The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

WELCOME TO STUDENTS

MR. BIRKBECK: — Mr. Speaker, I would like to take this opportunity to introduce to you, and through you to the members of the Assembly a group of some 90 students seated in the east gallery. Part of the group is from Kipling High School in my riding, and the remainder of the group is visiting from Duncan, B.C., a special welcome to you. They are accompanied by their teacher, Mr. Coderre, and chaperones, Dave and Dianne Cascden and Mr. and Mrs. Bob Dash. I hope they have a very educational and fun afternoon. I wish you a safe trip home. I ask all members to join with me in welcoming them here this afternoon.

HON. MEMBERS: — Hear, hear!

HON. MR. ROLFES: — Mr. Speaker, it is my privilege today to introduce two groups of students from my constituency. First of all there is a group of 37 grade 7 students from Lorne Hazelton School. They are seated in the Speaker's gallery. They are accompanied by their teacher and chaperone, Cecil Hodgins and Don Bates. I welcome the students here and hope they had a good trip so far and will enjoy their stay in Regina.

The second group I would like to introduce is also a group of grade 7 students, 46 in number, from John Lake School. They are seated in the west gallery. They are accompanied by Mr. John Broughton, Mr. A. Shepherd, and W. Nadaine, I believe. I will be meeting with both groups of students a little later. I hope all the members will join with me in welcoming these two groups of students here. I hope they enjoy the proceedings in the House and have a safe trip back home.

HON. MEMBERS: — Hear, hear!

HON. MR. McARTHUR: — Mr. Speaker, I wish to introduce to you, and through you, to the members of this Assembly 25 grades 7 and 8 students sitting in the Speaker's gallery from St. Pius X School here in Regina. The students are visiting here today as part of their educational efforts. I hope they find it both educational and enjoyable to be in the Assembly this afternoon. I wish them a warm welcome here and I will be joining them for photographs and refreshments at 2:30 p.m.

HON. MEMBERS: — Hear, hear!

QUESTIONS

Correctional Workers

MR. HARDY: — I have a question for the minister responsible for the public service commission. Over the last three or four weeks now I have been bringing to your attention a problem which relates to SGEA (Saskatchewan Government Employees'

Association) members who are working in correctional camps. They have been requesting overtime they feel is due them. The Department of Labor has brought down a ruling to the effect that they do have some overtime coming. In addition to that, today I see there are 400 additional workers off in correctional camps in Regina, Saskatoon, and Prince Albert. These camps are basically off for the same reasons those other ones were off, except first of all they want a reclassification of jobs. They have been asking for this for a considerable length of time. My question is: when are you going to sit down with these employees (who have been asking for a considerable time to have overtime paid to them), and pay the overtime due them, and reclassify their jobs so they can get back to work?

HON. MR. TCHORZEWSKI: — Mr. Speaker, the public service commission has been sitting down with the representatives of these employees on a number of occasions, the last time of which was yesterday. I don't think there is any reluctance on the part of the public service commission or the government, the Department of Social Services, in this case (to be more precise), to meet the ruling of the Department of Labor. That has been indicated to the negotiators and there should not be a problem in that respect.

On the matter of the 400 correction workers who are on a one-day study session today, in the last round of negotiations a new correction series was developed and negotiated and implemented through the contract. There were some anomalies created as a result of that, whereas some people who had more seniority in some cases would have earned less than people who were hired just recently. The public service commission has proposed a solution to that particular anomaly. It is my hope that there will therefore be a resolution of the issue.

MR. HARDY: — Supplementary question, Mr. Speaker. With regard to the 400 correctional workers who are off on a one-day study, that is one problem. But to get back to the basic problem with these 30 or 40 correctional workers who have now been off five weeks negotiating or on strike, they have offered (as I think you know full well) a 4-3 week or a 3-3 week which would involve very little overtime. All they're asking is for whatever overtime they had coming up to that time. They are willing to go back to work. Why isn't your department willing to sit down with them and accept such an offer or to make an offer similar to that?

HON. MR. TCHORZEWSKI: — Mr. Speaker, indeed the public service commission in negotiations yesterday offered a proposal similar to what was being requested by the unions. I understand that on that particular occasion it was turned down. The public service commission is quite prepared to continue the discussions further to see if it can be resolved. But once again, in answer to the member's question, there was some suggestion by the employee representatives that there was a certain area in which an agreement might be brought about. I am informed by the people in the public service commission that an effort was made to make a proposal somewhat in line with that and it has been turned down. All I can say is I hope that both parties can get back to the table to resolve that difference.

MR. HARDY: — I have one question for the Minister of Labor. Mr. Minister, your study has been completed and could you tell me why these employees have not been told how much overtime they have coming? I know they've been negotiating, but it appears that negotiations, after three weeks or so, have fallen down. Would you be prepared to tell the employees of these correctional camps how much overtime they have coming?

HON. MR. SNYDER: — Mr. Speaker, if the hon. member is suggesting that the

employees, through their bargaining agents, are not aware of the total assessment figures, then I think he is deluding himself or someone else is deluding him. It's clear that the message was passed on to the public service commission by the labor standards people. Undoubtedly they have shared those figures with the employees in question through their bargaining agent. I think it has been made clear to all that there is a figure which has been established from the point of July 1980 up to the first week in May, which is not disputed.

I am given to understand that there is very much a dispute with respect to that period of time previous to July 1980, when employees were regarded as field employees. Whether they were or were not is not for the Department of Labor to judge. We are not placing ourselves in a position of interpreting a collective agreement. There are other mechanisms that are appropriate in place for that, such as a grievance procedure or an arbitration procedure, which is the appropriate mechanism for making that decision.

Accordingly I believe that the information has been passed on to the employees in question. I think there is no doubt that the employees know officially or unofficially the figures that have been established.

MR. HARDY: — One supplementary, Mr. Speaker. Mr. Minister, would you assure me or assure this Assembly that you will make this overtime available to these correctional workers? I am of the understanding they do not know exactly how much overtime they have coming and you say the public service commission has the information. Will you give these correctional workers the information so they know exactly what your department has said?

HON. MR. SNYDER: — I think, as in every situation where the labor standards people are involved in an investigation, the appropriate course of action is for the Department of Labor to do its assessment, after having taken into consideration all of the ingredients and, after having made that assessment, to pass it on to the employer, who may then provide some additional information. It is then their responsibility to sit down with the employee, share with him that information and determine whether there are any other further ingredients that need to be considered before a final settlement is made. Obviously, that is a process that should be taking place at the bargaining table. Obviously, there have been some difficulties involved. But the very fundamental question remains unresolved, and that is the question of the status of those employees prior to July 1980; there is a real question with respect to whether they were or were not field employees.

Problems in Kamsack

MR. BERNTSON: — Mr. Speaker, question to the Minister of Urban Affairs or the Attorney General, whoever is best equipped to handle the question. You'll both be familiar with section 422 of The Urban Municipality Act which, in part, says:

> If one-third of the members of council or one-fourth of the voters of a municipality . . . you may call an inquiry under The Public Inquiries Act of 1970.

You'll both be familiar with section 423 of the same act which says:

> If the council passes a resolution requesting an inquiry be made into a matter

> . . . (and it goes on and on) . . . the Attorney General may appoint a judge of the district court to conduct a judicial investigation.

You may or may not know that last night in Kamsack the town council passed a resolution asking for an inquiry under section 423, with no dissenting votes. I wonder if the Attorney General, upon receipt of this resolution, or the Minister of Urban Affairs (whoever is handling this today), is now prepared to give the people and the council of Kamsack the inquiry they are asking for?

HON. MR. SMISHEK: — Mr. Speaker, that resolution that may have been passed has yet to be . . . (inaudible interjection) . . . I don't know whether the hon. member was there. It certainly has not been communicated to my office so far. I don't know whether it was communicated to the Attorney General's office; it has not been communicated to me, certainly in the last hour or just now in my office. As soon as we receive the resolution we will give it due consideration, as we've also given the assurances to the Leader of the Opposition. The information he has will be examined by the legal counsel from the Department of the Attorney General.

MR. BERNTSON: — I am to talk with him later this afternoon to arrange the meeting. You didn't answer my question. Upon receipt of such a resolution from the council of the town of Kamsack, which was passed last night, will you give the people of Kamsack and the council of Kamsack the judicial inquiry they are asking for under section 423 of your act?

HON. MR. SMISHEK: — Mr. Speaker, I don't think I have anything further to add. I believe I've answered a question. Obviously the Hon. Leader of the Opposition was not listening when I was answering the question the first time. The answer is as soon as we receive the resolution, we will certainly give it due consideration, and then make a decision. I don't know the wording of the resolution. Until the matter is receive by us, Mr. Speaker, we can't give a specific answer.

Dismissal of Elton Marshall

MR. ROUSSEAU: — Before I ask the Minister of Social Services my question, Mr. Speaker, I would like to read in part from a letter written by a Crown solicitor from the Attorney General's department to Dr. Morris Shumiatcher re an offer to a Mr. Elton Marshall. The letter reads, in part:

> In return for the discontinuance of the appeal presently in process and your client's release of the provincial government, its ministers and employees of any and all claims arising out of his dismissal, the government will pay to your client the sum of $30,000.

Mr. Minister, does this offer constitute an admission by your department that Mr. Marshall was wrongfully dismissed?

HON. MR. LINGENFELTER: — Mr. Speaker, I don't have the document in front of me. I wish the member would table it so we could comment on it. I think it would be fair to say that the discussion on Mr. Elton Marshall and his dismissal has gone on in this House for quite some time. I'm sure the opposition has stood up in the House to say that they have the reasons for the dismissal. So I don't know why they are attempting to ask us why he was dismissed. They already know. To carry on this debate of why he was or

wasn't is a bit of a charade.

Mr. Elton Marshall was dismissed. He is in the appeal procedure now, using the rights he has as a former employee of the government who was dismissed. I'm sure he will avail himself of that process. A judgment and decision will be made after that process is completed.

MR. ROUSSEAU: — First of all, Mr. Minister, I am still waiting for reasons for his dismissal, as is Mr. Marshall. I would like to ask you a very simple question. Why was the offer increased from the initial amount he was offered of $12,000 to $30,000?

HON. MR. LINGENFELTER: — Mr. Speaker, the member mentions numbers which have been offered. I'm not aware of those numbers. I don't have that letter in front of me so I find it unfair to comment. The member also mentions that Mr. Elton Marshall is not aware of why he was dismissed. He certainly is aware of why he was dismissed. He has a letter which outlines in detail the reasons, which he has given to the press. So, I think it's unfair to say that he doesn't know why he was dismissed.

MR. ROUSSEAU: — Your interpretation of why he was dismissed seems to vary a bit from Mr. Marshall's and mine. I'm still wondering why. I will just say that Mr. Marshall's concern is the defamation of his name and his character which occurred as a result of his unceremonious dismissal by your department. In order to clear his name, will you now admit your error and provide Mr. Marshall not only with satisfactory monetary compensation, but a letter stating the reasons for his dismissal clearly outlined and a satisfactory reference as to his ability and competence?

HON. MR. LINGENFELTER: — Mr. Speaker, as I mentioned earlier, a letter of dismissal was sent to Mr. Elton Marshall which outlined the reasons very clearly. The other thing is whether Mr. Marshall is claiming that his character was defamed. I think there are appeal processes people can go through when they are dismissed. If they believe that has happened, I'm sure Mr. Elton Marshall, if he feels that way, will avail himself of the process which is available to him.

Dismissal Procedures of Government

MR. THATCHER: — Mr. Premier, in light of the previous series of questions and the answers by the minister in charge of social services, would the Premier inform this Assembly whether it is a consistent procedure in his government when employees are dismissed in the fashion which we had had described on numerous occasions in this Assembly, and specifically as we have been discussing in the last set of questions, to make cash settlements with the dismissed employee?

HON. MR. BLAKENEY: — Yes, it is consistent. It is not always followed but has been followed on a number of occasions. Payments in lieu of notice, payments in lieu of any other claim that the employee may have, are consistent with past policy.

MR. THATCHER: — Supplementary question to the Premier. Would the Premier not consider it to be a relatively expensive procedure to the taxpayers of Saskatchewan in not giving reasons to an employee upon his dismissal and refusing to give reasons or even reasonable knowledge? Is it not a very expensive procedure to, in effect, almost buy the employee off? In other words, I guess my supplementary is simply this: wouldn't it be cheaper to give reasons and cause, and no severance or not settlement, rather than go through this procedure? As we have seen in this case, where no reason has been

given, the government has been forced into the position of having to offer a very sizable sum to make a settlement.

