

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
July 15, 1982

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

QUESTIONS

Dismantling of DNS

MR. YEW: — Mr. Speaker, I have a question for the minister responsible for DNS (Department of Northern Saskatchewan). Is the time frame for the dismantling of DNS still three or four years, as announced by the minister responsible for DNS several times publicly?

HON. MR. McLEOD: — Mr. Speaker, the so-called announcements to which the member refers of a three or four-year time frame (and I think I've made this very clear in the media since) were words that were put into my mouth by one particular reporter. He knows that now; we have talked about it since. But, in any case, the question that was asked of me by that reporter at that time was, "Would it be fair to say that the dismantling of DNS would be within one term of office?" I said it would probably be fair to say it would be within that time frame.

MR. YEW: — Mr. Speaker, a supplementary question. Is it not true that later this week or early next week the government will be announcing that all but two or three branches will be transferred out of the department and that the department will be dismantled?

HON. MR. McLEOD: — It sounds like speculation to me, Mr. Speaker. I can't really say that there is or there isn't. There will be announcements in due course, once we have determined just what we will be doing with DNS. When that happens we'll be making announcements and the member will hear.

MR. YEW: — Mr. Speaker, a supplementary. I understand the government is planning to cut back the budget by \$40 million next year. Which programs, which services and which projects has the government decided to cut?

HON. MR. McLEOD: — Mr. Speaker, the hon. member says he understands this or he speculates about that. I am not prepared to enter into commenting on speculation that's brought to the House by the hon. member, so I won't comment on that. If there is any cut in budget it will certainly be only a cut in terms of the extra fat in the department. In terms of service to people, there will be no cuts in that area.

MR. YEW: — If, in fact, the announcement that has been proposed is true, Mr. Minister, how many jobs will be eliminated in La Ronge as a result of the announcement, should it come next week?

HON. MR. McLEOD: — As I said before, Mr. Speaker, what the member is saying is purely speculation. Should the announcement come, at whatever stage, it would be best to listen to it at that time.

MR. YEW: — A final supplementary, Mr. Speaker. In terms of this transition, Mr. Minister, can you name five out of the 55 local governments and band councils in the North that you have consulted regarding this major backward step that you will be announcing later in the week, or next week?

HON. MR. McLEOD: — Just to clarify it once again, I haven't said when I will be announcing it, as he continues to suggest. I haven't said if, when or any of those sorts of things. In terms of his suggestion that any movement in changing the structure of DNS would be a backward step, that is certainly an opinion that has been expressed by a very small group within this Assembly. I believe the people of Saskatchewan took a very forward step on April 26, and I think they believe more strongly than they did then that that step was very forward looking.

MR. HAMMERSMITH: — A new question to the minister. The minister very carefully skated around the question. I ask it again: if five is too many, how many local governments can you name, and how many Indian band councils in the northern administration district, which also, admittedly is a very small group of people (a minority group) — how many of the elected councils representing those people have you consulted with regarding this proposed change?

HON. MR. McLEOD: — Clearly, as I said to you, Mr. Speaker, when I was answering the question of the hon. member's colleague, what they are bringing to the House is purely speculation today. What more can I say?

MR. HAMMERSMITH: — A supplementary. Will the minister tell the House how many local government councils, and how many Indian band councils in the northern administration district has he met with since May 8 regarding his government's northern development plan?

HON. MR. McLEOD: — Mr. Speaker, I met with representatives of every LCA in the North since then. I have met with the councils of all of three major communities in the North, namely, La Ronge, Creighton and Uranium City since that time. Mr. Speaker, I have met with other representative groups of the North as well since that time. It is my intention to meet with many more of them, if we ever get out of this House — with all the stuff that is going on — and going up into the North . . .

SOME HON. MEMBERS: Hear, hear!

MR. HAMMERSMITH: — Mr. Speaker, the minister has met with 12 out of 55. Is he committed to meet with the other 43 before he announces any major changes in the northern development plan?

HON. MR. McLEOD: — Mr. Speaker, once again, I haven't said anything about an announcement. What I have said to the member, and what I will repeat once more, is that it is my intention, as it is the intention of this government (as I pointed out to that same hon. member yesterday), to have open, consultative government with the people of this province at whatever corner of the province they live in. Certainly we will be meeting with as many as possible. Let me reiterate once again; it will be much easier for me to go out into the northern part of the province and consult with people when we are out of this House and if I am able to do that this summer, I will be doing it.

SOME HON. MEMBERS: Hear, hear!

MR. HAMMERSMITH: — Final supplementary. The minister knows that what we are proposing is an adjournment of this session, and the government can adjourn it at any time. It's not a prorogation. So that's skating around the issue.

You still have not answered the question: will you commit yourself to meeting with every local government and every band council in the North before you implement any major changes to the delivery of programs and services to the people they represent?

HON. MR. McLEOD: — Mr. Speaker, with the organizations with which I have met, the LCAs, the organizations and the communities, and northern people that I have talked with over a long period of time . . . The hon. member should not forget that he is not the only member of this House who knows people, individual cases, names of people in every community in the North. I know a great number of people in northern Saskatchewan as well. Among those people with whom I have talked, including the representatives of local governments that he referred to earlier, when I did talk in general terms about our proposals or our suggestions that there was a chance of a restructuring of the Department of Northern Saskatchewan, I was greeted with a great deal of . . .

AN HON. MEMBER: — Love!

HON. MR. McLEOD: — I don't know if love would be the right word, but certainly acceptance.

SOME HON. MEMBERS: Hear, hear!

MR. LINGENFELTER: — Mr. Speaker, my question is directed to the minister in charge of the public service commission. Can the minister inform the Assembly, and tell me, how many people are presently employed at the temporary office of the public service commission which has been set up at La Ronge at the present time?

HON. MR. ANDREW: — I would take notice of that question, Mr. Speaker. It is somewhat of a difficult piece of information to keep in one's mind, and I would certainly bring that back. Traditionally those types of questions are normally asked in estimates.

MR. LINGENFELTER: — Supplementary, Mr. Speaker. I suppose that getting an exact number of employees of a new office that is just being set up is difficult to keep absolutely on top of, but can the minister inform me whether or not a temporary office has been set up at La Ronge over the past month?

HON. MR. ANDREW: — Mr. Speaker, I do not have any idea whether one has or has not. I will find that information and bring it back to the House tomorrow.

MR. HAMMERSMITH: — New question to the Minister of Northern Saskatchewan. Since any major changes in the approach to northern development will have an impact on the city of Prince Albert, can the minister tell the House how many meetings he has held with the Prince Albert City Council regarding this matter, and regarding any possible impacts on the city of Prince Albert?

HON. MR. McLEOD: — Mr. Speaker, I can only say that any possible impacts on the city of Prince Albert and any parts of northern Saskatchewan will be very positive impacts.

MR. HAMMERSMITH: — I repeat the question, Mr. Speaker. The question is not on the

quality of the impact. The question was: how many meetings has he held with the Prince Albert City Council on this matter?

HON. MR. McLEOD: — I have not met with Prince Albert City Council regarding this matter or any other, to this point.

MR. HAMMERSMITH: — Supplementary. Will the minister undertake to meet with the Prince Albert City Council prior to making any announcements with regard to changes in the approach to northern development in this province?

HON. MR. McLEOD: — I'll take your suggestion under advisement. We'll take it into consideration certainly. A few moments ago that same hon. member was talking about the impact on northern Saskatchewan as it is defined, that is, as it was defined and is defined by your party, and by your former government — the northern administration district. My information is, and my knowledge is, that Prince Albert is not within that district.

SOME HON. MEMBERS: Hear, hear!

MR. HAMMERSMITH: — Mr. Speaker, the minister's knowledge of geography is admirable. If his knowledge of the rules was as good he would recognize that he should not be entering into debate . . .

MR. SPEAKER: — Order, order! Each day I get comments like this from both sides, and I think that if all members would assist the Chair we wouldn't have that kind of a problem. If your questions are concise the answers will likely be the same. Would the member proceed on that basis.

MR. HAMMERSMITH: — Excellent point, Mr. Speaker. I give you my assurances that in the questions we will refrain from matters that might give rise to debate. I trust the answer will be the same.

My question to the minister is: when is the minister going to table in this legislature, at a time other than oral question period, the northern development plan of the government opposite?

HON. MR. McLEOD: — Mr. Speaker, I'll be tabling that in the House in due course, once it's all established. The member can have assurance that he will hear about it as soon as anyone else in the province.

MR. HAMMERSMITH: — Final supplementary, Mr. Speaker. Is the minister confirming that, in fact, there is no plan?

HON. MR. McLEOD: — I seem to recall, Mr. Speaker, that the hon. member's colleague said, in fact, there was a plan. Now this member says that there is no plan. I'm saying to you that we're in the process. All hon. members in the House from both sides, the public, and especially the people of northern Saskatchewan who are most affected by this, will know about it as soon as we're able to put anything together in terms of the way we look at the structuring of northern Saskatchewan.

Public Service Compensation Package

HON. MR. BLAKENEY: — Mr. Speaker, members of the House will be familiar with the series of questions which I have directed to the Deputy Premier concerning the public sector compensation package. Members will recall that the Deputy Premier indicated that it was on the cabinet agenda last week and would be on the cabinet agenda for the meeting scheduled for yesterday. My question to the Premier (in the absence of the Deputy Premier) is: has a public sector compensation package for persons whose employment was discontinued been arrived at? Have any offers been made to employees whose services were so discontinued?

HON. MR. DEVINE: — Mr. Speaker, I believe, if my recollection is correct, that the Deputy Premier said that he would try to have an answer back to the Assembly within about 10 days from when the question was asked. First, we discussed several other matters in cabinet yesterday and didn't really reach conclusions in that regard. Second, the Deputy Premier is quite intimately involved in the transition process. Because he's not here but at a conference in Halifax, we just haven't addressed it. I expect it will come up very quickly.

HON. MR. BLAKENEY: — Supplementary, Mr. Speaker. I wonder if the Premier could give us his assurance that the matter will be dealt with expeditiously and that the employees whose employment was severed will receive from the government, in a short number of days, the proposal of the government for settling any claims they might have?

HON. MR. DEVINE: — Mr. Speaker, we'd like to have it resolved as soon as possible, so I can give the member assurance that we will move on it as quickly as it can be done, and we can be confident that it is done right.

Reviving Construction Industry in Province

HON. MR. BLAKENEY: — Mr. Speaker, my question is to the Minister of Labor. The minister will be familiar with the many press stories indicating business bankruptcies. I refer to one in today's *Leader-Post*. There are no exact figures on how many businesses have gone under, but it is at least double the number of official bankruptcy figures. Those are the figures for Canada, not the figures for Saskatchewan, Mr. Minister. There are further indications that Regina construction is sharply down this year by about \$20 million. The city official who is quoted feels pessimistic about whether this construction is going to revive. It is noted that the decline is not only in business construction, but also in residential construction where the construction strike would not have any material effect.

