The Assembly met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

WELCOME TO STUDENTS

MR. LINGENFELTER: — Mr. Speaker, I wish to introduce to you, and through you to the members of the Assembly, a group of students, grade 3 and 4 I believe, 12 of them who are here today from the Wood Mountain School. I would like to introduce them on behalf of my colleague from Assiniboia-Gravelbourg, and I'm sure that all members will want to join with me in welcoming them here today and wishing them an enjoyable stay for question period. I look forward to meeting with them after for a bit of a snack about 11:30. Thank you, Mr. Speaker.

HON. MEMBERS: Hear, Hear!

MR. MARTENS: — Thank you, Mr. Speaker It's a pleasure for me to introduce the school from Vanguard, Saskatchewan today. They are accompanied by Mrs. Dyck, Mrs. Larson, Mr. Lyding, and Mrs. Minifie. They are also accompanied by Mrs. Anderson, and she is a special lady in my past. She was my school teacher at one time, and I remember something very distinct about her. I was a fairly young fellow, and I remembered she was a very good-looking young lady. And I want to welcome them here today. I also want to indicate that the member from Saskatoon, Kim Young, was also a student in that classroom at one time. They have another thing that's unique. I hope that these young people will take the example of their high school, because their high school is completely non-smoking and I think that's a special recognition for the school in Vanguard. And I want you to join me in welcoming them here.

HON. MEMBERS: Hear, Hear!

HON. MR. TAYLOR: — Mr. Speaker, I would like to take this opportunity to introduce to you and to the members of the Assembly, 43 grade 4 students from Grenfell. They are seated in the west gallery, along with their teachers: Mr. Keith Biesenthal, Mrs. Carole Piller, and Mr. Tim Taylor. I want to congratulate the teachers for taking the effort to bring the young students in here. Many of us, I think that our first visit to the legislature was when we were elected, and I think it's a wonderful thing that these young people get in here to see what the parliamentary forum is like. So I want to congratulate you for bringing them in. And I also, while I'm on my feet as being Minister of Health, would like to congratulate the Vanguard high school for having a non-smoking high school. I think that's fine achievement for any high school in this province and a good model to follow. So they will get certificates; in fact, I think they may get more than that. So, Mr. Speaker, I'd just like to tell the Grenfell people that I'll be meeting them for pictures and drinks afterwards. Have a good day and a good trip home. Being an old teacher, I think it's holiday time; have a good holiday too.

HON. MEMBERS: Hear, Hear!

HON. MR. ANDREW: — Yes, Mr. Speaker, I've been in this Assembly now for six years

and this is the first time in that six-year period that I've been able to introduce a group of students from my constituency.

HON. MEMBERS: Hear, Hear!

HON. MR. ANDREW: — We have 15 grade 8 students from the town of Eatonia, sponsored by the Eatonia Lions Club. Each year they bring a group of students down, but it's usually near the end of June when the session has far been put away to bed and we are waiting anxiously for the next year. I do welcome the students to the Assembly. We will be taking pictures at 10:30 and if you believe yourselves, showing the kind-heartedness of your good member, I twill undertake to pay half the cost of your drinks afterwards.

HON. MEMBERS: Hear, Hear!

QUESTIONS

University Funding

MR. KOSKIE: — Thank you, Mr. Speaker. I would like to address a question to the Minister of Advanced Education and manpower. It has to do with the recent announcement by the president of the University of Saskatchewan that the university will have to lay off non-teaching staff in view of the shortage of funding and, further, that there are reports from both the University of Regina and the University of Saskatchewan that out of a lack of funding it'll be difficult to accommodate all of the students. Indeed, the president of Regina campus indicated that the enrolment registration is up 42 per cent over this time last year. My question to you is: in view of the crisis with the university funding, can the minister indicate whether in fact he has completed his monitoring and will in fact provide further funding to the universities?

HON. MR. CURRIE: — Mr. Speaker, we have been monitoring the situation, as the hon. member has pointed out, and we have met with the chairmen of the boards of governors of both the universities, as well as with the presidents, and we are working out what hopefully will be a suitable and an appropriate arrangement with both universities.

MR. KOSKIE: — A supplemental, Mr. Speaker, I would like to indicate that the crisis, Mr. Minister, is certainly developing. I ask you: have you a timetable when you will complete the monitoring and address the funding crisis at the universities?

HON. MR. CURRIE: — Well, Mr. Speaker, the timetable would be as soon as possible. I recognize that there are some time constraints that the universities people have in planning for the coming year and we would try to facilitate them to the best of our ability, as soon as we possibly can.

MR. KOSKIE: — One further supplemental. Mr. Minister, you had the advantage of having the submission from the university commission which you abandoned, but the commission indicated that it needed a minimum of 11 per cent. What factors have you analysed in respect to the commission's submission which in fact were not valid and why you held the funding to 7 per cent rather then 11 per cent as requested by the university commission?

HON. MR. CURRIE: — Well, Mr. Speaker, if the hon. member would give me the

opportunity to answer the question, it's simply in keeping with the guide-lines that have been established by our government and we expect the university sector to fit in as closely as possible with guide-lines, along with all other sectors. We've applied the guide-line to the area of K to 12 education and as much as possible we have realized savings where we can. As far as the university sector is concerned, I think that considering all the factors, considering the economic situation that exists in this country, comparing what we are doing here with what is happening in the university sector throughout this country, I think that even the university people themselves feel that they're being fairly well treated.

HON. MR. BLAKENEY: — Mr. Speaker, I'd like to direct a question to the Minister of Advanced Education about university funding. He will recall that he advised that this House on March 30 that he was going to monitor the enrolment increase at the university level (and I'm quoting from *Hansard* on March 30). He will be aware of the announcement yesterday, I believe, by the University of Regina president, indicating that indicated enrolments for next year are up 42 per cent over the same period last year.

May I ask the minister, firstly, whether he ahs completed his monitoring and second, whether he is prepared to assure the University of Regina that they will receive an increase on a per student basis equal to 7 per cent over what they got last year on a per student basis?

HON. MR. CURRIE: — Mr. Speaker, the answer to the first question is no; we have not completed our monitoring. We are in the process of so doing. As I mentioned before, we will have this completed as soon as possibly can, hopefully within the next week to two weeks. And as far as the formula that we come up with is concerned, I think that is something that we will work out between the university sector and the Government of Saskatchewan.

HON. MR. BLAKENEY: — A supplementary, Mr. Speaker. The working out referred to by the minister will surely involve the minister telling the universities what they might expect, and what I want to get from the minister is: in working this our with the university, in order — to use his words — is he prepared to look at the funding on a per student basis so that if the universities are faced with a great influx of students they can be assured that they will have some additional funds from your government to take those students and won't have to turn them away?

HON. MR. CURRIE: — Well, Mr. Speaker, the Hon. Leader of the Opposition was referring to a statement made by the president of the University of Regina. And my most recent conversation with the president of the University of Regina . . . The president and the vice-president of the University of Regina have assured me that they will admit all students who apply, so that's the most recent information that I've received from them, and I think it deals directly with the concern expressed by the Hon. Leader of the Opposition.

HON. MR. BLAKENEY: — Supplementary, Mr. Minister. Even on the assumption that the university presidents and the university administrators are prepared to admit all students who may apply, would the minister not admit that the quality of the educational offering which will re received by those students must necessarily decline if you reduce the funding per student which you are providing to each of those universities?

HON. MR. CURRIE: — Well, Mr. Speaker, the Hon. Leader . . . (inaudible interjection) . . .

MR. SPEAKER: — Order, please. Give the member an opportunity to answer.

HON. MR. CURRIE: — Mr. Speaker, the Hon. Leader of the Opposition is getting into the area of a lot of intangibles. I think that you have to be involved in education yourself to understand specifically what I am speaking about. All the money on earth cannot buy good education.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. CURRIE: —The key, the one main thing involved in education, is the person who is in charge of the classroom, the person who is in charge of instruction — the teacher, the professor. Having been involved in education over a period of many years, Mr. Speaker, I have a lot of confidence in the people who are teaching and instructing in all sectors in the education in this province.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. CURRIE: — I have that much confidence in them, and I have seen over the past — with your ups and downs in recession, and periods where there hasn't been recession, when there've been boom times — I've seen them be able to adapt and to adjust, and to meet with various kinds of situations, and just using common sense and good judgement, to be able to give quality education regardless of the amount of money that has been involved.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. BLAKENEY: — Supplementary to the minister. Is it the minister's position that a dedicated teacher — of whom he has met many, and of whom I have met many — can perform equally well with a class of 250 as he can with a class of 100 if he's teaching, let us say, English?

HON. MR. CURRIE: — Mr. Speaker, no, I think that that's a hypothetical situation and an exaggerated situation. No, I was not indicating that at all. What I am really saying is that in monitoring the situation, we are attempting to do our very best to give the maximum benefit as far as economic resources are concerned to the university sector, keeping in mind that there's only so much money to go around, and we have great needs in other sectors of education in this province, let alone health and social services and so forth. We are trying to distribute the resources that we have in such a way that we will give the maximum benefit to the maximum number of people, educationally, in this province.

Numbers on Welfare Rolls

MR. LINGENFELTER: — Mr. Speaker, a question to the Minister of Social Services. The minister will know that statistics released from her department this week indicate that for the first time in the history of the province the number of people on welfare has risen above 60,000, which is an increase of 23 per cent from the time last year, and I think the more shocking fact is that 14,676 of those are people who are in the category of unemployed employables, many between the age of 18 and 25. Mr. Speaker, the minister had been predicting that these numbers would decrease, and I would like her

to tell me when she now anticipates that the numbers of people on welfare in this province will begin the decrease, which she has been predicting since she took that over, and which have gone the other way every month for the last 14 months.

HON. MRS. SMITH: — Mr. Speaker, I really do believe that we probably have an affliction across the way: something like constipation of the brain and diarrhoea of the vocal cords, and if we could just reverse that the whole world would be a little bit better off.

SOME HON. MEMBERS: Hear, Hear!