HON. MR. BLAKENEY: — Mr. Speaker, I don't know whether the hon. members opposite are offering advice on how the government ought to deal with separations. I certainly thank them for their advice, but I don't think that it's self-evident that members opposite are able to manage legal procedure at small cost. It is our view that we are proceeding in this case, in the best interests of the Government of Saskatchewan. I have no doubt that the hon. member has quoted from a letter which has "without prejudice" on the top of it . . . (inaudible interjection) . . . That's right. It's without prejudice. It is clearly letters between counsel. It is clearly entirely inappropriate for me to comment on correspondence between counsel . . . (inaudible interjection) . . . Yes, in here. Especially in here!

To answer directly to the member opposite, our position is that sometimes it will be in the best interests of the government to offer a cash settlement. In this case, we have done so, and we believe that it is a wise course of action.

MR. THATCHER: — Final supplementary to the Premier. Mr. Premier, would it be fair to call the transaction referred to here a pay-off, pure and simple, to keep somebody quiet when the government is caught dead to rights?

HON. MR. BLAKENEY: — I wouldn't have thought so. Nor would I have thought (speaking of consistency) that this was in any sense consistent with statements we've heard from members opposite, just a minute or two ago. I would think therefore, that the particular former employee will make a judgment as to where his best interests lie. If he believes that his best interests lie in accepting the cash settlement, he will accept it. If he thinks his best interests lie in another route, he will follow it. He has a good number of options open to him. He's not without legal advice. He will make his judgment. I am not one to characterize the way that the member for Thunder Creek has characterized it.

Action of Government on Termination of Employees

MR. LANE: — We've seen a series of these. It was culminated, I think in the significant increase of the offer to Mr. Elton Marshall. On Friday, the minister responsible for Saskatchewan Government Insurance was forced to go before the court for examination for discovery on termination of other employees.

I wonder if the Premier will not at least admit that the practice which his government has followed, of summary termination of people without adequate notice or discussion, (I think it's fair to say that about the SGI matter and also regarding Mr. Elton Marshall) is not one to be condoned or followed? What corrective action has the Premier taken to make sure that the civil servants of this province are dealt with in a fair and reasonable manner, if you decide on termination?

HON. MR. BLAKENEY: — My memory goes back to 1964, to the government for which the member for Qu'Appelle worked. The summary nature of dismissals was such that people received virtually no notice. In many cases, they consulted counsel and I was counsel who was consulted on a good number . . . (inaudible interjection) . . . I'll carry on if I may.

Our position is simply this: we regret occasions when employees are separated from their employment. We invite comparison with any previous government in this

province as to the number of separations compared with the size of the public service. No one has suggested that the motives of the persons who arranged the separation was other than their belief that it was in the best interests of the organization in which they are employed — the Department of Social Services in this case.

I naturally regret that there are separations. I naturally regret that there are claims flowing from separation. But this is an inherent and integral part of operating a public service where there are many thousands, and, in total, some tens of thousands of employees. We regret it when the system doesn't work fully, but we are pleased that we are able through discussion, and where necessary through intervention of counsel to make suitable arrangements so that employees are adequately compensated.

Labor Rates for Northern Apprenticeship Program

MR. SWAN: — My question is to the Minister of Labor. About two weeks ago I raised a concern with you with regard to the apprenticeship program. We came to the end of time for question period and we were unable to get an answer. I would like to raise with you the same concern today dealing with the Key Lake Board of Inquiry report and its position as it relates to the apprenticeship program. The main concern which I am raising is the suggestion that you move away from the regular method of apprenticeship and pay a man the top labor rate from day one, rather than pay him at apprenticeship rates, and also pay the person top labor rates while he attends classroom studies as part of his apprenticeship. Does your department support this move? Are you aware of the concern it is raising in the industry which is involved in the apprenticeship program?

HON. MR. SNYDER: — Mr. Speaker, in answer to the hon. member's question, it will be remembered that the Key Lake Board of Inquiry delivered up a number of very major recommendations. Among them was a recommendation that any development taking place in the North should in a very major way benefit Northerners and there should be a genuine effort made to enhance the employment opportunities of native people.

Arising out of that were a number of recommendations that in those instances where there was difficulty with language perhaps examinations could be given orally instead of holding written examinations. It was indicated that when a family person with family responsibilities and expenses was required to live a distance from home special consideration should be given to those problems.

I think it has to be said that the surface lease has not yet been signed, as far as I know. The Department of Northern Saskatchewan is placing some major emphasis on the recommendations, but I can't tell you at this point in time about the final decision. Obviously a number of the recommendations will be considered, and at the same time I share with the member for Rosetown-Elrose the concern that we should not have under any set of circumstances, two different standards or two different levels of journeyman in the province. I think that was the major concern which was expressed the last time we discussed this particular matter. I think we must be somewhat flexible and somewhat accommodating because of the nature of the problem in northern Saskatchewan, and because of the determination of this government to place employment opportunities at the disposal of our native Northerners whenever this is possible.

MR. SWAN: — Supplementary to the minister. I am concerned that we may be producing a second-rate class of journeyman certificate. That is one of the reasons for

the concern that I'm raising.

Now, if you were around at the time that the northern teacher education program was put into place (and it's a similar idea) the native people, at that time, expressed a very grave concern that we not develop a second-rate class of teacher from the northern teacher education program. When they graduated they wanted to be able to teach anywhere in Saskatchewan or in Canada, because they wanted top-notch qualifications.

Under the Key Lake recommendation (if they are followed), the journeymen who come forward will be second-rate because they cannot qualify with the recommendations that are put forward. I think they are going to ruin the apprenticeship program. My question to you is: are you willing to stand up and fight to keep the apprenticeship program so that it has meaning and so that the people who graduate from that program are able to deliver quality workmanship?

HON. MR. SNYDER: — Mr. Speaker, I'm not prepared to accept, because of the wish to be flexible and to accommodate, that we necessarily reduce the effectiveness of the apprenticeship program, nor do I necessarily accept that accommodations cannot be made without reducing the status of the journeyman. It will be known that under certain circumstances accommodations have been made under the present Apprenticeship and Tradesmen's Qualification Act. We have provided, in some circumstances, the degree of flexibility to allow people who have (people of an immigrant status) some difficulty with the language to have interpreters, and have allowed for verbal rather than written examinations. I expect that some of those accommodations can surely be brought into place for the use and for the accommodation of our native Northerners, when we can do it in other circumstances.

I am of the opinion that we should not be diluting the program in such a way as to turn out a journeyman in northern Saskatchewan who will not be able to function on an equal basis with journeymen in the South. I think that is generally accepted. At the same time I want to qualify that by saying that I think we should be looking at methods of accommodating our northern natives in order that we may provide for them the benefit of the industrial expansion that's taking place in the North.

INTRODUCTION OF BILLS

Bill No. 114 — An Act respecting the Consequential Amendments resulting from the Amalgamation of Her Majesty's Court of Queen's Bench for Saskatchewan and the District Court for Saskatchewan

HON. MR. ROMANOW: — Mr. Speaker, I move that a bill respecting the Consequential Amendments resulting from the Amalgamation of Her Majesty's Court of Queen's Bench for Saskatchewan and the District Court for Saskatchewan be now introduced and read a first time.

Motion agreed to and by leave of the Assembly ordered to be referred to the non-controversial bills committee.

Bill No. 115 — An Act respecting the Consequential Amendments resulting from the enactment of The Medical Profession Act, 1981

HON. MR. ROMANOW: — Mr. Speaker, on behalf of the hon. minister, I move that a bill respecting the Consequential Amendments resulting from the enactment of The Medical Profession Act, 1981, be now introduced and read a first time.

Motion agreed to and by leave of the Assembly ordered to be referred to the non-controversial bills committee.

STATEMENT BY THE SPEAKER

Bill No. 52

MR. SPEAKER: — Before orders of the day, last Tuesday a point of order was raised that Bill 52, An Act to guarantee Certain Rights to Children whose Interests are affected in Domestic Disputes was out of order on the grounds that it was a money bill.

The question to be determined here is whether there are provisions for expenditures in the bill, and, if so, whether these expenditures are already covered by general powers conferred by an existing statute. I refer all hon. members to The Infants Act chapter I-9 Revised Statutes of Saskatchewan, 1978, sections 30(3) and 31(1) which state:

> 30(3) The official guardian and the deputy official guardian shall receive such remuneration as may be approved by the Lieutenant-Governor in Council.
>
> 31(1) The official guardian, besides acting as a guardian ad litem of infants under rules of court and other orders shall perform such other duties as the court or a judge may from time to time direct, or as may be fixed by order of the Lieutenant-Governor in Council.

From these sections it is obvious that the official guardian does exist, can be paid a remuneration, and shall perform such duties as the court or a judge may direct.

Section 6 of Bill 52 defines the duties of the official guardian in the instance of a child in a domestic dispute, including the power to appoint counsel. This is not a new power or a new expense since it was already provided for under section 31 of The Infants Act. I refer all hon. members to Sir Erskine May's *Parliamentary Practice*, 19th Edition, page 752, which states:

> The comparison of provisions in a bill with the law on the subject as it exists may show that while such provisions undoubtedly involve expenditure the power to incur such expenditure is covered by general powers conferred by the statute.

In other words, a bill might involve expenditure of money but as long as it is not a new charge on the public purse and as long as there was original power in the parent act for such expenditure, the bill is not a money bill. I refer you to Sir Erskine May's *Parliamentary Practice*, 19th Edition, page 784, subparagraph vii which states, under the heading "Administration of Justice":

> Provisions which have the effect of increasing the jurisdiction of the courts are not regarded as creating a charge.

I therefore rule that Bill 52 does not impose a new charge on the public purse and

therefore is not a money bill.

SOME HON. MEMBERS: — Hear, hear!

MOTIONS

Resolution No. 32 — Minor Sports

MR. NELSON: — Mr. Speaker, in rising to move this motion I would urge members opposite to co-operate in passing this resolution. I have talked with the directors of the Saskatchewan Track and Field Association and they feel this is rather an urgent matter for them to help in funding the activities of our youth in the growing field of sports. It gives me a great deal of pleasure to first of all congratulate and commend the coaches and promoters of minor sports in Saskatchewan and Canada for their work on behalf of Canadian youth. I am sure that everyone in the Assembly recognizes the long hours put in and the personal sacrifices that have been made to further the cause of amateur sport. There is no doubt that this effort is paying off both in the number of participants and in the level of achievement that has been reached.

The Canadian Sports Federation recently surveyed the 10 provinces and the Northwest Territories to examine student participation in the most popular sports at the interscholastic competition level. They found that participation in the 15 most popular sports increased from 431,000 in 1977-78 to just under 500,000 in 1978-79. Track and field alone went up from 87,000 participants to over 134,000 participants and the growth in the future should be even more dramatic, Mr. Speaker.

These numbers do not tell the whole story. Some sports have recently become very popular, such as rugby, skiing and many others.

The Canadian Track and Field Association is promoting a program that they call Run, Jump and Throw. The program is designed to allow maximum participation. It teaches the development of running, jumping and throwing skills and is designed with the view to enhancing the national level of fitness. In 1981, 300,000 students are expected to participate across Canada. That program too, Mr. Speaker, is growing at a phenomenal rate.

In Saskatchewan a sled-dog meet was held for participants from age 12 to senior level on January 31 and February 1 in the Saskatoon field house. It was the largest athletic meet in the country for one hour, with 3,300 participants.

And there are many other meets, Mr. Speaker, across the province, including one in my own constituency of Yorkton this spring, which had around 1,000 participants.

The Canadian athletic associations are anxious to expand their roles to meet growing interest. To do that, registered provincial associations require more funds. It has been suggested by provincial associations to the last two federal ministers of fitness and amateur sport that they be given tax numbers which would allow them to give receipts and treat donations as tax deductible, like many other non-profit societies. However neither minister changed the legislation.

At the present time the national association of each registered sport maintains an income tax number, but they are unable to pass funds on to their affiliates. The minister

may, by registered mail, give notice to the registered charity or the registered Canadian amateur athletic association that he proposes to revoke its registration should any of those national associations break the rule of disbursing funds to their provincial affiliates. According to legal opinion obtained by the Canadian Track and Field Association (that is the national association), Revenue Canada, in the past, has been lenient in enforcing the sections respecting the revocations. But they have revealed that as a matter of policy they are taking a very strict look specifically at the provisions of section 168(1)(f) and are quite prepared to revoke registration if the act is contravened by a registered amateur athletic association accepting gifts, expressly or implied, conditional upon the association making a gift or a donation to another person, club, society or association.

As a practical matter, if you accept gifts solicited for the Canadian Track and Field Association by a track and field club on the understanding that you will return those funds to the track and field club and issue a receipt therefor, you do contravene the act and run a severe risk of having your registration revoked.

Mr. Speaker, that's the crux of the matter. If the local provincial associations are capable of increasing the interest and participation in their sports (and, Mr. Speaker, I think they have done so), they must be able to raise funds. It is a futile situation for the provincial associations when raising any funds, if they must turn the funds over to the national association and the club raising the money receives no direct benefit.

