

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
December 6, 1982

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

REPORT OF COMMITTEE

Standing Committee on Communication

ASSISTANT CLERK: — Mr. Speaker, as chairman of the standing committee on communication, I present the following report:

This committee has considered the reference of the Assembly of June 22, 1982, namely the recommendation of the public documents committee under The Archives Act contained in the retention and disposal schedules comprising session paper no. 90 of the fourth session of the 19th legislature.

Your committee recommends to the Assembly that the recommendations of the public documents committee on schedules nos. 223 and 228 be accepted, and that schedules nos. 224, 225, 226, and 227 be accepted as amended.

MR. LINGENFELTER: — Mr. Speaker, I move, seconded by the member for Kindersley that the first report of the standing committee on communication be now concurred in.

Motion agreed to.

QUESTIONS

Government's Position on Basic Rights of Freedom

HON. MR. BLAKENEY: — Mr. Speaker, I have a question for the Premier. When he made his maiden speech in this House on Thursday, the member for Prince Albert quoted as follows:

I am a Canadian, a free Canadian, free to speak without fear; free to worship God in my own way; free to stand for what I think right' free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.

He was quoting the Rt. Hon. John George Diefenbaker.

The question I direct the Premier: is he and the government opposite pledged to uphold the rights of the Canadians living in Regina to speak without fear, to stand for what they think is right, and to choose those who shall govern this city?

HON. MR. DEVINE: — Yes, Mr. Speaker.

Transfer of Harry Van Mulligen

HON. MR. BLAKENEY: — Mr. Speaker, a question to the Premier. Does he take the position that the action of his government has permitted Alderman Van Mulligen to speak on behalf of his constituents without fear, or does he not take the position that because of the policy statement he made here last Friday, Alderman Van Mulligen and every alderman who works for the province of Saskatchewan cannot state the views of his constituents without threatening his employment status?

HON. MR. DEVINE: — Mr. Speaker, it's a question of professional judgment. There are two observations that have to be made. One is: who does the individual work for? And who does he report to? I understand that the particular individual says that he doesn't believe he works for the government, he works for the crown corporation. Well, I suspect he realizes that he also reports to the minister and will write speeches and provide information on crown corporation policy, reporting to the minister. Now that makes it a very sensitive position and that's where his professional judgment comes in. It's unfortunate that people get into situation where they reflect and talk about policies and programs because they are in an elected position on one hand, and they are government employed on the other. But that's where professionalism comes in. And that's a question of judgment.

HON. MR. BLAKENEY: — Supplementary. Does the Premier take the position that Alderman Van Mulligen, who is an in-scope employee, and accordingly not in a particularly confidential capacity, is still inhibited from speaking the views of his constituents simply because he may provide some information on some occasion to a minister? He is after all not the confidential adviser of the minister. He is not the EA. He is not the normal speech writer. Is it your position that any in-scope employee who happens to provide information to a minister is thereby . . . (inaudible interjections) . . .

Mr. Speaker, my question is and I will repeat it for the member for Moosomin: is it your position that any in-scope employee who happens to provide information to a minister is thereby deprived of his right to sit on a city council and express the views of his constituents?

HON. MR. DEVINE: — The answer obviously is no, Mr. Speaker. But let me elaborate a little bit. In a statement this morning, the individual that we are talking about, who is an employee of the Government of Saskatchewan through the crown corporations, says, and I quote:

I've always believed that as a member of city council I've had the right to speak freely on behalf of my constituents. The important exception to this of course is on matters before council affecting my employer. In those instances I have declared a conflict of interest.

And let me continue please. He goes on to say:

To have been supportive of the crown corporation in matters before council could have been construed as currying favor with my employer. To have been unsupportive would have signalled a loss of confidence in the corporation, and would have hampered my ability to perform my duties for the corporation.

Then he says the following:

I have always defined my employer to mean Saskatchewan Housing Corporation. I have not extended that definition to include the total provincial government.

Now the question before the Assembly seems to have two parts. I agree with the conflict of interest in here, and agree that he should step outside. But the point is this: it's one of definition and one of judgment. He has to define who he works for. It seems to me that I would have some part in defining who he works for, as Premier of the province. If he works for a crown corporation and he reports to a minister of the Government of Saskatchewan, then it's a little difficult in a professional sense to say that he doesn't work for Executive Council, or members on Executive Council, or ministers of the crown. But he, in his mind, says that he doesn't and he can draw the distinction. But I question that, particularly, Mr. Speaker, when we have a government policy that pervades all crowns, and all corporations, and all city councils, because it's our recovery package. Laugh if you like, but that's important to this province, and it's important to him as professional to deal with that as a professional. So when he says, "yes, there is an exception and when it has to do with my employer, I back out of there," then it's a question of definition. Who employs him? Is it me, the minister, the crown or the combination?

Now the second question is a matter of judgment. When people are elected to city councils or to school boards or two church boards or wherever it may be, then they have to use their judgment. And if they're elected to that position and use that as a stage, or it provides them with a stage, to undercut the programs or the policies, a fundamental program and policy, then it is a question of judgment whether, as he says, it is a conflict of interest. Perhaps he should back away from that, because he doesn't want to get into this position that he describes well. So it's a question of definition: who does he work for? So my answer in brief — I'm sorry I'm taking so long—is that it's a question of judgment. Given the position and the role of the professional and his elected position all over the province, when in fact (as he well puts out), is it a conflict and when does it represent a professional conflict? That's a decision that people have to make. You can't legislate morality and you can't legislate judgment. People will have to make those decisions and that's what I expect from professionals in the Government of Saskatchewan.

HON. MR. BLAKENEY: — A question to the Premier. Is the Premier asserting that Alderman Van Mulligen reported to a minister? Was that his position in the hierarchy?

HON. MR. DEVINE: — Mr. Speaker, in his position he could get into the position where he is writing speeches or providing notes for speeches on policy for the minister, who may be speaking about Sask Housing in Leader or in Nipawin or whatever. Now that puts him in a sensitive position, because as you can imagine, Mr. Speaker, I may have asked for every crown corporation to write about how they're participating in our recovery package, and he might have been called upon to help design that. Now as a professional it is pretty darn difficult, when he's standing up in his elected position and he's free to do that) condemning the package and the program and the policy surrounding the administration of not only his crown corporation but every other one here in the province . . . It's a question of judgment; his access to the minister may be called upon because he's in that position. I may call on people who are ag. reps in rural Saskatchewan to give me advice, and rightfully they should. In that position of

disseminating information for a crown corporation or designing speeches or whatnot or writing for speeches, he has access to the minister, and I find it difficult to believe that he doesn't think that he works for a minister of the crown, which means he is an employee of the Government of Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. BLAKENEY: — Mr. Speaker, a question to the Premier.

Do I understand from his last statement that all ag. reps. in this province, because they may be called upon to give information to the Premier, are now to be warned that they shall not depart in public from any government policy, be it in education, in health and in any other area, without fear of being removed from their position or transferred from their present abode?

HON. MR. DEVINE: — The member opposite knows that that is not what I am implying at all. What I am saying is that it takes professional judgment by people all over the province if they're going to be working for the provincial government and be in an elected position. They have to use judgment, and their judgment is important. Now the severity or the consequence of their decision increases the higher up the ladder they go. So in a position where they deal on occasion or more often with the minister, it gets more difficult if you're a politician on one hand and an employee on the other. That was the same in the member opposite's administration, and it is the same in every administration across the country. It is the same for private corporations. It is the same for private corporations, and I have no more to add.

HON. MR. BLAKENEY: — Mr. Speaker, I asked a question to the Premier and he has noted that it's the same for a private corporation. Does the Premier take the position that it would be in order for, let us say, radio station CKCK to say to Alderman Ooms that he, Alderman Ooms, must represent the views of radio station CKCK on any issue if it comes up before city council, and not the views of his constituents.

HON. MR. DEVINE: — I'm not sure that I understand the question. I would suspect (and I'm sure you'll ask it again if I don't direct it head on) that if you are working for a television station or a radio station or the media, or whatnot, and you got elected to a church board or an aldermanic position or whatever it may be, you would have to make the same professional decisions if you ended up talking about that particular employer. Now, I guess one of the best examples that I could use — it's fairly close to my heart because I was intimately involved in it — is the former member of this legislature for Estevan. We competed against each other. I know his politics and he knows mine, and he took leave to run and he did well the first time. The second time he didn't do as well, but as a professional he can go back and be an electrical engineer and do the job, and he has to use his judgment, and I respect that. And that's why he's back there, because I respect professional civil servants, but they have to use good judgment and it has to be consistently used over time.

Now, if individuals who are working for an employer anywhere use another stage as a forum to undermine fundamental policies or large policies of their employer, then it gets into a position where it's difficult to run anything — run the country, run the province or run the company. It's a question of judgment. In this case it's one of professionalism, and I respect the conflict that the man goes through, and he says he respects the conflict, which is most important, but it's question of definition. Who

does he work for? Well, I believe I have some impact on that decision.

HON. MR. BLAKENEY: — Mr. Speaker, I will go at this another way. I will refer to Saskatoon and I will refer to Professor Howard Nixon. Professor Howard Nixon is, I believe, an employee of the University of Saskatchewan . . . (inaudible interjection) . . . Members opposite, Mr. Speaker, are getting a bit touchy when they won't allow members over here to even ask their question. Just a little bit touchy, a little bit touchy.

SOME HON. MEMBERS: — Hear, hear!

MR. SPEAKER: — Order, order! This is not a time for debate, rather it is time for questions. I would ask the hon. members on this side to give the member a chance to put his question forward, but I would ask the member to stay with the subject.

HON. MR. BLAKENEY: — Mr. Speaker, my question is this. I refer to the statement made by the Premier last Friday to the effect that every employee has a prior obligation to his employer even though he may be elected to public office.

AN HON. MEMBER: — You disagree with that.

HON. MR. BLAKENEY: — I most emphatically disagree with that proposition. I most emphatically disagree with the proposition that anybody who works for an employer owes a 24-hour loyalty to that employer. Now, my question to you, sir, is this: Professor Howard Nixon is, I believe, an employee of the University of Saskatchewan. Is it your position that the University of Saskatchewan. Is it your position that the University of Saskatchewan would be justified in tampering with Professor Nixon's employment status because he took a public position in the Saskatoon City Council at variance with some policy of the University of Saskatchewan deemed by them to be a fundamental policy? Just so we know where you stand.

HON. MR. DEVINE: — Well, I would think that it's up to the responsibility of the university. I mean in every case, whether it's a private employer, a public employer or an educational institution, they make their decisions. The university has its own academic independence and its independence with respect to its administration. They will make those decisions. If there was a fundamental policy about education at the university, and an individual who was employed by it was openly criticizing it, I imagine they would run into some conflict. And it's a sincere, easy conflict to happen; it's not so easy to resolve. Now, the question is that that individual will have to deal with it, and the powers that be, Leo Kristjanson, say, would have to deal with it, and everybody else involved would have to deal with it. There's no magic, it's mostly common sense; as a professional you know you were paid to carry out those programs which sometimes can get into difficulty if, while you're off hours, and . . . I could add to this. This is the individual who we are talking about:

As an employee my obligations and responsibilities to my employer end, however, when I leave the office, whether it's at 5 o'clock or whether I'm away on leave or . . .

I say, fair enough, but with some discretion. Some discretion — that's what we're asking from professionals, because they're paid to make professional decisions, whether at the university, whether they're working of us, or whether they're working for anybody else. And that's the definition of a professional, because he or she has the ability to make those sound judgments.

SOME HON. MEMBERS: — Hear, hear!

MR. SHILLINGTON: — I had a question for the minister, but I assume having so thoroughly disgraced himself, his department and his government on Friday, he was asked not to be here.

My question, therefore, will be to the Premier. I will just very briefly quote for you a section from the SGEU contract with the Saskatchewan Housing Corporation:

The corporation agrees that there shall be no discrimination exercised or practised with respect to any employee with regard to political affiliation.

When the minister said, as he did on Friday, that he let that man go because some support for the New Democrats had been solicited on his behalf, was he not discriminating against him for political affiliation?