HON. MRS. SMITH: — It is true, Mr. Speaker, that we have had a 23 per cent increase in the welfare rolls this year. I do not think, in all honesty, that you can look in isolation at the statistics on social welfare from the labour force statistics that come out, because they really do tell a much larger picture. If you look at what has happened over the year, we have had 14,000 more people coming into the work-force — 14,000 — in a time of a downturn in the economy, and perhaps what one would determine is more unemployment right across Canada and also in Saskatchewan.

In looking at this month's statistics that the member from Shaunavon is referring to, I suggest to him that there has been a decline, a trend. I would also inform you that last month the figure was 171 more cases on the case-load picture, and that in fact there was a delay of 141 cases on last month's statistics. If you were to take that and do some addition and subtraction, you would find that the trend has been a very normal trend in moving down. In fact, last month should have showed 141 more than what it did, and that would be less than what it was the month before. For this month, it should be 202, and that is a very normal trend.

MR. LINGENFELTER: — that is the best explanation of having numbers which have 60,00 people on welfare, and the minister attempting to explain how that is a decrease. I'm sure she'll have a difficult time in explaining that to any rational people throughout the province. But my question to you is: in the category of unemployed employables, would you not agree that the increase from this time last year is in fact a 65 per cent increase to 14,500 people who are now on welfare, and if that is not in fact a 65 per cent increase from April of last year?

HON. MRS. SMITH: — Well, Mr. Speaker, with all the categories that come under the employables, it means those that are fully employable, partially, those that are undergoing training, and those that . . . the seasonal employment. If you take the total, it is approximately a 53 per cent increase, and I would agree that that is extremely high. I would also suggest if you take a look at some of the programs the government has put into place that they have been working very hard to increase that. And you only have to look at even the student employment program — approximately 3,800 jobs; the small business — approximately 1,200 jobs; the job creation program that we did in conjunction with the federal government is up over 2,000; plus approximately 275 jobs in the Saskatchewan JOBS program. That is not even the jobs that have been created out of the Sask Housing program, the $3,000 grant.

MR. LINGENFELTER: — A final supplementary, Mr. Speaker. I wonder if now that we see we have, and her number is a 53 per cent increase, and the number that I figure out is a 65 per cent increase, and we can argue a long time about that, but would you not agree now that we need in this province is to extend your task force or your hearing that

you have going on into welfare in the province and the situation which we now have, which is reaching epidemic proportions — if we should not have public hearings throughout the province to come to grips with a problem that you seem unable to cope with?

HON. MRS. SMITH: — Well, Mr. Speaker, my only comment is that the study that is being done is on the welfare system and not on the employment picture. You know, you're talking about employment and I'm talking about a review of the welfare system.

HON. MR. BLAKENEY: — Mr. Speaker, a supplementary to the Minister of Social Services. She has acknowledged that the number of beneficiaries is up about 11,000 from this period last year — a little more. On her statistics, there are 7,000 people who are working at jobs which depend upon straight government subsidies — 3,800 students; 1,200 small business; and 2,000 on the JOBS program — a total of 7,000. In the light of the fact that 7,000 people have jobs which have some measure of artificiality in that regard, and the welfare rolls are up 11,000 in one year, does she not find this a frightening set of statistics, and is she not preparing some other programs or measures to deal with this very substantial increase in people who appear to need public assistance at one level or another?

HON. MRS. SMITH: — Well, Mr. Speaker, as I have stated, no, I don't find that frightening. I'm certainly concerned about it, but if I take a look at the numbers that have come into the labour force alone in Saskatchewan, that's 14,000 — 14,000 more into the labour force in the last year, and when you balance that off, plus the downturn in the economy, no, I don't find it 'frightening', is the word you use.

PC Federal Leadership Convention

MR. KOSKIE: — I address a question to the Deputy Premier, the Minister of Agriculture.

As the minister will realize that we are in adjourning the House for a full week in order that you might go to a rather non-event . . . What I want to ask the Minister of Agriculture — that in view of the fact that one John Crosbie, a potential leader, has said that you can't improve rail transportation in the West without killing the Crow; in view of the fact that Brian Mulroney says that Trudeau Liberals are moving in the right direction by killing the Crow; and in view of the fact that Peter Puck . . . Pocklington says we should do away with the Crow and the CNR; and that Dave Crombie says that he supports the Pepin plan — I would ask the minister: will you promise, will you in fact promise to get to each of these leadership hopefuls, go to their booze parlours during their leadership convention next week, and in fact give them an education as to the needs of the West?

SOME HON. MEMBERS: Hear, Hear!

HON. MR. BERNTSON: — Mr. Speaker, we are adjourning the House for a couple of reasons — one of them to take the opportunity to select the next prime minister of Canada.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. BERNTSON: — And as it relates to the positions of the various candidates for that particular position relative to the Crow, quite frankly I don't know where John Burton . . . Is John Burton still your research officer? He's about as accurate as he was

when he was working in my department.

Number three, in the spirit of co-operation I would be more than pleased, Mr. Speaker, to adjourn the house to accommodate members opposite when they want to attend the federal Liberal convention.

SOME HON. MEMBERS: Hear, Hear!

MR. KOSKIE: — I have a supplement. I think it's a very serious concern — the question of the Crow rate. And the Minister of Agriculture stands in this House and he doesn't even know the positions of the potential leaders. I'm asking you: are you in fact, Mr. Minister, making a concerted effort to in fact get all of the western delegates to support a national leader of the Conservative Party who are in fact in favour of preserving the Crow?

HON. MR. BERNTSON: — We are, in fact, Mr. Speaker, a democratic party, and I emphasize 'democratic', not New Democratic. I can't speak for the leadership candidates. The ones that I have spoken to are shoulder to shoulder with me on the Crow position. I have not spoken, Mr. Speaker, to Peter Pocklington. I can't speak for what his position may or may not be. I have not spoken to one Mr. Fraser. I have . . . (inaudible interjection) . . .

MR. SPEAKER: — Order, please. Give the minister an opportunity to answer the questions when you ask them.

HON. MR. BERNTSON: — But, Mr. Speaker, regardless of what their position may or may not be, in the final analysis, when the dust all settles in Ottawa next week, and the next prime minister of Canada is leading the Conservative Party, the West will be recognized. Whether that prime minister comes from Newfoundland or British Columbia, the West will be recognized. And I doubt that any other party in Canada, Mr. Speaker, can lay that claim, and certainly not the party sitting opposite — certainly not the party sitting opposite. Mr. Speaker, they've been spinning around, spinning around — up 2 per cent, down 2 per cent. They've shown about as much growth as a . . . In any event, Mr. Speaker, my offer still stands. My offer still stands. If they want the House adjourned to attend the Liberal convention, I'd be more than pleased to accommodate them.

West Side Community College Graduation

MR. THOMPSON: — Thank you, Mr. Speaker. I direct my question to the minister in charge of Continuing Education. It's regarding a graduation on May 28 of the West Side Community College where 70 students graduated, and the minister was not in attendance at that graduation and he was invited. My question to the minister: do you feel — if he feels — that that graduation was not important enough for you to attend that graduation?

HON. MR. CURRIE: — Mr. Speaker, I regret very, very much that I was not able to attend that graduation . . . (inaudible interjection) . . . No, certainly that was not my thinking, and nor is it my intent at all. I've tried as much as possible to attend graduations and convocations throughout the province in the different regions, the different parts of the province. As a matter of fact, I'm going up to La Ronge on Tuesday for some openings. I'm going to Cumberland and two or three other places in northern Saskatchewan, to

Emma Lake and so forth. This is coming up next week. I think that I'm back in La Ronge for a NORTEP (Northern Teacher Education Program) graduation in June, so it hasn't been on the basis of not wanting to go. It's been strictly on the basis that I was . . . Unquestionably I was committed elsewhere, because I would have placed that particular event as a very, very high priority as far as my personal interests are concerned.

MR. THOMPSON: — Thank you, Mr. Speaker. I figure that's a pretty important graduation when we congratulate 70 students in one evening at the West Side Community College. And the minister was not in attendance, and he did not send anybody to represent himself. There was not one of his new board members could have at least attended that very important function — the biggest function that we have ever had in the West Side Community College since its inception?

HON. MR. CURRIE: — Mr. Speaker, I am really unable to give a specific answer to the question because I don't recall what the exact facts were concerning where I was committed at that time, nor do I recall what happened as far as the board members were concerned. But certainly I would concur with him and agree with him that someone should have represented me . . . (inaudible interjection) . . . I'm sorry. Was there something important that I was supposed to be listening to?

SOME HON. MEMBERS: Hear, Hear!

HON. MR. CURRIE: — In any event, I would like to assure the hon. member that there must have been an oversight and I would try to ensure that it doesn't happen again.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

House Adjournment

HON. MR. BERNTSON: — Mr. Speaker, just a few remarks before I move the motion relative to House adjournment, which I'm sure will receive the support of all hon. members. Mr. Speaker, as you know, there are two very important considerations to be given to next week as it relates to whether this House should in fact sit next week or not. The first consideration is that a fairly healthy percentage of this particular Assembly would want to take part in the selection of the next prime minister of Canada in Ottawa. The second consideration, and in an effort to provide ample opportunity for them to do their analysis and build their defence for the labour legislation that is going to receive second reading today.

When we come back on June 13, Mr. Speaker, I would expect that the House would not continue for too many more sitting days, and I would expect as well, Mr. Speaker, that the 10 days or nine days between now the 13th would provide ample opportunity for the opposition to make whatever consultations they must make to bring their defence for the position they take on their labour legislation to this House as our minister has already done, making those consultations prior to bringing the legislation in. So I would anticipate, Mr. Speaker, when we do come back on Monday the 13th that on the labour legislation there will be no need to adjournments, etc. We can just get

right on with getting the legislation through and expediting the procedures in the House so we can then in fact adjourn for the summer.

So, Mr. Speaker, I would therefore move, seconded by the Minister of Justice:

> That when this Assembly adjourns on the day that this motion is passed, it do stand adjourned until Monday, June 13, 1983.

MR. SPEAKER: — Moved by the . . . (inaudible interjection) . . . Order, please! Order! The rules of the House state that there is to be complete silence when the Speaker is on his feet and I would ask the members to follow that ruling.