Giving the provincial association a tax number would go a long way toward increasing fitness for Canadians — a goal the federal government says it wants to encourage.

In closing, Mr. Speaker, I would repeat that minor sports groups need this tax number. They want it and need it to better assist the youth of our country. They too would like to encourage the members opposite to co-operate with us in passing this resolution. Mr. Speaker, I urge the federal government to implement this change to the Federal Tax Act as soon as possible. I believe that all members recognize the immediate benefit that this would have for amateur sports in Saskatchewan. I therefore move, seconded by the member for Moose Jaw North:

> That this Assembly highly commends the coaches, organizers and promoters of minor sports in Saskatchewan and Canada for their work on behalf of Canadian youth, and in order to assist them in their efforts on behalf of our youth, this Assembly urges the federal government to allot forthwith upon request an income tax number to the registered provincial association of each minor sport.

MR. SKOBERG: — Mr. Speaker, very briefly, I would like to say that I am pleased to second the motion by the hon. member for Yorkton and add my expressions of appreciation to the coaches, the organizers, and promoters of minor sports in Saskatchewan and, of course, in Canada. I believe it is significant that not only are the numbers of participants increasing but the quality of the performance of coaching and officiating is also greatly improving.

It may be of interest to those opposite and to the members of the House, that the topic brought up by the hon. member for Yorkton was an issue that was discussed at the last federal-provincial conference of ministers responsible for sport, fitness and recreation in Toronto on October 21, 1980. At that meeting, the Hon. Gerald Regan agreed to explore the situation with the national sport governing bodies and with the

federal Minister of Finance.

I believe it is quite significant, Mr. Speaker, that as you read the resolution it does allow for a tax receipt number in order for the organization to make use of the tax receipts and issue the appropriate receipts. In conversation with the hon. member for Yorkton, he suggested that there should be one or two more words added to the resolution in order that the tax number and the moneys could be passed down to the affiliated organizations.

So with that, I would like to move an amendment that following the word "sport" in the resolution, the following words be added:

> and that each provincial minor sports organization be allowed to distribute to its affiliated sport organizations money that is collected through the use of that tax number, and that this resolution be communicated to the federal minister responsible for fitness and amateur sports.

I'd like to move that, seconded by the hon. member for Regina Rosemont. I'd urge all members of the House to support it and communicate this resolution to the hon. minister in charge of amateur sports and fitness.

MR. SPEAKER: — I find the amendment in order, and the debate continues concurrently on the motion and the amendment.

MR. LANE: — Mr. Speaker, the inadequacy of the motion, as indicated by the amendment indicates that the hon. member doesn't quite know what he is talking about. I will show how inadequate the particular motion is. The motion is a back door to let the provincial government avoid its responsibility to amateur sport and the Saskatchewan youth. It wants the tax number so that the money can come back to the provincial organization, money which comes from the taxpayers of Saskatchewan. There is a more direct way and that is to increase the direct grants from the Government of Saskatchewan to amateur sport and to the youth. That is the simple and practical way to deal with the matter.

Mr. Speaker, I will give some other suggestions. Why does the Government of Saskatchewan not allow contributions to amateur sport to be deductible from Saskatchewan income tax? It is a very simple suggestion. If the sincerity of the motion was backed up by action, we would have that proposal before this Assembly. I suggest that the taxpayers of this province be allowed to deduct, from the Saskatchewan tax payable moneys used to join athletic associations. I refer to such groups as the YMCA and the YWCA as a very practical way to encourage public health and to encourage the fitness of the citizens of Saskatchewan. This proposal is not new, having been made in this Assembly some years ago. It's a proposal that would be an adjunct to the programs of the Minister of Health and a practical suggestion to the government opposite to encourage the people of Saskatchewan to keep and maintain their own personal physical fitness. These are areas where the provincial government has a role to play.

Yet all we have from the members opposite is a suggestion to give a tax number federally so that the money will be funnelled through and back and then there is no obligation for the provincial government. It's a surprising suggestion, Mr. Speaker, and I'm sure the hon. member didn't really think through his motion today. I will have more comments because I believe it is inadequate and I know the hon. member will want to reconsider his position in the light of the comments I have made. I beg leave to adjourn

debate.

Debate adjourned.

PUBLIC BILLS AND ORDERS

ADJOURNED DEBATES

MOTIONS

Resolution No. 21 — Public Utilities Review Commission

The Assembly resumed the adjourned debate on the proposed motion by Mr. Rousseau:

> That this Assembly recommends the establishment of a public utilities review commission with adequate powers to regulate Saskatchewan utility corporations in such a manner as to prevent them from overcharging for basic requirements and to provide the best possible service at the most reasonable cost to the consumer.

MR. WHITE: — Thank you, Mr. Speaker. This is, of course, a resolution asking the government to establish a public utilities review board. Some weeks ago I spoke on this resolution at length, detailing the operation of the Alberta Public Utilities Review Board. Since that time the 1980 annual report of the Calgary Power Company has come out. It shows the profits of the company at an all-time high — $101 million. This is up from $87 million in 1979. Sask Power, meanwhile, dropped from $40 million to $20 million.

The annual report of Calgary Power also shows that the portion of each consumer dollar received by Calgary Power and retained by Calgary Power as profit has again increased. This is also an all-time high. It is now at 28.19 cents compared with 4.59 cents for Sask Power. In short, the annual report supports the position I adopted at that time — namely that the Alberta Public Utilities Review Board serves Calgary Power a whole lot better than it does the people of Alberta who buy energy from the company. I repeat what I said then. The customers of Sask Power who are not protected by a public utility review board are far better off where rates and charges are concerned than the people of Alberta who are protected by that type of a board.

Since the day I spoke on the motion, I have been doing further research on public utility review boards — this time in connection with telephones. I propose to present just the bare bones of my findings today. I do this partly because last week the hon. member for Maple Creek asked the Hon. Minister of Consumer and Corporate Affairs when he would respond to the Consumers' Association of Saskatchewan and set up a public utility review board to examine rates of Sask Tel, Sask Power, SGI, and so forth.

Perhaps the hon. member wasn't in the House when I compared rates, profits, and so forth allowed by the Alberta public utilities board to the Alberta electrical utilities and those allowed by the Saskatchewan government. Had she been here she would know that the benefits of such boards are much less than some people believe they are. I suggest that she read what I had to say. I'll simply content myself with demonstrating at this time that those supposed benefits are much more imaginary than real where telephones are concerned, as well as power.

I propose to make a few brief comparisons between a company whose rates are supervised by a public utilities review board — the Nova Scotia Company, Maritime Telegraph & Telephone (reviewed by the Nova Scotia Board of Commissioners) — and Sask Tel which is not reviewed by a public utilities review board.

I'll just keep this at a minimum to take little time today. First of all, I'll give you some indication of the size of the two utilities and I'll deal with a six-year period here. In 1975 Maritime Tel & Tel had 414,885 phone in use; Sask Tel had 451,685. In 1980, Maritime Tel & Tel had 498,239 and Sask Tel 618,614. In short, Sask Tel is the larger of the two firms and has been growing most rapidly recently.

I would also like to point out something about the geographic nature of the areas served by the two utilities. The Nova Scotia company serves approximately 20,000 square miles. That's the total area of Nova Scotia. Sask Tel serves at least the agricultural area of Saskatchewan, 100,000 square miles. So this comparison suggests it's going to cost a lot more money to serve. It's going to be a higher investment per customer in Saskatchewan, but we don't really need to consider that; the comparison of these speak for themselves.

First of all, there's the income, Mr. Speaker — the net income. For the years I have examined the net income of the smaller company, Maritime T & T (Maritime Telegraph & Telephone), turns out to be larger than the larger company, Sask Tel. The net income of Sask Tel for the years 1975 through 1980 was as follows: $19.61 million; $17.942 million; $19.468 million; $25.249 million; $24.181 million. During the same years the income of Maritime T & T was: $24.645 million (and note they go up every year); $30.518 million; $35.848 million; $40.412 million; $43.436 million. The total profits of Sask Tel during the five-year period were $106.534 million. The total profits of the smaller company for the same period were $174.859 million, approximately 70 per cent greater.

Now, I want to draw a further comparison, Mr. Speaker. How much profit per phone per month did each company claim for itself during the five-year period? The average for Sask Tel, Mr. Speaker, was $3.26. The average for Maritime T & T was almost twice as much — $6.42. During the five-year period, Sask Tel's net income per phone per month fluctuated, ranging from $2.90 in 1977 to $3.60 in 1979. There were ups and downs on other years. In the case of Maritime T & T, the trend was always upward, as in the case of Calgary Power, a private company in the electrical field that I mentioned the other time. In 1975, Maritime T & T profit per phone was $4.95 a month; 1976, $5.90; 1977, $6.61; 1978, $7.10; 1980, $7.27. If you look at 1980 alone the comparison is Sask Tel $3.34, Maritime T & T, $7.27 — over twice as much. Is it any wonder that Nova Scotia telephone rates are much higher, and I emphasize, much higher, than Sask Tel rates.

Which system, Mr. Speaker, protects telephone users better, the no utility review board system of NDP Saskatchewan, or the utility review board system of Tory Nova Scotia? The results speak for themselves. And let me point out what a (and this is very recent) 1981 study for the Economic Council of Canada has to say of the Nova Scotia board. It describes the board as "as independent a quasi-judicial board as we could have in Canada." In other words, it's regarded as one of the best by the investigators. And yet rates just keep going up and the profits of the company simply keep going up.

Mr. Speaker, I hope the hon. member for Maple Creek and other members opposite will

consider the comparisons I've just made as well as earlier ones when they are considering the subject of this motion. I would also urge the hon. member for Maple Creek to pass the comparisons along to the consumers' association that she is periodically in touch with . . . (inaudible interjection) . . . Oh, they haven't. They can calculate them from the annual report.

Mr. Speaker, I believe the consumers' association has done good, worth-while work and is continuing to do so. However, the member should ask the association what it hopes to gain by establishment in Saskatchewan of a public utilities review board, and also, how often it might be expected to appear before that board. I might say that, on the basis of the research I've done so far, I'm not overly impressed with the number of times the consumers' association has appeared before utility review boards, nor with its batting average before such boards.

A recent study showed that the consumers' association has appeared before the Nova Scotia Board of Commissioners once. That board has been operating since 1909. It's older than the consumers' association. The consumers' association appeared in 1974 and made what was called an excellent presentation, but that presentation had no effect, so it seems, on telephone rates. MT&T asked for an 8.75 per cent increase and MT&T received a 8.75 per cent increase.

Examination of the CRTC (Canadian Radio-television and Telecommunications Commission) Telephone hearings (where Bell rates for Ontario and Quebec were under consideration) also show the consumers' association appearing only once. The occasion was the 1973-74 hearings. The impact of the association seems to have been the same. Bell asked for an additional $51.9 million in revenue, and Bell received an additional $51.8 million in revenue.

If my memory serves me correctly, the association has appeared with equal frequency and with the same impact before the Alberta Public Utilities Review Board.

In light of what I've said, I can't understand why the consumers' association would want this government to spend a couple of million dollars a year on a board which, in my considered opinion, produces no beneficial results. Perhaps it's a case of the association looking to the daily press for information on such matters. I noticed a few days ago, April 29, an editorial in the Saskatoon *Star Phoenix* where the editor had criticized Mr. Moncur, the new general manager of SPC. It reads this way:

> Mr. Moncur's bureaucratic opposition to the proposal for a public utility review board is a clear indication of its worth to the public.

Now that is brilliant logic in my mind. In the course of the editorial, the editor says:

> There is no sound argument which can be used against this proposal.

On April 7, I gave what I thought was a fairly lengthy cost-benefit comparison on this. Alberta pays $2 million for a public utility review board, and gets high rates. Saskatchewan doesn't spend the $2 million and has lower rates. But that wasn't reported in the press. Here I see that on the 8th, during the debate, the member for Regina South spoke, the member for Qu'Appelle spoke and the member for Redberry spoke. No one else spoke in that debate, according to the press.

Mr. Speaker, I could go on. The member for Regina South told us that there were 50

public utility review boards in the United States. I would like to talk about them. I did a bit of reading about them. Some of them operate in this manner: the board will add up everything the companies want, then they add up everything the interveners want; then they add the two sums together; then they divide by two; then they refuse all rate increases, knowing full well that the matter will be taken to court, and the courts will throw out such an ill-conceived recommendation. I won't deal, though, with American boards at present.

In closing, I just want to point out to members that a study of public utility review boards has been completed very recently for the Economic Council of Canada. It was produced by an economist, who was not in the pay of the Saskatchewan government, and certainly not in the pay of the NDP. It examined public utility review boards in three or four jurisdictions. It examined the CRTC, the Nova Scotia Board of Commissioners and the Saskatchewan system of review. The author concluded by making recommendations for improvements in the three systems.