HON. MR. DEVINE: — Mr. Speaker, the question, as I put it and as I addressed it on Friday, is the same as I am addressing here today. It's one of conflict of interest, as the individual pointed out this morning at news conference. That's what it is: conflict. Sometimes it can get difficult and I respect that, because you can be employed by somebody but also employed in public life. That's the question here in terms of judgment and discretion, and that's the only question.

MR. SHILLINGTON: — New question. I say to the Premier you should have told the minister that before he came into the House, because I asked him what the question was and he said it was political affiliation. I remind the Premier that I asked the minister why he let Van Mulligen go; he said because he was a New Democrat. How do you square that with this section?

MR. SPEAKER: — Order, order! Under Beauchesne's 359(3):

The question ought to seek information and, therefore, cannot be based upon a hypothesis, cannot seek an opinion, either legal or otherwise . . .

I believe the member is seeking an interpretation of a contract and it cannot be done in question period.

MR. SHILLINGTON: — I ask the Premier then about some of his other more striking statements. You indicated that you felt that the loyalty to an employee was paramount to all else, including any position he may take on a school board or church board. Are you saying that if an employee, who works for the government and who also is part of a church board, takes exception to your policy in allowing liquor into Taylor Field, that that's grounds for dismissal because he opposed you on some fundamental grounds?

HON. MR. DEVINE: — My answer again, I guess, I would have to largely reiterate. If we look at it from an academic point of view, when a professional is employed, his first professional responsibility is to the employer, notwithstanding that he has a family, and that he may be elected to this, or that he has responsibilities as coach of the football team or whatever it may be. But when he's hired as a professional, and he graduates as a professional, certain expectations are there. That's all I'm saying. That means that what goes along with that is sound judgment and sometimes it's difficult with respect to the responsibilities of working for the employer. I guess I just throw back, he's

outlined those clearly.

Where I have the problem is he says he doesn't work for the government, and that's a question of definition. Now if he believes he doesn't work for the government, and I tend to believe that he works, particularly in terms of being responsible to the minister, and to the government, and particularly when it comes to broad government programs, there's a conflict. I respect the conflict; he respects the conflict. It's a question of judgment whether he's going to deal with it. In other cases, he has backed away; he says there's a conflict. In this case he didn't back away, and he made that decision not to back away on a fundamental policy.

MR. SHILLINGTON: — If I were allowed the same — I'm not being critical of Mr. Speaker, because I recognize the . . . (inaudible) . . . that the Premier carries with it. The office of Premier carries with it some liberties that the member for Regina Centre doesn't. But if I had your liberty to go on at length, I would quote from this statement from you. He goes on to qualify what he views as his responsibilities to his employer. My question to you is: are you saying that if senior members of the alcoholism commission are sitting on a church board, and they vote against your policy allowing liquor into Taylor Field, is that the grounds for dismissal? Is that what you're telling us?

HON. MR. DEVINE: — No.

MR. SHILLINGTON: — Well then what are you saying about someone who sits on a church board and votes against the government policy?

HON. MR. DEVINE: — Mr. Speaker, this is a very important issue to the Government of Saskatchewan and all government across the country. And it's one of personal judgment. I don't know how many times I have to say that. But there are no end of circumstances where people who are employed by the Government of Saskatchewan can get into situations within their homes and their communities, as elected officials or whatever, where they're going to have to make decisions and common sense has to prevail. As the man says, he's backed away from it, using common sense, because it would jeopardize his professional career. And he understands that. In this case he didn't and in many cases he has. And that applies to somebody on a church board or anyplace else and it goes with the territory, if you're a politician on one hand and an employee of the government on the other.

MR. SHILLINGTON: — Let me quote just ever so briefly from the statement to which you have referred:

I've always defined my employer to mean the Saskatchewan Housing Corporation. I have not extended that definition to include the total provincial government. And this is consistent with the practice of my colleagues past and present.

What was it about Mr. Van Mulligen's duties that involved conflict with your wage restraint? What was there about his duties that got him into explaining to the public your wage restraint program?

HON. MR. DEVINE: — Well I guess I'll just to reiterate largely what I said before, Mr. Speaker. When an employee works as an information officer and he works in a capacity to write and program things or design things for the minister, and if (and I throw it out) I had asked (and it certainly wouldn't be surprising for me to ask) the crown

corporations and departments to design material to show how each department and crown is working in terms of our recovery package, because of wages, job creation, productivity and all the other things we have in there, he knows it's a really difficult thing for him to do. He admits he's run into these conflicts before and he's backed way. In this case he said he's prepared to deal with it and I guess I would say in his public life and political life he took that political stand. But he certainly, from this, realizes it would make it more difficult for him to write speeches for the minister. Any professional would recognize it. Any professional that gets into political life has to deal with it on a daily basis. We just recognize that.

ANNOUNCEMENTS

Difference Between a Hereford and a Simmental

HON. MR. THATCHER: — Mr. Speaker, before the orders of the day I would like to draw the following thing to your attention, not as the Minister of Energy but as a Hereford breeder. Mr. Speaker, many of us have become accustomed to the *Leader-Post* not spending a great deal of time on accuracy or precision or being factual. Most of us have become rather accustomed to a shoddiness in reporting on behalf of the *Leader-Post*. Mr. Speaker, as a Hereford breeder, I feel obligated to bring to the Assembly's attention one of the better examples of accuracy and precision on behalf of the Regina *Leader-Post*, and I refer to the "Market Place" section of Saturday's Regina *Leader-Post*: The Price for Share of Simmental Bulls Sets Agribition Record.

Mr. Speaker, things are tough enough in the cattle business right now, and I would like to draw to public attention that the animal that had the record price paid for it, a quarter interest, a quarter semen interest of \$335,000, was a Hereford. And perhaps, for those who may be in the gallery on behalf of the *Leader-Post*, could they very respectfully, on behalf of Hereford breeders everywhere, draw to the attention of their accuracy-minded editors in downtown Regina the difference between a Hereford and a Simmental? You know it is something like saying on last April 27 that the NDP won the election.

SOME HON. MEMBERS: — Hear, hear!

PRIORITY OF DEBATE

Transfer of Harry Van Mulligen

HON. MR. BLAKENEY: — Mr. Speaker, before orders of the day, I rise under standing order 17 to ask leave to move:

That the Assembly give priority of debate to a definite matter of urgent public importance, and I state the matter to be the provincial government's announcement in the Assembly Friday last that it is transferring a provincial government employee, a Mr. Harry Van Mulligen, from Regina to Prince Albert; that the employee in question was provided less than one week's notice of the transfer; that his transfer has nothing to do with the performance of his duties as an employee of the Saskatchewan Housing Corporation; that his transfer was a direct result of the employee's political beliefs; and the Premier's contention that all provincial government employees must support provincial government policy at all times, including after hours and including time they may serve as elected politicians for other

levels of government.

Mr. Speaker, that is the statement, and if it is accepted I will be moving a motion in the following terms:

That the matter of the provincial government's decision to transfer a provincial government employee, a Mr. Harry Van Mulligen, from Regina to Prince Albert with less than one week's notice as direct result of that employee's political beliefs, and the threat which this action poses to rights and freedoms of all provincial government employees, be now given priority of debate.

MR. SPEAKER: — I had the proper notice; I would like to thank the hon. member for notice that was received this morning.

I have taken time to review what the notice was about, and I feel that the matter is urgent enough to grant the member the right to bring forth his motion. Proceed.

HON. MR. BLAKENEY: — Mr. Speaker, I rise on this matter because I regard it as a matter of very considerable public importance. The issue as it now is developing is whether or not public employees may take a position on any school board or any civic city council or town council or village council, and there discharge their duties to their electorate without fear of losing their position with the provincial government or without fear of being transferred in circumstances where it would be in the highest degree inconvenient.

I think it is important that we distinguish just what we are talking about here. We are not asserting that an employee does not have a duty to his direct employer, in such a way that statements which he might make would affect his ability to perform his duties. If that were the case, it would have been clearly open to the government to remind the employee in question that what he was doing impaired his ability to perform his duties for his employer. But that is not what has been suggested in this case. No one suggests that Alderman Van Mulligen has in any way been anything else but an exemplary employee of the Saskatchewan Housing Corporation; no one, other than in a mere speculative way, has suggested that he has ever prepared a speech for the minister, therefore, his freedom of speech shall be curtailed; he may give advice which might be used in some press release prepared by the minister, who has a great staff around him — who would bet all that? But never mind; it is alleged that he might give that, and accordingly, his freedom of speech must be curtailed.

Mr. Speaker, we are dealing with some very, very fundamental issues here. It is not only a question of what are the rights of the Government of Saskatchewan as an employer, but it deals also with the rights of other employers, because probably half or more of the people in this society are employees of somebody, and perhaps an even larger number of the people who stand for public office are employees of somebody or other, somebody who will have in fact a particular point of view on many issues. It is for the reason that people are to be protected in the discharge of these functions that we have on so many occasions in this legislature and in parliament and elsewhere attempted to protect the right of employees and others to express their views freely. No democracy can long endure unless its citizens have the right to state their views freely and without let or hindrance, and no democracy can long endure if persons elected to public office

are not able to state the views of their constituents without fear or favor.

And it is for that reason that when we were recently considering the charter of rights and freedoms which has recently been incorporated into our constitution, section 2 of that charter sought to guarantee the freedom of thought, belief opinion, expression and association. That, I think, is indicative of the views which the public hold about what they expect the rights of their fellow citizens to be, and what they expect their elected members to discharge when they are representing the electorate in various for a, parliaments, legislatures, city councils, school boards, and the like. And I repeat again section 2(b) of the charter. Everyone has the following fundamental freedoms: freedom of thought, opinion and expression, including freedom of the press. And all this, Mr. Speaker, is not in any way restricted except as to reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society.

My contention, sir, is that there are no limits prescribed by law to what an alderman can say in the discharge of his duties in city council, and accordingly the action to the government transgresses what we were attempting to do, what we as Canadians were attempting to do, when we enacted this charter of rights and freedoms.

If members opposite are not persuaded by the provisions of the charter of rights and freedoms, may I then refer them to another bill passed by the Parliament of Canada, an Act for the Recognition and Protection of Human Rights and Fundamental Freedoms, passed in August of 1960. That is widely known as the Diefenbaker bill of rights. I refer hon. members to this piece of legislation. What it says is that every citizen has the right to freedom of speech and freedom of association. This surely carries with it the necessary corollary that he who is elected to act on behalf of an individual has freedom of speech.

Now I am prepared to concede that there will be narrow circumstances under which a person who is elected to public office will need to restrict his right of freedom of speech because of an evident and obvious conflict of interest. I would refer hon. members to any number of books on parliamentary procedure where this matter is dealt with. I for my part have had occasion in this House to say that I did not vote on a bill because I perceived I had a conflict of interest. But those circumstances are very narrow indeed, very narrow indeed.

In general, it is my right and my obligation to speak in this legislature on behalf of my constituents, regardless of the fact that what I say may be harmful to some other person, be that my employer or some other person. No debate on public policy can proceed effectively on any other basis. I have already alluded to the fact that there will be narrow circumstances where that is not the case, but I reject, and totally reject, the proposition that members in this House must refrain from stating their views if those views should be at variance with the opinion of their employer even on a matter that the employer thinks is a fundamental policy of that employer.

I look at the member for Regina Lakeview. I believe he is an employee of the Canadian Imperial Bank of Commerce. I think that he would very clearly reject any suggestion that he would tailor his remarks in this House to accommodate the policies of the Canadian Imperial Bank of Commerce.

I look at my friend and colleague, the member for Turtleford, who I believe is an employee of the Turtleford school unit. I say that I am sure he would reject out of hand any suggestion that his remarks in this legislature are tailored to accommodate the

policies, however fundamental, of the Turtleford school unit board. And so he should reject it, because it is simply not tolerable that members in this House would tailor their remarks to accommodate the views of the Indian Head school unit board or the Turtleford school unit board or Federated Co-ops or the University of Saskatchewan, or anyone else in respect of whom that member may be an employee. It is simply not odd, not thought of as in any way appropriate for us as members to do that.