Can the minister indicate whether his government proposes to take steps to revive construction in Regina and in Saskatchewan in order to provide very badly needed employment?

HON. MR. McLAREN: — Mr. Speaker, I am quite aware of the construction area in the province at the present time. The construction strike has had a tremendous impact on it, and we are monitoring it on a weekly basis, or almost a day-to-day basis. I want to confirm, however, that I want the collective bargaining process to take place. Our conciliators are working very hard in that area, and we hope we can have it settled shortly.

HON. MR. BLAKENEY: — Mr. Speaker, supplementary to the Minister of Labor. I do not

wish this to be construed as any suggestion that we would want legislation to be introduced; that's not our position. Mr. Minister, I wonder if you can advise me whether it is appropriate now, after these many weeks of strikes, that you take a personal role in bringing the parties to the bargaining table to bring about a settlement?

HON. MR. McLAREN: — Mr. Speaker, my stand, right at the moment, is that I will not interfere as long as there are talks going on. I understand that some of the trades have reached tentative agreements; some have reached agreements. As long as that continues I am going to let the bargaining process take its course.

Construction of Archives Building

HON. MR. BLAKENEY: — A question to the Minister of Government Services. This concerns the construction climate and construction activity in Saskatchewan, and what it will be when the Minister of Labor brings about a settlement of the construction strike. My question is this: has the government given approval to proceed with the archives building and, if so, have tenders been called?

HON. MRS. DUNCAN: — Mr. Speaker, our government has reviewed the major capital projects announced in the proposed NDP budget of March 1982. I am sure the member is quite aware that the archives building at this stage is not a heavy labor intensive project. It is in the very early drawing stages. The member is probably also aware that final siting for the proposed archives building has not been settled by the people involved.

HON. MR. BLAKENEY: — Supplementary, Mr. Speaker. With respect to the siting of the archives building, is not that the decision with the Government of Saskatchewan, and has it made a decision?

HON. MRS. DUNCAN: — The siting is not up to us. In the final decision-making process, there is a committee struck of various people from the city. They are looking at the siting of it. Several sites have been proposed but a final site has not been decided on.

Addition to Courthouse

HON. MR. BLAKENEY: — It hasn't been decided upon by the government opposite. We are familiar with that. I will not be tempted, Mr. Speaker. My question is to the Minister of Government Services: with respect to the proposed major addition to the courthouse, has the present government given approval to proceed, and have tenders been called?

HON. MRS. DUNCAN: — With regard to the courthouse situation here in Regina and in Saskatoon, we have reviewed it. We recognize the need for a courthouse, yet officials of my department have been asking very pertinent questions which must be answered before final approval is given. Tenders have not been called.

HON. MR. BLAKENEY: — Supplementary, Mr. Speaker. Can the minister advise whether a site has been located for the addition to the courthouse in Regina?

HON. MRS. DUNCAN: — I think the site of the addition in Saskatoon will be onto the present courthouse and in Regina, I think, will be in the proximity of the present courthouse.

SOME HON. MEMBERS: Hear, hear!

Surveys to Determine Problems of Small Businessmen in Saskatchewan

MR. KOSKIE: — Mr. Speaker, I'd like to address a question to the Minister of Industry and Commerce. A recent report, that the minister may be aware of, "Bankruptcies Soar — Disaster Comment Heard" indicates that bankruptcies soared to 5,383 in the first half of the year. "We're looking at a disaster out there," said a partner of Clarkson Co. Ltd. "I've been in the business for 12 years," he indicates, "and I have never seen anywhere near as bad."

What is happening across Canada is an increasingly large number of bankruptcies taking place and I want to say that here in Saskatchewan, the condition is becoming very serious for the business community and its employees.

Has the minister established a survey or a monitoring mechanism to determine the magnitude of the problems confronting the small businessmen and the employees here in the province?

HON. MR. ROUSSEAU: — Mr. Speaker, I have had several discussions with my officials of industry and commerce with respect to that concern. If you're asking for a comprehensive survey to be made on a basis of knowing how many are going under or how many are being established — not at this point in time. However, I have asked for preliminary basic figures to see how it is going at this point in time. Very frankly, we're attempting as best as possible to monitor the situation.

The hon. member, Mr. Speaker, has indicated certain figures that do not apply to the province of Saskatchewan. They apply to the Dominion of Canada and there is no doubt and no question that . . .

AN HON. MEMBER: — It's coming.

HON. MR. ROUSSEAU: — That's right, it could be coming to Saskatchewan. That's absolutely right. There's no doubt, no question, that the economy of Canada is in a depressed state brought about, Mr. Speaker, by the federal Liberal government that we have in Ottawa which was put into office by the members opposite.

MR. SPEAKER: — Order, order!

MR. KOSKIE: — The hon. minister has indicated that he is in fact doing some monitoring. I wonder if the minister could indicate to this House the number of layoffs and dismissals because of plant closures and plant shut-downs since April 8, 1982?

HON. MR. ROUSSEAU: — Mr. Speaker, no, I cannot indicate to the House the number of layoffs. I might refer the hon. member to an article in the paper this morning, in the *Star-Phoenix*, indicating a recall of 80 employees in a company that is struggling to stay on

its feet and to stay in business and to keep viable. Mr. Speaker, they are not all going under, and certainly it is a time of difficulty for the business people of this province, as it is anywhere else, and the situation is not about to change for the next little while. However, we hope for, and we are acting on the basis of, improvement in a very short period of time.

MINISTERIAL STATEMENTS

Purchase of Norcanair

HON. MR. ROUSSEAU: — Mr. Speaker, the NDP government announced last fall that the crown investments corporation had agreed to purchase the shares of Norcanair, subject to certain preconditions. These included the approval of the federal cabinet, the Canadian Transport Commission, and the decision of the provincial cabinet authorizing CIC to acquire the shares.

Mr. Speaker, I wish to announce today that the Government of Saskatchewan has decided not to authorize CIC to acquire the shares of Norcanair.

SOME HON. MEMBERS: Hear, hear!

HON. MR. ROUSSEAU: — Therefore, in accordance with our previous assurances to the people of Saskatchewan, the government will not acquire the shares of Norcanair, and will not own and operate Norcanair.

It is my understanding that the current Norcanair shareholders wish to retire from the air line business. However, I am informed that there are a number of Saskatchewan-based parties in the private sector who are interested in owning and operating the scheduled air service in the province. I believe that satisfactory arrangements can be worked out between these prospective groups and the current shareholders, so that the service will continue to be operated by the private sector.

SOME HON. MEMBERS: Hear, hear!

HON. MR. BLAKENEY: — Mr. Speaker, we, on this side, welcome the guarded assurance by the minister that the service will continue. Our interest is, and always has been, in the continuance of high quality service between Regina, Saskatoon, Prince Albert and into the North . . . (inaudible interjection) . . . Mr. Speaker, I thought I had the floor. I thought the member for Wilkie had enough courtesy to give me an opportunity to express my point of view, but I see I was mistaken. May I continue?

Our position is, and always has been, that the first concern of the Government of Saskatchewan should be for the quality of service between Regina, Saskatoon, Prince Albert and into the North. We, throughout the years, took the view that if this could be provided by the private sector we would welcome it and, indeed, that continued from 1971 until 1981, when it appeared that this might be at risk. Even after arrangements were made with existing shareholders of Norcanair, strenuous efforts were made to find a purchaser in the private sector and those efforts continued. I urge the government opposite to continue the same efforts to find someone who will operate that service so that the key question for the people of Saskatchewan will be answered and answered in the affirmative. That question is: will high quality air service be available to the people of Saskatchewan from Regina and Saskatoon and Prince Albert

into the North?

Only in this way can we see that the people of Saskatchewan will obtain the greatest possible economic benefits from the activity which is happening in northern Saskatchewan — the mining and other activity. To see that that produces the greatest possible economic impact in Saskatoon and Prince Albert, particularly, requires high quality air service. That was the objective of our government; I am sure it's the objective of the government opposite. If they can achieve that by a private sector operator, they will certainly hear no complaint from this part of the House.

SOME HON. MEMBERS: Hear, hear!

POINT OF PRIVILEGE

MS. ZAZELENCHUK: — Mr. Speaker, I rise on a question of privilege, of which the Hon. Mr. Andrew has already given you notice. I believe a very serious contempt has been committed against this Assembly which cannot be allowed to go unchallenged.

Yesterday, at approximately 4 p.m., I was attending my duties in this Chamber and I was summoned out of the Chamber by a note which read, "Could you step out to the corridor outside of the House for a message? Thank you, Legislative Assembly Office." I did go out into the corridor and was handed a petition for a controverted election by a representative of the firm, Mitchell, Taylor and Ching of Saskatoon, acting on behalf of a Mr. Arnold Evan Storey.

Mr. Speaker, this House has never stood on the question of the serving of civil documents within its precincts, and it has become accepted practice. However, arranging for a member to leave the Chamber on the basis of a note purporting to be from the Assembly office is quite unacceptable. This Assembly cannot permit anyone to come into this building and interfere with the member attending to the sitting by pretending to be an official or employee of the House.

I believe this action to be a contempt because it directly interferes with the member and because it is likely to interfere with the direct and speedy access to members the Legislative Assembly office ought to have.

The action thus falls under the general category of a contempt as set out in May's 19th Edition under the headings, "Acts Indirectly Tending to Obstruct Officers of Either House in the Performance of Their Duty" on page 155, and "Obstructing Members of Either House in the Discharge of Their Duty" at page 148.

Mr. Speaker, if you find that this misrepresentation, impersonation or forgery does involve a prima facie case of privilege, I would move, seconded by the hon. member for Kindersley:

That this Assembly deems the representative of the firm Mitchell, Taylor and Ching, Barristers and Solicitors, to be guilty of a grave contempt of this Assembly in representing himself as an employee of the Legislative Assembly Office.

MR. SPEAKER: — Are there any others wishing to speak on the question which is before this Assembly? If not, I would like to take this matter under advisement. It is a very serious issue. I will bring in a ruling. It will take some time because it is a very legal sort

of ruling that will be required. I would like to consult before I make my decision.

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Lane that Bill No. 16 — **An Act to amend The Interpretation Act** be now read a second time, and the proposed amendment thereto by Mr. Thompson.

MR. ENGEL: — Mr. Speaker, I spoke earlier on this motion and intend to keep my remarks to whether this motion should be stood for about a six-month hoist. I didn't have any intention of speaking on this until yesterday morning. I was listening to the CBC news, a CBC radio broadcast that I usually have on, and comments by our Attorney General prompted me to get into this debate. The comment that bothered me, Mr. Speaker, is that we are prolonging the debate on Bill 16; the Attorney General said that we are stalling the passage of this bill to protect some of our political hacks' salaries or jobs. I can't for a minute fathom how he considers this an opportunity to protect some of our political friends for additional pay when we are talking about boards and commissions. I look at the cancer foundation, for example. I see people on that like Dr. Jim Blackburn and Dr. R.B. Baltzan.