Motion by the House Leader, seconded by the Minister of Justice, that when this Assembly adjourns on the day that this motion is passed, it do stand adjourned until Monday, June 13, 1983. Is it the pleasure of the Assembly to adopt this motion?

MR. LINGENFELTER: — Mr. Speaker, I have only a few words of comment on this motion. The members in this caucus would much rather be sitting next week . . . (inaudible interjection) . . . The minister says from his chair that he will withdraw the motion and if that's his opinion, go ahead, because that would be our preference because there is a number of bills on the order paper which we would much rather be dealing with. I think as well, the reason for the adjournment motion has to be questioned when they give the reason they're going to elect an individual, and we went through the list in question period, all of which have no support for the Crow rate which western Canada depends on.

I would like to ask the minister though, as part of the agreement for adjourning the House, whether or not in light of the fact that yesterday you served notice that on Monday, June 13, the long-promised amendments to The Planning and Development Act would be receiving first reading, whether or not you would agree with us through unanimous consent of the Assembly, the same as we need here, to introduce first reading of these amendments, The Planning and Development Act, so that we would have the same opportunity to look at and deal with this important bill which you, here again, are attempting to bring in at the last moment and ram through the House.

In closing, Mr. Speaker, I do not intend to raise a lot of issues with this motion, but I would ask the minister to look seriously at giving first reading to The Planning and Development Act today, and we will give unanimous consent to get it on so we can take that bill and have a look at it, and let people see it — the municipalities and towns and villages who will be affected by it.

As well, I think, when you mention that your event in Ottawa next week-end is a coronation, I would have to agree that it will be a coronation of the representative of the Amway Corporation's choice for leader. And I find this shocking and disturbing, but if you want to be involved in that process I suppose we won't have a great deal of problem in agreeing with your motion.

Motion agreed to.

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 104 — An Act to amend The Trade Union Act

HON. MR. MCLAREN: — Mr. Speaker, it is with a good deal of pleasure that I rise today to move second reading of Bill 104, An Act to amend The Trade Union Act.

In my view, this bill represents a highly significant amendment which clearly reflects the government's concern about the labour relations climate in the province and the need for an effective and workable collective bargaining system. The government is determined to improve the state of labour-management relations in Saskatchewan, and one important way of accomplishing this is to provide the legislative framework within which efficient collective bargaining can take place.

At the outset, Mr. Speaker, let me assure you and the members of this Assembly that the bill before us does represent a pro-Saskatchewan and pro-worker's statute that is not in any way designed to prevent trade unions from carrying out their legitimate functions. The Trade Union Act will continue to provide workers with the right to organize, if they so choose, and to bargain collectively with their employer. This amendment is a moderate one, Mr. Speaker, that brings the Saskatchewan act into the mainstream of labour relations legislation in this country.

Nor has it been hastily conceived. It has taken time to carefully consider and evaluate the problems of the labour relations community in the province, both in management and in labour. I make no apology for the careful time and consideration we have given this bill. As a matter of fact, I have received a total of 58 briefs on The Trade Union Act from employer organizations, unions, other organizations and individuals. These have been closely studied and a number of meetings have been held with major interested groups prior to the introduction of this bill. Accordingly, the amendments being proposed are the product of a genuine assessment of relative needs and an extensive consultation process.

What the bill is intended to do, Mr. Speaker, is to restore a proper degree of fairness, equity and balance to labour relations system. It will encourage harmonious labour-management relations. It will make the operation of the collective bargaining system more practical and workable. It will bring our legislation into closer conformity to that in other provinces, bringing us up to a similar level with our competitors. It will eliminate a number of inconsistencies that have arisen in the act, and it will protect the collective and individual rights of employees and employers.

At the same time, it is hoped that the revised Trade Union Act will restore investor confidence in Saskatchewan and thus promote job creation. After all, it is only reasonable to expect that if investors are willing to enter into business in the province, they will require some assurance of a measure of stability in our labour climate. This is one matter we want to accomplish with the amendment, and it's our purpose to foster and maintain a sound and healthy labour relations atmosphere.

As one of its positive by-products then, the bill will assist Saskatchewan's thrust in creating opportunities for new economic growth and added employment. As such, the bill merits the support of employers, union members, and the public alike. In this context, Mr. Speaker, the provisions of the amendment are based on the conviction that we can no longer tolerate the negative effects of unsound labour-management relationships. The most viable sign of poor labour relations is, of course, the work stoppage.

Over the past 10 years in Saskatchewan, an average of 170,000 worker-days have been lost each year in strikes and lock-outs. This figure is a disturbing one, especially when we contemplate what it represents. There is no winner in a strike or lock-out situation. One can only guess at the chain-reaction effect of these stoppages in terms of the loss of income and reduction of the standard of living of the employees involved and their families. It is the government's responsibility to provide the safety net for the people in this province, whether it is in mortgage assistance, reasonable tax measures, assistance in purchasing land and businesses, or providing secure and equitable rules for the workplace.

A strike or lock-out causes a decline of consumer spending, resulting in further employee lay-offs, the disastrous effect on the employer of the loss of business, some of which may even be permanent, and the inconvenience and hardship caused to the public. The long-term negative effect of strikes upon job creation should not be overlooked. It should be mentioned that, apart from the absolute time losses attributable to strikes, the impact of work stoppages is becoming greater.

In earlier time, a union and an employer could go off into a corner, have a little private dispute which affected nobody but themselves. Now, however, our industrialized society is characterized by a growing interdependence of the factors of production. If one stops all the others are affected. Moreover, in this mechanized 20th century all our productive processes operate on a large scale. Under these circumstances, a single strike can penetrate to every sector of the economy. Moreover, the economy is geared to full potential and can function smoothly only if this potential is reached. Otherwise, we shall lose out completely in today's intensely competitive world market.

Mr. Speaker, the tragedy is that nobody really wants a strike. The employer obviously doesn't, and neither do the majority of the employees. But there are a few who seem to feel that the strike is the only weapon which can be employed to improve wage and working conditions. I don't happen to subscribe to this point of view. Surely there are other means of accomplishing this objective without the need to resort over and over to strike action, with its accompanying bitterness and losses in wages and production. There has to be a better way.

The ultimate answer, in my view, is the development of a more positive and constructive labour-management relationship as an alternative to the present adversarial system. Someone has provided the following short definition of labour relations: 'two sides and a fence.' Well, if the fence needs to be there at all, surely it can be made a little lower so that at least each party can see what's on the other side.

It is my hope that the amendments before us will make a significant contribution to the lowering of the fence by creating the kind of atmosphere which will stimulate the co-operative approach to an employee-employer decision making.

I call on all union members and employers to recommit themselves to the principle of labour-management co-operation, emphasizing their shared goals and aspirations rather than their differences. In this way, The Trade Union Act as amended will be the legislative basis for a new era of labour relations harmony in Saskatchewan.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. MCLAREN: — With your permission, Mr. Speaker, I would like to address the

bill in general terms by outlining a series of principles on which it is based. Firstly, it is proposed that the definition of the term 'employee' be broadened so that certain managerial employees would become excluded from the bargaining unit. This is in keeping with changing modern management techniques and will ensure that management will be allowed to manage and workers will be allowed to work. This should lead to an increase in both productivity and the competitiveness of Saskatchewan industry.

The changes will mean that persons who are legitimately performing genuine management functions may no longer be part of the unionized bargaining unit. Employers will therefore be able to better manage their operations, and thereby enhance the efficiency of the company and the security of the jobs for the workers. The managerial employees involved will no longer be faced with the conflict-of-interest situations in which they have unacceptable pressures placed upon then, on the one hand by the union to which they belong, and on the other hand by management for whom they are exercising managerial responsibilities.

Another principle embodied in the amendments involved the protection of employee rights. Several important new clauses have been added to the act in support of this principle. Workers will be protected from their unions or employers who attempt to intimidate, threaten, or coerce employees.

With regard to the exercise of any rights conferred by the act, there will be a guarantee of the right to free speech which involves the right of the employee to communicate with the employer, and the right of the employer to communicate with his employee. Can anyone seriously argue against freedom of speech in a democratic society, particularly when The Trade Union Act contains built-in safeguards against intimidation? Employees will also be protected from certain acts, or omissions, by their trade union. This means that all workers will have the right to be fairly represented by their union in matters of grievances, or rights arbitration; arbitrary, discriminatory acts committed against the employee in bad faith by the union, in these areas, will be prohibited.

There will also be a charge guaranteeing employees the rights of natural justice in dealing with their union. The amendments specifically provide that an employee shall not unreasonably be denied membership in a trade union. Another new clause, Mr. Speaker, guarantees workers the right to be notified of any union meeting to ensure that union decisions will not be made without giving the workers the opportunity to participate. Here again the act is simply setting out the majority-rule formula.

Mr. Speaker, another principle addressed in the amendment centres on problems associated with the rights to vote on questions of certification where the staff of the workplace is not yet up to full strength. The labour relations board will be given discretion in the application of the build-up principle, and in this way may ensure that a minority of employees cannot determine the question of union representation for the majority.

In the interests of equity, Mr. Speaker, and to provide a reasonable and predictable legislative procedure, it is proposed to limit the extent to which an employer can be subjected to repeated certification applications. Accordingly, six months must elapse between the dismissal of a union application for certification and a reapplication. A restriction of similar logic now already applies to decertification applications. Workers therefore, will not be constantly exposed to repeated organizational drives, one

immediately following upon another. This will establish more order and system in the work environment, and will give employers and potential employers more of an opportunity of labour relations stability.

Still on the subject of certification applications, the amendment will assign to the labour relations board the discretion to order or not order a certification vote among the employees involved. This provision will replace the current mandatory requirements dealing with votes, and will give the labour relations board more authority to administer the act on the basis of its judgement and expertise. After all, Mr. Speaker, this is the reason for which we have a labour relations board.

Why should the board be hamstrung by specific percentage requirements when it is perfectly capable of making decisions on the basis of reasonable circumstances? The board in future may order a vote if it feels there is anything in the application for certification that would cause any doubt. At the same time, the board may proceed without a vote if it is satisfied that a certification application does or does not represent the wishes of the majority of employees, as the case may be.