We have always thought that we were protected in a general way as Canadians by the Diefenbaker bill of rights, and here in our province, by the Saskatchewan Human Rights Code. Certainly the human rights code was designed to protect that, was designed to add onto what this province had done with respect to the protection of rights and freedoms — this province, which had the first bill of rights in Canada, introduced in 1947, and a human rights code which is probably as complete as any in Canada.

I think members opposite should be aware of some of the provisions, as I'm sure they are, although they may have slipped their minds. Section 4:

Every person and every class of persons shall enjoy the right to freedom of conscience, opinion and belief and the freedom of religious association, teaching and practice of worship.

Freedom of conscience, opinion and belief. And section 5, marginal note, Right to free expression:

Every person and every class of persons shall, under the law, enjoy the right to freedom of expression through all means of communication including, without eliminating the generality of the foregoing, the arts, speech, press or radio, television or any other broadcasting device.

Clearly this means that every citizen has the right to speak his views in the Regina City Council. How can anyone assert that that is not covered by section 5 of the Saskatchewan Human Rights Code?

We cannot, Mr. Speaker, claim for ourselves rights to freedom of speech which we deny to others. We cannot do it and be in any way consistent and logical. We must acknowledge that just as we would reject out of hand any suggestion that we should tailor our remarks to accommodate the views and policies of our employer, so we must reject the proposition that we, as a government, impose upon employees of the government an obligation to speak only in support of and not in opposition to any government policy. I do not think members on any side of the House would tolerate that level of hypocrisy.

We very clearly claim for ourselves the right to speak in an untrammelled way, and we must accord that same right to employees of the Government of Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. BLAKENEY: — This of course is what has been intended for many years in this province. There is no question that the idea that employees of the Government of Saskatchewan should take part in the political activity has been one which has been accepted by this legislature, and indeed has been the subject of legislation in order to make it very clear that we as legislators invited our employees to take part in civic

affairs, in school board affairs and in other public affairs.

And I refer you to The Labor Standards Act, which does not apply only to government employees, but it certainly does apply to government employees.

And I refer you to section 80 of The Labor Standards Act. The tenor the act can be drawn from one subsection which I will read:

Notwithstanding any other provision of this act or the regulations, every employer shall, upon application to him by his employee, grant to the employee (and not shall grant to the employee) reasonable leave of absence from his employment with the employer, if the employee has been elected to a municipal, provincial or federal government for such period during the employee's term of office as may be necessary for the employees to fulfil the duties of his office and shall, upon the expiration of the leave of absence, allow the employee to continue his employment (and so on) . . .

Nothing could be more clearly a statement of the views of this legislature that employees of the Government of Saskatchewan shall have full right, and are indeed invited — invited — to run for election to municipal office and are to be facilitated in the fulfilment of the duties of their office, and shall be granted leave of absence, and I say, shall be equally granted freedom to speak on behalf of their constituents.

And, Mr. Speaker, there are yet other pieces of legislation which make clear that the Government of Saskatchewan has underlined that policy and adopted it for its own. It is clear, as I say, from The Labor Standards Act that everyone in this province has the right — every employee at least — to participate in the political process, whether employed by a private company or by the government. And in order to underline that, we refer to the provisions of The Public Service Act. And there it is rather clear, and it has it here in the negative by saying no person in the public service shall attempt to force anyone to belong to a political party, and says no employee shall during his hours of duty engage in an form of political activity, making it rather clear that he is not so constrained when he is not on duty. It goes on to make the argument which the Premier seeks to make: that he's not at any time to take part in political activities that impair his usefulness in the position in which he is employed. And that is the argument that he is trying to make in this House, that he has tried to make to this House on another occasion, that an in-scope employee, not a deputy minister, not a person in the minister's office, not a person who has a senior position with the Government of Saskatchewan, but an in-scope employee who is an information officer and processes information, will be less useful, far less useful, if he elsewhere presents a view on behalf of his constituents which is at variance with a government policy but which is in no way related to the area of his employment.

Now that is the proposition. We have, for example, (and I note that the Minister of Education is here) certainly on the board of the Regina Public School Board an employee of the Government of Saskatchewan. And I would like, if he enters this debate, the Minister of Education to say whether or not that employee has the right to stand up in the meeting of the Regina Public School Board and express a view on whether or not, for example, the wage control guidelines should apply to the employees of that board. I believe he should have that right, and I believe he should not be pressured into withholding any opinion which he thinks he ought to express on behalf of the people who elected him. I may well have voted for that person, and I want him to speak for me and the people who elected him, and not the Government of

Saskatchewan who didn't elect him.

And there is somebody on the Separate School Board in this city who is equally an employee of the Government of Saskatchewan. I didn't vote for him because I'm not a separate school supporter, but some of my colleagues may well have. And I say that I want him to represent the electors who elected him, and not the Government of Saskatchewan who didn't elect him. I think it's quite intolerable for members opposite to suggest that the person who is an employee of the public service commission in the one case, or a lawyer with the Attorney General's department I believe in another, cannot discharge his duties in a professional way and still express his views on Regina Public or the Regina Separate School Board.

I see the Minister of Culture and Youth here. He will be aware that a member of his staff is I believe an alderman of the Moose Jaw City Council. And I am wondering whether he is asserting that that alderman may not express a point of view on, let's say, whether the wage control guideline should apply to the employees of the city of Moose Jaw without being threatened with being transferred. I say if the minister holds out that threat to that employee he is being disloyal to the democratic process, which he is sworn to uphold.

No, Mr. Speaker, I think that the issue here is pretty clear. The issue is one of whether or not we should confine the restraints upon any citizen, the restraints upon the right of any citizen to speak his mind freely, or we should expand it. Are we trying to enlarge liberties, or are we trying to constrict them?

And that is pretty clearly the issue. Obviously, the Premier and others can say that if any employee finds himself in a conflict of interest situation, then he should be . . . (inaudible interjection) . . . so that no one is in any doubt for whom he speaks.

But the conflict of interest situation should be defined as narrowly as possible. No one, I think, could logically argue that Alderman Van Mulligen, when he speaks on such a broad issue as wage control guidelines, is in any sense in conflict with the policies of the Saskatchewan Housing Corporation, at least in so far as his obligation is to carry out those policies.

I venture to think that Alderman Van Mulligen has in the last 6 or 8 or 10 months not dealt on one occasion with any press release which dealt with the wage control guidelines. And I think if he had, it would have been produced in this House, as some evidence of the fact that there was some, some however frail, skeleton on which to hang this argument. This argument is clearly based not upon any conflict of interest but upon the views held by Alderman Van Mulligen with which the government does not agree.

So The Public Service Act is very, very clear on this. It seems to me, Mr. Speaker, that the union contract which governs this situation, and I have already indicated that Alderman Van Mulligen is a union member, binds the government not to practise any discrimination based upon political affiliation. And I ask any member of this house who was here last Friday, whether or not he believes that the judgment of the government was based on political discrimination, whether the political views of Alderman Van Mulligen did not play a part, and I am sure that anyone who is honest with himself will freely acknowledge that that was the case.

Mr. Speaker, I can't help but say again what the member for Prince Albert said in this House last Thursday: that as free Canadians we should be free to speak without fear. We should be free to stand for what we think, and we should be free to choose those who shall govern our country. You cannot speak with fear if you're going to be threatened with having your job taken away or moved to another part of the province. You can't be free to stand for what you think if it is said that you can't express that unless it happens to agree with your employer. You can't be free to choose who governs your city if it is alleged that any employer has the right to say to his employee, "You must vote on city council, and you must speak on city council, in accordance with my wishes and not yours and not those of your constituents," And that's what's being said.

Now, Mr. Speaker, there can, I thin, be no doubt that this view, the view which I express, has been warmly endorsed by members of the party opposite in their federal emanation. We have seen an almost perfect example of this in Ottawa recently. We have seen the member for — well, I do not have here recorded which member — the Conservative member for Hastings-Frontenac-Lennox and Addington standing up on behalf of Mr. Fraser. Mr. Fraser who was discharged,, Mr. Fraser who was a tax auditor and who had the temerity to speak out against the metric system and the Liberal Party's views on the constitution; and he kept speaking out, for which he was discharged, and he was wrongly discharged in my view, and he was wrongly discharged in the view of the Conservative members of the House of Commons, and I am not interested in whether or not it was legal. I say it was wrong, and I draw a very sharp distinction in matters of human rights as to whether or not something is right or wrong and whether it's illegal or legal. The fact that something is legal in this area does not justify it on moral grounds. The federal government was wrong to discharge Mr. Fraser. The provincial government is wrong to attempt to discipline Harry Van Mulligen, and just as surely as their federal members acknowledge that the action of the federal government was wrong with respect to Mr. Fraser so should this provincial government acknowledge that their action is wrong with respect to Alderman Van Mulligen.

There can, I think, be no question on that. Again, I come back to what I think is the core of this matter: how wide or how narrow shall be the restriction on any employee who seeks public office and speaks in a council or school board meeting? I take the view and I invite all hon. members to take the view that that restriction should be as narrow as possible. Only that interpretation is consistent with the health and vigor or four democratic institutions.

It is I think quite wrong to suggest that a relatively junior employee of the Government of Saskatchewan cannot express a view on a policy, which is quite outside his area of employment, without threatening that employment. We have a very large number of people who would be thereby threatened even by the Government of Saskatchewan. Member will know that there are four aldermen on the Regina City Council. I can't say for sure whether there is one on the Saskatoon City Council; I am not quite sure of the employment status. There is one on the Moose Jaw City Council. There is one on the Regina Separate School Board. There are several others. There is one on the Moose Jaw Separate School Board, and the list goes on.

Surely if the Government of Saskatchewan can claim this right, so can other employers. I have indicated that CKCK radio is the employer of one. No less than two in Saskatoon are employees of the University of Saskatchewan, and two I believe are employees of the Saskatoon Public School Board. It would seem that the chairman of the public school board and the president of the university could put together and decide most

issues in Saskatoon on the basis of the view of the matter held by members opposite, since apparently the employees are to toe the line and not to vary from any policy of their employer.

That is just what has been said here again and again and again There has been no attempt to justify it on the basis of any real conflict of interest. Nobody has suggested that Alderman Harry Van Mulligen has had any dealings with the minister. No one has suggested that he has written speeches so that the minister felt in any way embarrassed by his position. We certainly haven't heard that. If it were true I suspect we would have heard it. No, that is not the issue. The issue is whether or not an employee who is on any elected board must refrain from expressing views on any government policy unless the view is in support of that policy.

In view of this I suppose that members of public schools boards and councils will simply decline to express views on matter which may involve provincial government policy. With respect to either a school board or a city council, that covers a very large number of items on the agenda that will effectively enervate the operation of a number of councils and boards.

I think again I want to state what I believe to be the issue. The issue is whether we place a narrow interpretation on conflict of interest or we place a very broad interpretation on conflict of interest. Members opposite wish to place a very broad interpretation, asserting that any employee is bound to uphold policies of any kind of the government. They may be in agriculture or health or social services, even though he may be an employee of the Attorney General. That, I suggest, is a policy which will have the effect of depriving a very large number of citizens of Saskatchewan of their effective right to serve on public boards and councils, a right which we have sought to ensure to them, and it will have the effect of depriving a very large number of citizens of this province of their right to choose the person who they think can best represent them.

Alternatively, we can take the view that has been taken in the past. As indicated by Alderman Van Mulligen's press release, where there was a clear and obvious conflict of interest the employee in question declared that interest and did not vote. I'm sure that was true with respect to Alderman Cholid on matters with respect to SaskTel but not on other matters; Alderman Kleisinger in connection with matters associated with the alcoholism commission but not on other matter; Alderman Oxelgren on matters connected with the Department of Co-operation but not on other matters; and Alderman Van Mulligen on matters connected with the Saskatchewan Housing Corporation and not on other matters.