MR. SPEAKER: — Order! I referred hon. members to rule 25(2) yesterday, which states that you are not allowed to continue tedious repetition. And I believe if the member consults *Hansard* he will find that the board he is now mentioning has been mentioned in this debate over and over and over again; I believe five or six times now. So the member should try to avoid repetition.

MR. ENGEL: — Mr. Speaker, I have consulted. I appreciate your ruling as far as reading the names of members of the board. I consulted *Hansard* fairly closely, and I didn't find anyone making the point that pay was involved, Mr. Speaker, — that we are prolonging the debate on this bill because we are protecting political friends' pay. I am not challenging the rule. The pay of these board members is what I am questioning, and if the Speaker is talking about the amount of money that Dr. Blackburn or Dr. Baltzan has received as a board member, then I will sit down — if he is saying that area has been discussed before.

The point I am making to the members opposite is that I think it is a serious challenge that the Attorney General made. People were being insulted, because I know how much Dr. Baltzan and Dr. Blackburn and some of these people receive as members of boards and commissions. I am not going to go through the list of all the boards and commissions to point out how many people are serving on them. But the point I want to make is they are making a sacrifice serving on this board.

Anyone who is a known specialist in any field gives his time to serve on a board for a pittance. It's a small remuneration that they receive on the board. They might get \$100 a day. I guess the maximum any board member would receive, considering his mileage and everything else, might be \$125 a day. I can assure the members opposite that Dr. Baltzan wouldn't have to be out of his office very long to lose \$125 a day. And the

Attorney General charges that we are protecting board members and members here on CBC radio. He charged that we were protecting these peoples' jobs. I think that is an insult to the people who have given their time. There are 2,400 or 2,500 people serving on boards at a sacrifice to themselves, doing the province a great service. I think that that statement should be retracted or an apology should come from our Attorney General because he was insulting people for the good job they have done.

I know that we had a problem in Assiniboia and Dr. Baltzan flew down at his own expense to look at the situation as to whether we should have a kidney dialysis machine there or not. We could never have compensated him sufficiently for doing that. These people are willing to serve and I think it's an insult that our Attorney General would go on and classify these people who are serving on these boards as political hacks. I think it is not called for and I challenge the member for Qu'Appelle-Lumsden to retract that kind of statement and reconsider his stance. Give the six-months hoist a chance and support the amendment that we have before this House. Thank you, Mr. Speaker.

Amendment negated on the following recorded division.

YEAS — 8

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| Blakeney | Lingenfelter | Shillington |
| Koskie | Hammersmith | Yew |
| Engel | Lusney | |

NAYS — 42

| | | |
|----------|-------------------------|-------------|
| Devine | Duncan | Rybchuk |
| Taylor | Smith (Swift Current) | Caswell |
| Andrew | Boutin | Young |
| Lane | Hampton | Gerich |
| Rousseau | Weiman | Domotor |
| Thatcher | Bacon | Maxwell |
| Muirhead | Tusa | Embury |
| Sandberg | Hodgins | Dirks |
| Hardy | Sutor | Hepworth |
| McLeod | Sveinson | Folk |
| McLaren | Sauder | Myers |
| Garner | Glauser | Zazelenchuk |
| Katzman | Parker | Johnson |
| Currie | Smith (Moose Jaw South) | Baker |

Motion agreed to on the following recorded division, bill read a second time and referred to a committee of the whole later this day.

YEAS — 42

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| Devine | Duncan | Rybchuk |
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| Taylor | Smith (Swift Current) | Caswell |
| Andrew | Boutin | Young |
| Lane | Hampton | Gerich |
| Rousseau | Weiman | Domotor |
| Thatcher | Bacon | Maxwell |
| Muirhead | Tusa | Embury |
| Sandberg | Hodgins | Dirks |
| Hardy | Sutor | Hepworth |
| McLeod | Sveinson | Folk |
| McLaren | Sauder | Myers |
| Garner | Glauser | Zazelenchuk |
| Katzman | Parker | Johnson |
| Currie | Smith (Moose Jaw South) | Baker |

NAYS — 8

| | | |
|----------|--------------|-------------|
| Blakeney | Lingenfelter | Shillington |
| Koskie | Hammersmith | Yew |
| Engel | Lusney | |

COMMITTEE OF THE WHOLE

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

Clause 1

HON. MR. LANE: — I wish to introduce Mr. Ron Hewitt of the program and legislation branch, Department of the Attorney General.

HON. MR. BLAKENEY: — Mr. Chairman, we will have some considerable discussion on this act. I think, to put it in context, it should be understood that The Interpretation Act, as it now stands, indicates that anybody who is appointed by the government (and I am paraphrasing), or who holds any position with the government, is deemed to hold that position at pleasure, which means that he can be dismissed by the government unless the legislature has otherwise provided. That is the current law.

In essence, what this bill seeks to say is that where the legislature has otherwise provided, we still wish to give the cabinet the power to dismiss anybody at pleasure. That is the nub of what this bill is all about. Where the legislature, in a whole series of acts, has decided that people should have an appointment for some fixed term, this bill seeks, in effect, to set aside all of those acts.

The argument for it is that a new government should be able to make its own appointments. With respect to a very large number of organizations, there can be no quarrel with that; indeed, the legislation provides for it. With a smaller number, I suppose it could be argued that a new government ought to be able to make its own appointments, even though the legislature thought otherwise when it passed the bill — which it clearly did.

If the legislature decided that the term of a person who served, let us say, on the cancer foundation, should be two or three years, the legislature obviously knows that governments change and that there would be an overlap. But it didn't deal with that. It felt that there was no particular problem in these people having a measure of security of tenure even though the government changed, because the list is short, and it doesn't include things like crown corporation boards, which do change.

Now the government wishes to change that, and has not indicated to us, in effect, which agencies it wishes to change. We are going to attempt, in the course of this committee work, to find out from the government which agencies it wishes to change, and for which agencies it wishes to set aside existing legislation and say that it wishes the power to change the board, contrary to, or at variance with, the current legislation, and I simply wish to advise that we are trying to find that out, and we are going to see whether we can find out from the government, for example, whether it proposes to change the board of the University of Saskatchewan, or some other agencies of that kind. It will be our purpose during the course of this discussion to find out as much information as we can about which acts the government wishes to change, in effect, as a practical matter. There is, I think, no question of the fact that for the great bulk of the acts where the government appoints boards, there is no need for change because it already has the powers that it seeks. For a small number, it does not have the powers that it seeks, and I simply do not know which agencies it wishes to deal with — in effect, which acts it wishes to change. I will be asking my colleagues and other members to bear with us as we attempt to find out what the government has in mind with this omnibus legislation.

HON. MR. LANE: — I'll simply respond in general terms to the Leader of the Opposition. We have attempted to make it clear. It is our view, first, that any new government should be able to make its own appointments. Second, whether or not there are significant public advantages to longer-term appointments will be decided on an ad hoc basis by members of this Assembly. When I say "longer-term" I mean term beyond the normal term of a government, and we could argue whether that is four or five years; or whatever. If there is a public need for that it is our position that those should have the approval of this Assembly, and that's basically the argument.

I can see situations on quasi-judicial bodies where in fact longer-term appointments may be in the public interest, in which case those longer-term appointments should have the approval of this Assembly. That is our position.

There may be, as well, in terms of a public need to get, say, an expert of great public stature who may insist, as a term of service, that he or she would only take it for a long term. In our view, that then in turn must have the approval of this Assembly.

It is our view that if we are to restore or maintain confidence in many of these, they should have the support of all members of the Assembly. That is the position that we have; it's the position that we have articulated. When the hon. member asked in some degree of some specific examples, I am unable to give them to him because we have not made decisions. But if it is our view as government that they should be long-term appointments, we will bring them back before this Assembly for the approval of this Assembly. If it is our view that they need not be long-term appointments, then it is our view that any government should be able to come into office and make the changes.

It is our position that should we not decide that they are long-term appointments, that

they are not needed, or that the public need is not served by long-term appointments, then it is our responsibility as to the appointment, as it will be any new government's responsibility as to their appointments, and they will have a free hand. We, frankly, think the whole procedure is good government.

It also begins, for the first time, to correct the hodgepodge of appointments that existed in the past where some boards had members appointed by the legislative Chamber, but not the chairman (for example, the public service commission), and others had the chairman appointed by the Assembly, but not the members, and where some are term and some are not term. There could be an argument for that. Of course, that should be a decision of the government, in our view. So, we think it simplifies the process. It forces any government, if it thinks it of significant public importance to have a long-term appointment, to come back before this Assembly and get the approval of the Assembly.

HON. MR. BLAKENEY: — Mr. Chairman, I won't belabor this except, in our view, the Assembly has already done that. It has already turned its mind to the question of whether or not a government change should change the board. I noted a great number yesterday and I will note five or six today: the cancer foundation, Carlton Trail Community College, Consumers Oil Ltd., co-operative guarantee board, and co-op securities board. I will pick those five as the top five starting with the letter C.

With respect to the community college board, the Consumers Oil Ltd. board, and the co-op guarantee board, the legislature says they should be at pleasure. And we looked at that. The cancer foundation — that act was passed not in the distant past but in 1979. Certainly, many people contemplated the possibility of a change in government. I may not have, but certainly other people did who then sat on this side of the House. They agreed the appointments should be staggered appointments.

In my judgment, the House has already turned its mind to that question. In the great bulk of the cases, it has decided that the board and its members should rise and fall with the government of the day, but that in a few cases it should be different. It is the few cases we are dealing with, and it will be those that will try to elicit whether our views, which we say are defending the position that the House has already taken, are still shared by the government opposite or whether the government opposite feels that all appointments, with the exception of a very small handful covered by subsection 2, should rise or fall with the government of the day.

HON. MR. LANE: — Well, I think that the hon. member, in his experience, misses a point about the approval of the Legislative Assembly. Generally, the longer-term appointments — and I refer, for example, to the ombudsman. In that case, there was very informal consultation between the various parties and the legislature, so as to make sure that the particular appointment was acceptable to the members of the Assembly so that there would be full confidence and support. I think that is the direction we wish to go, particularly with quasi-judicial appointments. I don't think it is quite correct to say "when the legislature has already decided," because the legislature is, in fact, debating the principle of the bill, not the specific appointments or the term. When we can get into a long argument, whether we do this in third reading or in committee of the whole, whether these specific things have all agreed . . . I really think debates on specific matters are at a very low priority, if I may use that phrase. When we're debating bills, we're debating the whole principle of the bill — what it is designed to do — and I strongly suggest that the term of the appointments is not a significant consideration in most members' discussion at the time of debating the bill.

Now, we can debate this back and forth again. We happen to think that our direction is a sound one and, in fact, will mean good government.

