessment is a valuable tool to establish procedures to permit the judge to adequately protect the interests of children in custody disputes. In principle, investigation and assessment can be compatible with a procedural system which adequately protects the rights of litigants. But there is a danger that a court with power to order investigations and assessments may come to rely too heavily on its own witnesses, undermining what is of value in the established procedural framework.

Mr. Speaker, that is very true. You can go too far by having the court a captive of its own people. What I propose in this bill, with the use of the official guardian, is something somewhere in-between. You have the court process, but yet you still have the investigatory powers of the official guardian through this bill.

Mr. Speaker, I would like to briefly read you some of the recommendations of the law reform commission. I think you will agree that they are, maybe, not moving fast enough in this area. Granted, they are moving, but I ask you to judge whether they are moving quickly enough. In summarizing such a long document, they are making recommendations such as this:

> . . . provision be made for appointment of amicus curiae, where the court is of the opinion that amicus curiae would aid the court in determining and assessing the wishes of a mature child.
>
> providing evidence relevant to the child's interest in cases in which a custody investigation and other evidence, otherwise available to the court does not appear to be adequate.

Mr. Speaker, by this recommendation, you can see that the law reform commission is moving in exactly the same direction as does this bill. The only difference is, this bill gets there and defines the rights. In other words, instead of moving there, this bill gets it there. Another recommendation is:

> The duty of the amicus curiae should be to the court. In cases in which the wishes of a mature child are at issue, he should make the wishes of the child known to the court, but also provide the court with such evidence as he can to aid the court in an assessment of the child's wishes.

Mr. Speaker, very respectfully, I suggest to you that that isn't good enough. The amicus curiae concept should not be . . . The attorney acting as the amicus curiae should be responsible to that child he is representing, not to the court. His duty is to that child. His duty is to see that that child's wishes are acceded to; if they are realistic.

Mr. Speaker, there are several other recommendations in the law reform commission which, again, I respectfully suggest to you, are going the same way as what this bill does. But they are not there.

Mr. Speaker, briefly in closing, I again ask members of this Assembly to seriously consider this bill. I think we do a real disservice to our children who are caught in a very, very unfortunate marriage breakdown, and have no rights before the court, nor a vehicle to express their wishes. I sincerely hope that members on this side of the House can see fit to support this non-political bill. I sincerely hope that the House Leader of the government will not simply choose to allow this bill to die on the order paper.

HON. MR. ROMANOW: — Mr. Speaker, I will be asking leave of the House to adjourn the debate on this matter . . .

AN HON. MEMBER: — The seconder is standing.

HON. MR. ROMANOW: — I'm sorry, I didn't see the seconder. I'll give up my seat. I'm afraid the shirts are ready to come off again. There's going to be another situation. Go ahead, and let me follow you, okay?

MR. SPEAKER: — I wonder, if members have points of order, would they rise. I was unaware there was a seconder. I was not notified there was a seconder. Perhaps the member said it and I missed it. But I was unaware there was a seconder, or I would have recognized him.

MRS. DUNCAN: — Thank you, Mr. Speaker. In rising to speak in favor of Bill No. 52, I think the member for Thunder Creek should be commended for introducing this type of legislation — legislation which I think is long overdue and should have been introduced by the government during the International Year of the Child.

There are many reasons, Mr. Speaker, why we need legislation which protects the rights of children. Very, very often in the type of world we live in today, children's feelings and needs are sloughed aside. There are many groups in Canada and in Saskatchewan which are working to strengthen the rights of children in today's very modern society. I think they should be commended. One thing we heard very, very often during the International Year of the Child is that it is necessary to regard children as people — the people they are today — and not to regard them simply as what they will be when they grow up. I think an important step with the legislation proposed by the member for Thunder Creek is that children will be considered on their own merits and rights as they are today.

I would like to say, Mr. Speaker, that in the Ontario Department of Social Services the children's division has put forth a discussion paper on children's rights. One area which they worked on quite a bit was a child's right to be heard. It is their view and the view of members on this side of the House that a child's right to be heard is consistent with today's society's view of what is fair and just. If I might just quote, Mr. Speaker, from that discussion paper:

> Whether one views a child as a person entitled to a full range of rights or as a dependent minor incapable of personal decision-making, the principles of natural justice require that whenever an important decision is being made concerning someone that person has a right either to voice his own opinion or have his interests represented.