I won't go into the recommendations, Mr. Speaker. I'll just simply say that there were 15 recommended changes to improve CRTC procedures and the Nova Scotia Board of Commissioners' procedures and only four recommendations for improving the Saskatchewan system. Only one of those dealt with SPC or Sask Tel, as the case was. That should say something about the value of public utility review boards, and the need for one here.

I have kept my comments brief; there are many more comparisons I could make, using the annual reports of Sask Tel and MT&T, but I think I've said enough. I do hope all members will consider what I have said. Thank you.

SOME HON. MEMBERS: — Hear, hear!

MR. SOLOMON: — Thank you, Mr. Speaker. There have been some suggestions from the opposition to review Sask Power rates through a public utilities review board, but with little basis for merit, in my opinion, as my colleague for Regina Wascana has clearly illustrated.

There have been suggestions from the opposition to review Sask Tel rates, but with little foundation of merit, since Sask Tel has one of the lowest rates in Canada. There have been suggestions from the opposition to review insurance rates, but with little foundation of merit since SGI rates are still the lowest in North America.

I would like to add a number of additional comments to this debate, Mr. Speaker, but I have some further research to do, and I ask leave to adjourn the debate at this point.

Debate adjourned.

SECOND READINGS

Bill No. 16 — An Act to amend The Vehicles Act

MR. GARNER: — Mr. Speaker, in rising in this Assembly to present the second reading for Bill No. 16, An Act to amend The Vehicles Act, I think that all members of the Assembly should be aware that we are, without a doubt, discussing one of the greatest gifts God could give us — the children of Saskatchewan. In this bill we will be discussing the safety of our children. It may shoot over the head of some of the

members opposite but by enacting this bill, Mr. Speaker, and having it come into force, we may be able to save one life or prevent one accident.

The Canadian School Trustees' Association favors this piece of legislation. There are a number of other provinces in Canada where this law has already been implemented. They are Ontario, Alberta, Nova Scotia and New Brunswick. In those provinces, no one can go by school buses which are stopped and are displaying their red flashing lights while loading or unloading children. This is regardless of the speed limit and regardless of where the buses are parked.

Mr. Speaker, in 1979, the systems evaluation division of the federal Department of Transportation issued a report called "School Bus Accident Safety." I should like to quote from page 12 of that report.

> Pedestrians injured after being struck by vehicles while crossing roads to and from school buses after the bus driver has activated his four-way flashers suggest the need for a driver education campaign on the law regarding school buses or an improved lighting system to better alert the driver of the required stop.

Mr. Speaker, I think this bill is very important, not only to the members of this legislature, but very especially to the Minister of Highways and to the Minister of Education. This bill will make it law that even if a school bus is parked in front of the Legislative Building, displaying the red flashing lights in a slow zone, no one will be able to pass it. It's very simple; it's very straightforward.

As all members are aware, a lot of school buses come to the Assembly. It would be a tragedy if we had an accident anywhere, but it would be that much more shame on the members of this Assembly if that accident took place right outside the Legislative Building of Saskatchewan.

Surely there is no member in this Assembly who can stand and say there needs to be further research done. This bill was introduced in the fall session. There has been lots of time to research it, lots of time to check it over. It's not a money bill; it's simply a bill to provide safety to all children travelling in school buses in Saskatchewan, whether they are coming to the Legislative Building, Agribition or to schools. We have had accidents in the province. There is no reason, Mr. Speaker, for any member from any constituency to say no or ask to beg leave to adjourn debate on this bill — no member who is thinking about the safety of the children of Saskatchewan.

Mr. Speaker, I hear some members talking about seat belts. Let's go one step at a time. It only means passing Bill No. 16 so that it is the law, regardless of the speed limit, that, when the school bus is stopped and the red lights are activated, no one, at no time, no matter where the bus is parked, can proceed beyond that bus. This is simple, straightforward legislation and there is no reason. Mr. Speaker, why it wouldn't be and will not be passed in this Legislative Assembly in this session.

With that, I move second reading of this bill.

MR. JOHNSON: — Mr. Speaker, this particular bill affects some other items in the traffic acts. I think as well, there should be some consideration given to what the municipalities, both urban and rural, are indicating in this area. For that reason, Mr. Speaker, I would like to beg leave to adjourn debate.

Debate adjourned.

Bill No. 88 — An Act to amend The Saskatchewan Human Rights Code (No. 2)

MR. TAYLOR: — Mr. Speaker, it is indeed with a great deal of satisfaction and pleasure that I rise to give this Assembly my explanations as to why I feel there is a necessity to amend the human rights code.

This section of the human rights code which I would want to amend under the existing legislation is section 2(n) which designates physical disability. It reads as follows:

> Physical disability means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, it includes epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheel chair, or other remedial appliance or device.

Mr. Speaker, I have no qualm with those definitions or designations of physical disability. However, I think we are only going halfway when we talk about physical disability. I feel that the term should be expanded to include disability. That would mean both mental disability or mental retardation as well as physical disability.

My reason for amending this act is a situation which was brought to my attention where, in classrooms in the province of Saskatchewan, there were suggestions and descriptions of mentally retarded people which took place which were entirely wrong, inadequate and damning. This happened in my constituency. The people involved contacted the human rights commission to see if any action could be brought to correct what is a very deplorable situation. The answer given was, “We are sorry, but the human rights code, as it exists in the province of Saskatchewan today makes no provision for the safeguarding of the mentally retarded in this province.”

I think, Mr. Speaker, that is a very serious omission in the legislation of Saskatchewan. Surely in the International Year of Disabled Persons, legislators in this province must come to grips with this situation or else I would say that our actions and deeds, in many cases, are highly hypocritical. Whom could we defend more stoutly and proudly than those people who are mentally disabled, who do not have the gifts which we were given by the Lord? Those are the kinds of people whom I, and I am sure many others in this Chamber, would be proud to defend. I think that would be a noble deed on our part. I think it would be great for us, as legislators, to come to grips with this type of legislation and to pass remedial legislation in the human rights code which will, from the end of this sitting give the necessary protection and right to those poor individuals in our society who, through no fault of their own, are classified as mentally retarded.

Those are some of the reasons, Mr. Speaker, I feel very strongly about this legislation and this amendment to the human rights code. It is not my intention to bring about legislation which is going to force employers or people in education into dealing with situations which these people are not adequately provided to deal with or to take part in. We must realize that in society today, the role of the retarded individual has changed a great deal from the days when I was a young fellow. We have, through programs in our

education, medical diagnosis, developmental centres and concern by parents, unlocked the potential which many of these people had and was overlooked previously.

We can look around in our society, through our sheltered workshops (which we have discussed here) and many programs, and we will see that these people, who are somewhat retarded, are contributing and fitting in as best they can, to the mainstream of our life and our society in Saskatchewan. That's the goal I hold; that's the goal that society holds, I think, Certainly in this year that the United Nations has proclaimed as the International Year of Disabled Persons, it is imperative that we in Saskatchewan look at this legislation to see if there is any way it can be improved to satisfy the needs of these people, and to allow them to be defended under the human rights code, as is any other group.

It seems very negligent to me that there are safeguards to protect people from discrimination on the basis of race, creed, religion, sex, and physical disability, but nothing to protect those who are mentally disabled. Therefore, with those brief introductory remarks, which I hope the members opposite have taken to heart, I would like to go through the sections that I think have to be amended, and how they would pertain to the bill I have put forth.

I pointed out that it would be section 2(n) that would be substituted, and in its place would be a new section — the following clauses added after section 2(d) and it states as follows:

> Disability means that a person has, or has had, or is believed to have had, any degree of disability, infirmity, malformation or disfiguration that is caused by bodily injury, birth defect or illness, and without limiting the generality of the foregoing, including any degree of paralysis, amputation or lack of physical co-ordination, physical reliance on a guide dog, a wheel chair or other remedial appliance or device, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, mental retardation where the fact of retardation cannot be shown to be relevant to the situation in issue, or a learning disability or dysfunction in one or more of the processes involved in the understanding, or using symbols or spoken language.

So you can see, Mr. Speaker, that nothing in the realm of physical disability has been changed at all, but the term "disability" has been enlarged upon, with the addition of the last two clauses, to include those suffering from mental disability.

Going on, Mr. Speaker, to describe some of the other sections in the bill which would have to be changed to accommodate this change, section 9 relates to the right to engage in an occupation. The amendment would extend the anti-discrimination coverage to include the two classes of mental disability previously defined.

Section 10 allows various classes of individuals to acquire property. The amendment would extend the anti-discrimination coverage to include people with mental handicaps.

Section 11(1) defines the right to discriminate against various classes of individuals with respect to renting or leasing either commercial or residential property. The amendment expands the coverage to include mental disabilities.

Section 12(1) disallows the right to deny to various classes of individuals the right to enjoy accommodation, services or facilities generally open to the public. People with mental disabilities can now enjoy the same rights.

Section 13(1) disallows discrimination in education, including schools, colleges and universities, vocational training and apprenticeship. The amendment extends coverage to include mental handicaps.

Section 13(2) allows the right of a place of learning to continue to restrict the admission of certain classes or individuals where it has traditionally restricted such enrolment to the given classes.

Section 14(1) disallows advertising of any description which restricts the rights or offends the dignity of various classes of individuals. The amendment expands the classes to include people with mental disabilities.

Section 16(1) prohibits the refusal of employment or discontinuance of employment to various classes of individuals.

Section 16(2) requires employment agencies to give their ordinary services to various classes of individuals.

Section 16(3) prohibits employers from using the services of employment agencies which discriminate against various classes of individuals. The amendment expands the classes to include mental disabilities.

Now, I would like to point out that this might be the area which some people perhaps would be concerned about and, as I said in my preamble, it wasn't my intention to try to force employers to employ someone who is not mentally capable of doing the required jobs. But I think section 16(7) of the human rights code is the area that takes care of the situation because it acts as a safeguard and allows limited discrimination for sex, disability or age, where these facts may have an adverse effect on the type of job described. An example is safety factors. So I would think, Mr. Speaker, that any concern about the safety of these individuals would be covered under that section of the code.

Section 17 disallows the right of any professional society or occupational association to discriminate against various classes of individuals. People with mental handicaps will now be included in this coverage.

Section 18 disallows any trade union the right to expel, suspend or exclude various classes of individuals from membership. People with mental disabilities would now be included.

Section 19 forbids the use of applications for employment or job advertisements or any other form of advertisement for employment which discriminates directly or indirectly against various classes of individuals and which requests information related to the employment with reference to the individual's inclusion into a variety of classes. The amendment includes people with mental handicaps as one of these classes.

Section 25 (and I suppose this is the one I feel the most strongly about) is the one that would pertain to the situation that I outlined at the beginning of my remarks. I would think that we, as legislators, should certainly be concerned that people with mental handicaps are provided for and protected under section 25 of the human rights code.

Section 25 outlines the various principles that the Saskatchewan Human Rights Code must protect and preserve. The commission's role is to forward the principle of freedom and equality in dignity. Rights for the handicapped are now expanded to include the mentally handicapped. The commission is empowered to design and conduct educational programs to eliminate discriminatory practices against both physically and mentally handicapped people.

Section 31(9) deals with the results of inquiries by the commission that have to do with discrimination by virtue of handicap. This is a housekeeping amendment related to section 31(7).

Section 47(1) allows the commission to approve or order any program by any person that is designed to reduce discrimination against various classes of people. People with mental handicaps will now be included in these classes.

Those, very briefly, Mr. Speaker, are the implications that would be brought about by an amendment of the human rights code to expand the coverage to take in not only the physically handicapped but the mentally handicapped in this province. I think I have laid out my feelings quite well and I hope all members would join with me in adopting what I call this noble venture in this International year of the Disabled. I think we would be remiss, as legislators, not to pass this legislation. If there is some matter that is causing a problem, I would like to hear from the government opposite, because it would be my intent and my desire to see that this be passed within this sitting of the legislature.

Therefore, Mr. Speaker, it is with a great deal of pride, commitment and sincere concern that I move second reading of An Act to amend The Saskatchewan Human Rights Code (No. 2).

HON. MR. ROMANOW: — Mr. Speaker, I'll be asking leave of the House to adjourn this debate within a matter of a few minutes. I would like to say, first of all, in my judgment the hon. member is to be commended for what I think is a very laudable objective and one which we, as legislators, certainly must be moving toward. I think there's no doubt that in the field of human rights, a field which is continually expanding and growing, new definitions need to be written. Questions dealing with people with mental disability or mental handicap are provisions which we need to look at. However, having said that, the difficulty remains (the difficulty the member opposite faces as well) of how to define legally and realistically such provisions in the law so that they can be accommodated by our society. It is not my intention in the one minute or so that I am going to speak to be too critical of the proposal.