Again in support of fair play, Mr. Speaker, another change will basically mean that unions for the first time will be the subject to the same sorts of restrictions relating to unfair labour practices that have been placed upon employers and workers. All other provinces have similar legislation, and the overwhelming majority of the briefs received on the act have advocated this amendment. At the same time — and this is entirely consistent with the principle of balance — a new subsection will protect specific worker rights such as pension, health, and medical benefits during legal labour-management disputes. This is predicated on the belief that a property tuned labour relations system will lead to reasonable collective bargaining settlements, and hence a good labour relations reputation for the province of Saskatchewan.

A good deal of difficulty has been caused in the past by section 11(2)(d) of The Trade Union Act centring on strike votes. It is proposed to amend this section to eliminate the existing confusion and reinforce the right of all employees to participate in the strike vote. As additional protection of individual employee rights, Mr. Speaker, the amendment would make it an unfair labour practice for a union to take action against an employee who is involved in decertification activities because of those activities. To do with the strike vote, I understand that there’s some confusion with that clause, and I will give this Assembly the assurance that we will look into that and clear up that confusion through a House amendment.

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in order to establish a more orderly course of action on strikes or lock-outs and to eliminate unnecessary disruptions caused by surprise, the amended act requires 48 hours written notice of a strike or lock-out. British Columbia, Alberta, New Brunswick, and Nova Scotia have similar legislation. I believe this will be regarded as a positive move in giving workers a right to notice before an employer can lock them out, and giving employers a corresponding right to notice of a strike, to facilitate orderly planning for the stoppage.

On the subject of strike votes, Mr. Speaker, in order to ensure the operation of a genuinely fair labour relations system, it is proposed that the labour relations board may hold or orchestrate the holding of supervised strike votes; similarly with ratification votes. Thus there will be a guarantee to workers that the legitimate, democratic principles will apply in voting procedures. It will also guarantee that workers who feel they have a right to vote may be heard before the labour relations

board to determine whether their claim is legitimate. This will reduce the possibilities of abuses by any parties to a collective bargaining relationship.

The amendment would also bring penalties for violations of the act up to the 1983 standards. In addition, provision is made for the subjecting of a trade union to the same penalties as may be levied against a corporation. This change, which will be widely viewed as only fair and just, will recognize the legal accountability of trade unions. Similarly, a trade union may sue or be sued, prosecute or be prosecuted, under its own name. This measure, which will be widely supported, means that no party to a collective bargaining relationship is above the law. Not only is this action consistent with our democratic traditions, Mr. Speaker, but it will also encourage economic development.

It will be important to new investors to know that just as the investor or individuals is held responsible for his actions, now unions will be legally accountable for their actions as well. This is the kind of stability in labour-management relations which I have been advocating for a long time.

Another initiative which should produce stability is that which will permit a collective bargaining agreement to be enforced for a maximum of three years, as opposed to the present two years. This will allow an opportunity for workers and employers and the creators of new hobs for Saskatchewan workers to be guaranteed a more reasonable period of labour peace while an agreement is in force. It also establishes conditions under which both workers and employers can spend more time at their primary purpose of carrying on the business of the enterprise and less time at the negotiating table.

To further assist in the achievement of this objective, strikes and lock-outs during the term of an agreement will become a violation of The Trade Union Act. Every other province has such a provision, and this concept is basic to modern principles of labour relations and common sense.

In the interest of an individual employee's rights, the amendment will somewhat restrict action by unions to terminate an employee's employment by withdrawing the member's union membership. This legislation will, on the one hand, guarantee certain union ability to assess, but on the other hand will also limit the ability of unions to penalize an employee in job action situations.

Finally, Mr. Speaker, a new section of the act will provide that where a strike is continued for 30 days, any party involved may request the labour relations board to conduct a vote to determine whether a majority of the employees are in favour of accepting the employer's final offer and thus terminating the strike. It may be anticipated that this clause will assist in the resolution of deadlock situations where, for whatever reason, a ratification vote has not been held. It is designed to ensure that job action in which nobody wins does not continue for any longer than is absolutely necessary. In the right circumstances, this provision may be of assistance to the workers, the trade union, or the employer.

Thus, then, Mr. Speaker, are the major provisions of the bill to amend The Trade union Act. As I have indicated earlier, the bill is aimed at improving and strengthening the act to establish it as a more effective framework within sound and productive labour-management relations can be carried on. This may in turn be an important contributory factor to encouraging investment, and thus jobs for Saskatchewan

workers. I am confident that the revised act will do just that.

Nevertheless, Mr. Speaker, the framework, however efficient, must be fleshed out properly in operational terms. If we are to have the kind of labour relations system we all desire, and that our future, our workers' desires will be met, the fleshing-out process is the responsibility of individuals; employers and workers, who are working together in a spirit of mutual respect, trust and understanding, must create a more positive and constructive labour-management relationship. If Saskatchewan had a good reputation in these areas, potential businesses and therefore jobs will follow.

This is not merely a target to pursue some day because it might be nice. It is an essential and an immediate target for the economic prosperity of Saskatchewan. We simply cannot afford not to strive for it with all possible vigour. Saskatchewan industry must be made competitive in international markets or our economy will suffer irreparable damage and jobs will not be created.

The legislation being introduced can be truly effective and workable if it is utilized by the parties to collective bargaining in that spirit of co-operation for which Saskatchewan people have long been noted. To encourage this kind of labour relations climate, the Department of Labour intends to embark upon new proactive labour relations programs, designed to permit labour and management to engage in more frequent dialogue and consultation, engendering more success in the area of good, reasonable and workable labour relations.

Measures are planed to change the focus of the Department of Labour's relations activity from one of simple reactive service to proactive programming intended to resolve potential labour-management disputes before they assume major proportions. Departmental staff will be using a variety of proven preventative mediation, conciliation, and arbitration techniques which will further these objectives. At the same time, the labour relations board will play its assigned role in the labour relations process by striving to ensure that the provisions of The Trade Union Act are applied fairly and effectively.

With all these elements working together in a co-ordinated manner — legislative, regulatory and administrative — along with the good will of the participants in the collective bargaining process, we will have a labour relations environment of which we can all be proud. Indeed, I expect it to become the envy of all of Canada, and will be attractive to many potential investors and job creators.

I want to assure you once again, Mr. Speaker, that the amendments before us are not anti-labour. They are not anti-anything. They are pro-labour, they are pro-management, and they are pro the people of Saskatchewan, and pro the future investor and job creators in Saskatchewan.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. MCLAREN: — Quite simply, they are intended to make collective bargaining work as it was always intended to work, by regulating labour-management relations to an equitable, balanced and efficient way. Most definitely the act will protect the rights of workers and the unions, and it will also respect the rights of employers. Above all, it will safeguard the welfare of the public in Saskatchewan. On the basis our productive capacity can be realized to a degree which will yield maximum economic benefit to every resident of this province.

Mr. Speaker, I am pleased to move that this bill be now read a second time.

SOME HON. MEMBERS: Hear, Hear!

MR. DEPUTY SPEAKER: — Order, order! Order! I must warn the people in the gallery they are not allowed to take part in any of the debate that's going on on the floor. I will warn you again, you're not allowed to take part in any of the debate on the floor.

MR. LINGENFELTER: — Mr. Speaker, before adjourning this debate, I would like to say just a few words in response to what today we find will be — and I'm sure the labour community and the workers of the province will find — the most regressive step that the rights of workers have seen in the history of the province of Saskatchewan.

I think it's fair to say, Mr. Speaker, that many thousands of people in the province of Saskatchewan will find themselves negatively impacted on by what has become known as the 'chamber of commerce bill, in the province of Saskatchewan. And this, Mr. Deputy Speaker, spoken by people who are elected and put into positions by their membership. That quote comes from one Larry Brown, the executive director of the SGEU, who says very accurately that we no longer have a Minister of Labour in the province of Saskatchewan, but we have a minister who is in charge of the chamber of commerce.

I say to you, Mr. Minister, that all of the points in your act, the amendments in your act, which you have brought in favour one side in this debate. There isn't one issue in this bill that protects any rights of individuals who are workers in the province of Saskatchewan. And for you, Mr. Minister, to come here and pretend that you are here defending the rights of workers, which is your job and which you are being paid for, is an insult to the workers in the province of Saskatchewan.

Mr. Deputy Speaker, I think every word from labour has been negative on the amendments that are proposed here today. And the minister would have us believe that he has many briefs which are in favour of the bill, many letters that are in favour. And I challenge him to file and table with this House, whether it's now or in committee, those briefs and submissions to you which support the amendments that you have brought in here. And I'll tell you that you won't find one of them that come from any organization of workers, whether it's an organization or a union, because, Mr. Minister, you are not telling the whole truth here when you say that you have that kind of support from labour in the province of Saskatchewan.

And I say this is only the beginning of what will be many more regressive steps. I find trips being taken by members of your cabinet to places like Atlanta, Georgia, to study the set-up and the arrangements of labour in that state, which is the most regressive state in the union of the United States. If you were interested in workers you would be going to places like West Germany, like Sweden, where worker representatives on the boards of directors are the way that places are moving, where the work stoppages are being reduced as a result of bringing workers into the decision-making process in companies.

But I say to you, Mr. Minister, you have fallen into the trap of previous right-wing governments in this province, and you don't have to go back very far to the 1960s when a previous premier of this province took the same approach to the workers of this province. And right now it may seem very popular to use the heavy club on workers in

this province. And you may say that coming from a rural constituency I have no right, either politically because it may not be politically popular at this time, or because I don't have a great number of trade unions in my constituency, but I tell you that the moral issue on workers of this province, whether it's minimum wage being frozen for two years, or whether it's the fact that labourers are having their rights taken away, goes above politics, and you, Mr. Minister, are playing with politics in this issue and I believe that it will come back to haunt you.