HON. MR. BLAKENEY: — I think we've made our point and we'll keep raising it specifically a little later.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4

HON. MR. BLAKENEY: — Mr. Chairman, clause 4 is the nub of the bill and it provides that it will be clear that "... notwithstanding anything in this act or any other act or ... agreement," where a person is named to a board and is a member of that board, when a government changes the term of office is deemed to end on the last day for which he was appointed, which would have been the norm, or a day designated by the Lieutenant-Governor in Council which, in effect, says that his term can be foreshortened.

Subsection 2 doesn't apply to a person whose appointment is expressly stated in an act to be subject to termination by the Legislative Assembly. That will include the auditor, the ombudsman, members of the local government board, and possibly the chairman of the workers' compensation board. The way I read it, that's a very possible interpretation of that. I'm not sure of any others, but I haven't done a complete canvass.

HON. MR. LANE: — We're advised that the position of chairman of the workers' compensation board is protected already by the Legislative Assembly. The local government board and the public service commission, except for the chairman, are protected already. The liquor licensing commission, for some strange reason, is protected. I would have difficulty justifying that one but it is protected, as is the member of the public and private rights board who is, I'm sure, familiar to members opposite.

AN HON. MEMBER: — Is that Mr. Kuziak?

HON. MR. LANE: — Myron Kuziak. So it's not a partisan bill, because we could have done it somewhat differently if we had decided to make it partisan.

HON. MR. BLAKENEY: — Mr. Chairman, subsection 2 contains those exceptions. I propose to move an amendment. The amendment changes subsection 2 by leaving in effect its current provisions and adding thereto: "Who is a member of the Saskatchewan Cancer Foundation appointed pursuant to The Cancer Foundation Act."

You will see the nub of that is to exclude The Cancer Foundation Act or at least the appointments thereunder. It is an attempt, as I say, to find out whether or not the government objects to the member of The Cancer Foundation Act being excluded from the ambit of this act.

Mr. Chairman, I won't belabor all the arguments; I think we know what they are. In the course of my remarks yesterday I talked about the cancer foundation, and the desirability of having it at arm's length from the government, and therefore of the appointments being thought of as not changing when the government changed. I think

that is desirable theoretically, since I think it is important that this board not be thought of as an agent of the government in that sense of the word. I think it is desirable from a practical point of view, and I can't imagine the government opposite taking any objection to any of the members of the cancer foundation as it currently exists. I won't go into the argument, but certainly they are not without friends on the board. My point is that I wish to put the proposition that some of these agencies should be one step away from the government. You are going to hear from me on the universities as well, and two or three others. I put the cancer foundation because it is under "C", and without belaboring the argument, I move the amendment, seconded by my colleague, the member for Quill Lakes, the constituency which I see I forgot to put on the motion.

MR. CHAIRMAN: — I have an amendment moved by Mr. Blakeney, seconded by Mr. Koskie, that section 4 of Bill 16 be amended by striking out subsection 15.1(2) of the act as being enacted by section 4 of the printed bill, and substitute the following:

(2) Subsection 1 does not apply to a person: (a) whose appointment is expressly stated in an act to be subject to termination by the Legislative Assembly; or (b) who is a member of the Saskatchewan Cancer Foundation appointed pursuant to The Cancer Foundation Act.

I find the amendment in order. Is the amendment agreed?

HON. MR. LANE: — Mr. Chairman, if one accepts our argument at the beginning that the ones that should be brought forward need to have the full support of the Assembly, one can ask the hon. members why, when they introduced the legislation, they did not do it at that time, if it was of sufficient importance that it needed the full support. I can say with regard to the cancer foundation that we had some significant debate and questions when we were in opposition with regard to the cancer foundation. I don't know whether this would in fact prejudice the government or not. It is in my view not a quasi-judicial body, where we feel that it should have the support, and I would suggest to the hon. members opposite that if it was of sufficient importance, if they accept our arguments of the public import, or the need, then it could have been brought in in the legislation at the time.

HON. MR. BLAKENEY: — By way of brief reply, it is my submissions that it is in the act now. The act permitted the government of the day to appoint people to the cancer foundation and gave them a specific term, a fixed term, so as to make clear that they were not agents of the government in the sense that, if they did not perform in the manner which the government wished, it didn't mean they could be removed. They were then invited to take a position, not as agents of the government, but as nominees of the government, to use their best judgment, whether or not it coincided with the judgment of the government. That is the difference. This is a type of arm's length board. I fully agree with the hon. member that it is not a quasi-judicial board. On that he is entirely right. I don't anchor my argument on that.

My argument is that, for some of these boards, the appointment by the Lieutenant-Governor in Council is by way of a selection of a prominent citizen to use his or her best judgment, and not by way of selecting a person who is there as an agent of the government, performing his duties by way of following government policy. I think the distinction is there; I think it is there with respect to the cancer foundation. I am going to suggest it is there with respect to the university boards of governors and two or three other agencies.

In my judgement, that principle which was put in the act at the outset ought to stay. I say it is at least partly eroded if we legislate that when there is a change of government the people are subject to immediate termination. This leaves the indelible suggestion that they are agents of government policy, as opposed to citizens who are nominated to give their best judgment to an area of public concern, but not a concern wherein party political considerations are overarching. They are, in fact, not ordinarily party political considerations, but considerations of broad public policy. And for that reason, the boards which carry them out are best structured as to be, at least partly, at arm's length from the government. That's the argument, Mr. Chairman.

HON. MR. LANE: — I would just like to respond to a point, in case I misunderstood the member's argument. It is our general intention to maintain the appointment of those where legislation recommends a representative, or the legislation regarding the particular board, agency, commission has specific requirements for appointment in terms of an outside advisory appointment. Hopefully, I am making my point clear.

I will, and I am prepared to, advise the member privately of a couple of exceptions that come to mind, so I say, "generally." One, primarily because there is a health problem on a significant board, and another where the individual, with a very lengthy term, simply has not attended for a very long period of time. I don't think it serves us to give the names here, but I am prepared to give that general assurance.

I think we can go back though to some partisan political arguments. With regard to the operation of the cancer clinics (the problems that were there in the past, where the debate went on for some considerable period of time) it is certainly in the government's interest to maintain an arm's length. In our view, the arm's length, the independence (except in quasi-judicial, which I believe must have the support of this Assembly), is maintained by the quality and the public acceptance of the appointments as opposed to anything we really say.

Amendment negated on the following recorded division.

YEAS — 8

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|----------|--------------|-------------|
| Blakeney | Lingenfelter | Shillington |
| Koskie | Hammersmith | Yew |
| Engel | Lusney | |

NAYS — 33

| | | |
|-----------------------|-------------------------|-------------|
| Andrew | Weiman | Caswell |
| Lane | Bacon | Young |
| Muirhead | Tusa | Gerich |
| Hardy | Hodgins | Maxwell |
| McLeod | Sutor | Embury |
| McLaren | Sauder | Dirks |
| Katzman | Glauser | Hepworth |
| Currie | Parker | Folk |
| Smith (Swift Current) | Smith (Moose Jaw South) | Myers |
| Boutin | Klein | Zazelenchuk |
| Hampton | Rybchuk | Baker |

HON. MR. BLAKENEY: — Mr. Chairman, some of the arguments which I advanced in favor of the last amendment can be advanced, I think, with even more force, in favor of an amendment which would exclude members of the Board of Governors of the University of Saskatchewan, appointed pursuant to The University of Saskatchewan Act, and I will accordingly move an amendment in the same form as the last one, and the operative addition is: that the operation of the bill is excluded in respect of a person who is a member of the Board of Governors of the University of Saskatchewan, appointed pursuant to The University of Saskatchewan Act.

Here again, the argument is that the members of the board have not been thought of as agents of the government, they have been thought of as citizens who are discharging their duties in the interests of university education. They have not, at any time in the past, when the government has changed, been subject to change by the incoming government. It has always been the view that to do that would heighten the belief that these persons are, in fact, agents of the government.

The University of Saskatchewan board is very carefully balanced so that there are the same number, as I recall it, of people on the board who are appointed by the government as are not appointed by the government — the president and the chancellor, a student representative and some appointed by the alumni make up a number which is equalled by members appointed by the government.

Governments, over the decades (and I would suspect that includes the previous Conservative government, and it certainly includes the CCF, Liberal and NDP governments), have been scrupulous in attempting to keep the University of Saskatchewan at arm's length from the government. This does not mean to suggest that some persons on the board are not de facto representatives of the government, and, indeed, they are. It has been somewhat traditional to have a deputy provincial treasurer, or some representative of the financial arm of the government, and a representative of the Department of Education or the Department of Continuing Education there. They are acknowledged to be representatives of the government, carrying messages from the government, and all the rest. That is the link, and that is the co-ordination.

With respect to people who might be appointed to the board of the University of Saskatchewan or the University of Regina (and I can't remember who they are), certainly some of them are known New Democrats. There is no question of that. Some of them assuredly are not. Mr. Glenn Flaten of the University of Regina — his brother ran for the Liberals. I don't know what Glenn's politics are. At any rate, certainly there are a fair number of people with various political persuasions. In any case, they will be subject to change fairly soon. The point is: what sort of a label are we pinning on those people? Are we pinning the label that they're agents of the government or are we pinning the label that they're citizens who are discharging their responsibility to university education?

I think that because of the great stress which has been laid on the non-interference by the government of the day with the operation of the universities, in their day-to-day operations and in the appointment of their staff and the like, it would be in the highest degree desirable to include the amendment, which I have proposed, to underline, once again, that the government of the day (and now it's the Progressive Conservative government of the day) is not asserting that it should control the university on a day-to-

day basis, is not saying that the board of governors is its agent, but is saying that university education is non-partisan in that sense of the word, and that naturally the government wishes to know how much money is being spent and the broad directions of the university, but equally naturally the government is not wishing to exercise judgment over the areas which the board ordinarily exercises judgment, thus the appointment of staff and the day-to-day internal management of the university. I think this is an important principle.

I think the principle will be underlined by the amendment which I have moved. Accordingly, Mr. Chairman, the operative words of my motion are: that the act not apply to a person who is a member of the Board of Governors of the University of Saskatchewan appointed pursuant to The University of Saskatchewan Act.

MR. CHAIRMAN: — We have an amendment moved by the member for Regina Elphinstone, seconded by the member for Quill Lakes, that section 4 of Bill 16 be amended by striking out subsection 15.1(2) of the act as being enacted by section 4 of the printed bill, and substitute the following:

(2) Subsection 1 does not apply to a person: (a) whose appointment is expressly stated in an act to be subject to termination by the Legislative Assembly, or (b) who is a member of the Board of Governors of the University of Saskatchewan appointed pursuant to The University of Saskatchewan Act.

HON. MR. LANE: — Mr. Chairman, we will be repeating the arguments over and over again. I would hope that the member opposite is not leaving the impression now that because there were some appointments not approved by the Legislative Assembly, the university is less than independent. I have the view that any government that decided to interfere with the independence of the university or academic freedom would be seriously chastised by the public of Saskatchewan, and I think the universities both in Saskatoon and Regina have sufficient public stature that that would in fact happen.