I would like to give one example of what I am trying to say. For example, the member's bill would slot into the act with respect to section 10 the question of mental disability and by putting in this provision under section 10 of the current code, this would allow any mentally retarded person, let's say, or person suffering from mental disability, to purchase property without fear of discrimination. That is a good general principle. However, as hon. members will know, rights are always traded off against other rights and are always curtailed by responsibilities and other duties.

Under this section 10, which would allow the mentally retarded person to purchase property without fear or discrimination, the question of how we balance this right with the authority of the courts to appoint, for example, committees to control a mentally incapacitated person's business property dealings (which as we know now exists under

a variety of statutes) immediately is brought into play. You have a clear head-on conflict. Also brought into play is perhaps how we deal with a mentally retarded person's lack of capacity to take on contractual implications, and what impact that has on the civil rights pertaining to contracts. The member for Kindersley would obviously agree with me that this is a very complicated area. You do agree with me, don't you, on that?

One can go down the line and pick the areas where the addition of this as an enforced right presents a variety of other applicable problems. I say to the hon. member that it is not easy for any government to simply respond to the opposition by saying we will define those limitations. They are not easily definable. They have not been yet defined to the best of my knowledge, by any human rights commission in Canada. The ramifications are simply manifold.

Accordingly, as members will detect from my very few brief remarks, while I believe the objective is a very sound one, we must see how it is counterweighed against the other competing interests in society such as the one I used, namely the other jurisdiction and legislation which allows a court to appoint a committee to handle a disabled person's estate. A variety of others like drivers' licences — all of these factors — simply have not been addressed by this legislation, and for good reason. They are not easily addressed by any legislation or any legislator.

The human rights commission is studying all aspects of this problem, Mr. Speaker. I am being urged by it and by officials in my department to put off this bill until another session to see if we can come up with a more clear definition in law of these kinds of problems. I think there are a lot of good words of counsel in that position. In any event, I want to consider what the hon. member has said. Once again I will have my lawyers and others take a look at it and perhaps return to this bill some time later in the session. I beg leave to adjourn the debate.

Debate adjourned.

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

MRS. DUNCAN: — Mr. Speaker, I am very pleased to rise today to give second reading to Bill No. 96. The purpose of this bill before us is to provide an environmental Magna Carta for the province of Saskatchewan. This bill permits an action to be brought into Saskatchewan courts to recover costs for damages, for degradation and contamination of the environment.

This bill also sets out other rights relating to access to courts and tribunals, freedom of information and public participation in environmental regulation. This bill further provides for a study into methods for providing funds to persons and public interest groups for the purpose of ensuring that points of view representative of significant bodies of opinion are adequately represented during environmental proceedings.

As the environment critic for the official opposition, I have been most pleased to sponsor this piece of progressive legislation, because Saskatchewan should be a leader in the protection of the environment. I believe this piece of legislation serves to protect the people of this province in such a manner that government cannot cover up environmental wrongdoings in any way. In my opinion, Mr. Speaker, it is the most far reaching and comprehensive piece of environmental legislation with respect to rights

which has ever been introduced in this legislature.

We in the province of Saskatchewan face a somewhat similar situation to what happened in the year 1215. At that time the people and their leaders felt that the executive authority was not being sufficiently responsive to the wishes of the populace so they drew up a bill of rights, which they called the Magna Carta, and it was imposed on the King. Today, in the environmental field, the citizens feel the same lack of response to their concerns. They see their air, water and soil being polluted and their environment in general being degraded. They see a potential threat to Regina's water system from PCBs (polychlorinated biphenyls) because of government inaction. They see the growing threat to their ecology from acid rain. They see the growing threat to their fertile farmlands in various parts of the province. For the record, Mr. Speaker, I should like to quote from the 1979-80 annual report of the Saskatchewan Environmental Advisory Council concerning acid rain. It states:

> Acid rain represents a serious potential problem for Saskatchewan. A recurring problem in other jurisdictions has been the projected multi-million dollar costs of curbing and controlling acid rain, costs which arise for pollution abatement measures as well as projections of lost jobs and revenues if planned projects are not allowed to proceed.
>
> The shortcoming of such economic analysis of acid rain is that they concentrate exclusively on the costs of turning it off, not on the cost of preventing it. Left unexamined, or at best poorly defined, is the very real and substantial cost of economic damage due to acid rain (and I will give you an example) the price of which will have to be paid in the future if nothing is done about this problem today.
>
> This cannot be neglected if responsible choices are made. Although the data are sketchy, there are already indications that the cost of this economic damage could conceivably undermine the financial stability of entire regional economies.

Mr. Speaker, the same report goes on to say:

> For example, preliminary findings indicate that there are 150 outfitters in northern Saskatchewan associated with 285 fishing lodges. The outfitters own buildings and other equipment associated with recreational fishing which are worth approximately $24 million. In 1980, this industry employed 800 people who earned $2.2 million. In 1975, more than 62,000 anglers expended in the neighborhood of $8 million to $10 million in northern Saskatchewan.
>
> The commercial fishing industry in northern Saskatchewan utilizes buildings, boats, motors, vehicles, etc., worth about $15.1 million. It also employs 1,600 to 1,800 people who earn about $3.5 million (and those are 1980 figures). These preliminary findings, at the least, provide some measure of the contribution of the industries harvesting the fisheries resource or providing services to anglers. They do not provide a direct or primary measure of the resource itself, nor do they provide more than some general indication as to the time frame over which economic damage, due to acid rain, may possibly occur and the extent of that damage. Fisheries represent just one of the North's resource sectors and the potential impact

> on forestry, tourism, and so on does not appear to have been analysed in very much detail. As in the case with most environmental issues, the choice on the question of acid rain is simply between paying for it now or paying for it later.

Mr. Speaker, for too long the residents of Saskatchewan have been fighting environmental degradation with their hands tied behind their backs and I think the PCB spill in Regina is a classic case.

It is time that people were armed with rights that will enable them to bring polluters to court regardless of whether they have suffered direct loss or direct damage from this environmental degradation. It is time that our residents were able to require the government to live up to its verbal commitments to protect the environment. It is time we set forth in legislation the rights of citizens to clean air, pure water, and a healthy environment. It is also time to declare that the government has a duty to conserve and maintain our resources for the benefit of present and future generations. That is why I have called my bill An Act to establish an Environmental Magna Carta for Saskatchewan. It establishes for Saskatchewan residents a bill of environmental rights, so to speak. Section 3 of the bill states clearly the objectives of this legislation. Let me briefly read it. It says:

> Right to protection of environment.
>
> (1) Every resident is hereby declared to have a right to protection of the environment from pollution and degradation, regardless of his proprietary or pecuniary interest in the environment.
>
> (2) Saskatchewan's public lands, waters and natural resources are hereby declared to be the common property of all residents, including future generations.
>
> (3) The Government of Saskatchewan is to be declared the trustee, on behalf of all residents, including future generations, of all public lands, waters, and resources in Saskatchewan and shall conserve and maintain those public lands, waters and resources for the benefit of all present and future generations of residents.

Mr. Speaker, the objective expressed in this bill will be achieved by a variety of means. I would like to run briefly through the specifics of the bill.

One is the right to standing before the courts in environmental action. This would permit residents to have access to the courts without first having to prove that they have been personally damaged or injured.

Secondly is the imposition of onus on the defendant who must prove his activity does not contaminate or degrade the environment.

Another part would give the residents right to class action.

Fourthly is the right to freedom of information relating to the quantity, the quality and concentration of contaminants causing environmental degradation. And this is covered under section 9 of the bill. Notwithstanding the minister's right to refuse to release certain information for various reasons, such as its being detrimental to the

security of Saskatchewan or Canada or whether or not it involves trade secrets or would prejudice contractual negotiations, if a minister refuses to give information to a citizen or a citizen's group, that citizen would be given rights to appear before the Court of Queen's Bench, and have a judge decide whether or not releasing certain environmental information is detrimental.

Fifthly is the right to 60 days notice of proposed control orders, regulations and other environmental instruments, including those setting standards and the opportunity of the citizen to request a hearing on such proposals before they become effective.

Sixthly, is the right to protection from dismissal or discipline for employees who report acts that contaminate or degrade the environment.

Mr. Speaker, I should like to note that this particular clause of the bill is very important, given the very active stand which the government has taken in developing a lot of our resources, and considering that many Crown corporations are also in that area. Employees of these Crown corporations or government departments must be protected from being dismissed because they raise certain issues pertaining to environmental mattes.

I think that the area of protection of employees from being terminated from employment because of providing information to an environmental group, as to the assessment hearing which would assist in assessing or analyzing what has gone on in the past, is extremely important. I believe that it is this type of clause which makes this piece of legislation very superior. I would call on every member of the legislature to support it.

The seventh point provides protection from award of court costs against individuals or public interest groups that raises a matter of importance relating to the protection of the environment.

The next point is the disallowance of the defence to an action that the defendant complied with a standard set, or other instrument issued, under an environmental act, regardless of whether the standard or order is a good one.

When we look back and see the various things which have been given — licences to be produced, or various projects which have been undertaken in the past — suddenly we find that certain chemicals are suspect or dangerous today, which were licensed for sale and use not too many years ago. I think, as residents, we must have some type of protection against a defendant saying, "Well, at the time, it was legal," or, "At the time, it was thought to be okay." I think this, also, is a very important clause.

I think it is very important to establish these rights, but I do not argue that this bill is a substitute for good environmental legislation and enforcement. I think that the legislation I am proposing today under this bill can really be looked upon as a supplement to present government action. It provides an opportunity for citizens' actions to correct bad environmental situations. It gives citizens an opportunity to seek redress and bring public nuisances to court. Such actions would serve as a prod to government to bring in new legislation, to take action to eliminate or prevent a public nuisance, and to prevent further degradation of the environment. The two kinds of legislation would complement each other.

This legislation will enable citizens to take steps to protect their environment when the government fails to act. It will also give them a much greater opportunity for input into government decisions. This includes decisions on standards, the terms of control orders, and other environmental instruments. When the public is involved in such decisions, there is a spinoff of public understanding, public education, and public acceptance of certain regulations. But this public involvement will not be very effective unless we give a total commitment to complete public involvement of all citizens of Saskatchewan. I am hoping, Mr. Deputy Speaker, that all members of this House will support my bill. I hope that they will recognize the need for this kind of legislation.

In July 1980, the federal board of review on environmental regulations wrote (and I quote):

> Any view of the democratic process that is worth supporting must encompass the growing public desire for increased public participation in government, as well as broad designs for bureaucratic accountability.

Mr. Deputy Speaker, I believe this is what the bill is all about. I would urge all members to put Saskatchewan at the forefront of environmental legislation by supporting this bill. Of course, there are those who would be opposed to giving a great deal of power to an individual citizen. That has not been the traditional role, although it certainly does play a large part in our democratic principles.

Parliaments tend to jealously guard the powers that they hold. I think that the question before us today is should we hand over certain powers to another body because government has failed to guard the public interest in the case of the environment.

The fact remains that many parliamentarians, no matter how statesmanlike they appear, are influenced by the thought of the next election. That is quite understandable. In many cases with this government, it is that very thought that wins out.

The problem is that environmental concerns are very long-term, measured not in decades but sometimes in centuries. The results of ignorance, or neglecting to act in some cases, are irreversible.

Take, for example, the effect of certain herbicides in our environment. All too often, with the environment, government likes to take the easy route out. To them it is much simpler to cut down a tree and move on to the next one rather than being concerned about planting a replacement.

For a moment, Mr. Speaker, I would like to just briefly touch upon the wastes from the front end of the nuclear industry — that is, the waste from mines and processing. Perhaps, in the total picture, it is not as bad as the anti-nuclear people would have us believe. The miracle is that the mine tailings, while they represent a danger to the inhabitants of this earth (for thousands of years) are manageable if we are willing to accept one death per year for the next 76,000 years. To me, this is more good luck than environmental management.

In closing, I would like to emphasize that government must avoid being involved in environmental questions where it has a vested interest. The Minister of Environment, on several occasions, has conceded that very often his department is in a conflict situation when it comes down to government involvement in our resource sector.

It is important that the people be protected. I feel very strongly that The Environmental Magna Carta Act will do just that. I urge all members to support this very progressive piece of legislation. It gives me great pleasure to move second reading of Bill 96.

HON. MR. HAMMERSMITH: — Let me begin by commending the members opposite for the work which has gone into the presentation of this bill. I note that similar work has been done in other places, by other people, at other times on very similar bills. I note that a very similar private member's bill was presented in the Alberta legislature in 1979 and in Ontario in both 1979 and 1980. Undoubtedly, the intent is praiseworthy. As I intend to show very briefly, I wonder if (with good intentions) the hon. member is not attempting to lead us into a complex administrative and judicial arrangement in order to do things which are already possible under existing legislation.

As I understand the proposed Bill No. 96, it has four main thrusts:

1. To provide access to the courts by individuals if they feel that environmental degradation has occurred, even though they may not have been directly affected by the degradation.