I think that the company you keep on this issue are not the workers of this province, but are in fact the chamber of commerce, the Amways of the world, the Mary Kay Cosmetics, and that may be popular today. But I'll tell you the bishops of Canada who talk about the rights of workers, the recent encyclical by Pope John Paul II which talked about more involvement of the workers in the workplace and in positions of power and decision making, will leave you out in the cold before many years go by. And while we may be in minority today, I can tell you that our position is clear on this bill. I will make no bones about it. We will not be supporting this bill, will not be attempting to clean up your misguided representation of what you believe to be the rights of workers, which you are trying to deceive people to believe, because, very clearly, you are on the side of big business, multinational corporations, and against the workers of Saskatchewan. For that reason, Mr. Deputy Speaker, I beg leave to adjourn debate.

SOME HON. MEMBERS: Hear, Hear!

Debate adjourned.

Bill No. 103 — An Act to establish the Office of the Public Trustee

HON. MR. LANE: — Thank you very much, Mr. Deputy Speaker. I'm sure there will be raves and waves of support upon completion of my speech. However, I advise the hon. member I challenge him again to oppose this legislation. The purpose of this bill is to amalgamate the offices of the official guardian and administrator of estates for mentally incompetent adults, into a new office of the public trustee for Saskatchewan. This new office will not only have the effect of making our legislation and structures more comparable to those of our provincial neighbours, but will also have the very important following results.

One, efficiency improvements in the delivery of legal and property management services to infants and mentally incompetent adults.

Secondly, greater participation of responsible adults in the property interests of the children.

Three, the creation of a single new public official called the public trustee to replace the official guardian and the administrator of estates, this new official having more clearly defined duties respecting the property interests of infants and mentally incompetent persons.

Fourthly, the removal of inequities and ambiguities in practice and in the law in this field which are recurring source of confusion.

Mr. Speaker, I would like to speak for a few moments to the efficiency improvements that the bill entails. Currently, the offices of the official guardian and the administrator

of estates pursue separate accounting client file management, and investment procedures. The administrator of estates office, being three times the size of the official guardian's office, makes the wide use of computer technology which in the official guardian's office, accounting and client file management are manually oriented. Amalgamation of these offices through this bill will result in the use of common accounting, client file management, and investment practices through the extension of existing and new computer programs to the official guardian's area.

Also, the new larger public trustee's office will permit a greater sharing of technical talent and resources, and offer greater flexibility in handling work-load fluctuations.

Mr. Deputy Speaker, I am pleased to turn now to the sections of this bill which will provide for the wider involvement of parents and responsible adults in matters affecting the property interests of infants. Section 10, subsection (2), of the bill requires that the public trustee have the consent of the parent of the infant before he gives consent to the sale, or other disposition of land on the infant's behalf. Currently, the official guardian does not require the consent of an infant's parent before such consent is given. Section 16 allows the public trustee to authorize payment of up to $2,000 to a responsible adult acting on behalf of an infant, where the money would currently be paid to the official guardian. Also, where the public trustee holds money for an infant in the common fund, he shall be permitted to pay up to a maximum of $2,000 to a responsible adult acting on the infant's behalf for uses they consider beneficial to the infant.

In addition to giving parents and responsible adults wider control over the management of their children's funds, this section will eliminate many small accounts presently in the official guardian's office, small accounts which are costly to maintain. Mr. Deputy Speaker, as greater responsibility in decision making on infants' property flows to parents and responsible adults under this bill, so also do legal responsibilities for protecting the infants' property interests.

Section 23 provides that if there is a court-appointed guardian, the guardian is the proper person to be served on any application to the court in an estate in which an infant is interested, unless the court directs otherwise. It will therefore be necessary for the guardian to take all steps and proceedings necessary to protect the child's property. If he fails to do so, the court can order the public trustee to act as guardian for the purpose of the application. Currently, the official guardian is entitled to be served on all applications to a court in an estate where an infant has an interest.

Mr. Deputy Speaker, all moneys now received on behalf of infants are pooled by the official guardian in a common fund and invested collectively. No investments are made to the credit of a particular infant. Section 48 allows for the public trustee to make investments separate from the common fund in the name of infants upon the request of the parent or person responsible for the care of the infant. This will mean, for example, that a fixed term investment with a guaranteed interest rate may be purchased for an infant, which is currently not possible.

At the outset, Mr. Deputy Speaker, I noted that the more clearly defined duties of the public trustee would remove inequities and ambiguities in practice and in the law, which have caused confusion in this field in the past. I would like to draw the attention of this Assembly to the most significant changes proposed in the bill which will achieve these objectives.

Section 3 will establish the public trustee as a corporation sole under the name of the public trustee for Saskatchewan. Currently, the official guardian and administrator of estates are individuals attached to the Department of Justice. A corporation sole will provide greater clarity and simplicity in describing the office and will allow for greater continuity when incumbents holding office change.

Subsection 10(1) of the bill removes the current limits within which the official guardian may consent to the sale or other disposition of land on behalf of infants. The public trustee will not be required to obtain a court order where existing limits are exceeded. And the simplified administration of estates will reduce the cost to individuals. Also, subsection 10(1) will remove an anomaly within the existing limits caused by increases in the value of land in recent years.

Section 21 of the bill permits the public trustee to commence an application under The Dependants' Relief Act and act as next friend of the infant without the need for first obtaining a court order when it appears that no other responsible, qualified adult intends to act as next friend or a proposed next friend has interests which are adverse to those of the infant. Currently, the official has no authority without a court order to bring such an application.

Subsection 24(1) gives the public trustee the right to appeal any judgement or order of the Saskatchewan court respecting damages claimed by an infant, or respecting an infant's property, whether or not the public trustee was originally named the party. Currently, the official guardian has no right to appeal any judgement or order affecting property of an infant, unless the official guardian was originally named as the part to the proceedings. The purpose of this subsection is to better protect the interests of infants in property matters.

Section 25 provides the public trustee with the authority to give binding written approval on settlements on behalf of an infant for personal injury or for damages under The Fatal Accidents Act. Currently, another court application must be made for judicial confirmation of this act. This can be extremely costly. It has become the practice of some insurance companies to avoid the costs of a court application by simply paying settlement moneys either to the parent or to the official guardian, without obtaining any sort of a release on behalf of the infant or involving the official guardian in discussion concerning whether the settlement is in fact reasonable.

The power of the public trustee to approve binding settlements will mean that more settlement decisions will come to the attention of the public trustee, and the reasonableness of the settlement will then be determined. Should the public trustee refuse to approve settlement, the way still remains open under section 25(3), to apply to the court for an order confirming the settlement.

Subsection 41(1) gives the public trustee the power to apply to a judge to the surrogate court for an order compelling an executor or an administrator to file and pass his accounts, where both infants and mental incompetents have an interest in the estate. Only the official guardian has this status currently to apply on behalf of infants, while the administrator of the estates does not have that power. It is desirable to allow the public trustee to take further steps to protect the interests of both infants and mentally incompetent persons if further action is warranted.

Subsection 29(1) of the bill will enable the public trustee to officially acknowledge that he acts as the committee of a mentally incompetent person's estate. Currently, the

Minister of Justice appoints the administrator of estates to act as committee, provided that the mentally incompetent person has been certified incompetent under The Mental Health Act. This has become a routine matter in the past.

Under subsection 29(3), Mr. Deputy Speaker, the court will have the power to appoint the public trustee as committee where a person has applied to be appointed committee under The Mentally Disordered Persons Act but it appears to the court that it would not be in the best interests of the mentally incompetent persons to appoint the applicant as committee. Frequently, the court finds that the person who is applying has a conflict of interest, or for some other reason is not qualified to act as committee. Under this subsection, the alternative or appointing the public trustee will be available to the court.

I wish to stress, however, Mr. Deputy Speaker, that the appointment of the public trustee as committee does not preclude any other person from applying to the court under The Mentally Disordered persons Act. We substituted 'as committee,' in place of 'the public trustee.'

Mr. Deputy Speaker, the role of the public trustee will be to continue the work of the official guardian and the administrator of estates without being interventionist. Indeed, the bulk of new discretionary powers conferred on the public trustee through this bill are to permit the greater participation of parents and responsible adults in the decision-making and money-management areas where infants' interests are at issue.

The amalgamation of the offices of the official guardian and the administrator of estates for many incompetent persons under the new office of the public trustee of Saskatchewan will result in administrative cost savings for the people of Saskatchewan. And it will mean as well savings in administration, savings in court time. The public at large will receive an improved quality of legal investment and other property-related services to infants and mentally incompetent persons. Mr. Deputy Speaker, I urge all hon. members to support this legislation, and I move second reading of an act to establish the public trustee.

MR. KOSKIE: — Thank you, Mr. Deputy Speaker. I just want to make a couple comments in respect to the general objectives as indicated by the Minister of Justice, that is the amalgamation of the two offices, the administrator of estates and their official guardian. Of course, there can be some economies there and some benefits insofar as the use of advanced technology, and so far as records are concerned. And from the standpoint of the public dealing with the one officer, I think there is certainly some benefits in respect to that.

I ask the minister, and he has not indicated, in respect to the changes, whether or not there has been any significant amount of consultation with the legal society and/or other groups that may in fact be interested. While efficients are indeed what we should be looking for, I also think that in arriving at efficiencies we have obligations, obligations to those who have spent a career in the various offices that are being amalgamated, and I would hope that in the amalgamation there would indeed be consideration to people who may, in fact, be displaced as a result of the amalgamation. I don't wish to suggest that there is an amalgamation for the purposes of deleting any individuals, and I'm not suggesting that, but if indeed, as a result of the amalgamation, I would urge the minister to take serious consideration in respecting the careers of individuals that might be replaced as a result of the amalgamation.

I note the particular provision that the minister alluded to, and that is, the trustee being able to give a consent to a settlement as a result of an injury claim settlement. Previously, it's correct, he had to go through and get a consent of the court. It was rather a cumbersome format that one had to follow previously. I would agree that this is less cumbersome. I think it will be certainly very dependent upon the quality of the support staff of the trustee, because I know as past experience, in trying to get the courts to agree to a settlement on behalf if infants were involved, that they were very, very meticulous in being satisfied. Complete briefs had to be presented, as I recall. I would hope that the trustee undertaking what was previously done by the courts will in fact view this with a high degree of professionalism, as was done in the past by the courts.