The hon. member has admitted that there were some obvious partisan members. I have already given him the assurance that where there is a manner of appointment, as to the senate as set out in the legislation, by outside agencies, those would be honored with the very minor exceptions that I have already indicated to him. That being the case, I again feel that the amendment is not necessary, that in fact there is sufficient protection.

If, in fact, it is felt by all hon. members that these appointments should be of a significantly long term, that it is necessary to emphasize the argument that the hon. member has articulated, then perhaps that is a suggestion that these members be appointed for a sufficiently large period of time. And that would probably give a better assurance, in which case, I say probably in which case, it should have the approval of all members of the Assembly. I think that that would entail some further discussions as to individuals so that all members would have the assurance in that informal process I've indicated earlier. So I urge all members to defeat the amendment.

HON. MR. BLAKENEY: — Mr. Chairman, I am puzzled by the argument. I don't mean to prolong this, but we have had, as I say, many changes of government. We have always assumed, since the University of Saskatchewan was founded in 1915 or thereabouts, that there would be an effort to seek out citizens. They would serve on the board, and they would not be agents of the government. They would be selected by the

government as good citizens and they would not be changed if the government changed but they would serve their terms. And in a couple of years the new government would appoint its persons. The appointments are staggered so there is no suggestion that a new government is shut out from control for very long. This has operated for the more than 60 years which the University of Saskatchewan has existed. And it has operated since the University of Regina has existed. So far as I am aware, it has not caused any problems to governments which were Conservative, Liberal, New Democrat or CCF.

I am frankly puzzled why the government opposite wishes to change that, frankly puzzled as to why the government feels that it should change the method by which the public, through its legislature, has expressed its control over the University of Saskatchewan, and at the same time expressed its lack of day-to-day direction of the university by the political arm of government. It is a system which has worked, which has underlined the nature of the board of the university, which board has operated, I would think without exception, in a way which recognized the belief of the board members that they were there representing the public and not the government of the day.

I think it is unwise for us to do anything which prejudices that position of the board which has been established for over 60 years, and which is clear in the public mind, and which cannot be other than blurred if we pass an act which says that whenever there is a new government you've got to have a new board. The public simply can't draw any other conclusion from that except that the board is somehow the agent of the government. The current system has caused no problems for 60 years. I'm aware of no government of any political stripe that has experienced any difficulty.

The board of the University of Saskatchewan, at least, has attained a stature almost unparalleled in Canada in terms of the relationship between the board and the government and the public. I'm not, in any way, suggesting that that will not happen with the board of the University of Regina, but 10 or a dozen years is not enough time to build that sort of a tradition.

I am saying that we have, through these processes which have worked very effectively, established a niche for the board of the University of Saskatchewan which has it as appointees of the government but not as agents of the government. It is a niche which has worked remarkably well and better than in many other provinces, I may say, and one which I don't think we should disturb. Bill 16 disturbs it. The amendment which I move will preserve the existing status quo and accordingly I will move the amendment and invite all members to support it.

MR. SHILLINGTON: — I have a question for the minister. Since the minister wants the power to terminate the appointments of members to the university board, he must be able to envision some circumstances under which he would want to remove the members. Can you tell us what those circumstances are under which you would want to remove members? What fears plague you? You have, as the member for Regina Elphinstone said, cast a pall over the independence of this institution. I think you owe it to us to let us know what it is you fear and what it is that motivates you to bring in this amendment.

HON. MR. LANE: — I thought I had indicated to the Leader of the Opposition (I don't know if the member was in the Assembly and I am unfortunately in the position of having to repeat the argument) that the legislation simply establishes the principle that

any new government will be able to make its own appointments upon acceding to office. As I indicated, it is our view (particularly for quasi-judicial appointments or boards or whatever) that where there is a public need for long-term appointments, those appointees should, in fact, have that informal approval of this Assembly. That happened, for example, with the ombudsman; there was an informal consultative process. It is our view that if they need to be long term (that is, beyond the term of a normal government), there should be that approval of the Assembly.

Otherwise it's a bill that simplifies the whole procedure. It removes the hodgepodge that existed before and that I explained earlier: some members appointed to term; some with the chairman, not at the pleasure of members, at term; some, the chairman at term and not the members; the members at pleasure; varying appointment terms. As I say, there's been no consistent policy. It is our view that it is time for a consistent policy which will apply across the board.

I have advised the Leader of the Opposition that on a quasi-judicial board we will be making some changes based on health, and one particular member has never attended a meeting of a very important board. It serves us no good to debate these names in public. I'm prepared to supply them to the hon. members, but it doesn't serve us any good and we've discussed that earlier. So, the general principle still stands as it will through all amendments and, as I said, we will not be specific in any of them. We're talking in terms of the general principle that we've brought before this Assembly.

MR. SHILLINGTON: — I heard the member's answer. I didn't think that answer, however, answered my question. My question was whether or not there are any specific circumstances, which you can name for the board, under which you would be removing members. By the member's failure to list any circumstances under which he'd want to remove a member, are you saying there aren't any? You can't think of any instance under which you'd want to remove a member of the board of governors?

HON. MR. LANE: — I've already indicated two examples on a quasi-independent board. Certainly for those appointments that the government makes, or a government makes, it will be in the government's discretion whether it wants to change its appointments or not — its own appointments. As I indicated, as well, those appointed by outside agencies, or that otherwise were recommended, depending on the statute, will generally be honored. And it is our view, quite simply, that any government should be able to make its own appointments. It's that simple.

HON. MR. BLAKENEY: — Mr. Chairman, I'm more than a little alarmed by some of the earlier comments of the minister when he talked about having a consistent policy to remove some of the hodgepodge. There is every reason for inconsistency if we're talking about the Potash Corporation of Saskatchewan and the University of Saskatchewan. The board of the Potash Corporation of Saskatchewan and the board of the University of Saskatchewan have little or nothing in common except that, with respect to one of them, all of the members are appointed by the Lieutenant-Governor in Council, and with respect to the other, half of the members are appointed by the Lieutenant-Governor in Council. They are, in no sense, the sort of thing that ought to be equated.

The board of the Potash Corporation of Saskatchewan ought to reflect government policy, and there is no way that the opposition in a legislature is going to allow the government of the day to say, "This was a decision of the board of the potash corporation and that's not our decision," because that doesn't make sense. The potash

corporation is an agent of government policy. The board has to be, at least in part, an agent of the government. Now, you try to get businessmen with independent judgement — yes, indeed, you do. But, if you don't like what they do, you can impose your will on them, and you ought to be able to impose your will on them, as to whom they hire and how much they pay and how they organize their offering.

With respect to the University of Saskatchewan, the government ought not to be able to say whom they hire or how much they pay to an individual. I suppose they may have some say about the broad salary ranges and schedules, but not as to whether an individual is paid \$40,000 or \$50,000 or \$60,000 a year. Nor is the government responsible in any way for the manner in which the programs are offered by the university. And I wouldn't think that it would be proper for me to stand in my place and ask the Minister of Continuing Education: how much was paid to the professor of geology at the university, and why aren't his courses better? I don't know who the professor of geology is. Obviously, that's a mere hypothetical question. He wouldn't answer it. He would say, "That is not a government agency. I am not here to answer for their hiring practices." He would be right.

Accordingly, there is no reason to have consistency in the manner in which we appoint people to the Potash Corporation of Saskatchewan board and the University of Saskatchewan board. Indeed, consistency ought to be avoided because we are trying to achieve two very, very different things. In one we are trying to create an arm's length agency which carries out a public function, and is not under the day-to-day direction of the government. This we recognize in this House all the time. In another, we are appointing a board which is an agent of the government, and which is carrying out government policy. And for that reason, I think, the board of a potash corporation ought to be able to be fired by the new government the next day. That's up to it.

But the board of the University of Saskatchewan ought not to be able to be fired by the new government, not because it shouldn't make its own appointments, but because it puts the coloration of agency on them and it just can't be eradicated. If you say that when a new government comes in, the board changes and new people go in, or can go in, you are undoubtedly saying that this is a government agency; you are undoubtedly saying that these people are there to represent the government in a direct way. That's what we shouldn't be saying about the university. I am not here to defend the current board of the University of Saskatchewan or three or four or five of these other agencies whose names will come up. I am here to say that we ought not to politicize those boards. It hasn't been necessary in the past; we shouldn't do it now, and we should therefore support the amendment.

MR. SHILLINGTON: — Well, the only way to get the minister on his feet seems to be to ask a question. At the end of my remarks I will ask one. This is one of the most difficult of all the ones with which we will be dealing, I say to the minister. This one involves a question of academic freedom. The minister opposite, years ago, before he was an elected official, was closely associated with another government, the Thatcher government, which carried on a virtual warfare with the universities. I am not saying that Mr. Thatcher was wrong and the universities were right. I am saying that those universities and the board of governors have to be free to make their views known, without fear that their ranks would be decimated.

Can the minister give us no assurance whatsoever that the independence of this board will be preserved? I know the minister said that he regards semi-judicial bodies as being different, and those in which the public has an interest are different, but he refuses to

give us any commitment with respect to any specific board. All we have is assurances in the vaguest conceivable fashion that something might be done. I regard that as no assurance at all that the independence of the universities will be preserved. Can you not give us any assurance at all that the independence of the universities will be preserved? Can you do nothing concrete which will give us some assurance?

HON. MR. LANE: — I have already indicated that not only would we give the assurance that the academic freedom would be ensured; it would probably be enhanced under a new government. But I find the arguments of the hon. member rather strange because he has just given an argument in favor of the proposed legislation, since under the previous system there was an academic war against the university and academic freedom was at issue with the previous government. I find it rather a strange argument — why would he want to now stand up and defend the previous system that obviously caused some problem?

I don't think any members opposite subscribe to the view that the university commission or the universities' board of governors is in the same position as the judiciary, for example, and that it should be completely independent. But you are very close to that argument, because if you are advancing the argument that we must guarantee by statute (an absolute guarantee) academic freedom, then you are obviously arguing for a completely independent university similar to an independent judiciary.

The hon. members opposite say that they are not going that far. Well the question is: where do you draw the line? Let's face it. Based on the previous system and based on any new system academic freedom is going to be determined by the universities themselves. And the universities, in our view, have enough public stature that any government, the NDP, Liberal or Conservative, which threatens academic freedom, is going to suffer the wrath of the public. And that is the true protector of academic freedom. It always is, it always was, and in our view it always will be. That's really the position. I say to you that this bill makes no change in that. As I say, it will probably be enhanced.

Amendment negatived on the following recorded division.