I think that is the main gist of the proposed act by the member for Thunder Creek. — that a child in a custody or maintenance dispute must have the right to counsel and to be heard. In his proposals he refers to a child of 10. Personally speaking, Mr. Speaker, I

think children under the age of 10 quite often are capable of making very, very reasonable decisions. I think it is paramount to pass legislation guaranteeing a child's right to heard, either directly or by appointed representation. I would urge all members to give serious consideration to the bill before us.

It is worth noting, too, Mr. Speaker, that on April 9, CHAB radio on their "Saskatchewan 60 Seconds" asked the question: "Do you believe a child 10 years of age or older should be given a say during custody disputes to determine which parent that child would live with?" Interestingly enough, Mr. Speaker, there were 26 responses and 24 of the responses agreed that a child should be given a say in a matter that clearly affects their decision. Many of the callers, I might note, were young (between 13 an 19) and indicated that they themselves had been involved in marital or custody disputes as children.

I think that Bill No. 52 would protect the rights of children, and put into law the concept of treating children as social equals (equal status as adults). This is being recommended; the Saskatchewan Advisory Council on the Status of Women recommended in June of 1980 that in all legal situations that directly concern children, the legal rights of children should be protected and children should be represented. I think the bill, Mr. Speaker, is a significant, progressive step and if Saskatchewan were to recognize that children should be considered in a more humane way, I believe that we could cite this piece of legislation as a model for the rest of Canada to follow.

The National Council of Women, in a report prepared by Jean Emberley, states that:

> Under Canadian law children are not parties to their parent's divorce, even though everyone would agree that children are adversely affected by the dissolution of their parent's marriage and that in arriving at a property settlement, determining the needs of maintenance and determining who should have custody of the child, the court attempts to determine what is in the best interest of the child.

But in very, very few places are children allowed to speak or are children allowed to have counsels. In many cases, Mr. Speaker, they simply become pawns in a parental struggle that sometimes can become very, very bitter. Miss Emberley says:

> An even more significant step under consideration in some provinces is providing the child with counsel independent of the parents whenever the alternative least detrimental to a child is not apparent. This recognition of the independent interest of the child in one's own well-being is one long overdue.

In concluding, Mr. Speaker, I would just urge members opposite to give serious consideration to support of this bill. As I said, if we pass the legislation, I feel that Saskatchewan can be the leader in children's rights. I know you fellows across the way always like to point out the innovative and progressive steps taken by your government. I think, seeing that this particular piece of legislation was not introduced by the government during the International Year of the Child, to make amends I would hope that all members opposite would support this very, very progressive and very, very significant piece of legislation.

SOME HON. MEMBERS: Hear, hear!

HON. MR. ROMANOW: — Mr. Speaker, I shall be very brief this afternoon, because as I

indicated in my initial entry into this debate. I want to adjourn the debate and consider the transcript of the remarks made by the mover and the seconder in support of the legislation, take some advice from the lawyers in the department and others who have been working with this very complex and important problem, and then respond in more detail, hopefully by next Tuesday.

I would also say, Mr. Speaker, while I am on my feet, that when you are considering the propriety, in the sense of the rule of the bill, perhaps you might consider the question of severability. I don't know if that's a rule or not, but if indeed my objections related to section 6 to 13 are in order, they may be severed from the main thrust of the bill which deals with other aspects of the member's concerns and, in any event, section 6 to 13 would likely be covered off by the official guardians act as it presently stands. In any event, the bill will probably not suffer all that much.

Mr. Speaker, as I say, I want to make more detailed comments on another occasion but I do want to simply outline, in the short two or three minutes that I hope to speak here, what I view to be the complexity and the gravity of the particular problem which we are facing. This bill essentially seeks to override, and in some areas to substantially expand on, the provisions of The Saskatchewan Evidence Act and the Saskatchewan Infants Act. I think those are the two main pieces of legislation which are affected by this proposal. Now, the current Infants Act does try to grapple with the particular matter and does so in section 3(3) (I believe is the citation of the area concerned). That section, 3(3) of The Infants Act now says that in making a custody order the court shall have regard only for the welfare of the child, but, in so doing, shall take into account a number of factors. One of the factors is listed in subsection (d) to be as follows:

> . . . the preference of the infant, to the extent the court considers appropriate, having regard to the age and maturity of the infant.