I think that overall objectives as indicated by the minister are worthy objectives. And I think, for the convenience of the public, that dealing with the one bill and the one office will be of support. There are other considerations which he alluded to which I think our side can support, and accordingly we will be.

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

Bill No. 70 — Ac Act respecting Cable Services in Saskatchewan

HON. MR. LANE: — Mr. Deputy Speaker, in the Speech from the Throne the government promised legislation to establish a licensing authority for cable services in Saskatchewan, with jurisdiction to regulate access to and use of this valuable and limited facility in the province for the carriage of these services.

The Cable Services Act of 1983 will establish a cable services commission to regulate access to and use of the Saskatchewan Telecommunications cable network. This facility is owned by the people of Saskatchewan, who will have an investment of nearly $100 million in it by completion in 1985. This regulation will be accomplished as licensing of users of Sask Tel's cable system.

In our view, this is a necessary step to take at this time for the following reasons. One, the federal Government of Canada is increasing its jurisdictional stranglehold over the cable industry. Without some clear declaration of Saskatchewan's jurisdiction, there is an ever-increasing danger that Ottawa will intrude into provincial areas of telecommunications jurisdiction. In most other areas of Canada, cable operators own and control the entire cable system. As such, the federal jurisdiction over their operations is complete. In Saskatchewan, however, the cable system is owned and controlled by the people of Saskatchewan. We must reserve the right, the government and the people of Saskatchewan, to exercise jurisdiction and control over the Sask Tel system.

Secondly, there are now only minimal standards for the technical side of the cable industry. Technical standards exist for television, but the future will bring many more cable services to Saskatchewan citizens, such as personal security and safety systems, tele-shopping services, tele-banking services, electronic newspapers and other information and data bank services, distance educational services, new musical programs. There are at present few standards for these services, nor are there standards for the converters, or so-called black boxes, that cable subscribers will require in order to receive such services.

We want to encourage technological, innovative and technical compatibility with all cable operations within the province in order to protect consumers, especially their rights to individual privacy, in order to protect the integrity of the Sask Tel system, in order to guarantee access to new services to as many people in Saskatchewan as possible, and in order to promote business opportunities in Saskatchewan and develop jobs within the province of Saskatchewan. Section 5 of The Cable Services Act will authorize the cable services commission to prescribe minimal technical standards to be observed by licensees.

Thirdly, there are no external standards that now apply to the quality or the acceptability of the program content of cable television services. We have no intention of either establishing or applying such standards. However, the act will require in section 8 that everyone who provides cable services in Saskatchewan make disclosure, in any advertising of program content, of the nature of that content in a way that enables the public to make an informed decision about whether they or their children shall watch the program. As I've indicated on numerous occasions, Mr. Deputy Speaker, it is technically impossible for a province to regulate the pay television programming that may come over, but we do believe that the province has a role, at least to establish a requirement that the cable operators warn the public as to the content — whether it be of strictly adult content or whatever. It then becomes a decision of the parents as to whether they or their children will watch such programming.

In the throne speech reference was also made to the development of a telecommunications-based distance education service, utilizing existing provincial facilities. In order to ensure that there will not be any difficulty over the provision of this very valuable service, section 6 of the act requires all cable operators to allow the use of their systems and equipment for such services, with provision for fair compensation.

The question of jurisdiction is even more important when we talk about distance education services. There is absolutely no question that education is a matter completely within provincial jurisdiction. There is no federal law that can regulate or control our educational systems, our curricula, the source of our material, or the method that we use to transmit information for learning purposes. In order to enable the people of Saskatchewan to receive the legislative signal, the televised proceedings of their Legislative Assembly, Saskatchewan had to wait for the approval from Ottawa's CRTC — our legislature, over our cable system, to our people. It at present, is purely a power within the federal government to determine what the people of Saskatchewan receive. We are not going to allow the same situation to develop with regard to education.

Finally, one other purpose is to provide a forum with the necessary expertise for dialogue involving al interests. Mr. Deputy Speaker, the people of Saskatchewan have seen a fight in the past between Sask Tel and the cable operators in which the people were caught in the middle. We believe that this commission will do much to ease any natural tensions between the providers of the service and the common carrier.

Section 9 of the act authorizes the minister to make grants to any person, agency, organization, association, institution, or other body for the purpose of, firstly, encouraging the reflection of Saskatchewan culture in promoting the arts in Saskatchewan through and developing programming in Saskatchewan for cable services.

The Government of Canada recently announced that they are setting up a production fund to be financed through a new 6 per cent tax on cable services. Our calculations are that about $1.4 million will be drained from Saskatchewan to support this federal fund. Our experience and that of previous governments is that Montreal and Toronto will be the prime beneficiaries of this initiative. It is not likely, as has been the case of most federal fund raising initiatives in Saskatchewan, that the people of Saskatchewan will ever again see much, if any, of their $1.4 million. The Cable Services Act provides a means of encouraging and assisting Saskatchewan producers to produce programming for cable services. This may be the means to draw back home some of the funds that Ottawa will be siphoning off from Saskatchewan. If not, we will make a go of it on our own.

Part two of this act provides for the taxation of cable services. No one, least of all this government, likes a tax. On the other hand, almost everyone, with the possible exception of the members opposite and the government in Ottawa, any longer believes that you can get something for nothing.

In keeping with the promise in the throne speech to ensure that the cost of government is distributed fairly and equitably through the tax system, it would be irresponsible to introduce a cable programming production grants program or a distance education service without balancing it with some form of revenue generation. Since those people in Saskatchewan who can now afford cable services or who are receiving them at no extra charge in apartment buildings, hotels, and motels will be the first and major beneficiaries of new programming and of distance education services they will be asked to contribute toward their cost.

It is not intended that such a tax will be excessive since we also have a strong interest in the continued health of the cable operators in Saskatchewan and in keeping reasonable the total cost Saskatchewan cable subscribers might be required to pay. Nor will such a tax be imposed at a time when cable operators are just in the process of establishing their operations. The tax on cable services will be introduced when there are commensurate cable services, such as distance education network and related programs, developed to the point that the government is satisfied with their quality and approves their go-ahead, and then only if alternate sources of revenue cannot be found. Mr. Deputy Speaker, I move second reading of this rather historic bill, an act to establish The Cable Services Act of 1983.

SOME HON. MEMBERS: Hear, Hear!

WELCOME TO STUDENTS

MR. JOHNSON: — May I introduce a great group of students? Thank you, Mr. Deputy Speaker. It gives me pleasure at this time to introduce through you and to you, and to this Assembly, a great group of 56 students from my constituency in the town of Esterhazy. They're from Gillen School and they're from grade 5. They have along with them their teacher, Randy Schramm, and a bunch of ladies that took time to put up with the noise coming up, I'm sure, but they had enough sense to bring a couple of cars with them so they can trade off on the way home. We have Doreen Haubrich, Mrs. Leach, Mrs. Pask, Mrs. Ecklind, and Mrs. Bongers, the bus driver, Mrs. B. Stevenson.

I'd like to say at this time also, Mr. Deputy Speaker, that on behalf of the Hon. Gordon Currie, this evening I will be opening, or helping to open, a new addition to the Central

High School in Esterhazy at 7:30 this evening. I'd like to inform the students that I will meet with them in room 218 for pictures and some drinks about 11:45, and I hope your stay in Regina is educational. I hope you enjoyed your tour around the building, and I'm sure you did. I've visited with you already. Have a good day, and have a good trip back. By the time you get back to Esterhazy, I'll have another addition to your school. Would you join me in welcoming them to the Legislative Building.

HON. MEMBERS: Hear, Hear!

SECOND READINGS

Bill No. 70 — An Act respecting Cable Services in Saskatchewan (continued)

MR. KOSKIE: — Thank you, Mr. Deputy Speaker. I just want to make a few comments. I want to ask leave to adjourn the debate here. We want to certainly take a good close look at the legislation. I think the overall, general objectives in that Saskatchewan should indeed have some control in respect to the programming, and the minister alludes to the establishing of a commission — licensing authority in respect to cable television. As all of us know, Sask Tel in fact does provide the hardware. This is a unique situation which, in fact, I guess, was one of the achievements and accomplishments of the previous government — that the people of Saskatchewan do in fact own the hardware. As a consequence, the minister is able to come forward with a bill which in fact will give the potential for the regulation of a licensing authority in respect to cable television. Unlike other Tory provinces, they have abandoned this provision, as he indicated. And here in Saskatchewan we own the hardware, and as a consequence we have the potential of protecting further the people of Saskatchewan's rights.

I want to say that by setting up a commission — an authority, as he indicated — one can think of the problems with the control being held in Ottawa, but also there are potentials for abuses, whether it's from Ottawa or within the province. Accordingly, what we want to do is take a very close look at this legislation in order to determine whether or not . . . to make sure that any potential business abuses that may be possible be eliminated and that the people of Saskatchewan be controlled. We certainly don't want the establishment of the commission for the purposes of the Tory party. We want the commission to be certainly acting in the interests of the people of Saskatchewan. And we want to accordingly look at the details of this bill to see whether or not it accordingly provides that. Therefore, I beg leave to adjourn the debate.

Debate adjourned.

Bill No. 82 — An Act to amend The Department of the Environment Act

HON. MR. HARDY: — It's a pleasure for me to introduce the second reading of a bill, An Act to amend The Department of the Environment Act, which will establish the responsibility for the management of hazardous waste in the province of Saskatchewan. These amendments will outline the mandate within which the department can act to ensure safe generation, storage, transportation, treatment, and disposal of hazardous waste.

There has been a growing public concern about the increasing volume and variety of chemical waster generated in the province of Saskatchewan. In response to this concern, a joint federal-provincial task force was established to investigate hazardous waste in northern and western Canada. This task force recommended numerous

actions be taken, Mr. Deputy Speaker, and the introduction of this legislation today indicates that this government is in fact serious about protecting the province's unique environment and ensuring that proper procedures will be followed.

The amendments to the environmental act will allow the department to: number one, regulate the generation, storage, transport, treatment, and disposal of hazardous waste as one management system; control the storage of hazardous waste and toxic substances; number three, gain access to the workplace to investigate spills.