2. To provide for class action related to degradation.

3. To make all environmental information possessed by the government available on call.

4. To allow for public input into any decision to be made by the appropriate minister with respect to some 14 existing acts — in effect, to introduce a process by which an individual can question the reasoning behind, or justification for, the issuing of any licence, permit, approval, certificate, etc. under these acts.

As I said earlier, I believe the intent of all of this is praiseworthy. I believe that the goals the hon. member outlined are praiseworthy goals. But I believe the bill suffers from an oversimplified assumption that pollution can be entirely eliminated from our environment. It seems to assume that we can achieve industrialization and growth in employment without paying a price. If the bill was enacted in its present form, I believe it would open the door to an extremely large number of investigations and court actions which would take no account of the necessary balance between permissible degradation and economic betterment. All governments are always faced with the task of trying to balance costs against benefits.

Pollution and degradation, as defined, imply that virtually any activity undertaken in the province can be interpreted as having some deleterious effect on that environment, and can call into play a process of examination which will clutter our courts and paralyse timely attention to those very environmental problems with which we now deal under existing law.

Let me summarize what I think could and would happen.

1. Administration would be a nightmare. Hundreds of approvals, permits, and orders are made annually under each of the acts listed in the schedule. Let me cite examples for three acts. Under The Water Rights Act alone, we issue annually up to 200 authorizations and 150 licences. Under The Ground Water Conservation Act, some 100 authorizations and licences are issued in a year. Under The New Drainage Control

Act, applications should level off at between 150 to 200 applications per year. Those are just three of the acts of the list.

2. It's possible that, at any one time, dozens of inquiries and boards of review would be in progress, preparatory to the appropriate ministers being able to make decisions.

3. The costs could be staggering and the procedure delays enormous.

4. The orderly development of social and economic opportunities in Saskatchewan would be seriously slowed down. I'd like to give an example of a weakness. Some individual could assume, believe or feel that the standards set for sewage treatment in the city of Prince Albert were inadequate. Even though it could be shown that the effluent met all the requirements of law, the city of Prince Albert could not use that as a defence. It could not use as a defence the fact that it was complying with the law. Where would that leave us, Mr. Speaker?

I will readily admit that the field of environmental management and environmental law is in its infancy. Other provinces, besides our own, are experimenting with different approaches. This government is on record, in many examples, as having paid very careful attention to weighing the detriments against the benefits in a development, and prescribing the conditions under which that development may take place. In the process, deliberate means have been sought to lay the pros and cons before the public.

Let me give you two examples. The large Wintego Dam hydro power proposal on the Churchill River (by SPC), was subject to extensive environmental studies. During these investigations, public involvement was solicited and attained as an integral part of the studies, and paid for by the government. In 1977, a board of inquiry was appointed which conducted numerous information meetings and hearings before reporting on their findings in June of 1978. Largely because of the opposition of the residents most closely affected, the project was turned down.

May I cite one other example of a much different magnitude. The Saskatchewan Power Corporation again investigated the feasibility of a small hydroturbine on the Rapid River. In March 1978, SPC held a public meeting at Stanley Mission to familiarize the local residents with the intentions of the corporation. In August of 1979, an environmental impact assessment report, prepared by SPC, was made available for public review, as is done with every impact report submitted to the Department of the Environment.

Many questions were raised by the public, leading to a decision by the minister to appoint a one-man board of inquiry in June of 1980, and its report was received in September of that year. Because of the many valid comments made by the public, it was subsequently decided not to proceed with the project. In this instance the public had an opportunity, at three different stages of the process, to voice its opinions and these opinions were acted upon.

The implications of what is proposed in Bill 96 go far beyond the few words set out in the text of the bill and well beyond the purview of the Minister of the Environment. This legislation is unnecessary. Its good points are already part of Saskatchewan's law and already part of this government's program.

Mr. Speaker, since my colleague, the Minister of the Environment, will no doubt wish to respond in greater detail than I have had time to today, I beg leave to adjourn the

debate.

Debate adjourned.

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 108 — An Act to amend The Urban Municipality Act

HON. MR. SMISHEK: — Mr. Speaker, this bill provides for certain administrative and housekeeping amendments to The Urban Municipality Act. Let me briefly outline some of the specific details of the proposed changes.

The existing provisions of the act provide that all clerks or treasurers in towns with a population in excess of 2,000 must have certain basic educational qualifications prior to being employed. Recognizing the growth of urban government since this requirement was established in 1970, it is now proposed that for all towns and villages with a population of 1,000 or greater, all persons wishing employment as clerk, secretary-treasurer or treasurer must have these basic educational qualifications. This amendment is consistent with the new Urban Municipal Administrators Act which was introduced and passed earlier by this Assembly at this session.

That new act defines an urban municipal administrator as the clerk, secretary-treasurer or treasurer of any town or village having a population of 1,000 or greater. In other words, this is a consequential amendment which will conform to the administrators act. This change should enhance the administrative process within urban municipalities and should further local autonomy of local government, which our government strongly supports.

As previously mentioned, Mr. Speaker, during the session of the legislature, the government has introduced legislation to provide for the incorporation of the Urban Municipal Administrators' Association of Saskatchewan. In keeping with the respect we have for local government and the important role the urban administrator performs for local government, we propose to provide for the tenure of office for those officials. The existing provisions of The Urban Municipality Act provide for a review of a dismissal of a clerk or treasurer, if communities have a population in excess of 2,000. The procedure is now somewhat outdated.

These amendments, in addition to establishing a process to deal with clerks, treasurers and secretary-treasurers in all towns and villages having a population of 1,000 or more will also provide for a more up to date and refined process. The process will consist of a permanent board of reference appointed to review any such dismissals directed to it by any applicant.

And now, Mr. Speaker, I turn to those provisions of The Urban Municipality Act dealing with assessment. The existing assessment provisions set out guidelines to ensure that assessments for taxation purposes are calculated in a fair and equitable manner. One of these provisions, the valuation of land, has recently been the basis for litigation. The amendment, therefore, comes about as a result of the court ruling. The amendment will, therefore, clarify the intent of the section to ensure that each ratepayer will be paying local government taxes on a fair and equitable basis.

The valuation of properties for taxation purposes is a service provided by the

government to all municipalities with the exception of our two major cities, Regina and Saskatoon. A further service provided is that of valuating, that is, confirming the completed municipal assessment rolls to municipalities; again, Mr. Speaker, with the exception of the two cities, Regina and Saskatoon. We have proceeded with the computerization of assessment rolls by the assessment branch. The cities of Regina and Saskatoon have undertaken similar programs. The computerization of records, and the process, and the proposed amendments to The Urban Municipality Act, will permit the minister to extend the valuation; that is, the confirmation services to all municipalities including the two cities that I have just mentioned.

Turning to another item, Mr. Speaker, I would like to point out that under existing provisions of The Urban Municipality Act urban municipalities may lay dust pellatives on streets within the community and recover the costs involved from the abutting property owners. The wording of this provision is not clear and has resulted in misapplication of the provision at the local level. The amendment before us will clarify questions that the members opposite may have with respect to this bill which can be, I think, dealt with better in committee. I would urge all members to support the bill and I, therefore, move second reading.

MR. BERNTSON: — On behalf of our municipal affairs critic, the member for Arm River who is either farming or in Kamsack today (I'm not quite sure) . . . In any case, he has indicated that there is broad support for your bill to amend The Urban Municipality Act. Any specific or detailed questions, which you suggest he has, he will be raising in committee, and I don't even expect there will be a lot of them. So you are off the hook on this.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

COMMITTEE OF FINANCE

CONSOLIDATED FUND BUDGETARY CASH OUTFLOW

PUBLIC SERVICE COMMISSION

Ordinary Expenditures — Vote 33

HON. MR. TCHORZEWSKI: — Thank you, Mr. Chairman. I'm sorry about the delay. I would like to introduce my officials. On my right is David Bock, the chairman of the public service commission; David Babiuk, assistant to the chairman, is formerly of the Department of Finance; Tor Veltheim (the handsome fellow with the moustache) is the director of staff relations. Ernie Bereti is the director of administration; and Matt Bellegarde is the senior personnel policy analyst at the back of the rail. Than there are several more up there in case I need them.

Item 1

MR. THATCHER: — Mr. Chairman, I would like to briefly ask the minister some questions as they pertain to conflict of interest in the public service. We had an incident, which we went into at length a month or so ago in the Assembly, involving the employees from culture and youth.

Now, I don't propose to go back through that case, but very briefly I will describe the case to the minister. It had to do with two employees who were involved in the approving of grants by a government department which, specifically, was culture and youth. It was later shown that the two employees held shares in a company which was doing work as a result of these grants. Now, the public service commission suspended both of them, and ultimately took one of them back. I'm not certain of the other's status now. I think he is still on suspension. Perhaps he's been terminated. Since this time the conflict of interest guidelines were introduced into this Assembly.

In reading through these guidelines, I don't see any teeth in them. I don't see anything particularly different than what was there before, and just for an example let me read exceptions to the general statements.

> If a permanent head becomes aware that a public employee is involved in financial, commercial or business transactions which might constitute a conflict of interest, he or she can demand that the public employee give a full disclosure of these interests.

And it goes on to say that

> In his discretion, he must report the matter immediately to the chairman of the public service commission.

If you proceed a little further on that,

> The permanent head, after prior consultation with the chairman, has the authority to demand a financial disclosure.

Unfortunately, Mr. Minister, I don't see any teeth in that. When that situation arises, I don't see where that employee who may be in conflict of interest is summarily dismissed.

I guess what brings this to a head is that I find the conflict of interest guidelines on members of this Assembly a thorough annoyance, personally, because we have no power. The bit of power that we on this side of the House have beyond perhaps determining what the final minute is — well, I'm even wrong on that one, because you determine what the final minute is — but other than determining what the approximate day is which this Assembly will prorogue, we have no power. Yet where the decisions are made and where the money is spent, there are no teeth and no procedures.

I point back to the instance in culture and youth where very clearly an individual was involved in something that was not aboveboard. I don't choose to repeat the case today. I am sure you or your officials are aware of it. You announce these new guidelines. My question (after taking too long to get to it) is: where are the teeth? I don't see where anything has changed.

HON. MR. TCHORZEWSKI: — Mr. Chairman, one of the problems (at least what I perceive as a problem) with conflict of interest is that in the past it has not been very clear what the guidelines were (at least I would have not thought it was very clear among a large number, if not most, of the employees in the public service). One of the purposes of this document (and the members were provided with it by me some time ago), is to make very clear what would be considered to be a conflict of interest. It is, I

think, quite acceptable to make the argument that it is not the kind of thing you want to make completely rigid because it may apply in various kinds of ways in different circumstances. So there has to be some flexibility in it.

The member asks (if I may go directly, in order not to take too much time), "Where are the teeth?" Well, first of all from the point of view of conflict of interest because of employment, section 51 of The Public Service Act is pretty clear. I think that legally it's pretty clear as to what would be a conflict of interest there. If the member who asked the question wanted to refer to clause (f) in this document (and I see he has a copy), you will see it states:

> . . . action to be taken after a conflict of interest is perceived . . . The chairman of the public service commission, after a conflict of interest comes to his or her attention of a violation of the proceeding guidelines, has the following possible options for action available:
>
> Instruct the public employee to divest himself or herself of his or her financial interests.
>
> Instruct the public employee to transfer financial interests to a blind trust.
>
> Remove the public employee from the responsibilities which are causing the conflict of interest.
>
> Accept the public employee's resignation.
>
> Recommend to the Attorney General that the situation be investigated.

I think that spells it out fairly clearly. But it also, I think, provides a balance, as you will find on the last page of the policy statement on the conflict of interest guidelines. There are opportunities for appeal, as there should be, in the case of employees — whether they are in-scope or out-of-scope — who feel that they have not been justly dealt with in whatever may be the ruling, because of the particular circumstance.

MR. THATCHER: — Mr. Minister, instead of this lengthy document, would it not be simpler to do the same thing with your key people with significant authority in the public service, such as deputy ministers and department heads (certainly not the class 1 or 2 stenos or field workers) as you have done with the members of the Legislative Assembly? Give them a form to fill out to disclose their financial holdings. There is something repulsive about that. I find it very repugnant, as do other members, I am sure. But, none the less, if we are doing it here (and we're not really in the position of authority, not compared to what you are in the senior cabinet benches), wouldn't it be better to insist on that as a prerequisite? If you are going to hold a position of authority that it is something which you must do; you must divulge your financial holdings as they would potentially affect your job. Now, certainly there would be some clear exemptions. I don't think it matters what his address is, or where his house is, or whose name it's in. But, on certain basics, wouldn't it be simpler to just say, "You list them?" Then they would be file in a proper fashion with the public service commission. Certainly, arrangements would be made to keep them entirely confidential. But, list them that way and then the likelihood of what happened in culture and youth (and in fact, may have happened elsewhere), is basically averted.