This is the current state of the law. I tell the hon. members of the House that this is a relatively new innovation of the law. I remember introducing the amendment, which stated the preference position of the court, in 1978 or 1979, I think it was 1978.

This latter requirement, as I say, was introduced at that time only a couple of years ago. It is consistent with the basic predominant view of the current legislation. The predominant view of the current legislation — and here I am coming now to the key of the debate — is that the preference of the child is but one factor that must be taken into account in the overall determination and responsibility of the court in determining what is in the best interests of the child.

Frequently a child will state a preference. We all know of circumstances where children state preferences for things. But since children are of tender years, somebody has to decide whether or not the preference equals the best interests of the child, since there may be financial, economic, social, religious, geographic and educational reasons which are taken into account. It is but one factor (the preference) in the determination of this matter.

Now the hon. member for Thunder Creek changes the thrust of the bill. He changes the thrust of the bill from making the preference of the child a factor, under section 3(1), to one of saying that the child's evidence will be the "predominant consideration." This is in direct contradiction with the major philosophy of The Infants Act which now states that the best interests of the child is the principle that should be followed.

The best interests of the child may not be the preference of the child. In the case of the member for Thunder Creek, the preference of the child becomes the predominant consideration in the determination of this matter.

AN HON. MEMBER: — What about The Married Women's Property Act?

HON. MR. ROMANOW: — The same principle is there in The Married Women's Property Act. The hon. member for Kindersley, of course, would agree with me that when we're dealing with The Infants Act we are dealing with exactly what the word "infant" means — people of tender years who are not "in law." I would submit, in many cases, not, in actual maturity development, capable of making those kinds of independent judgments.

We are talking here of somebody having to decide the welfare of the child in the case of a dispute between husband and wife, or between mother and father.

I am not arguing necessarily against at this stage today, because I need to know further what the implications of this are. I do want to highlight simply for the members of the Legislative Assembly that we have here a direct policy decision that has to be decided upon in this amendment; namely, do we cast our legislation so that the court (in the case of warring factions) makes the decision which is in the best interests of the child, on the assumption that the warring factions, obviously, are going to be doing and saying things for their individual interests and that the child of tender years may not be able to decide what is in his best interests? Or, do we (as the hon. member for Thunder Creek proposes) change that relationship so that the preference of the child is the predominant consideration, thereby taking away from the court the consideration of all the relevant factors such as education, geography, economics and so forth. It's a tough question to answer. With all due respect to the member for Maple Creek, it can't be easily answered with comments about the International Year of the Child and the like. Those, with all due respect to her, simply miss the mark regarding the legal gravity involved in this issue. I think the member for Thunder Creek has raised a fundamental point. I think all of us have to . . .

AN HON. MEMBER: — Children aren't legal points.

HON. MR. ROMANOW: — Children are legal points. Children are individuals. I'm a legal point. I'm an individual. I have to be dealt with according to law as you do. That's the way of a civilized world. No legal principle is perfect. It involves trade-offs. Members of the House, in this bill, are going to have to decide which trade-off is best and who can best decide in these kinds of circumstances. I leave for the members, before I adjourn the debate, the change in the philosophy which this bill represents. I would further close by saying that time has run out. The current provision is only two years old; it dates from 1978. I'm not arguing this, but there is some merit in saying that we should wait to see a little longer, by way of judicial precedent, how this current procedure works before we, as legislators, rush in to make full-scale amendments. I close by saying that I think the member for Thunder Creek has provided us with a very important and thoughtful issue and one which, as I've told the member privately, our people are looking at very seriously and after these second reading remarks will further analyze. With those few words, Mr. Speaker, I beg leave to adjourn the debate.

Debate adjourned.

The Assembly recessed until 7 p.m.