This has prevailed for many years. There have been many, many instances of people working with the government of Saskatchewan who have presented views which are contrary to those of the Government of Saskatchewan in council, without their in any way harming the operations of the government of Saskatchewan, and in the course of so doing allowing themselves to offer a valuable service to their neighbors and offering their neighbors a wider choice of who they would select to serve them.

It is my view that the position taken by the government is entirely wrong, and that they ought clearly now to cancel the orders that transferred Harry Van Mulligen to Prince Albert. And they ought to confirm the policy which has for so long prevailed in this province: that a person who works for the Government of Saskatchewan is free to stand for public office and is free to express his views and those of his constituents, save only that he shall not find himself in a direct and obvious conflict of interest, judged on the

narrow standards which have applied in the past, and in respect of which no difficulties have arisen in the past.

That is my view, and, with respect to this, I am going to move, Mr. Speaker, seconded by the hon. member for Quill Lakes, the following:

That the matter of the provincial government's decision to transfer a provincial government employee, a Mr. Harry Van Mulligen, from Regina to Prince Albert with less than one week's notice as a direct result of that employee's political beliefs, and the threat which this action poses to the rights and freedoms of all provincial government employees, be now given priority of debate.

MR. SHILLINGTON: — Thank you very much, Mr. Speaker. I want to address myself to this matter. I will not go on at length. Most of the arguments were made by the Leader of the Opposition. I will not repeat them. I will particularly try to improve upon them.

I do want to comment though on the central argument that the Premier seems to make in defending what I suggest is an untenable position. His central argument seems to be that he is protecting, or he is requesting a certain professionalism from the public service of Saskatchewan. I suggest to this House and to all hon. members that he is doing exactly the opposite. Indeed the behavior of this government since they took office has gone a good distance toward destroying the professionalism of the Saskatchewan public service.

The members had no sooner taken office on May 13 than the Premier, according to Mel Derrick, was supposed to have said to some senior public servants, "We expect the public service to be thoroughly professional and pariloyal at all times. To that end we want to ensure that no civil servants hold membership cards in any political party.' That is in fact a clear violation of the SGEU contract. I'm surprised the Premier was no so informed. Having been burnt once, I'm equally surprised the Minister of the Environment was not warmed before Friday that what he said was a direct violation of the SGEU contract — a direct violation of that contract.

This government has gone on to fire an unprecedented number of public servants strictly on the basis of their alleged political support — their alleged political support. They have gone on to fire unprecedented numbers of public servants on the basis of their alleged political support. Today, Friday rather, we have the minister admitting to a violation of a number of bills, to which I am going to refer briefly, and of a contract, to which the crown corporation of which he is a minister is a party. I want to say that I think Mr. Hardy's reason given there, the Minster of the Environment . . . I think the reasons given by the Minister of the Environment were probably the real reasons, and since there seems to be some doubt about what he said, I want to quote again from *Hansard* very briefly. I raised the question, and I said:

If you don't have the humanity to allow him to act as an alderman, do you at least have the integrity to admit that you moved him to get out of your hair?

He responded:

Mr. Speaker, in answer to the hon. member's question, as you and the opposition are well aware Mr. Van Mulligen, to whom you are referring,

has had political affiliation with the New Democratic Party, and . . . we have asked him to transfer up . . .

Later on, my colleague for Regina Elphinstone asked:

Do you have one instance where his alleged political leanings colored his judgment and his performance?

Mr. Hardy went on to say that he did. He read a letter in which support had been solicited from New Democrats on his behalf. I suggest that was the actual reason for his transfer. I suggest the comment made by the member for Thunder Creek, just a moment ago, "If you transfer him to Saskoil, I'll fire him," is a reflection of exactly the same attitude — exactly the same attitude.

What members opposite are saying is that if you are not Conservative, if you're not packing a Tory membership card, then don't expect any job security out of this government. That's what the member said in the House Friday. I was, I may say, thunderstruck to hear the statement that he made. That's what the member for Thunder Creek said not 10 minutes ago.

Mr. Van Mulligen, I suggest, did his job well. No one has suggested otherwise. We have been hounding the government for two days for some scintilla, however slight, of evidence that he hasn't done his job right. Not anything has come forward except some vague comments about being asked to write speeches. If the minister had had the courage to be in the House today, I would have asked him how many speeches he has actually asked Mr. Van Mulligen to prepare. I am satisfied that the answer, if I could have gotten an answer out of the treasury benches opposite, (which is a fair feat these days) would have been: none. That isn't his job.

I am informed from the previous minister, who was minister of the housing corporation before April, that that in fact was not his job. His job was basically to answer the telephone. People want information about housing programs and he provides it. He may also write press releases. He has not been asked to write speeches. I suggest that he has not been asked to write a single speech for the minister. That was all concocted afterwards in what I suggest is a vain attempt to protect an untenable position. I suggest that this in fact is an upshot of the comment at the Tory convention that members of the Conservative Party ask the government to get rid of those rats — get rid of those rats — referring to the NDP public servants. I suggest that this in fact is a reaction to the pressure that you felt from your own members and I suggest that this in fact is just doing the party's bidding. But the members at the Conservative convention then can be excused. Not all of them should be aware, not all of them should be informed of the contract that SHC has with its employers, I suspect there's no excuse for what the minister did here on Friday. There was absolutely no excuse for that. There was no excuse for the Premier similarly disgracing himself on May 13, but there's even less excuse for the minister of doing it now, at this point in time, having been a minister for several months.

I want to refresh the memories of members opposite. Quoting from the Canadian Charter of Rights and Freedoms:

Everyone has the following fundamental freedoms: freedom of conscience in religion, freedom of thought, belief, opinion and expression, including

freedom of press, and freedom of association.

Everyone has those freedoms except, apparently, Harry Van Mulligen. He seems to be an exception. If you believe what the Premier says, if you actually listen to what he says, there are a vast number of other public servants who are in some fashion exempt from that fairly clear statement.

The bill of rights which my colleague for Regina Elphinstone has quoted states:

It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination the following human rights and fundamental freedoms, namely: freedom of speech, freedom of assembly and association.

Those freedoms indeed exist everywhere except, it seems, for the public servants of the Government of Saskatchewan.

I want to quote one other thing as well. The Saskatchewan Human Rights Code, forerunner of this statute, was passed in 1945 by the CCF government, a government that members opposite have increasingly grown to admire. Section 5 of that bill says, and this is unchanged from the bill as was passed in 1945:

Every person and every class of person under the law shall enjoy the right to freedom of expression through all means of communication.

Everywhere, it seems, except in the province of Saskatchewan.

AN HON. MEMBER: — Read the Regina Manifesto while you're at it.

MR. SHILLINGTON: — That's about as relevant as most of the comments that we've heard made by the ministers from their feet. Someone says, "Read the Regina Manifesto." I may say that is about as relevant as most of the lame excuses which I heard the Premier make today, and the Minister of Environment make on Friday. The Premier went on in a vain attempt to protect the minister, who I suggest was clearly wrong. He did not once — and I have gone through that transcript with some care — disavow the minister's statement that he had fired him because he felt he had solicited NDP support. He didn't once disavow that. Not anywhere did he said, "That wasn't why we fired him." What he did was to go on to try and justify . . . (inaudible interjection) . . . He didn't fire, he transferred him although it amounts to the same thing. It amounts to the same thing. If Mr. Van Mulligen succumbs to the pressure tactics of members opposite, he either has to resign from SHC or he has to resign as an alderman in the city of Regina. He does not have the option to continuing both.

The Premier did not disavow what the minister had said. What he went on to suggest was that this government demands unswerving loyalty of all its employees in all respects, whether or not it has anything to do with their job. He carried it to a remarkable degree. One must remember that what Mr. Van Mulligen voted on in city council was a proposal whereby city council would not follow the guidelines with respect to its own employees. No one opposite has suggested that the city of Regina does not have that right I'm sure even the Minister of the Environment would disclaim the . . . (inaudible) . . . of that right. They have every right to disregard it. Members opposite will no doubt exact some punitive damages from the city, but they have that right.

Mr. Van Mulligen did not suggest that the Government of Saskatchewan should not be imposing wage restraints on its own employees, at least not in any press reports that I heard, and I read them with some care. What he said was that the city of Regina should not follow them with respect to their own employees. He did not make any comment, directly at least, about any government policy, and to suggest that someone or other his indirect failure to support the wage restraint program means he can't do his job just pure nonsense. He was not in any sense involved in formulation of policy or new programs.

I heard the Premier on more than one occasion allude to being part of sensitive policy formulation. I'm sure no one is going to seriously try to defend that statement, as it simply isn't accurate. AS I said, he basically answered the telephone and gave out on SHC programs.

In this city and in this government apparently people are guilty until proven innocent. There hasn't been any evidence whatsoever come forward to suggest that Mr. Van Mulligen in any way was anything less than accurate, candid, and indeed loyal to the government in explaining SHC programs. I am sure had there been any suggestion that there were any grounds for this dismissal, it would have been here. We would have had it. There is no such evidence, and given the pressure on members opposite to produce some, I think you can fairly conclude that there isn't any such evidence. Mr. Van Mulligen discharged his duties, providing information to the public, in an exemplary capacity.

Wage restraints have nothing to do with his job. It is not what he is required to explain to the public. I'm sure Mr. Van Mulligen has never been asked in a professional capacity, if I may use that much abused word, about wage restraints. It is a question outside his area of responsibility and yet apparently, when asked, if he doesn't snap to attention and loyally follow the government line, punitive action will come down on his head.

But the Premier carried it even further. I may say that Friday I had a large number of telephone calls. I will not go so far as to say that I've never had as many on a single issue that would maybe carry it a little far, but I had a seemingly endless number of telephone calls. I got very, very tired of answering the telephone. One of them was from a minister of a church. He had heard the Premier say that if you sit on the church board, if a senior public employee — Mr. Van Mulligen wasn't, in the normal sense, a senior employee, but let's assume we're dealing with a senior — if a senior employee sits on a church board and doesn't give the government unswerving loyalty, that's somehow or other cause to transfer him to P.A.

P.A. seems to be, in the minds of the members opposite, the new Siberia. It's where you ship the unworthies, the New Democrats and all the other scum of society. You send them off to, in the Conservative language, the new Siberia . . . (inaudible interjection) . . . I'm not. You have slandered Prince Albert by suggesting that whatever you send to Prince Albert doesn't matter. It makes a difference who lives in Regina but it seems to make no difference who lives in Prince Albert. If I were the people of Prince Albert I wouldn't be terribly flattered by this whole affair. I would not be flattered by this whole affair. I don't think members opposite are flattered by the affair either. I'm quite sure they wish it had never occurred.

I think we'd have a lot more respect for you if member opposite would simply admit the error of their ways and get on with the government business instead of trying to defend

an utterly untenable position.

But the minister called me Friday night and said, "Does that mean a senior public servant (and there are several of them who sit on my church board) cannot oppose, publicly or privately, what the government is doing with respect to liquor in Taylor Field? Does that mean they have to support it?" He was upset and I don't blame him.

The upshot of what the Premier said is that no senior public servant can hold elected office. No senior public servant can hold elected office. That's not my interpretation, that's the logical outcome of his comments. Because what he is saying is that if a question comes up which involves the government you've got to vote with the government, and that in effect means you can't serve the people. One man cannot have two masters. Conflicts are bound to arise.

I suggest Mr. Van Mulligen was scrupulous in exempting himself from voting when there was a conflict of interest involving SHC. He said in his statement, and I dearly wish the Premier had read it all, he said in his statement . . . (inaudible interjection) . . . I really hope you get up and get into the debate. I really do. I hope we hear from the member for Canora in this debate. We hear a great deal from members sitting in their chairs. I hope they have as much enthusiasm when they get a chance to debate it.

My guess is you will have no more stomach for defending this man the Minister of the Environment who wasn't here today. My guess is we won't hear from large numbers of you when you get your opportunity.

But the upshot of the Premier's statement is that no senior public servant can hold elected office. Anyone who holds elected office has as his first responsibility those who elected him, whether the job is \$500 a month, \$30,000 a year or \$60,000 a year as is the case for federal members. Surely an elected member's first responsibility is to those who elected him and any other job he may have is secondary to that responsibility. Surely that is accepted by everyone present. And if it isn't, I would like to hear the members who will disavow that. Surely that's an elected member's first responsibility.