Since receiving the report from the hazardous waste committee. Saskatchewan Environment has taken numerous steps towards waste management. We have initiated a detailed inventory of hazardous waste generations in the province, which indicated that approximately 23,000 tonnes of hazardous waste are generated annually in the province of Saskatchewan, rather than the 46,000 tonnes estimated by the federal-provincial committee.'

A symposium was held in Saskatoon last year with SUMA (Saskatchewan Urban Municipalities Association). SARM (Saskatchewan Association of Rural Municipalities). The Saskatchewan Environment hosting the affair whereby various groups or individuals could make a presentation and also broaden their knowledge on the subject.

We have initiated a study with the federal government to investigate environmental conditions at existing and abandoned land-fill sites. Mr. Deputy Speaker, phase 1 of the study is completed, identifying 958 active and 366 abandoned sites around the province.

Another step, the introduction of this bill, Mr. Deputy Speaker, will eventually enable program development to the province to regulatory control of all hazardous waste management. We have received various suggestions from the urban areas of our province to enact legislation that will allow municipal governments to keep records and inventories of hazardous waste substances and to assist the fire crews who respond to emergencies such as fires or spills.

The amendment provides for development of regulations dealing with keeping of records, inspection of premises, type of container, prescribed labelling, access to premises where such substances are stored, containment works, and development of contingency plans. This legislation will complement the already existing spill control regulations which will require the reporting, containment, and clean-up of any spills which have occurred.

Mr. Speaker, I believe that this amendment to The Department of the Environment Act is another example of how our government is responding to the needs of the province and the requests of the people. I might add, Mr. Speaker, that the requirement to have access to buildings where there is a spill or a fire has been a great concern by the fire departments in the province of Saskatchewan, and certainly by the Department of Environment, and this act will allow those people the right to access to find out what is in there and to prevent any health hazards, to prevent any possible occurrence where somebody could in fact get hurt.

I think it's very important, that that part of this bill is certainly the most important part to this bill, because there has been a deep concern that there's substance in there when they go in to put out a fire or to check on a spill. They don't know what's there, and they

just don't know how to go in and carefully protect themselves. So it's very, very important. That's the most important part, or one of the most important parts of this bill.

And with that, Mr. Speaker, I'd like to move second reading of a bill to amend the environment act.

SOME HON. MEMBERS: Hear, Hear!

MR. YEW: — Thank you, Mr. Chairman. I would like to say a few words in respect to Bill 58 as it relates to the Department of Environment. As everyone knows in this Assembly, throughout this province this is an issue that is gaining support. The environment protection is gaining support and recognition world-wide, and every day, in the newspapers and on TV, we hear of a demonstration here or a march there, all in support of a new pollution-free world. But what, Mr. Chairman, is this government's response to this call for a clean environment? A full 10 per cent in the budget of the Department of Environment — 10 per cent, Mr. Chairman.

I'd like to raise three points with respect to the Department of Environment's budget. Firstly, Mr. Chairman, there is a drastic cut of 10 per cent in the budget — down 1 million — from 10.1 million down to $9.3 million. The number of positions and jobs have also been cut — 170 jobs down to 138 positions. These cuts will ensure that environmental assessments are not done. It will also ensure that mines pollution will go unchecked. It will cut non-governmental environmental groups off much-needed financial support.

Secondly, environmental assessment branch ha also been cut by 16 per cent — from 1.3 million down to 1.08. Staff in that area has also been cut from 25.3 persons down to 14 persons. That's a cut of 44.6 per cent, Mr. Chairman.

Thirdly, the mine pollution control branch has also been cut by 22.5 per cent, from $667,000 down to 517,000, in the former administration's priority of this very important area. Staffing, again, is down by 41 per cent, from 11.9 per cent down to 7.0 per cent. The total staffing, thus, Mr. Chairman, is down from 170 to 137 — a cut of 19 per cent altogether. Now what kind of a commitment to the environment is this? Once again, the people of this province have been fooled by the Progressive Conservative Party of Saskatchewan.

Finally, and most important, from the former administration we had an environmental advisory council. We had public involvement, public participation, public input into environmental assessment and control areas. And that environmental advisory council has also been deleted by this Conservative government, and that is of prime concern to me, as well as to many people and many communities out there in this province.

I would like to say just a few words at this point in time, Mr. Chairman. We will come into detail, more detail, when we resume discussion on such as a committee of the whole. In principle, seeing as how this is a housekeeping bill — we will therefore in principle be supporting the bill. Thank you, Mr. Chairman.

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

Bill No. 90 — An Act to amend The Cattle Marketing Voluntary Deductions Act

HON. MR. BERNTSON: — Mr. Speaker, the reason that this bill is before us today is as a result of request from the livestock sector of the agricultural community to adjust The Cattle Marketing Voluntary Deductions Act to bring it closer into line with that they had before the 1978 amendment when a fund actually did exist that worked. And so we've listened, and a brief summary of the amendments, Mr. Speaker, are as follows.

Amendment section 6(1): the amendment repeals the opting out principle where a cattle owner could make a declaration at the time of sale and thus not make a deduction to the fund at all. The existing subsection 3(2) gave the owner of the cattle the option to make a declaration at the time he was selling his cattle not to contribute a deduction to The Cattle Marketing Voluntary Deductions Act trust fund. This declaration was made simply by placing a check-mark in a box printed on the manifest which is required for the transportation of cattle under the livestock inspection and transportation regulations.

The declaration privilege was issued because cattle truckers, for example . . . Pardon me. The declaration privilege was misused because cattle trucker, as one example, often checked the box on the manifest, unbeknown to the owner. Many of these owners who supported the concept for deductions to the fund were thus prevented from doing so because someone else, trucker or market operator or someone else, checked the declaration on the manifest. In other words, the mechanics of the declaration were such that it was open to abuse and resulted in even less money being contributed to the fund than would have been the case had the producer's wishes been clearly followed.

The declaration principle was totally unnecessary to ensure that producers could avoid the deduction if they wished. The act, since its inception, has always contained a section, section 9, under which a producer could, at the end of each calendar year, file a claim for the refund of the deductions taken on his cattle during the year. Section 9 is being maintained. Thus, any producer who does not voluntarily wish to contribute to the fund may continue to get his deductions back. The opting out principle, Mr. Speaker, literally killed the effectiveness of the fund and a brief look at the numbers will indicate the negative impact that did in fact exist.

In 1975, the fund net collections were $100,000. In 1976, $128,000; 1977, $145,000 . . . Pardon me. That's $141,000 in '77. In 1978, $145,000. And then, Mr. Speaker, I'll give you the recent years since the '78 amendments: $47,000 in '80; $51,000 in '81; and $49,000 in '82. So you can see that the impact on the fund, by having the declaration principle as the '78 amendments provided for, has indeed been a significant negative impact.

A number of producers opted out simply because they felt it was unfair that they were contributing funds which would obviously benefit those who were not contributing. The opting out principle had a snowball effect.

The existing subsection 3(1) provides for a maximum deduction of 15 cents per animal. That level has existed since 1970. The deduction level is set by regulation; the actual deduction level has been 10 cents per animal since the fund was established. Since as early as January 1980, a number of organizations have supported an increase in the maximum level of deduction. This request, Mr. Speaker, is supported now by most organizations. The only one that I know that has voiced objection to it is the National

Farmers Union. These same organizations have suggested raising the actual deduction to between 25 cents and 50 cents per animal. Before any action is taken to raise the level, the government will insist on discussions among livestock producer organizations in order that a consensus is arrived at.

Amendment 7(2)(a) clarifies the purpose for which the fund may be used. The word 'research' is introduced to ensure that these funds can be used for research, and it narrows the application of the fund somewhat.

Amendment (b) introduces the word 'promotion' to again clarify the purpose for which the fund may be used. It has long been accepted that promotion of cattle and beef is a major purpose for the check-off funds, but the word never actually appeared in the legislation.

Amendment (c) brings back a clause and purpose which was originally in the act, but which was repeated by the previous administration when the act was amended in '78. This amendment will enable Saskatchewan producers to contribute towards national cattle organizations who have similar purpose, and who are in the position to operate market promotion programs in areas of high consumer buying, but for which it is impractical for a Saskatchewan group to fund and manage such a program.

Amendment 8, Mr. Speaker, this amendment alters the make-up of producer organizations represented on the advisory committee. The Saskatchewan Federation of Agriculture has been deleted. The Saskatchewan Cattle Feeders Association, and the Western Cow-Calf Producers' Association have been added. The cow-calf organization is being added at the recommendation of the advisory committee. The cattle feeders group is a new organization comprised of those people whose major interest is in finishing cattle for slaughter.

The Saskatchewan Federation of Agriculture is comprised of affiliated groups, some of whom are already represented on the board, and some who have no interest in the livestock sector that are crop-oriented instead. These amendments: 3,4,5, and 7(1), Mr. Speaker, these amendments all have to do with deleting the word 'voluntary' from the title of the act, the advisory committee, and the fund.

Many of those opposed to the concept of mandatory deduction at the time of sale complained bitterly that in spite of the refund concept contained in section 9, the deductions were not voluntary, and this is rather cosmetic — the removal of the word 'voluntary' will eliminate some of the criticism that the fund was not voluntary. Mr. Speaker, with those few comments, I would move . . . and wisdom . . . I would move second reading of The Cattle Marketing Voluntary Deductions Act.

MR. ENGEL: — Mr. Deputy Speaker, I've listened to the minister and noted the amount of money that has been collected under the Messer plan — or the former bill before it was amended in 1978 — and I think from farm organizations' point of view . . . And we're going to be very interested in third reading when we can ask questions regarding how this advisory committee changes are going to be made. I think that's an important aspect of it, but the plan lost close to $100,000 the very first year the change was made in 1978, and I felt from some of the work that they were doing with the voluntary check-off money was a worthwhile cause, and we support the concept of the change. The program is still in place where the farmer will get his money back. I'm not sure if he can just apply for that once a year, or if you'll make him do it twice or not, or will the fund pay him some interest on the money. Some of the people that are opposing it, we can

maybe salve that over a little bit by providing a mandatory interest rate on the funds that are returned. But we will ask our questions during committee of the whole, and at this time I would suggest we will be supporting this change.