HON. MR. TCHORZEWSKI: — Mr. Chairman, I guess the member opposite and I might differ as to the nature of a public servant, be he or she a deputy minister, a manager or at whatever level, and that of an elected member of this Legislative Assembly. I do not see the roles as being quite the same. I think there is something very unique in the role

which a member of the Legislative Assembly plays. I think the uniqueness is such that there is an obligation. I am one who happens to believe in the conflict of interest legislation for members of the Legislative Assembly. I think there is an obligation on our part to disclose what our affairs are, whether we are in opposition or on the government side of the House in that context. I do not look upon members of this Legislative Assembly as either opposition or government. I look upon them only as members of the Legislative Assembly. I think that, indeed, is a special kind of role.

The conflict of interest guidelines which we have proposed and, indeed, implemented, provide for an opportunity (and this is something we are going to have to deal with) for a request, as the member opposite suggests, that permanent heads file their disclosure statements with the minister responsible for the public service commission. I am glad that the member indicates it is important to have some confidentiality in that, because I think there should be. But, certainly the provision is there, and it is something that could be followed up. The degree to which we would want to follow it up is something we will have to decide on. It is pretty clearly indicated, in those guidelines, that we can require the disclosure of exactly what the member requests.

MR. THATCHER: — Mr. Minister, I think that is only step one, too. This is not in your department, but I also believe very strongly that the same procedure should be followed in your Crown corporations — certainly as it pertains to heads of Crown corporations, and department heads, because they handle tremendous amounts of money, and the potential there is enormous.

I will move into another area, Mr. Minister. This is something which was discussed in question period today. I don't choose to redo the debate about this particular individual. As the minister is aware, there is some legal dispute between the public service commission and one Elton Marshall. I am aware that the matter is before the courts, none the less, I am still going to delve into it, but not into specifics. I don't care to do the specifics of that case. But it does raise the concept of the public service commission removing an employee without giving that employee a reason.

Without debating the Marshall case, I would like to quote from that case which, I think, very clearly indicates no reason was given to him. You may say that, if I don't want to get specific, why am I doing it? I have to quote this to get across the analogy which I am trying to create. In a letter from Peter Glendinning, who was acting for the public service commission in this matter, to the attorney for Mr. Marshall, Mr. Glendinning puts forward a paragraph which I found interesting. It is paragraph two, if that's the letter you're looking at:

> The commission is interested in a response from Mr. McKillop with respect to the position taken to the demand by Dr. Shumiatcher for more full and better particulars.

Now, what that paragraph means is that the attorney for Mr. Marshall was asking your attorney, Mr. Glendinning, for the reasons for the dismissal of Mr. Marshall.

I suggest to you that the fact Mr. Glendinning is having to investigate this with the public service commission means that obviously those reasons weren't given in the Marshall case. Let's leave the Marshall case.

My question to you is this: when you are getting rid of an employee (and never mind the

reason) is it not a fair ball game that that employee should be given full and just cause as to why you are dismissing him? Is it not fair for the taxpayers of Saskatchewan to assume that when you are going to dismiss someone you are not going to have to go through the very expensive procedure, such as we heard put forward today?

In this case, you are offering $30,000 to a person who didn't know the reason why you wanted to get rid of him. I don't think we have any quarrel with removing someone who is not performing his duty. I don't want to confuse that with political people.

You have your political people. Any government has its political people. It is automatic when the government changes, that these political people must follow the way of the former government. That's standard procedure and it doesn't matter what party you are talking about.

In the case which we have had in the Assembly on numerous occasions, this has been a full-fledged apolitical civil servant. I emphasize apolitical. I don't know what his politics are. I don't think you know. He's apolitical.

Do you not think that it should be put down in black and white, very clearly defined, as to what the guidelines are for removing an employee to avoid a very expensive settlement such as what we are seeing in the case today?

HON. MR. TCHORZEWSKI: — Mr. Chairman, let me relate what my understanding is of the events which have transpired. The deputy minister of social services did send Mr. Marshall, I am informed, a letter outlining the reasons. As I also understand, Mr. Marshall apparently does not agree with the reasons. Therefore, he has done what has been provided for him to do under section 37 of The Public Service Act, that is to appeal to the public service commission. That appeal has not yet been dealt with. It will be dealt with soon — I suspect next month. Apparently it is scheduled to be dealt with next month. At that time there will be a decision made as a result of the appeal.

Having that information, I can't agree with the member in all that he is saying in his preamble . . . (inaudible interjection) . . . I don't have the letter. That is a letter, I would assume you would have to get from Mr. Marshall.

In section 37 the options are pretty clear. I won't read them. Anyone who might be interested can take a look at them, as to the process by which an appeal can be made — which, indeed, Mr. Marshall has done.

MR. THATCHER: — I am sending this letter over with a page. I invite you to read the one I have check marked. I don't want to go into the specifics of the Marshall case, particularly. I use that letter simply to illustrate that your own attorney doesn't have the reasons for him to act for you. Your own attorney has had to say, "I have to contact the public service commission."

To avoid getting engrossed in this Marshall debate, the question I am asking you is, is it not too expensive a procedure to get rid of somebody without giving him full and complete cause to take away the legal recourse which this employee has?

Now, I am not passing any judgment on the Marshall case. I don't know what the particulars are. But I do know this: I do know that he is an apolitical civil servant. It would appear from that documentation that he did not receive reasons which are very tangible. Now, if he had received reasons which were tangible, he wouldn't be making

this kind of an offer.

As a result of that exchange in correspondence, it has cost the taxpayers of this province $18,000. That is just a heck of a lot of money. How many people can you hire for $30,000? I know we have a little bit of inflation, but that is just a heck of a lot of money. I say that by not having a policy you have left yourself wide open to this thing happening. How many times has it happened in the past? I guess we will never know. But obviously we can do something about it happening in the future. I submit to you, without going into the details of the Marshall case, would you not agree that it is time that your public service commission came up with some very concise guidelines to avoid what amounts to (well, I don't want to get inflammatory), in a non-inflammatory phrase, a pay-off?

If I may just add one other thing, I am advised that this is probably the first individual who has appealed a decision like that . . . (inaudible interjection) . . . Is that incorrect? Perhaps you could tell us how many have appealed it and what the approximate price tag was.

HON. MR. TCHORZEWSKI: — I understand there have been at least two (I am not sure; we will have the information on that) since 1975. Certainly, the provision is there. But let me get back to the original question: let's get you the answer.

MR. THATCHER: — Mr. Minister, while you are getting that answer (all right, make me a liar for one person, if you wish), take this question also. If the second one has brought in this kind of money, obviously there is a precedent here. The whole ball of wax is wide open now. If ever the remarks I made previously had some credibility . . . I didn't realize that it was that infrequent when I was making them. Obviously, now it is incumbent on you to come up with something obviously immediately ("obviously immediately" — I guess I have been around the cows too often at night). Anyway, you know what I am trying to say. You just have to come up with something because it is just going to be an everyday procedure now.

HON. MR. TCHORZEWSKI: — Mr. Chairman, clearly, in any case where an individual may be dismissed, one of the major requirements, if not the major requirement, would be that a department which would find itself in the position where it had to do that would have to show just cause. The public service commission would indeed judge on that through the appeal process. The public service commission, in this kind of a situation, is an independent body. The dispute, in this particular case, is between the department and the individual. The public service commission is the agency which will rule on an appeal which has been filed and which may be dealt with (as I indicated earlier) probably next month. So, the public service commission would not be involved, nor would it have any knowledge of any kinds of negotiations which may be taking place between the department, in this case social services, and Mr. Marshall. Otherwise, if it did, it certainly would not be playing the role of the independent kind of judging agency which it ought to be.

MR. THATCHER: — Well, Mr. Minister, for some reason, you just really don't want to address the issue. Let's move off the Marshall case.

Before I move on, you could ask your officials to give me the name of the other party that made the appeal. You said there were two since 1975? I'd like to know who that person was. It may or may not be important.

Today, in question period, when the Premier was questioned in a general sense on this subject, the Premier told us (and I think *Hansard* will verify this) that these appeals were a very common procedure. To listen to the Premier, we get dozens happening in the course of a month. Now we hear that there have been two since 1975.

What the minister says may be very true about the role of the public service commission. At the same time, if you can put down conflict of interest guidelines for the public service commission, I find it rather strange that you don't feel you can put down priorities or guidelines for dismissal or removal of employees, under certain conditions. If you can do this, it mystifies me why you can't do the other.

But now, Mr. Minister, we have the Marshall case and the precedent which it is setting. We are now talking $30,000. I don't know what the appeal is going to do, but your offer of settlement is $30,000. Does the minister believe that any subsequent employees, who are dismissed for any reason are not going to take this route? Does the minister believe for a moment that any employees who have been dismissed within the last couple of years may very well not see this thing and perhaps institute their own form of action? In other words, Mr. Minister, in the light of the precedent that's been set with Mr. Marshall, do you not feel that it is incumbent upon the public service commission to come up with the guidelines that I have described in the last couple of minutes immediately?

HON. MR. TCHORZEWSKI: — Mr. Chairman, I'm not sue what kind of guidelines the member would have in mind. Clearly, it is incumbent on a department to provide just cause; there is no doubt about that. I don't know how much more restrictive you want to make it than that. I think that the common law is something that can be relied upon fairly adequately, as it has been over time.

I want to correct again the member about the offered settlement. The public service commission has not offered a settlement. That is not a role the public service commission ought to be or has been involved with. Its role is an independent one. It has to be in a position where it can deal with the appeal which comes and which, indeed, is there. The guideline, I would advise the member opposite, I think is quite adequate. It is said, in order for an employee to be dismissed, the department, in causing that dismissal, needs to provide just cause. And then, either through the court or through the appeal, that is a question which can be addressed if there is an argument as to whether there has indeed been just cause that is sufficient.

MR. THATCHER: — Mr. Minister, you still haven't answered my question. Nobody is suggesting that you delve personally into the Marshall case or any other one. We agree that the public service commission should maintain as independent a role as possible. What I am asking you is, do you not feel that it is incumbent upon the public service commission to prevent a recurrence of what is happening in the Marshall case? It is costing a government department and what difference does it make whether it's the public service commission paying it or the Department of Social Services or who else? It's costing the taxpayers at least $30,000 to eliminate a public servant for some reason — and let's never mind what that reason is.

Obviously, Mr. Minister, if you're going to play an independent role, you must establish the guidelines for the removal of public servants — for reasons of incompetency, because you don't need then anymore or whatever reason that you want to name. And I'm not going to do them for you; you have people who can do that. But it is simply too

expensive a procedure to get rid of a civil servant, with a tax bill of thirty grand being sent to the taxpayers. And that is the issue here. That's the one that you refuse to address yourself to.

Even though I'd like to carry this debate into next week or next month, in the interest of moving along and being productive I'm going to leave it at that. But I suggest, Mr. Minister, that you and the public service commission are abrogating your responsibility if you don't deal with the precedent that has been established from the Marshall case. I'm not telling you how to do it. But I'm saying that $30,000 is too much of a cost to the taxpayers to get rid of a civil servant. You'd better darn well have a good reason for changing them, if it's going to cost that kind of money. I cannot believe that there has to be a recurrence of the Marshall case. There are certainly better ways to do things than that. It was pretty crude.

HON. MR. TCHORZEWSKI: — Mr. Chairman, we don't have it. We'll have to check it out. I'll give it to you when we find out. That was some time ago. In fact, there may be more. There is a feeling here that there were two cases. We'll check it out for you and provide it to you.

I have just one quick comment here. Whether there is just cause or not in any dismissal is something that can be decided, and will be decided if it gets to that, in the appeal hearing. I think that's fair. It doesn't matter what kind of guidelines you might write. If the member suggests that there are some guidelines which might be a possibility, fine. I have no problem in seeing whether there are. My initial reaction today is simply that there is one certain, basic, legal requirement, and that is this: just cause has to be shown. If you could provide guidelines that delineate more clearly than that, I'm not sure that it would not make things even more cumbersome. But even if you had them, there still may be some costs involved. You can have the best guidelines in the world and you still have to have an appeal process, because that's only fair and just. That takes an expenditure of energy and of staff time, so you are still going to have that kind of a situation.

As to the $30,00 the member opposite comments about, we have no knowledge of that in the public service commission, nor should we, because it is not our role to be involved in the negotiations between a department and an individual. It's the role of the public service commission to be able to handle the appeal fairly and independently, which it must do.

MR. ROUSSEAU: — Part of that correspondence went to your department. I'm surprised to hear you say that you have no knowledge of it.

HON. MR. TCHORZEWSKI: — Was it for the public service commission?

MR. ROUSSEAU: — For the public service commission.