What you are saying is that whether or not it has anything to do with his job . . . No one can make a credible argument that wage restraints are a direct part of Mr. Van Mulligen's job. What you are saying is that no senior public servant can hold elected office because if any question comes up that involves the provincial government, he is to snap to attention and support the provincial government.

There is a long history of public servants taking part at the municipal level. It did not start with Mr. Van Mulligen and this problem did not begin with Mr. Van Mulligen. You people are the first people to disgrace the whole concept of fundamental freedoms in this province by transferring him because he opposed you.

I raised the name the other day while I was talking to a reporter, I think it was CKCK. I raised the name of Tom Hart. I'll raise it again. I have every respect for the former mayor of Weyburn; I think he was mayor. The views which he held, he held with sincerity. Many of them didn't coincide with the government of which I was a cabinet minister, but he often opposed us and at times he probably annoyed us with his determination and his sincerity, but nobody, nobody, suggested we should transfer him to Yorkton, or P.A. or anything else.

It will be interesting to hear the member for Qu'Appelle make some defence out of this. The alderman — I can't think of the ward number — Mr. Oxelgren also faces the same problem. In fact, I understand he also voted in favor of the motion. And I wonder why Mr. Van Mulligen got transferred: Mr. Oxelgren didn't. The jobs that the two do — one is no more senior than the other. And no one can make that argument . . . (inaudible interjection) . . . Yes and I guess it is, isn't it? It is unfolding as it should. It certainly is unfolding for the employees for the Government of Saskatchewan, many of whom contacted me.

Most of the people who contacted me on Friday night were, in fact, employees wondering where all this ended . . . (inaudible interjection) . . . The world certainly is. No, of course I won't because where do you suppose they would be transferred? If I were to give you the manes of people who called me, complaining, where you do suppose they would be transferred? I don't know if P.A. is large enough to hold them all; I just don't know if P.A. is large enough to hold them . . . (inaudible interjection) . . . Yes, you might transfer them to Uranium City. I guess that's the next step on a public servant's ladder. I wonder why Mr. Oxelgren wasn't moved. I suggest because you didn't find him as offensive. That's the only reason. Mr. Van Mulligen moved the motion and it was successful and you found it very offensive. He didn't do anything that Mr. Oxelgren didn't do. You just found it a lot of more offensive because he succeeded. So I guess the rule here is: if you are going to be a public servant then you'd better not be too effective, better not be able to get your motions moved in council and passed because if you are effective then the punitive arm of this government will come down on you.

Let's talk about Mr. Cholod for a moment. Mr. Cholod moved a motion which I was interested in because I happened to support it, a motion on city council in which he urged that rent controls be, in my view, improved by the moving the year of the implementation forward one year so that you increase the number of apartments under rent controls. I happened to think that was a sound idea, and I urged that on the government a couple of weeks hence in my private motion on Tuesday. That doesn't seem to be the policy of the government opposite, at least I haven't heard anyone over there taking up the idea with great enthusiasm. I suspect it is not the policy of the government opposite.

Why wasn't Mr. Cholod moved? Again I suspect the difference was you people just didn't find it quite as offensive as you found Mr. Van Mulligen's success in getting that motion passed. So it doesn't seem to matter to members opposite whether you oppose the government. It doesn't seem to matter to them what your level. The question seems to be: are you going to be successful? Because if you are successful in opposing them then you are in real trouble. Real trouble. It has nothing to do with unswerving loyalty. It has to do with whether or not you can succeed.

I suggest to members opposite that what you have done to Mr. Van Mulligen is indefensible. I will suggest to you you are going to lose in a court of law on this thing. I suggest to you you have lost in the court of public opinion, which is the one which should concern you as politicians more. You have already lost this one in the court of public opinion. I suggest that you reconsider the indefensible action taken against Mr. Van Mulligen.

AN HON. MEMBER: — We'll take him on leave from Prince Albert. They don't want him up there.

MR. SHILLINGTON: — I'm sure they don't appreciate you people sending up to Prince Albert all the people you consider unworthy. If that is what the member for Souris-Cannington is saying then I can well imagine you are getting some heat from Prince Albert.

I suggest you people are going to lose this in a court of law. You have lost it in the court of public opinion. I suggest you reconsider it and grant Mr. Van Mulligen the human rights to which the Parliament of Canada and this legislature has said everyone is entitled.

HON. MR. THATCHER: — Mr. Speaker, I have a few brief comments that I'd like to make in response to this motion made by the Leader of the Opposition, and seconded by the member for Regina Centre, I believe.

Mr. Speaker, I agree fully with the position that has been taken by the Premier of our province as it pertains to public service. Mr. Speaker, we have listened to two members opposite in their sanctimonious, hypocritical fashion pass judgment on this government in the fashion of how we have created our public service. Mr. Speaker, I have some difficulty accepting that criticism from people who during their 11 years in office blatantly politicized the public service, brought in their own people from outside the province at the expense of promoting internally, at election time actually coerced public servants in to making donations to the NDP, actively coerced them.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. THATCHER: — Mr. Speaker, I suggest that when our Premier uses the term professionalism, professionalism in our public service, these people over there haven't the foggiest notion what he is talking about. Mr. Speaker, in this province we are blessed with some very able, competent public servants who want to live in Saskatchewan and do a good job. We're blessed with some excellent ones; probably 99.9 per cent of the public service are able individuals who want to perform their jobs. Mr. Speaker, I respectfully suggest to you that the individual that we are discussing in this Assembly today does not fall into that category. Mr. Speaker, I have no hesitation in saying this government has treated the public service in as professional a capacity as any government in history anywhere in Canada has done. I have no compunction whatsoever about making that statement.

I want to refer to my own department briefly. Mr. Speaker, I have had people dismissed from my department because I thought we could perhaps improve on their quality. To replace a couple of them, Mr. Minister, guess where I went? Well, I needed a couple of very smart, brilliant people, so I advertised across Canada for them. A couple of people from the old NDP planning bureau and Executive Council applied. Mr. Speaker, very frankly, they were the brightest and most capable people that applied. They were professionals, Mr. Speaker I had a conversation with them and my question was simply: do you have a conflict? Do you have a philosophical problem dealing with energy and mines, knowing full well obviously the direction was going to change?

You know what their answer was, Mr. Speaker? I'm not going into names; you know who I'm talking about. Their answer was: if we have any problems, you will be the first to know about it in private, and you will never have to ask for our resignations. Mr. Speaker, I am delighted at the professional performance of these individuals in the department. I am delighted with the job that they have done. I trust them. They are given a great deal of sensitive information and are working on projects that are very important to the future

of this province. Mr. Speaker, they are not there because they carry Tory memberships. They're there because they were professionals, they were hired as professionals and they're acting as professionals. And, Mr. Speaker, I don't need that group of sanctimonious hypocrites to pass judgment on me.

Mr. Speaker, I refer again to the Department of Energy and Mines. Many of the same people under orders from the previous government implemented a royalty structure that was repressive and abhorrent and ran the industry out. They did exactly what they were supposed to do. They received directive from their government, they received a directive and they carried it out as order, as they should have done.

Mr. Speaker, there was an election and pretty well and pretty well the same people go orders that were diametrically opposed to the royalty structure they had put in place for the previous government. Mr. Speaker, in a professional, competent fashion these people accepted their directive from me as minister and the government philosophy, and they put in a royalty structure that's bringing the oil industry back into Saskatchewan. And do you know why it's working? Because they implemented government policy and they acted as professionals, exactly what we asked them to do.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. THATCHER: — Mr. Speaker, that's a professional civil service; that's a professional public service . . . (inaudible interjection) . . . We will get to that; don't worry, we'll get to that.

Mr. Speaker, I have no hesitation in saying that if an individual in my department acted in the unprofessional manner of Mr. Van Mulligen, I would react quickly. No question. Because if Mr. Van Mulligen had had a shred of class and those were his feelings, Mr. Van Mulligen would have resigned. If he had a shred of class he would have resigned . . . (inaudible interjection) . . . Not at all are our people are going to resign, because most of our public service, they're there to do the job that they're paid to do and they'll do it well. They'll accept their directive from the government because the government of the days was told to be there by the people.

Mr. Speaker, the sanctimonious hypocrisy that I hear from this side . . . And I would point out to the gentlemen that not everything made the paper shredder; you know, a few things did get missed. Mr. Speaker, the individual involved has not a shred of class and frankly isn't worth this debate. He isn't worth this debate when we've got a farm purchase bill that should be getting first reading right now.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. THATCHER: — I have heard members opposite talk about the delay that has happened with this farm purchase bill and how the government has been so slow to introduce it. Let me tell you, Mr. Speaker, the individuals we're talking about, as a professional, wasn't worth five minutes of this Assembly's time this afternoon.

Mr. Speaker, if that individual feels so strongly in his opposition to the government's recovery package, he should simply resign. If he wished to play a role, a role which I think somewhere about 55 per cent of the people indicated that they wanted, he's had his opportunity to do so in a professional-like basis.

Mr. Speaker, the question of whether or not he is an alderman has no relevance here whatsoever. Mr. Speaker, I wonder, if that individual was an employee of, shall we say, Imperial Oil, and Imperial Oil, in its infinite wisdom, last Friday decided to transfer him to P.A., would we be talking about it in this Assembly today? Is it not the right of his employer to transfer him to perform a task that he is paid to do? I sort of think that it probably is.

Mr. Deputy Speaker, we have listened to our Premier outline the definition of professional, as he sees it. Mr. Deputy Speaker, I believe that not only the vast majority of this Assembly accepts that interpretation and definition, but I also believe that 99.9 per cent of the public service also accepts that definition.

Mr. Deputy Speaker, it just is too much to have the sanctimonious hypocrisy being thrust upon this Assembly by members opposite. Mr. Deputy Speaker, and gentlemen opposite, you recall the Department of Agriculture in 1980. Do you recall a deputy minister by the name of Dr. Gerry Gartner? Do you recall a publication going back in July 1980? What's the headline here? "Why Orderly Marketing? Department's Marketing Choice is Clear." I might ask members opposite and perhaps the member for Quill Lakes, who wanted to get up in this debate, perhaps you can answer the question that I'm going to pose to you right now. Was Dr. Gerry Gartner talking for the Government of Saskatchewan in July 1980, when Dr. Gartner told an audience, and audience that consisted exclusively of Department of Agriculture people, this?

All of us as staff of the department have a role to play in advancing the concepts of orderly marketing for the benefits of producers.

Gartner, in the same article, said:

Department employees are being called upon to actively support the policy of the government.

That's professional credibility. That's the kind of professionalism they know. And that, Mr. Deputy Speaker, illustrates very clearly, when our Premier talks about professionalism in the civil service, that's why they haven't foggiest notion of what he's talking about.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. THATCHER: — Mr. Speaker, at the top of the page the article goes on to say:

Government policy is turning to re-enforcement of the orderly marketing concept as the best solution to marketing needs of Saskatchewan farmers. The department's initiative in this regard means substantial changes in people as staff members of the government in the area of marketing issues. In other words, agriculture staff must now be proponents of orderly marketing methods as opposed to any other kind of marketing.

The word was "must." And I suggest to you that this publication, which I'm assuming reflects the position of the Government of Saskatchewan at that time, condemns everyone opposite who has spoken in this debate as total sanctimonious hypocrites.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. THATCHER: — Mr. Deputy Speaker, we have before us in this province today the very difficult job of a recovery package. And you know, it's not a fun package. It's not a fun thing because nobody likes to cut. It's a heck of a lot more fun, I'm sure, to add on.