YEAS — 7

Blakeney
Koskie
Engel

Lingenfelter
Hammersmith

Lusney
Shillington

YEAS — 31

Andrew
Lane
Thatcher
Muirhead
McLeod
McLaren

Boutin
Hampton
Bacon
Tusa
Hodgins
Sutor

Rybchuk
Caswell
Young
Gerich
Maxwell
Hepworth

Katzman
Currie
Duncan
Schoenhals
Smith (Swift Current)

Sauder
Glauser
Smith (Moose Jaw South)
Klein

Folk
Myers
Zazelenchuk
Johnson

HON. MR. BLAKENEY: — Mr. Chairman, a number of the arguments I have advanced with respect to the University of Saskatchewan apply equally with respect to the University of Regina. I am going to move an amendment which is: that the act would not apply to a person who is a member of the Board of Governors of the University of Regina appointed pursuant to The University of Regina Act.

MR. CHAIRMAN: — The amendment before the committee is moved by the member for Regina Elphinstone and seconded by the member for Shaunavon, that section 4 of Bill 16 be amended by striking out subsection 15.1(2) of the act as being enacted by section 4 of Bill 16 and substitute the following:

Subsection 1 does not apply to a person (a) whose appointment is expressly stated in an act to be subject to termination by the Legislative Assembly; or (b) who is a member of the Board of Governors of the University of Regina appointed pursuant to The University of Regina Act.

MR. SHILLINGTON: — I wonder if I could get a clear explanation from the minister. In a very similar amendment dealt with just a few minutes ago, you indicated that members opposite were trying to give the board the same security of tenure as the judiciary. I don't think that is a fair summarization of what we are saying. I think what we are saying is that you ought not to be allowed to remove them without good reason. If you have good reason, you can always deal with them on an individual ad hoc basis. You don't need these sweeping powers. The problem with this section is it gives you the right to remove these people without good reason. Why does the minister feel himself so constrained that he cannot use the ordinary procedure for removing a member who is not carrying out his responsibility? What is wrong with the mechanism you have now for removing members? You can remove them on an individual basis. You just simply cannot remove them en masse. Why does that not meet the needs of the minister opposite?

HON. MR. LANE: — That's a rather specious argument in that under the existing system, of course, they can be removed without reason at the end of their term. That's the way the present system operates. In fact the reason, supposedly anyway, or one of the reasons for the term appointments, was to try to make sure there was continuity. And we are fully cognizant of the need for continuity on a board such as this and the one at Saskatoon. We are fully aware of that. Any new government will also be responsive to the need or desire for continuity, continuity in my view though — I must say that I am speaking personally.

That is the only representation we've had with regard to this general piece of legislation — to be aware of the need, in some cases, for continuity. Of course it doesn't apply to governments. When a new government comes in it generally comes in in total, and there is no provision for continuities on general governments. When I say that I am speaking personally, it is not a strong argument but it is the only concern. And I can give the member the assurance that we will be fully cognizant of wishes for continuity or concerns about continuity, and we'll fully take that into account.

Your argument, though, simply was academic freedom. The only way in my view that you could attempt, and I'm not even sure that would be successful, to protect absolutely the question of academic freedom is to have completely independent universities such as an independent judiciary. I'm not even sure that would in fact solve the problem. I don't think anyone subscribes to that, so I suggest to the hon. member that, as I say, his argument was not valid.

MR. SHILLINGTON: — I'm delighted to hear the minister's philosophical elaboration of his position on continuity, but I wouldn't mind an answer to my question, which the minister avoided entirely. What's wrong with the existing mechanisms? It is true you can remove a member at the end of his term without cause, but you can remove him during his term if you have good reason. Why do you need the additional power with respect to the University of Regina?

HON. MR. LANE: — You are not quite accurate, in that I don't know about the termination for cause; cause would be determined, I suspect, by the public. As to whether an individual — in this case, on the University of Regina board — should be terminated, cause would have to be acceptable to the public. I suggest to you that the question of academic freedom will ultimately be decided by the public, as well, and that's really where the issue will be determined. It's that simple.

MR. SHILLINGTON: — Well, does the minister not trust public opinion? Is he not prepared to justify his dismissals before public opinion? Are you saying that's why you need the additional powers — so that you won't have to justify yourself to the public? That's a strange response in a democracy, Mr. Minister.

HON. MR. LANE: — As a matter of fact, just the opposite occurs under this. If you wanted to take the argument that the appointment should be immediately responsive to public opinion — I'm not sure that's a good argument for you to advance — then obviously this is a much better system.

MR. SHILLINGTON: — Well, I'll just ask the minister one more time. What is it about the existing mechanism that you feel is unworkable? Why do you need these additional powers?

HON. MR. LANE: — We've been through this on second reading, and I'm not sure the question is really a valid one, given the fact that the debate has been going on for some days. We have given the reasons for the legislation, and I've stated over and over again the policy that we are implementing with the legislation. It has been well debated.

MR. SHILLINGTON: — I know your policy is that you want to get rid of all these people. I'm asking the minister why he needs it.

HON. MR. LANE: — I have indicated the basis for the policy which is evidenced in this bill over and over and over again, and we believe that any new government should be able to make its own appointments, and I don't think that's improper.

Secondly, where it is in the public interest, or there is a public need that these appointments need go on for a longer period of time, beyond the normal term, the government should have the approval of this Assembly. We've been through this, I don't know how many times.

MR. KOSKIE: — I just want to ask the minister one question. Does he consider it important that a new government have the absolute right to dismiss members of the board of the university, and does he feel that that priority is higher than the independence of the board that is established under the present legislation?

HON. MR. LANE: — Keep in mind that there is nothing to stop any new government from making term appointments under this legislation. Don't make that mistake. Any government that wishes to make term appointments can continue to do so. For example, we could make an appointment now for a term of three years or four years, assuming the election is in four years, the normal term. It would run out the day of the election. It's only if it goes beyond and affects the new government that the legislation in fact comes into play. I don't see why the hon. member has difficulty with that. When you talk about the independence of the university, I've said before, the only way you are going to assure, and I'm not sure it solves the problem . . .

Academic freedom is going to be protected by the public, and, in our view, it doesn't matter whether a government makes its own appointments. It will be judged accordingly. If any government, no matter what political stripe, makes appointments that the public objects to or that threaten academic freedom, it's going to pay a very heavy price, no matter who it is. That's where the court decides academic freedom. This, in no way, affects that situation.

MR. KOSKIE: — I just want to ask the minister one other question. Does he believe that a board for which there is a certain term is perceived to be less politically controlled, potentially, than those where individuals to the board are automatically controlled and appointed by the government?

HON. MR. LANE: — I think the perception depends on the actuality of the appointment. I could give you five-year term appointments and make them highly partisan and highly visible people, and that wouldn't make it independent. The perception would then be that it was partisan. So I suggest to you that the perception is determined by the actuality, that is, by the individuals appointed.

MR. SHILLINGTON: — Surely the weakness of the minister's argument (that public opinion in the end result is always the court to which these things must be brought for adjudication) is that this takes place right after an election, when governments are least susceptible to public opinion (as we are finding out) and are at their most cocky and arrogant. Surely that's the whole problem with this bill: immediately after the election, when you're subject to the minimum amount of public opinion, is when this takes place. Surely that's a weakness of the minister's argument that this is always subject to public opinion. I say to the minister again: you can always remove people if you can justify it. That's always been the case. You can remove members if you can justify it. This just gives you the opportunity to remove them when you can't. I really wish the minister could be a little more explicit in telling me why he thinks the existing legislative machinery so narrowly constricts his room to manoeuvre with respect to the universities.

HON. MR. LANE: — I suppose you could really question where you would find authority to even remove some for cause. I think there's enough doubt about that in terms of some term appointments. It's a questionable argument. I have difficulty with the argument that immediately after an election a government is least susceptible to public opinion; however, for argument's sake, I will accept it. The fact is that you start to lay the groundwork after an election. The hon. members know full well that sometimes you can

make appointments early or you can take legislative action early, and it takes a long period of time for that to hit home to the public and then cause problems. I don't think the argument that the hon. member gives that a government is less subject to public opinion immediately after an election than it is at a later date . . . I don't think any government should assume that to be the case. Let me put it that way.

MR. KOSKIE: — I just want to ask the minister another question. Does the minister believe that it's desirable to have a minimum amount of political interference with respect to the appointment of boards, and to maximize the arm's length from government as to potential interference approach with respect to the appointment of members to boards?

HON. MR. LANE: — I think it's desirable in the overall scheme of things, keeping in mind that, although it may wish to have it at arm's length as much as possible, the government may have significant financial expenditures that it must maintain control of. I don't think hon. members opposite disagree with that. I suppose, as an overall goal, that it is desirable, but in fact you have to color it with the need for government to protect its finances, which is one of the roles.

Again, I think the hon. member is missing the point. The perception or actuality of independence is what the public sees, and that is determined by the individuals appointed, no matter what form it takes and no matter for what time. You can't get away from that. If you want to make partisan appointments over a long term, the perception is going to be that it is going to be partisan. If you're going to make partisan appointments over the short term, the perception is that it is partisan. The form of the appointment doesn't matter. It is the individuals appointed who determine it, and that is in no way affected by this legislation.

MR. KOSKIE: — A further question. The hon. minister indicated that political independence is, in fact, desirable. I take from his comments that he indicated that. I want to say that what we have done here with respect to the appointments of the boards of governors of the universities is to establish in this legislature, a procedure which would maximize not only the perception, but the method and the continuity of the board. I want to ask the minister: can he indicate to this House, how, through his method, he is going to enhance the political independence over the method that we had previously.

HON. MR. LANE: — I have indicated to you, and it would apply as a general principle across the board, that the only way the perception or the actuality of political independence is going to be perceived or seen by the general public is through the individuals appointed. It is not going to depend on the form; it is not going to depend on the term; it's going to depend on the individuals.

This government, or any other government, is going to be judged accordingly. We will be judged by our appointments, as in some cases you were judged by yours. I fail to see how this legislation changes that because it obviously doesn't. That's where the judgment is going to be, and if we make appointments that change the perception, we're going to pay the price. We've now been through this four or five times. I don't see why you're having difficulty with that.

MR. KOSKIE: — Well, I have quite a bit of difficulty with your answers; that's the problem. I just want to say to the hon. member, and he knows as a lawyer, that one of the

things we do in the appointment of judges to the system — the Queen's bench and the court of appeal — to give them independence is give them a tenure of office to carry it out. Obviously we do it so that their independence from the political machinery can be set in motion.

I am saying that, in respect to the board of governors, we had a similar situation before. Now you want to remove it. Can you clearly indicate why, in the instance of the justices we appoint to the Queen's bench and the court of appeal we give them independence, but this does not apply similarly with respect to the appointment of the board of governors?

HON. MR. LANE: — I think the hon. member is treading on some very strange ground, because if he is arguing for similarity — the Leader of the Opposition had indicated that we didn't want a similarity with an independent judiciary. There are significant differences in the appointments.

Now, let me answer the hon. member, because I'm very surprised at his arguments. The hon. member has argued that if we want independence for the universities, we should have similar appointments (and the hon. member is nodding his head) to those in the judiciary. And what are those? They have security of tenure because they are appointed until age 75 — a significant difference. If you are arguing that, and you feel that security of tenure is the main argument (and this has been your argument), I wonder why, under the existing legislation, you only have a three-year term. Why only a three-year term?