HON. MR. TCHORZEWSKI: — Let me try to explain the situation here. What has happened is that the lawyer for Mr. Marshall has written to the public service commission — to Mr. Bock, I believe — indicating that there is a desire to have an appeal. Now that's perfectly normal and natural. I think then what happened was that the lawyer for the public service commission, Mr. Glendinning, wrote to Mr. McKillop, who is lawyer acting on behalf of the Department of Social Services, asking for particulars. There's nothing unnatural about that. If there is going to be an appeal, then certainly the lawyer who acts on the part of the public service commission must ask for

all of the information that the public service commission needs to be able to deal with the hearing.

MR. ROUSSEAU: — Well, we've hammered that one. We've sent you all the correspondence. That is not quite accurate. However, we'll leave it.

We've been discussing the firings of people. I'd like to go on to the hiring procedure. I'd like to have you explain how it's done. I'll tell you why I ask. I am advised that certain applicants have been told that the application or the resumé for a position wasn't the determining factor, but rather it was the interview by the commission. I don't know how many people sit on the board and conduct interviews, but I have been told on two or three occasions by various people who have applied for a job with the civil service that the decision is based more on the interview than it is on the background of the individual. Is that correct?

HON. MR. TCHORZEWSKI: — Well, let me provide the answer to the member. The first thing that is done is that certain critical factors are established for any particular job, such as the experience, job knowledge and a number of other kinds of things. Then the applications that come in on that particular job are screened to determine whether those critical factors have been met to some degree. Then there is the personal interview which, I think, clearly is a very major way in which it can be determined whether those critical factors and the requirements thereunder are being met.

Those interviews result in the certification by three people. They involve staff from the public service commission, a representative from the department which has the position that will be filled and a representative from the union. So there is, I think, a pretty good cross section of the interested parties who will be involved. I think it provides a pretty fair forum for screening potential employees for a particular job to see if they are the kind of employee who meets those critical factors.

MR. ROUSSEAU: — One has to also wonder how much politics enters into the interview. I am certainly not going to suggest that the qualifications of certain individuals aren't there. However, one of the complaints I've had was that the Premier's daughter was hired in SMDC (Saskatchewan Mining Development Corporation) over others who were equally qualified. Again, I certainly am not suggesting that she is not qualified, but that's an example and there are others I could refer to as well. I think you leave yourself open to some very severe criticism by the public at large when known political people are, in fact, hired over others who may be as qualified or perhaps even more qualified. You make the decision strictly based on the interview after everything else has been researched and scrutinized. That final decision based on the interview is where I would suggest to you, the commission leaves itself open to some very severe criticism in those instances dealing with known political people. That's the major concern which I have.

HON. MR. TCHORZEWSKI: — I know the concern the member raises, but what is a political person? I have a son who is 14 years old; he is not that far from being interested in entering the workforce. I would hope that by the time he reaches the age, and my electorate willing I am still a member of the legislature, he will not be prevented from finding himself a job in the public service — if he meets the requirements and if he passes the interview, which involves the public service commission, the department and the union representatives.

If you examine that process, I think that in itself should indicate pretty clearly that it is

not likely there is going to be a political kind of placement of an individual. At least I have found the union would be fairly seriously guarding that from happening and so they should. It should be based on the qualifications and whether the individual meets the requirements. I know there sometimes may be that feeling or perception by the member opposite or others that just because a person has a certain name or comes from a certain family, the position which he or she may have been able to get because of certain talents they have was a political one. But just because they happen to come from a particular family situation should not prevent them from being able to qualify for a job in the private sector or in the public sector on the same basis as anyone else.

MR. ROUSSEAU: — Well, I could take that a step further. I could talk about a lot of appointments which have been made in the civil service and in Crown corporations for top jobs — the chairman of the liquor board and so on and so forth — when the job was not given to the person who is next in line, but someone is brought in because of political affiliation. Let's face it, a good reference goes a long way in nailing down the job for any individual. It isn't always what you know, but who you know, and you know that as well as I do.

I could go on, not only about the liquor commission. Heck, it happened two weeks ago at Sask Power. Are you trying to tell me that the person who received the job of the vice-president is not as qualified? Certainly he was qualified. I'm not suggesting for a moment that Mr. Moncur wasn't; he is a very qualified individual. But, the point is . . .

AN HON. MEMBER: — Why him over the other guy?

MR. ROUSSEAU: — That's right. Why are we passing over certain people with the same qualifications?

HON. MR. TCHORZEWSKI: — Well, Mr. Chairman, the member keeps referring to SMDC and the Sask Power Corporation and the liquor board. We don't staff, through the public service commission, the people in the corporations. I know you used it only for the purposes of an example, but that's not an area of our responsibility or jurisdiction. I think when it comes to the positions in management, any government (this one or of members opposite) would have to make some judgment as to people who may want to be placed in certain management positions because of certain kinds of objectives which may be there.

That has always been the case; that will always be the case. Obviously, the board of directors, who in this case is the cabinet, has to make those decisions on management as to the people who will be reporting to that board of directors. I don't think that the member seriously would suggest that that shouldn't be the case. That's a very fundamental and important part of management. I don't know if the member is still involved in the car business. But, when he hired a foreman, I think he picked the foreman according to the kind of needs he had. That certainly is something that I think a government must do as well.

MR. KATZMAN: — Mr. Minister, on the hiring of temporary employees, some of them lasting two and three years within the service of the government, would you explain why you have positions that are continuous and why you fill them with temporary and not permanent staff?

HON. MR. TCHORZEWSKI: — The temporary positions are positions where, when they

are established, it is thought there is no need for a permanent, ongoing position in that particular case. From time to time, as in the case of a new program where you may have temporary positions, you have to make a judgment over time as to whether, indeed, those temporary positions have through experience proven that they will need to be permanent. Therefore, occasionally, they are re-examined — as we did this year. If you will notice, and I indicated it in the budget speech, we converted 239 temporary positions to permanent. It was found that although they were originally designated as temporary, their function developed in such a way that they had become permanent; there was a need for them to be permanent. So when it is found that a temporary position is such that it should be permanent, the conversions take place. We did that this year.

The latest one, I think, was asked of me or the Minister of Urban Affairs just last week. In the case of the Department of Urban Affairs there were some people involved in the property improvement grant program. There was some concern expressed, there were negotiations and, indeed (I may be corrected on the figure), 13 (maybe it's 6) which had been temporary have now been converted to permanent, as they should be. They are now permanent kinds of positions.

MR. KATZMAN: — Mr. Minister, one of the other arguments which comes up in this House is about contract employees. I believe that you are not involved in this. The other argument is about field workers and the regulation of time of field workers.

I will use the Department of Agriculture as a good example. I understand a field worker is basically an employee who averages, over the year, his 40 hours, 36 hours, or whatever the agreed number of hours per week are. You average it over the 52 weeks. That is what he is supposed to work. Am I correct in that assumption?

HON. MR. TCHORZEWSKI: — You are not correct. It's a 37.33 hour week averaged over a period of a month. It is not over a period of a year or week.

MR. KATZMAN: — You pay overtime after that period?

HON. MR. TCHORZEWSKI: — It is averaged on the month. Within that month, if there is time worked over the 37.33 hours, then overtime is paid.

MR. KATZMAN: — Mr. Minister, I believe you are incorrect on that statement. I understand from the employees that it is not averaged on the month because there are seasonal times in agriculture. Therefore, it's averaged over a period of more than a month. I'm told either six months or a year.

HON. MR. TCHORZEWSKI: — I think maybe the member has not noticed that this was changed when the present agreement was put together. It is now such as I have described. It is averaged on a monthly basis. The employee, if he or she works over 37.33 hours per week, averaged on a monthly basis, will get overtime. That's the way it is now. It has been this way since the new contract was implemented.

MR. LANE: — Could you supply us with a list of all employees over the last three years who have received or are presently receiving an exemption under section 51 of the act?

HON. MR. TCHORZEWSKI: — We don't have it here. My staff tells me that we provided it last year. It will take a while to put it together, but not all that long. Our record keeping is

pretty good these days. We'll provide it for you.

MR. LANE: — If you would give me the assurance that you will have it by Friday, that would be fine with me. That shouldn't cause you any problem, I wouldn't think.

HON. MR. TCHORZEWSKI: — We will try to do it by Friday. Mr. Babiuk indicates that he thinks we can do it. We'll do the best we can.

MR. HARDY: — Mr. Minister, I'd just like to go back and ask a few questions regarding SGEA employees in correctional camps. I understand that your department has been doing the negotiating for them. I see that one of your staff has been doing the negotiating. Could you tell me just how far you have taken these negotiations to date? Have your department and the employees' association come to any type of agreement? Are you going back to the negotiating table?

HON. MR. TCHORZEWSKI: — Mr. Chairman, I sort of indicated in question period earlier (and it has now been confirmed by my staff) that there has been an offer made by the public service commission. I don't want to get into the process of negotiating in this Chamber, but there was an offer made in meetings held yesterday afternoon. In fact, the offer was fair, just and reasonable. It provided more than what has been on the table before, so there was an upgrading in the offer of the public service commission. The negotiators for the employees decided that they were not prepared to accept that at that time. That's where it lies now. The public service commission is, as it always has been, prepared to sit down and negotiate further. Directly in answer to the member's question, yes, there has been an offer. The latest offer was made yesterday at a meeting.

MR. HARDY: — Mr. Minister just to clarify a few things — it was an offer made yesterday, you said. I was given to understand that in that offer, in no way were you prepared to pay the overtime that the Department of Labor has said is due. You are in no way prepared to work out any kind of a working agreement. I think they have made a couple of offers to you. You've almost completely refused to negotiate those offers. I just wonder what your department is really doing to get these people back to work. Are you just trying to wait until the session closes and no questions can be asked? Is that one of the problems coming up? That seems to be one of their concerns. It has probably been the only outlet which they had to motivate you people. Why don't you settle it now and be done with it? I think that you know the overtime is due to them. They've offered to go back to work in a way which would cost you no extra. Is your department now prepared to move on that?

HON. MR. TCHORZEWSKI: — The member is wrong. As it is indicated here, he is not understanding or he has been misinformed. It has been clearly said by the public service commission that the Department of Social Services will be prepared to pay the assessment when it is final. There will be no questions about that. There should be no disagreement. Nobody should even have any doubt because that has been very clearly said. Certainly, the openness and readiness to negotiate has always been there, and is still there. There has been an offer which has been presented. What more can I say?

MR. HARDY: — Mr. Minister, you say you have been ready to negotiate. It has been five weeks now and it has gone no place to this date. They are in the same boat as when you pulled them off the job. You suspended them. I think tomorrow they are bringing forward an unfair labor practice against social services under The Labor Standards Act. Don't you really think it is time that you sat down (maybe you have to sit down again, but sit down with them) and got this thing settled, because you have not. I don't think you

have really tried to negotiate fairly with these people. I think it is time now, after five weeks, that you sit down and do it. I just wonder why you keep hedging around. You say you are dealing fairly and are willing to negotiate, but you really have offered nothing different from the first day. I just wonder why you are not prepared to.

HON. MR. TCHORZEWSKI: — Mr. Chairman, I don't know how many times I have to repeat this. What does the member think negotiation is? Negotiation is where two parties (not one) get together at a table and work on an agreement that is mutually acceptable to both of them. That, indeed, has been taking place. The public service commission has upgraded the offer, and has indicated that it is prepared to sit down and negotiate further. The offer which was provided yesterday, I might say, was a very substantial one. It was, indeed, a very substantial one. If the people who represent the employees were not, at that particular point in time, prepared to accept that, we are prepared to talk about it further. I think it is pretty clear that the public service commission has been pretty fair on it.

MR. KATZMAN: — Well, I understand the law basically says that if the hours have now been produced to you by the Department of Labor, you must pay them. Those are the hours (which there is no dispute on) since the last contract was agreed to. Will you agree to pay them as they have been produced by the Department of Labor?

HON. MR. TCHORZEWSKI: — Whatever the assessment of the Department of Labor is, we are prepared to pay.

MR. TAYLOR: — One final question. My colleague for Thunder Creek asked you about the appeals which have taken place in the public service commission. I don't think it was all-encompassing enough. We would like the names, the date of the appeal and the cash settlements.

HON. MR. TCHORZEWSKI: — Whatever information is there, we will try to put it together for you and give it to you. We will have to research it. How far back do you want us to go?

MR. TAYLOR: — You said something about there being two since 1975. Now, there appear to be a few more. So, since 1975 is fine.

Item 1 agreed.

Items 2 to 7 inclusive agreed.

Vote 33 agreed.

CONSOLIDATED FUND BUDGETARY CASH OUTFLOW (SUPPLEMENTARY)

PUBLIC SERVICE COMMISSION

Ordinary Expenditure — Vote 33

Items 1 and 2 agreed.

Vote 33 agreed.

The Assembly recessed until 7 p.m.