And we wouldn't need a recovery package if it wasn't for the incompetence of members opposite. We wouldn't need a recovery package if you hadn't plunged us so far into debt and virtually emptied the heritage fund. But unfortunately, Mr. Deputy Speaker, 55 per cent of the people of Saskatchewan said they wanted a change, and we have to get on with the job of making the change. And that means a recovery package. But, Mr. Speaker, I don't need to be lectured by the hypocrites opposite, members who used the public service in the most blatant fashion to promote the ideology of the NDP and the same people who, when corrective measures are needed to reverse that philosophical trend at the top that these people so skillfully put into place, when corrective measures are necessary, all of a sudden they are up and jumping. Mr. Speaker, I don't think there is any problem with the manner in which Mr. Van Mulligen is being dealt with. I suggest to you that there are places and areas in the government where, if Mr. Van Mulligen had been there, he might have been dealt with a trifle harsher.

Mr. Speaker, I condemn the sanctimonious hypocrisy coming from members opposite. I reject their arguments as totally invalid. I suggest that this publication, an official publication of their government, says it all. There is really nothing left to say. I reject their arguments on the basis that they do not have validity.

I believe the people of Saskatchewan, and I believe the public service generally, want professionalism within the confines of their ranks. Mr. Speaker, as long as we are the government, it will be a frosty day on Friday when this government extorts political donations from our public servants. It will be frosty Friday when we use the public service to further our own political ends. We don't need it, the public won't accept this from us, and they are not going to get it.

SOME HON. MEMBERS: — Hear, hear!

MR. KOSKIE: — Mr. Deputy Speaker, I want to address this question, I think because of the degree of seriousness and the total impact that it can have on the civil service of Saskatchewan. I don't think it is a time to get up and shout and scream, and make accusations. I want to look at how this can in fact affect the right of free expression by over 14,000 individuals in this province. That's exactly what they are saying, by the statement and the position of this government.

I have read a previous debate in this House and I just want to quote from that debate a couple of quotes. First of all, it says. Mr. Speaker, (and this is a former premier speaking):

Any citizen, whether he is a civil servant or anyone else, has the right to raise his voice and protest against an injustice wherever he thinks it may exist. It will be a sad day for this province and for this country when that right is denied to him. After all, what are these people afraid of? Why should they be afraid to let people come out and state their case? Why should they be afraid to let people come out and state their case? If their case is wrong, surely you can refute it. As Thomas Jefferson said, "Error of opinion may be tolerated where reason is left to combat it."

I want to say with respect to this that it's the overwhelming edict, which has been established here, which can in fact affect 14,000 employees across this province. I

want to say that when we look at the review of the particular case first of all we find, and the Premier himself indicated, that it was professional judgment, that the line is very fine. I suppose that is correct. But what I want to say here is surely, if you are going to want to say that when we look at the review of the particular case first of all we find, and the Premier himself indicated, that it was professional judgment, that the line is very fine. I suppose that is correct. But what I want to say him is surely, if you are going to emasculate, if you are going to curtail the right of freedom of expression, surely there should be a clarification of the position of this new government vis-à-vis all of their employees before drastic action is taken. Surely in respect to this particular employee, if it affected the government policy as they claim, they would have brought him forward and indicated to him their concern, a basis of a warning, to allow him to take a look and to re-examine, for surely he has indicate that he has, in respect to his work within the Saskatchewan Housing Corporation, clearly tried to prevent any conflict with his job and what he said in carrying out his job.

I want to say that this is a policy which certainly is affecting thousands of employees. Let us take a look at the issue that the government . . . (inaudible interjection) . . . Just a moment. I want to say, Mr. Deputy Speaker, let us look at the e particular program f the government which the members say the employee undermined, and that's, as they have described it, their recovery program — the 6.5 or their version of the 6/5.

I want to say that my interpretation of the government enforcement of this policy . . . They have spoken, and I have heard the finance minister speak to the municipalities, to the city councils and so on, and what he has said to those elected bodies was, "We are adopting this policy this policy. We recommend and hope you will follow it. We understand that you have the option not to adopt it, but remember that our revenue sharing will be guided by our restraint program, our recovery program, as you call." What I am saying here are the words of the Minister of Finance. He has established a program, which he turned out to the municipal bodies to accept or reject, but pay the consequences. I am saying that the actions of the person who we are discussing today were on behalf of the city council. They had a right to either accept that or to pay the consequences of the restraint program in so far as revenue sharing . . .

AN HON. MEMBER: — Or transfer.

MR. KOSKIE: — Just a moment. You have to remember that operating as an alderman, he is operating in respect to another local government. In operating there you have to remember that that government has a taking base, has an obligation to set policies for itself. What I am saying here is that in no way can it be interpreted that it undermined your recovery program directly. The finance minister himself indicated to the municipal governments that there was in fact the right of flexibility. Certainly that was the decision of the entire council in Regina.

I want to say that here we have a situation of a government, of a Premier stepping forth and saying that he is going to have a professional civil service. I want to say that every indication, and every step that has been taken is contrary to that. First of all, in respect to Bill 16 which we had in the last session — here was an attempt to violate and override any existing legislation in so far as appointments to boards and commissions. That's the first step.

I want to say that (and we will be discussing it, but I have had a chance to look at it) anyone who wants to take a look at the land bank repeal legislation, as to the abrogation of right, it is clear indication of where this government is going.

And I want to say that there is another little indication of how these people respect rights of individuals. The other day a little group came here who were going to make a

protest, or demonstration, on a particular basis. They came to this legislature and for the first time in the history of this legislature, an area was set off by the use of chains. And also they had brought it he Regina police to control, so they would say I guess, the unruly mob which came merely to speak to the government and to express their concerns.

Let us only look at the track record and it looks very clear that this government is eroding the rights of individuals, and certainly in this particular case, I want to say that it is not merely the one individual but it goes far beyond. In taking this action against this individual, what this government is saying to every employee, whether crown or public service is, "Watch your actions, boy, because your job is on the line." And they are going to set the terms of interpretation whether there is a conflict, and that is what the question is here.

I want to say that the Premier of this province has an obligation. He has an obligation to put forth his programs and, I think, by persuasion and by his spokesmen — and let's face it, he has a fair number accumulated for this short time, for the next two or three years. But I want to say that there is a higher duty that this Premier also has and that is to protect the freedom of expression of individuals.

I am rather surprised here. When you set up an operation of a crown corporation normally you have a board of the crown corporation, usually with a minister in charge or as chairman of that board, and normally decisions of policy that are going to be taken would be referred to that board for direction. And I want to say that I doubt very much whether the elected board of Sask Housing Corporation heard or knew about this before they read it in the paper.

I just want to say in closing, Mr. Speaker, to all the members here that this is indeed a very serious matter, serious for the future. It is a principle which this province has cherished. It is a principle which was laid down in the bill of rights that this province has put forward, that was subsequently enforced in the bill of rights put forward by the former prime minister, John Diefenbaker. We have it now in the new charter, and surely with that record of our being in the forefront of rights of individuals, surely now we are not going to take that drastic step backwards to become an area which is no longer respected, which can no longer attract good, bright young people to civil service because of the vicious actions of this government.

You know the Minister of Energy and Mines stood up and he started talking in contradictions. First of all he said we had destroyed the public service. Then he turned around and he said how he was able to go within that civil service and come out with the brightest, sharpest young individuals he could find, better than anywhere else in Canada. He took them from within.

I want to just tell you one experience that I had. There was a group from a military college, a military college. They had been touring throughout the world on behalf of the federal government — top military people. They toured many, many of the countries and they were going to complete it. I happened to meet them in Bonn, Germany and I spoke with them and we also in fact went with them on a tour down the Rhine Rivers on a Sunday.

And one of the top officials, one of the top officials in that group said, "Where are you from?" and I said, "Saskatchewan, with the Government of Saskatchewan." He

indicated what they were doing, and he said that they had been recently to Saskatchewan. They had received a briefing from the Attorney General and a few other ministers and top-line civil servants. And he said, "How do you attract such bright and competent young civil servants as you do in Saskatchewan? That presentation was by far the best that we have received to date."

I want to say that this civil service has been viewed as second to none throughout all of the years of this province, second to none. And I want to say it was not built on partisan political decisions; it was built on fairness and a respect for those individuals that were hired in the civil service. That is the principle that is at stake. And accordingly, I will be supporting the motion.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. LANE: — Mr. Speaker, the Minister of Energy and Mine served up the phrase quite properly when he referred to the members opposite as hypocrites. And I think he is being polite, Mr. Deputy Speaker. I think he's being polite. If we go back through the records and find out the attitude of members opposite . . . let me go back to . . . Oh, don't leave, don't leave. Oh, no! Mr. Deputy Speaker, I'm so disappointed that the hon. member left because he probably doesn't want to hear what I'm saying to say.

January 18, 1972, the then attorney general said, and I'm quoting:

Political bias is only a reason for dismissal in the case of sensitive key positions or where that bias interferes with the carrying out of government policies and programs.

AN HON. MEMBER: — Who said that?

HON. MR. LANE: — The then attorney general, province of Saskatchewan, the former member for Saskatoon Riversdale. That was the attitude that prevailed. That was the former attorney general making it very, very clear that political bias in sensitive positions was a legitimate ground for dismissal. That was one position that they took when they were the government. What did the former premier say? He argued in this House, and I think with a very legitimate position, senior positions — and the debate at one time was deputy ministers must support and carry out government policy. I think that's fair comment. I think that's fair comment. The member for Shaunavon nods his head. As a matter of fact, to quote the premier when he spoke to the Institute of Public Administration of Canada on September 8, 1971, he says:

I know that all will not agree with me, but I believe the role of a deputy minister demands a awareness of both public acceptability in the general sense and consideration of the philosophic and political direction of the government he serves.

And I think that's fair comment. I think he agrees that it's a legitimate position, that in certain sensitive positions, political bias or the need to carry out government policy are major determinants in whether the individual keeps his or her job. Those are tow statements they made.

So now the question is whether the individual whose name is before us today is in a politically sensitive position. The former premier argues the strangest position: because he was a union member, he's low enough that it can't be a sensitive position.

Now from the party that is trying to claim that it has support for the working man, saying because he's a union man he's low enough, that it's not a sensitive position, I find a rather, rather strange position for the Leader of the Opposition to take. Mr. Speaker, it's been accepted, and it was accepted by the previous administration, that in fact union officials could be in sensitive positions, and union members. Surely the question of sensitivity is not limited to those are out-of-scope as opposed to those that are in-scope. Rather strange position, Mr. Deputy Speaker.

Was Mr. Van Mulligen in a sensitive position? I don't think that there is any doubt. What is the role of a communications officer? It's to be a vital part of the dissemination of the information on government policies and programs. It's to prepare information so that the spokesmen for government, be it cabinet ministers, MLAs or senior members, are disseminating and taking forth the public government policy and government positions. And that's the role of an information officer.

How can someone who is charged with the role of disseminating government policy and position then be in the position of the standing up publicly and leading the charge, leading the charge to criticize a major government policy? The hon. members said it was all right. They said it was all right today but they didn't say it was all right. They said it was all right today but they didn't say it was all right when they were government for 11 long lean years.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. LANE: — Because then, not disagreement with a government policy was grounds for dismissal but it he words of the former attorney general political bias was grounds for dismissal. That was their position when they were in government.

Mr. Deputy Speaker, then we have the directive of the Department of Agriculture that agricultural staff "must" now be proponents of orderly marketing methods as opposed to any other kind of marketing. Where was the freedom of speech then? Where was it? Oh, I guess we've got two rules here. Two rules: one when they're in government; now, when they're in opposition, of course, they would never have said that. Unfortunately the printed word lasts a little longer and there were enough of these distributed that there weren't enough shredders around the government to get rid of them all.

What should Mr. Van Mulligen have done? He set it out most clearly in his own press statement when he said:

The important exception to this is on matters before council affecting my employer. In those instances I have declared a conflict of interest.

Why did he not declare a conflict of interest on such a fundamental government policy as the recovery package and restraint program? The member who left, the member for Quill Lakes, said that the Minister of Finance had been around to all the councils and said what government policy was going to be. He can't plead ignorance. Now, it may be proper not to have read the *Leader-Post* on what our government policy was, but I suggest that while he may not have gone the meeting with the Minister of Finance it was ell communicated to him. It wasn't that he didn't know what government policy was. I suggest that he knew in no uncertain terms what the policy of this government was.