It is very interesting that the arguments from the member for Regina Centre were to the effect of security of tenure, I believe, and the need for that. In fact, the previous system, which he says caused some problems with the previous government, wasn't effective . . . (inaudible interjection) . . . Well, I apologize if I have, but my understanding of your argument was that I was part of a previous government, and that there was a fight between the former premier and the universities . . . (inaudible interjection) . . . I'm sorry. The fact is that you would lose the fight. You bet you would lose the fight! You're probably more on the hook under this legislation than you would be under the other legislation. We're prepared to accept the responsibility. I cannot accept, however, the argument of the hon. member for Quill Lakes, that there is a comparison between the appointments to the board of governors of a university and the judiciary, which at one time had lifetime tenure, and now has tenure to age 75. I suspect that that would be a less than desirable situation if it was the feeling of all members of this Assembly that all members of the board of the university should have lifetime tenure.

We have already indicated that if that is the desire, we would, in all cases where there is long-term tenure, bring the matter back and have it accepted by all members of the Assembly. Right now, I can't subscribe to lifetime tenure for the board of governors, as the hon. member has advocated.

MR. KOSKIE: — First of all, Mr. Chairman, I did not advocate. I drew an analogy that, in appointments with the justice system, we do give them life tenure. We would do that for a purpose. We would do it for a significant purpose — the independence of the justice system. And I want to say here that what we have done is give to the board of governors some independence. We haven't gone to life tenure, but we have at least extended the period of time of tenure. So I ask the minister: do you believe that an individual with no tenure can be more independent, as you are propounding, than an individual who has the protection of tenure?

HON. MR. LANE: — Yes, depending on the individual, most certainly.

MR. KOSKIE: — Can you indicate to me why with the justice system we have veered to the adoption of life tenure or, say, to the age of 75?

HON. MR. LANE: — I said “can.” I again have difficulty equating the board of any university with superior court judges or the courts. I have difficulty. We have to remember that the question of public perception is the determinant, and it is decided obviously by politicians that the courts should be seen to be independent and that should be reinforced, and the public wants that reinforcement and needs it, and so the system was devised. Do I think that individuals of stature, of independence, can be independent without tenure? Yes, I do, and I think that hinges on the quality of the appointments.

MR. KOSKIE: — One question further on this. If you take the situation that we adopt your proposal, and you say that public perception will control it . . . But take the situation that you’re leading us to that any of the board of governors can be elected or can be removed by the Lieutenant-Governor in Council. What I am saying here is: if you take your situation, and if there is a disagreement in policy, how is that individual without tenure able to express his disagreement with the policy that is being expounded by the government? What I am saying is: if you have individuals with a given tenure, they are not dependent upon you at your whim, and as a consequence during that tenure they at least have the right to raise their objections without simply being removed.

HON. MR. LANE: — I don’t see why that is a concern. The very simple fact is if someone who is appointed for three years objects to the appointer on a regular basis, he’s not going to be renewed, in all likelihood, after the three years; it doesn’t matter who it is.

Now, I suggest to you that makes no difference whatsoever and I would also argue (and we have many examples in the partisan political process) that if a three-year term appointment, or a five-year, or other, significantly disagreed with his appointer it would be incumbent (and I’m talking serious policy) upon that person to do the honorable thing and step aside. Now, that’s acceptable. Any person of that stature and that quality could do the honorable thing. I suggest to you that if you have someone without term who disagrees and disagrees publicly and is fired as a result of it and is right, that puts far more pressure on the appointer than the other. So, you can argue either way. I suggest to you that, in fact, there are more pressures on the government to make quality appointments with this legislation.

HON. MR. BLAKENEY: — Mr. Chairman, I want to underline what the minister has just said, that in his judgement were the government to appoint someone to a board, and were that person to disagree with government policy, the honorable thing is for that person to resign — and with respect to a good number of boards, I would, of course, agree. But with respect to the board of governors of the university, I would respectfully disagree; this is the whole issue that we’re talking about — whether those people are there as agents of government policy, or whether they are there to exercise their best judgment on behalf of the people of Saskatchewan. I think this has underlined the difference in philosophy with respect to the universities. Mr. Chairman, I direct my remarks now to the University of Regina. The difference in philosophy between the government opposite and us is that we do not believe that when the government of the day appoints people to the board of governors of either of the universities, those people are expected to reflect government policy or else resign. We just don’t believe that.

SOME HON. MEMBERS: Hear, hear!

HON. MR. BLAKENEY: — We believe that that is the wrong basis for appointing people. We believe that the right basis is to appoint people who you think have a genuine interest in university education and what it can contribute to this province, to the economy, to the young people, and to the whole social structure of this province, and tell them to go in there and use their best judgment. We certainly hope that they will agree with government policy. But if they don't, then they are to use their best judgement — to tell us so, and to vote against the government policy and to proceed with what they think the university ought to be.

I very, very seriously believe that with respect to a small number of arm's length boards, that is what we should be seeking, not people who will reflect government policy, and not people who feel that they are under any obligation to resign if they come in disagreement with government policy. If the government of the day, our government or any other, stood up and said, "We think the government of the University of Regina ought to do this and ought not to hire that person," I would expect the board, the appointees made by our government, to say, "All very interesting, but in effect, get lost. That's not your function. We will decide who is appointed." And I would expect them to do that and not resign. No way, they are there to represent and to give their best judgment to how universities ought to be operated.

This is what we think is implicit in this, the idea that the people appointed to the board are somehow representatives of the government. They are appointees of the government, admittedly, but they are not there to carry the message from the government, save the two that I have already mentioned a number of times — there is usually a person from continuing education and a person from finance who are indeed representatives of the government. And they had better say what the government wants them to say. I'd expect the deputy minister of continuing education to reflect government policy. I would expect the financial person named to reflect it. They are employees of the government and everybody understands what their function is.

But the people who aren't employees of the government, but who are citizens, whoever they may be, and members of the board of the University of Regina, are not expected to reflect government policy. They are expected to give their best judgment as to how the University of Regina ought to operate. I believe that we are on the wrong track when we expect these people to either reflect government policy or resign. We are on the wrong track and we will be assigning a new role to these board members. In so doing we will be rendering the universities less able to do the job that they can best do.

So I want to underline why we are making these amendment — why we think that the bill before us, Bill 16, ought not to apply to The University of Regina Act. The minister has just confirmed our misgivings about this and his perception that these people really ought to reflect government policy or else, in honor bound, tender their resignations. That is not our perception, and that is why we will strongly urge all members to support this amendment so as to underline what has traditionally been the independence of the board of the University of Regina.

HON. MR. LANE: — I am sorry the hon. member misinterpreted my remarks because we were in a general discussion as to the advantages of tenure as opposed to no tenure, and as I very carefully prefaced my remarks by saying, "In a partisan political process we have examples of where individuals ..."

I agree with the hon. member as to the independence. One could argue, of course, that a board member appointed by a Conservative government may become more independent knowing full well that he has to be reconfirmed by a subsequent Liberal or NDP government. One could argue very strongly that this legislation may make members appointed far more independent. So, all I am saying to the Hon. Leader of the Opposition is that in that debate we were talking about the general question of length of tenure and the advantages or disadvantages. I would hope my remarks would be interpreted in that light.

MR. SHILLINGTON: — One further question, Mr. Chairman. As I understand what the hon. member is telling the House, it is: never mind the fact that some of the checks against the abuse of power are being removed by this legislation, because in the end result what really counts is public opinion. Any government which runs counter to public opinion will be shortly brought up on its leash.

If I may say so, I find that an amazing proposition. I don't accept it. There are darn few people in Saskatchewan who actually believe that, and I am amazed the minister really believes that. Surely the history of government in a democratic society is that there must be checks on abuse of power. There must be means of preventing government from dismissing members of independent boards whose only sin is to disagree with the government.

Is the minister telling the House that his government is so perfect in every way, so completely attuned to public opinion, and so utterly responsive to it that there could never be any abuse of power in the dismissal of boards? Is that the proposition which you are asking us to vote on and accept?

HON. MR. LANE: — The question of abuse or lack of abuse of power is always decided by the court of public opinion. I must say that my faith in the court of public opinion was restored on April 26. Be that as it may, it is always the court that determines whether any government, of any political stripe, has actually abused, or is perceived to abuse, its powers.

There are examples by other governments of all political stripes that I felt, in my own mind, without getting into it, were extreme. I can give you an example — the War Measures Act. I happen to feel that perhaps that was an abuse of power there. But obviously the public of Canada didn't. The question of an abuse is always determined by the public. That is where it should be.

MR. SHILLINGTON: — So the minister is telling the House that the only protection these poor souls have is public opinion — the same public opinion that came rallying to the support of the people in Quebec during the War Measures Act, the same public opinion which has protected some of the people who have been the object of abuse by government power. I say to the member opposite that public opinion is not an adequate check. I doubt that this bill, quite frankly, is the subject of conversation at every dinner table in Regina tonight. That is simply not the way public opinion works. Interest and attention doesn't always focus on questions of human rights and independence of boards. I doubt that, frankly, all the public understands the nuances of what we are doing here today.

Surely, the whole history of protection of freedoms and independence has been that democracies establish within the legal framework checks against the abuse of power

by the government. Surely, that is the whole history of the development of our society. That is what the charter of rights was all about. It was the legislative means of checking abuse of power. Surely, what you are doing is removing what little protection these independent boards have against a government which abuses its power.

HON. MR. LANE: — We obviously have a difference of opinion. I have great faith in the court of public opinion, and that is the final determinant. I hope we never change it. I know this government won't.

MR. KOSKIE: — A further question. Coming back to the aspect of the validity of tenure, I think I indicated to the hon. member that the judicial system, the appointment of judges, is for life tenure to give total independence. He has conceded, in respect to quasi-judicial bodies, that tenure should be adopted, should be kept in place. And he gave some exceptions, because they are excepted from the particular legislation. And he indicated the need for that independence with those quasi-judicial bodies. What I am saying here is: is not the independence of the university also important, and doesn't tenure in fact add to that independence? Would the minister answer that and indicate to me why his system improves that independence?

HON. MR. LANE: — I've gone over this argument several times already. I fail to see whether a one-year term appointment is any more security of tenure or a two-year appointment or a three-year tenure. The only way is to . . . (inaudible interjection) . . . Well, this is what I'm saying. I've already disagreed with you. I do not accept your argument, your position, that security of tenure should apply to the boards. Security of tenure — the only way in your example is lifetime security of tenure or until age 75. When you pick a term, you are always subject to the question: is the term long enough? And the only acceptable term is the one of age 75 or lifetime tenure. We simply have a fundamental disagreement on that.

MR. KOSKIE: — I have one further comment. I think there are alternatives ensuring independence: either as you indicated, give life tenure, or put it into the classification of quasi-judicial, which you are agreed to eliminate or, thirdly, don't proceed but support the amendment that has been proposed. Certainly that would guarantee the independence that was there previously, which you are undertaking to dispose of.

HON. MR. LANE: — Except you are in the position of defending the status quo. The status quo has a three- year term. That's what the legislation, I believe, calls for — a three-year term. You are saying that's not adequate tenure . . . (inaudible interjection) . . . Well, he just said no. Would one of you make up your mind. When you start talking the question of tenure you start talking 1 year, 2 years, 3 years, 5 years, 7 years, 10 years, 15 years, 12.75 years, lifetime, age 75. Which is the right one?

I suggest to you that the three-year term established was really for the question of continuity and I've already addressed that matter. That was the primary reason for it. I suggest that the hon. member go back through the history of the bill. The primary reason for the three-year term is the question of continuity. We have indicated that that concern has been brought to our attention. We are fully cognizant of it and we will act accordingly.

MR. KOSKIE: — I have one further question. Since the minister is indeed very knowledgeable on public opinion. I would like him to indicate whether he would have an opinion as to what the public would perceive as being the most independent — to be at the whim of the government, or with a certain term.

HON. MR. LANE: — I have now answered that four times. I have indicated that the public perception is going to depend on the quality of appointment, and the actions thereafter by any government. The quality of individuals which we intend to appoint will be more than satisfactory to the public.

HON. MR. BLAKENEY: — Mr. Chairman, I want to make just one point. We should understand that this bill does not provide for changing the terms of people who serve on the Board of Governors of the University of Regina from a fixed term to a term at the pleasure of the government. It doesn't do that. It simply says that when there is a new government you must have a new board, or at least that the government of the day has a right to appoint a new board.

My principal objection to that is that it cannot do anything else but create, in the minds of the public, the board and everybody at the university, the idea that the perception of the government which is now taking office is that the appointees to the Board of Governors at the University of Regina are nominees of the government of the day . . .

AN HON. MEMBER: — Are political.

HON. MR. BLAKENEY: — I don't know whether they are political. I don't want to use that term. But the idea is created that they are nominees of the government of the day, otherwise there would be no particular reason for selecting them. They are not thought of as citizens whose primary function is to discharge their obligations as citizens and not as nominees.

Accordingly, I think it raises in the minds of a great number of people a perception of the university and its relationship with the government which is a wrong perception, and one which we have fought long and hard to avoid. Now it will very definitely be strengthened, all to the detriment of the University of Regina. I want to make that point; I don't want to belabor it.

It doesn't matter how long the tenure is, if it is a one-year term, a two-year term or a three-year term, the major change is that it is being abridged when a new government comes into power. The major change is the one which says, "Thou art an appointment of the government of the day, to do its bidding; though art not a citizen who is appointed to exercise his best judgment."

MR. KOSKIE: — Since the independence of the university from the political field has been a tradition of this province, has the minister, since he believes in public input, discussed with the present board of directors, with the university presidents or with the university professor associations, the changes which he is endeavouring to make?

HON. MR. LANE: — I have discussed with the representatives, a number of people from the universities, and the only concern raised (and I have said it five or six times) was the question of continuity. We are fully aware of that concern. We have indicated that we will take into account their concerns about continuity. Continuity, in my mind, and I am speaking personally, is not the strongest argument, because we have governments. There is no question of continuity when a government changes; it is a total change under our system. Somehow, we, as Canadians in the British Commonwealth, have managed to survive total changes of governments. So the questions of continuity, and again this is my personal view, is not a strong one. It is a concern that has been raised

and which we have indicated we would be taking into account.

MR. KOSKIE: — In respect to the minister's reply where he indicated he has talked to some representatives, could he give us some idea as to the nature of the representatives with whom he says he has discussed it? Would it include the presidents and the boards?

HON. MR. LANE: — I won't give you that. I don't really expect to name the individuals that I have talked to, but I do give you the assurance that they were extremely senior and involved with the universities in Saskatoon and Regina for a very long period of time.

HON. MR. BLAKENEY: — Mr. Chairman, did I understand from the minister's remarks, the last one and the one prior to that, that he feels that this bill which is before us, which will change The University of Regina Act, is being introduced because the government perceives a need for any change of policy with respect to the University of Regina?

HON. MR. LANE: — No. As a matter of fact I in no way indicated that, because that's not the case.

HON. MR. BLAKENEY: — Then why not leave the status quo? Why create the impression? Why change the University of Regina Act if you don't wish to achieve anything by it?

HON. MR. LANE: — I indicated at the outset that this is a broad policy as to our position on all boards, agencies and commissions — that any new government, no matter of what political stripe, should be able to make its own appointments. There's no legal requirement — very carefully — that any new government is required to make the change. It's not a requirement of any new government. That is our general policy position. That was our debate in second reading. That was the debate that the hon. member and I had in item 1 of the bill. That's our position. That's the policy position. It applies all across the board.

HON. MR. BLAKENEY: — I think I make the obvious reply to what the hon. member has said. In some ways the bill would be more acceptable (and in some ways less acceptable) if it did require you to make a new appointment, because the situation now is that you have converted, if this bill passes, positions which did have security of tenure to positions which are subject to dismissal any day by the government of the day. If you appointed your new people and didn't otherwise change The University of Regina Act, they would have security of tenure. They would then know that they were there over a period of three years (I believe that's the term) to exercise their best judgment. What you have done, if you don't change anybody, is say that those who were appointed by the old government are no longer term appointments but they are at-pleasure appointments and should please act accordingly.

With respect to some of these boards of directors, I don't imagine it will make any difference, because they would say, "Forget it, I'll do as I like and see what happens." But with respect to some of the others, it may not work out that way, particularly if they're not in the same position to be totally independent. Keep in mind that what we're talking about is an act which converts term appointments to appointments dismissible at pleasure. We're talking about that with respect to a whole series of acts where we, making a conscious decision as a legislature, decided that we wanted term appointments. This is particularly true with respect to The University of Regina Act, Mr. Chairman. We've decided we want term appointments. We've decided that people

should have a fixed term. This act says that you are not to have a fixed term; you are to be dismissible at pleasure. That is a significant change in the nature of the complexion and construction of the board.

HON. MR. LANE: — We've been over it before several times. I just repeat my earlier argument.

MR. SHILLINGTON: — As bad as the minister's arguments are, I wish the legislation reflected those arguments. I gather that what the minister is saying to us is that, after a general election, when a new government comes in, a new broom will sweep everything clean. If the legislation did that, it would be bad enough, but it doesn't.

I assume that, some time or other, this government will be forced to call an election. And no one expects it, but even if it were re-elected, this section would come back to play and you could remove everybody who is a member of the board on that day. I may be misinterpreting the legislation, but this legislation appears to me to operate after every general election, whether or not there is a change in government. Is that perception accurate?

HON. MR. LANE: — I'm assuming you read it, and it's fairly specific. Of course, after any general election, on the day of the first cabinet meeting, any new government can either maintain its same appointments that it made, or change them, even if it's the same government coming back in again. It may make changes; it may continue them. I assume that, in the likelihood of the same government getting re-elected, it would maintain its appointments, but any government should have the freedom to make that decision. I don't see where the difficulty is.

HON. MR. BLAKENEY: — I'm now raising another question, but that isn't the way I interpreted the act. I assumed that it is "on which an Executive Council is first installed following a general election." That struck me as being the installation of an Executive Council. The only change in an Executive Council since 1971 was in 1982. As I understand the act, there was no new Executive Council first installed following the general elections of 1975 or 1978, but you may interpret it differently. The Executive Council doesn't change, you know. The legislature changes; the Executive Council doesn't. You never stop being premier just because there's an election, unless, following the election, you can no longer command a majority. If the act means something different from that, then I'm misreading it.

HON. MR. LANE: — I apologize to the hon. member. He's correct. There was a misinterpretation on my part. My official had just corrected that. It's after a change in government.

Amendment negatived on the following recorded division.

YEAS — 7

Blakeney
Koskie
Engel

Lingenfelter
Hammersmith

Lusney
Shillington

NAYS — 39

| | | |
|----------|-----------------------|-------------------------|
| Taylor | Schoenhals | Smith (Moose Jaw South) |
| Andrew | Smith (Swift Current) | Klein |
| Lane | Boutin | Rybchuk |
| Rousseau | Hampton | Caswell |
| Thatcher | Weiman | Young |
| Muirhead | Bacon | Gerich |
| Hardy | Tusa | Maxwell |
| McLeod | Hodgins | Embury |
| McLaren | Sutor | Dirks |
| Garner | Sveinson | Folk |
| Katzman | Sauder | Myers |
| Currie | Glauser | Zazelenchuk |
| Duncan | Parker | Johnson |

MR. SHILLINGTON: — I'm sorry, there was some discussion over here and I missed your comments.

MR. CHAIRMAN: — The question was: is clause 4 agreed?

MR. SHILLINGTON: — No, it is not agreed.

At the conclusion of my remarks, and that may not occur until 7 o'clock as it is 2 minutes to 5 now, I will be moving an amendment which would guarantee the independence of the arts board.

This is a matter about which I feel fairly strongly. That doesn't just come from having been minister in charge of that board for several years. It comes about primarily because of the nature of that board. Arts and related activities are things that go to men's minds and how they think. A politically controlled arts board can be a powerful propaganda tool. This board, as I understand it, was established in 1949. I think I am correct in saying that during all the changes in government, not one has removed a member of the arts board or any member of the arts board after an election because it wanted to put its stamp of approval on it. I want to hear the Attorney General tell this Assembly that he wants to put his stamp of approval on the arts board — that their personal political staff must go on this board. I think members of the arts board are going to find that a startling proposition.

We have accused the Attorney General of being wrong-headed. I think we've been unfair. I think he's not wrong-headed so much as obstinate. I frankly don't think the minister ever thought of some of the problems that this wide-sweeping amendment was creating. I think they got swept up in a general net. I think the Attorney General may just be obstinate and I wonder why he doesn't rise to the occasion and accept some of these amendments. I can't believe, Mr. Chairman, that the minister is going to put a political stamp on the arts board. I just simply can't believe he's going to do that.

It has been assumed, because of the nature of what it does, that the arts board is independent, and I'm going to move the amendment, since it's now 5 o'clock, and of course, we'll have time after 7 o'clock to pick up the discussion again. So, at this point in time, before it's 5 o'clock, I'll move the amendment and we'll get that under way and I

suppose then we'll call it 5 o'clock.

I move, seconded by the hon. member for Pelly, that section 4 of Bill 16 be amended by striking out subsection 15.1(2) of the act as being enacted by section 4 of the printed bill and substituting the following:

(2) Subsection 1 does not apply to a person: (a) whose appointment is expressly stated in an act to be subject to termination by the Legislative Assembly, or (b) who is a member of the Saskatchewan Arts Board appointed pursuant to The Arts Board Act.

The Assembly recessed until 7:00 p.m.