Let's look as well as Mr. Van Mulligen's statements. He makes the point that:

My obligations and responsibilities to my employer end, however, when I leave the office, whether that is at 5 p.m. or when I am away from the office on leave without pay pursuant to section 80, subsection 2 of The Labor Standards Act.

An unequivocal statement that it ended at 5 o'clock. But then, he admits a little later that he did have an obligation to his employer, because then he says, "... the important exception to this, of course is on matters before council affecting my employer." So he admitted that his duty goes beyond the 5 o'clock deadline that he imposed, and that his duty to his employer went into his dealings at council, an admission by Mr. Van Mulligen.

He also admitted that in other matters before council he did declare a conflict and didn't vote. He admitted that he had a course of action that he could have followed; that in fact the proper course of action in the conflict was to withdraw from that item, and not participate.

It's very interesting that the statement today indicated: (1) there is an obligation to an employer to support the policy, (2) that that obligation continues into his dealings with city council, and (3) that in the past when he had a conflict of interest he withdrew or did not participate.

The real question is: why did he not do so in the case of the provincial government restraint and recovery program? Why didn't he? That's a question that Mr. Van Mulligen is going to have to answer. I don't think any members over in the opposition accept for a minute the argument that Mr. Van Mulligen did not work for the Government of Saskatchewan. To say that the crown corporations are not part of the Government of Saskatchewan is ludicrous, and I don't think members opposite would argue very strongly that Sask Housing is not part of the Government of Saskatchewan. If they did want to take the argument, Sask Housing of course is a treasury board crown corporation that gets its money from the Department of Finance, then it's for all practical purposes a department. So the argument is a specious one.

Mr. Deputy Speaker, the members opposite refuse for some strange reason to argue a well-recognized principle of the British parliamentary system, and that is that when a civil servant, a public servant, disagrees with fundamental government policy, his duty is to resign. That wasn't touched. I use the word "fundamental" because I think all members will accept that there are areas of fundamental government policy and other areas where the government doesn't ride and fall on a particular policy.

The one example given is their attempts to tie to church groups the question of alcohol, and yet on Friday or Thursday, the Leader of the Opposition got up and admitted that members have differences of personal opinion on alcohol and its use and abuse; that in fact it was a personalized issue as opposed to a fundamental government policy. So their arguments break down on every single point.

Let's take another one. The freedom of speech. The freedom of speech. I don't think the members opposite are talking about unlimited freedoms for all because many freedoms contrast with other freedoms. When we talk about the right, for example to enjoy your own property and whether criminal activity should be allowed as a basic right. And it isn't. And it isn't.

Mr. Deputy Speaker, Mr. Van Mulligen's rights also require an obligation of loyalty to an employer. And that is an obligation accepted at common law, and I suggest that in most other legal systems in the free world that an employee has an obligation of loyalty to his or her employer. What did Mr. Van Mulligen do? He, as an information officer that disseminates government policy and chooses the manner of dissemination, used a forum to argue most strongly that that government's policy was wrong and was not worthy of support, and should be opposed and objected to. It strikes me as not meeting an obligation of loyalty to an employer, and secondly, it strikes me as being in breach of that accepted policy that when a civil servant, a public servant, cannot support fundamental government policy, that public servant resign.

A side issue of course is the example of Mr. Hart given by the member for Regina Centre, and of course what wasn't said was how Mr. Hart was demoted and squeezed out, forced to leave the civil service before his retirement deadline because things were made so uncomfortable for him. I don't know why that was missed. But the fact is very simply that a government employee in an extremely sensitive position disagreed fundamentally with government policy. Mr. Deputy Speaker, I urge the members of this Assembly to not support the motion, not support them motion because we believe there were courses of action that could have been followed. Mr. Van Mulligen could very simply have said, "I have a conflict of interest here; I won't participate in this debate." He did it many other times by his own admission.

You have a policy of loyalty to an employer. I believe that the fundamental issues here far outweigh the cheap partisanship and the hypocrisy being evidenced by the members opposite. Mr. Deputy Speaker, I urge all members to vote against the motion.

SOME HON. MEMBERS: — Hear, hear!

MR. LINGENFELTER: — Mr. Deputy Speaker, I rise to take part in the debate on this motion, one which I find most interesting and fascinating, in particular the comments made by government members. I suppose if you look at the area in the history where the two who have taken part in the debate come from you will not be terribly surprised. I think here again we have an attempt by the member for Qu'Appelle and the member for Thunder Creek to cover up for what has been a major blunder on the part of the Premier of this province and a minister of the cabinet.

Mr. Deputy Speaker, there are a number of things that have been talked about in the case of Harry Van Mulligen and his supposed lack of support for government policy that I would like to comment on. Mr. Harry Van Mulligen worked in the crown corporation, Sask Housing. It has never been indicated by any member of government in what area or in what manner he failed to carry out his responsibility in Sask Housing. Of course there has been an attempt to make a case that if Mr. Van Mulligen does not agree with every proposal of the Devine government, he is then in fact liable to transfer or liable to dismissal.

Mr. Speaker, I find this interesting. I myself have been involved in the civil service for a number of years with the federal government. I worked in the Department of National Revenue for six years and was an active supporter of the New Democratic Party at that time. It was well known to the government and the department that I was very much involved in working against certain proposals of the federal government in terms of transportation policy changes. But because of the fact that I did my job, I suppose, in a relatively adequate manner, the federal government, even the Liberal federal government of that day, saw fit not only to leave me in employment in that area but also

to give me a leave of absence in 1978 with a security of tenure when I returned, if I was to return after the 1978 election.

Mr. Speaker, what we are talking about here is not an employee . . . (inaudible interjection) . . . Well, the member for Qu'Appelle would know a lot about that with his marked history. He is great guy to be talking about it.

Mr. Speaker, the point here is not whether Alderman Harry Van Mulligen was carrying out his duty as an information office in Sask Housing or not. Very simply put the case is whether or not Harry Van Mulligen agreed with all of the proposals of the Conservative government. I think the members of government are going to have to realize sooner or later that everyone in the province is not going to agree with everything they do. I suppose it shows a certain lack of security in their position, even with the 55 seats in the House, that they cannot stand any kind of opposition or any kind of criticism, I think they are making a big mistake, even in very simple political terms.

We have been talking to the land bank lessees, many of who I'm sure voted for the Conservative Party at the time of the last election — many of them admittedly so. The Conservative government has decided that every person who has a land bank lease is their opponent. Therefore, I think they are driving each and every one of the 2,700 away from the Conservative Party. I think you can look at the many senior citizens, Mr. Speaker, who are being asked to partake in the recovery program with higher nursing home rates, with cuts in the Saskatchewan Income Plan, with cuts in the homecare program. Those people are not going to agree with the Conservative government either. You can't stifle people's remarks and attitudes and opinions simply by issuing an edict from a minister's office/

I think the insecurity that we see from this government is very obvious in a number of areas, starting with Bill 16, a bill which allowed the government far-reaching powers to remove board and commission members. At that time in that debate, I mentioned to the government that they were making a big mistake in that area, because many of those people were working as very interested citizens, not for an NDP government, but simply to serve the needs of their community. But each and every one of those people who were dismissed by this government, the Conservative government, are now enemies of the government. So I say, even in the most simplistic view of politics in Saskatchewan we find the government making some very, very basic political errors.

We can look at, as well as the case of Mr. Harry Van Mulligen, the 28,000 people who are employed with the government or with crown corporations. Here again, many, many of those people would have worked very hard for the government, diligently. Instead, you have stories going around about the difference between the Saskatchewan civil service and the one in Poland. In Poland they are thinking about lifting martial law. There are other stories about the repression which is going on within the civil service and which is driving people away from the Conservative Party to another alternative, which, I am sure, does not look as bad or too bad at this point in time.

Mr. Speaker, the member for Thunder Creek talked at length about the recovery program and how everyone in the province should get involved in the recovery program, and if they don't then they should resign. Well I can guarantee you that there are many social workers and many people who work in the health field who will take a long time convincing that the recovery program should be fought on the backs of the day care centres and the nursing homes. And simply because they disagree with that is

no reason why they should be dismissed, why they should be transferred to other positions. I think the Conservative government very quickly is going to have to own up to some of the stark realities of living in a free society.

Mr. Speaker, the members have shown other areas where they have the same paranoia about different groups in the province of Saskatchewan and their lack of support for the Conservative government. The Saskatchewan Council for International Co-operation, a group of 27 groups who have served many needs of people overseas, has had its funding frozen. Two million dollars has been frozen. The member for Qu'Appelle says one of the reasons is because 75 per cent of them are political. It's a long list of various people who are being told that if you don't agree with the Conservative policy you will not get funding and will not get support, and if you work for the government you should resign or move to another area. Mr. Speaker, that simply is not the fact of life that we have come to know in Saskatchewan.

Mr. Speaker, the other disturbing thing is this: where will this end? First we see the boards and commissions . . . I suppose our debate on Bill 16 we could go through again, but we made our case that Bill 16 was a bill which gave the government far-reaching powers and should never have been introduced. We see the introduction of Bill 46, which takes about the rights of 2,700 leaseholders in the province of Saskatchewan. We can argue about that one when it comes up, because here again we see 2,700 people who are having contracts with a government broken and done away with. Where will . . .

MR. SPEAKER: — Order. The motion that we are discussing is a somewhat narrow motion, and I believe that the member is reaching out to things that are on the order paper for future debate. I would ask the member to return to the subject of debate that is before us today.

MR. LINGENFELTER: — Mr. Speaker, there are a good number of groups who indirectly will be affected by a move such as that being applied to a civil servant. Harry Van Mulligen, and the member for Thunder Creek and the member for Qu'Appelle talked about a flip-flop. Well, I want to read to you a statement by the House Leader, the member for Souris-Cannington, in 1979, December 4, when he talks about marketing boards. He says:

Unions would be free (this is under his proposal) to ordinate pressures on political patronage. Hog marketing commissions and other producers would be producer controlled by democratically elected representatives, not administered by political appointments. Local governments would be free to exercise more authority over tax administration, and thus free to make decisions. Civil servants would be free to enjoy and participate in their democratic right without political harassment.

This is the member for Souris-Cannington in a debate in 1979, December 4.

Well, Mr. Speaker, I can tell you that there definitely has been a change in attitude, and I say a change in attitude by those people who now form the government, and I also say that the people of the province will not forget quickly the type of repression which is attempting to be instituted in the province of Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

Motion negatived on the following recorded division.

YEAS — 6

Blakeney
Engel

Lingenfelter
Koskie

Lusney
Shillington

NAYS — 35

Muller
Birkbeck
Taylor
Andrew
Berntson
Lane
Thatcher
Pickering
Sandberg
Klein
Katzman
Currie

Duncan
Smith (Swift Current)
Hampton
Bacon
Tusa
Hodgins
Sutor
Petersen
Glauser
Parker
Smith (Moose Jaw South)
Martens

Rybchuk
Caswell
Young
Domotor
Embury
Dirks
Hepworth
Folk
Myers
Johnson
Baker

ORDERS OF THE DAY

COMMITTEE OF FINANCE

CONSOLIDATED FUND BUDGETARY EXPENDITURE

ENERGY AND MINES

Ordinary Expenditure — Vote 23

Item 1 (continued)

MR. LINGENFELTER: — Mr. Minister, the last day when we were discussing the well-drilling program in the province of Saskatchewan, you indicated that to date, or till November 27, I believe it was, the number drilled in the southwest corner of the Swift Current region of the province had dropped to date from 50 to 30. Can you give me a similar number on the total drilling within the province? Attempt to find out exactly how much impact the reduction in the oil royalties has had on drilling in the province to date. I just would like to have that number so we would have an idea, if, in fact, the cuts in oil royalties have meant a great influx of drilling in the province of Saskatchewan yet, or if that is something that you can appreciate.

HON. MR. THATCHER: — That information was delivered to your office exactly as you asked this morning. You had it in lots of time to be prepared for this afternoon. Since you've decided to play your little games today, that's entirely up to you. You asked for

that information and you got it, and I suggest that you read it.

MR. LINGENFELTER: — Mr. Chairman, I don't recall asking for that information on the total drilling in the province of Saskatchewan today. I'm not sure what the minister is talking about. He probably doesn't either, to date, but maybe you could give me that information I requested few moments ago.

HON. MR. THATCHER: — Mr. Chairman, I don't know. I really wonder about the quality of the opposition asking these redundant questions. They ask for material. They get it. They don't read it until they want to waste this House's time asking silly questions simply because they haven't done their preparation.

Mr. Deputy Speaker, last year, in 1981, there were about 808 wells drilled in this province. For the first half of 1982 drilling was down about 38 per cent for the first quarter, and 38 per cent for the second quarter. For the third quarter, which was the period of July to the end of September, drilling did start to show up a modest upswing. For the third quarter, it would appear that drillings are going to be up about 81 per cent — the fourth quarter, pardon me.

What the nuts and bolts of all that means is that it would appear that the decline in drillings from 1981 is going to be minimal. In fact it may even be zero. We are not prepared to state that categorically, but it is going to be minimal, and it is primarily due to the royalty structure which we introduced on July 6. I would point out that as we operated on your royalty structure it appeared that the industry was going to go right through the floor. I think we have at least salvaged some respectability. I don't mean to suggest that we are satisfied with this level of drilling because we are not, not at all, and we look for better things in 1983.

MR. LINGENFELTER: — Well, I have to tell the minister that I'm pleased with that response, very quickly telling the people of the province that there has been absolutely no increase in the amount of drilling this year. Using the Swift Current example, I think it's very clear that the amount of wells drilled in that area, whether you look at the first, second quarter or whatever . . . You can predict, I suppose, and anticipate a large number of wells being drilled between December 6 and the end of the year, but I just don't see the drilling rigs out there doing it. I'm not sure what the minister is basing his information on. I know that in the Estevan area where there is a lot of activity in the oil patch . . . I was down there on Friday. They were indicating to me that most of that activity is based on drilling in southwestern Manitoba, and every morning about 40 trucks roll out of Estevan and go to Manitoba to do their work and come home in the evening. I would like to know what the drilling is in the southeast corner of the province, and if you could give me the same numbers in that area as you gave me for the southwest last day.

HON. MR. THATCHER: — Mr. Speaker, well first I'll give you 1981. In 1981 there were 139 wells drilled in the southeast portion of the province. This year our estimate is that there will be 129 at least, maybe a little bit better than that.

The member can kill time, if that is what he is here to do, and nitpick about the drilling. I mean, let's face it, we had an NDP royalty structure for six months of the year, and nothing was happening. The industry was going right down through the sewer. Okay, so the balance, virtually what we've got here has been done in the last six months, since there was some common sense in the industry. I'm sorry, it took us a couple of months to re-evaluate the royalty structure. In contrast to the gentlemen opposite, we decided

we would do it right, and we took a couple of months to evaluate the entire procedure. So whatever you see for 1982 in effect you are evaluating us on a 6-month period versus 12 months for you last year.

MR. LINGENFELTER: — Mr. Chairman, I think it's very obvious to everyone there, I know it is public, that in 1980 there were 1,498 wells drilled in the province under what he calls the regressive oil taxation policy of the New Democratic government. That's 1,498 as opposed to what he's predicting, around 800 or one-half of what there was in 1980, under a Conservative government. I think that gives an indication of the policy of this new government.

HON. MR. THATCHER: — In response to the member, I'm simply going to say we operated for six months. 1980 was just a pretty doggone good year in the oil industry. It looked like the price was going through the roof. That was the best you could do in the best of conditions. Well, all right, we've got 1983 and 1984 coming up. I've indicated we don't consider the level of drilling this year to be satisfactory. We're optimistic for 1983. Naturally, we could use some help from the economy. So I would suggest to the member that perhaps he could be a little patient and we'll see what happens in 1983. I agree the level of activity is not what we wanted to see. We're not satisfied there. We're looking for better things ahead.

HON. MR. BLAKENEY: — Mr. Chairman, I'd like to ask a few questions essentially with respect to page 118, in the sense of the non-renewable resource revenue that's going into heritage fund. This is information that I indicated I would ask for, and I've received a good deal of information from the minister and his staff and I thank him for it. It is prepared on the basis that it was answering the question that I'm going to ask, and therefore I think we will be able to move with some speed.

The toughest ones are with respect to oil and the calculations with respect to oil . . . (inaudible interjection) . . . No, I'm right here, Larry. Would you like to come over and sit here? It's quite all right. You can help me from here. It'll save a lot of chit-chat. I'm sure that other members want to read, or do whatever they want to do. You don't have to sit over there, Larry.

With respect to oil, and I'm not referring to the Saskatchewan crude oil production table which you provided me with, which is a single table headed that way, about two-thirds of the way down the page. It is based on production for the first half of 1982 — if we're looking at the same document — Lloydminster heavy and Kindersley heavy and light, and Swift Current, Southey. I don't know whether it is simple to ask this question, but can one give the royalty rates in terms of classes of oil? Is that simply possible, or do we have to do it in terms of NORP and SOOP and old?

HON. MR. THATCHER: — I believe the member for Regina Elphinstone also has these graph. I believe they were delivered, all right, and also the detail sheet here. And I think the information you are looking for . . . (inaudible interjection) . . . I agree it's pretty formal and one of this is simple as you know, but how else can I answer that?

HON. MR. BLAKENEY: — If you think if I apply myself to those sheets the material, the information is there, I'll just leave it in . . .

HON. MR. THATCHER: — What you're asking for, I believe, is public information. If you would like our department to do a form of analysis for you to make it a little more

simplistic. I have no objection in instructing them to do so. You know, it's public knowledge. Any oil company could give you that information and there's no reason that we shouldn't. I suppose that we could give it to you in the Assembly right now, but it's going to be with difficulty, and I am prepared to give you the assurance we will give you a synopsis of this if you so wish, as prepared by technical people.

HON. MR. BLAKENEY: — Well, let's leave it at that then and let me move along on some other things.

HON. MR. THATCHER: — Before you move on to that, I might add, if you had some specific questions in that are, it will be easier for us to provide the information that you want. So you may either submit those questions to me or phone the department directly, whichever.

HON. MR. BLAKENEY: — With respect to natural gas and the natural gas royalty structure, do I understand it to be 2 cents per mcf or 71 cents per 1,000 cubic metres and that there's been no change in that?

HON. MR. THATCHER: — Not at this point in time.

HON. MR. BLAKENEY: — Okay. With respect to potash, the potash royalties (and I must say that I had forgotten they existed as opposed to the base payment and the graduated payments but I guess there is a royalty) with respect to the potash graduated payments from which you expect to get, according to your material, some \$25 million or \$26 million, is the formula the same? Has there been any change in the formula on calculating the graduated payments for potash?

HON. MR. THATCHER: — There has been no change. That is what's in those potash resource sharing agreements.

HON. MR. BLAKENEY: — So that the somewhat lower figures than had been previously anticipate arise either from an anticipated drop in sales, or an anticipated drop in production or sales, or an anticipated drop in the selling price. It is . . .

HON. MR. THATCHER: — To the Leader of the Opposition, the payment is related to profits, and as in fact sales are down, profits are down. Consequently revenues calculated as such are down.

HON. MR. BLAKENEY: — Excuse me, Mr. Minister. Mr. Chairman, and, Mr. Minister, is it primarily because the price is down, or primarily because the production is down, or a bit of both?

HON. MR. THATCHER: — It's fair to say it's both, but you're asking me to do a little bit of speculation as I answer that.

HON. MR. BLAKENEY: — I turn now to uranium. Mr. Chairman, and, Mr. Minister, with respect to uranium and with respect to the base royalty and the graduated royalty, can you advise whether there has been any change in the method of calculation of the graduated royalty?

HON. MR. THATCHER: — At this point in time there has not been, but I'll be very candid with the Leader of the Opposition and say that I have had some requests from uranium producers to look at their royalties. At this point in time, I haven't received those

representations. I don't know how valid they are. But I have promised to talk to them with a commitment to keep an open mind. But at this point in time we have not seen any need to enter into them. I would have to be convinced that there is a need to do so.

HON. MR. BLAKENEY: — The opportunity presents itself for change. I don't know whether it would necessarily be a desirable change, but the low-base royalty was set there just for Eldorado's benefit and they're not around anymore, so presumably one could change the basis of it. But the graduate one has been negotiated so there is no use rocking that boat if they'll live with it.

With respect to sodium sulphate royalties, has there been any change in the formula?

HON. MR. THATCHER: — No, there has not been. In making a brief comment on the sodium sulphate, it is one area, and of course this is through Sask Minerals, which is doing extremely well. This is one mineral, as I'm sure you recall from your days in government, sodium sulphate, which seems to operate in reverse of the economy. When the economy is tough, it does well. They are doing very well. I'm not sure whether that's totally true of all other companies, but Sask Minerals is. But there's been no change in the royalties.

HON. MR. BLAKENEY: — With respect to coal, the royalties are anticipated at about \$8.5 million, or something like that as I recall it. No, \$7.5 million. Is the royalty still 15 per cent?

HON. MR. THATCHER: — We've made no change there.

HON. MR. BLAKENEY: — With the freehold coal tax which is on the mill rate basis, can you state what the mill rate is?

HON. MR. THATCHER: — I have no objection. I am advised that because it has not been formally approved, that I should not do so right now. I have no objection to informing you in a week or 10 days, after it is approved, or what it is.

HON. MR. BLAKENEY: — I'm just obviously getting some stuff for the record here, and if I have your undertaking to send it along in a couple or three weeks for the record, that's fine.

With respect to salt, is the royalty still on the same basis, 30 cents a ton or 3 per cent?

Just in passing. With respect to quarrying, the royalties are very, very low compared with some previous years. Is there an explanation for that?

HON. MR. THATCHER: — Primarily the reason for that is because road building is down, construction is down, and sand and gravel. It's basically because of the economy that it is down. We haven't altered the rate at all.

HON. MR. BLAKENEY: — Mr. Chairman, and, Mr. Minister, back to oil royalties and the calculations of the royalties that I can or will get. Road allowance — I can figure that one out. Bonus bids of \$30 million — about how much has come in so far this year on bonus bids?

AN HON. MEMBER: — Al, do you want to stop the clock and finish this?

HON. MR. BLAKENEY: — Well, why not stop it for five minutes and I'll be through all of this royalty stuff, and then I have some more stuff just on the book.

HON. MR. THATCHER: — We believe that it is between \$12 million and \$13 million. He's getting a precise figure right now.

HON. MR. BLAKENEY: — Then you're anticipating that it will reach \$30 million?

HON. MR. THATCHER: — Yes, they believe it will reach 30.

HON. MR. BLAKENEY: — With respect to oil well income tax assessed, \$5 million. It slips my mind what that is. Can you give me a 10-word explanation or what that is?

HON. MR. THATCHER: — They file their tax on an instalment basis throughout the year. At the end of the year their formal tax is calculated. To some people we may owe refunds; some people may owe us money. That is the net change in the column you are talking about.

HON. MR. BLAKENEY: — One other question. With respect to the export tax flow-back of \$213 million: can you indicate to me how much of that is in respect of the current financial year and how much is in respect of the prior years which we have now received?

HON. MR. THATCHER: — When we come back after 7 we'll have the calculation done and the precise figure for you.

HON. MR. BLAKENEY: — Mr. Chairman, and, Mr. Minister, when I come back at 7 o'clock I'm going to ask some question along the following lines: with respect to subvote 1, names of employees making more than \$25,000 a year and their titles, also the names of all executive and special assistants; and with respect to all subvotes the names of employees whose annual rate of pay is more than, say, \$25,000 a year, and who have been employed after May 1 (there won't be that many; I hope not); roughly speaking, how many of your positions are filled and how many are vacant, at the bottom of the page; and then a couple of questions on increases and decreases in numbers. That's what I propose to ask when we come back.

The Assembly recessed until 7 p.m.