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

Bill No. 97 — An Act to amend The Pest Control Act

HON. MR. BERNTSON: — Mr. Speaker, The Pest Control Act was enacted in 1965 in response to requests from local governments. The act provides local municipal governments with the authority to require those persons owning, controlling, or occupying property to control, destroy, and prevent the spread of certain pests. And in the absence of having training aides at my disposal . . . (inaudible interjection) . . . I won't get into that.

These types of powers are essential if a municipality is to be able to control and ultimately eliminate certain types of pests. For example, if some animals, disease, and insects are not controlled when they first appear they rapidly spread to adjacent property where they may cause even further damage to man's crops and buildings. Hence, it is essential that individuals not be allowed to neglect their responsibilities and contribute to the establishment of local pest populations which act as a reservoir to infest and re-infest adjacent properties.

Four items have been declared as pests under the provision of this act to date. They are the Norway rat (rattus norvegicus — how's that for Latin?), grasshoppers (I won't try that one), the warble-fly, and Dutch elm disease. Additional pests may be added to this list at some future date . . . (inaudible interjection) . . . And I'm thinking of one right now. Although the act has served municipal governments well in the past, there are certain provisions that need to be modified to reflect changes which have occurred since the act was first passed.

Several of the amendments are proposed for your consideration. They are changes in, one, the definition of the terms 'department' and 'minister,' two, the levels at which municipalities must inspect and provide itemized statements when work must be carried out under the provisions of the act, the procedures for the purchase and distribution of insecticides, the penalties to be imposed in the event of a conviction of a violation of the provisions of the act.

Okay, first, changes to the definition. The first amendment would change the definition of 'department' and 'minister' in conformity with current regulations to allow other ministers of other departments besides Agriculture to declare animals, diseases or insects as pests.

This change is required since not all pests declared under this act are pests to agricultural crops — and with that I concur. For example, the department of tourism and renewable resources is currently conducting surveys to detect and prevent or delay the establishment of Dutch elm disease in Saskatchewan. Hence, in the event of an outbreak of this disease in Saskatchewan, it would most likely involve the department of tourism and renewable resources rather than the Department of Agriculture.

Two, The Pest Control Act currently requires inspection and itemized statements of all

work carried out under the provisions of this act if such amounts exceed $25. This value is far too low. It results in excessive amounts of time and money being wasted in the inspection and documentation of almost all work carried out under the provisions of the act. The proposed amendment would raise the level at which documentation and inspection is required to reflect the present costs of pest control. The proposed level for documentation and inspection is $100.

Three, The Pest Control Act now provides for supplying insecticides, fungicides, and poisons to persons through the local municipality. Municipalities have requested that the Department of Agriculture makes supplies of insecticides available. The proposed amendment would allow the department to comply with the wishes of the municipal councils. In addition, agencies other than municipalities have better storage and handling facilities for insecticides.

Four, dealing with penalties: the current penalties for persons guilty of an offence under the act range from $10 to $100. This level, in our view, is too low. At this level, property owners often find it less expensive to ignore the act than to live up to their responsibility and comply with the act. The proposed fine is $100 to $500 for persons convicted of an offence under the act. In addition, an amendment is proposed that would allow courts to require persons found guilty of an offence under the act to comply with the act. The intent of the penalties is not to fine people, but to have pests adequately controlled. It is proposed that all fines levied by the court should be made payable to the local municipality where the offence takes place. The penalty or imprisonment for default on the fine is deleted.

In conclusion, Mr. Speaker, the amendments proposed for The Pest Control Act are required to, first, allow municipal governments more flexibility in the control of pests which occur within their boundaries; two, to provide adequate incentives for controllers of property to adequately control the pests which may occur on the property over which they have control.

In conclusion, Mr. Speaker, I would recommend that all members support the amendments offered, and I therefore move second reading of The Pest Control Act, Bill No. 97.

MR. ENGEL: — I was listening with interest as the minister outlined this bill. I thought his department was hard-pressed when he outlined at the start, before he said what the definition of the minister was going to be, and I thought of the times the minister has described himself in this House. And I thought, well maybe the department wants to conform to that and have a new definition. But I see that the definition includes saying that some other ministers will be taking on this heavy load he's doing and help him with his work there. He's actually giving away some of his authority there to other departments.

The area of purchase and distribution is a change here, and we'll be asking about that in committee of the whole. I think from the Department of Agriculture's point of view, the RMs and the municipalities acting as agents was an ideal thing. I hope the Tory party in their philosophy of free enterprise, under The Pest Control Act where we're forced to use a certain product, won't be pushed into a situation where we have to buy these products from their friends at a very high cost. And we want some explanation on that, Mr. Minister.

The fines have been raised and, as far as violation is concerned, I think when it comes to

dealing with people that we're stuck with . . . And I know that during my tenure as a member of the legislation I've had farmers raise the issue of pest control along, say, the CPR right of way. And it's very, very difficult to get the CPR to control, and maybe under The Pest Control Act we should consider what the Governor of North Dakota was saying in this legislation when he was talking about leafy spurge. And we had a situation where the railways wouldn't knuckle under and where a $500 fine would be a joke to them as far as controlling leafy spurge.

AN HON. MEMBER: — if you bring in an amendment, I'll change it to $500,000.

MR. ENGEL: — So on cases when we're dealing with the railway companies . . . The minister says he'll go for an amendment even with $500,000. Maybe that's good. We should have that much a year if we can't save the Crow rate form the railways and use that . . . (inaudible) . . .

But, I'll be prepared to support this legislation if he can convince me during third reading that some of these questions we are concerned with will be answered. Thank you.

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

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that Bill No. 96 — **An Act respecting the Provision of Legal Services to Certain Persons in Saskatchewan** be now read a second time.

MR. KOSKIE: — Thank you, Mr. Deputy Speaker. I want to make a few comments in respect to the introduction of the legal aid bill, as introduced by the minister. It seems to me that this bill before us is certainly one of the more important bills of the session. It is important, Mr. Deputy Speaker, because it is the framework statute for a legal aid system for those in our society unable to otherwise afford legal services.

Because it demonstrates the clear reasons for which this government seeks to make drastic changes and the say it makes those changes, and because of the minister's wholesale transfer of responsibility and authority from the local communities themselves to the heavy-handed centralism of the minister. I want to look at establishment of the legal aid as a background to what the minister is doing.

As all members know, the Saskatchewan legal services plan was first established in 1974. Its establishment was the outcome of an excellent and an extensive job of analysis and consultation performed by the Carter commission. It was a seven-person commission, broadly representative of the affected interests in Saskatchewan. It met with scores, indeed, of groups of individuals, especially with those who needed assistance and would use the service in communities around the province, and had held many open meetings and did so over an extended period of time. Then in 1978, the plan was further improved after the conscientious review by Mr. Justice Judge McClelland. In all of this, there was one central theme, one central goal — to provide high quality legal services to those Saskatchewan residents otherwise unable to attain them, in a way that remained responsive to, and accountable to, the local communities

they served.

That was the goal and I think it is a testimony to the dedication of all the board members and the staff associated with the plan over the period of time that that goal was, to a remarkable extent, achieved. The staff of the legal aid clinics, the members of the societies, the members of the locally responsive boards, I think, deserve our commendation from all of us for an outstanding job that they have done in the past.

I want to turn, Mr. Deputy Speaker, to the present proposal. The present proposal now before us, however, has emerged for quite different reasons and in quite a different way. While the minister likes to pretend on introducing it that his concern is the concern for the needs of legal aid clients in a genuine way, but we all know that the primary goals of amending this bill in the way it has been, is, one, I predict, a cut in services — he indicates to save money — and as a consequence, less services, and more importantly, I think, to gather all of the power and central control unto himself.

Instead of insisting that there be a proper time period for this review to be done, instead of seeking the view of a broadly representative commission, instead that all directly affected interests would be hear in open public meetings around the province, the minister imposed tight and rigid constraints which effectively prevented any such extensive open review. And despite the respect which all members certainly have for the former Mr. Justice MacPherson, there can be no doubt whatsoever that a major criticism that has been levelled in respect to his report has focused on its not being a full, open, and extensive review.

I know that the Minister of Justice likes to say, likes to pretend, that he is proposing these changes only in the interests of the clients. He likes to say that he plans to save a million dollars by making these changes, and that these savings will somehow not dilute or reduce the services to the client. I want to say that I have no doubt that there may even be some of the more naive and gullible members of the Conservative back bench who believe him, but I want to say that if they do, that they stand alone, that the general public do not believe him. And for the rest of the people of Saskatchewan, I think that they must judge the minister's true objectives, his true intentions in the context of similar statements and actions, by the minister, and by other cabinet minister and his colleagues.

I want to turn, Mr. Deputy Speaker, to the commission that he is proposing in this bill. And one of the major changes in this bill before us is the set of changes to the legal aid commission. The most important of these has to do with the commission itself. No longer will we have four out of seven members who are appointed by the minister. It will now have five members so appointed by the minister directly, and a further three from the so-called advisory committees appointed by the minister indirectly. We also note that the minister has totally ignored the recommendation of Mr. Justice MacPherson, that the commission include representatives of the native community and the Salvation Army.

All members will know that the issue of sending out legal aid cases to members of the private bar is a crucial and sensitive one. All will know, as well, that this issue was also the subject of some comment in the MacPherson report. I think we should be all concerned, however, that the provisions in this bill now before us, and particularly referring to section 28 and 29, will not have the effects intended by the minister.

I submit that these provisions will in fact be of no assistance whatever in developing a

private bar knowledgeable in criminal law. In fact, in my view this is a particularly troubling and offensive solution to the issue, and is in fact much more regressive than the provisions in place in Ontario.

I want to look at the locally autonomous boards versus the advisory committees as set forth in the bill. Surely the heart of the bill, however, the one provision which is central to it, is most offensive, and is most revealing of the government's style and behaviour, is the set of changes regarding the presently locally autonomous boards. Let us all remember two of the absolutely fundamental principles in which the unique Saskatchewan system was based: the principle that the plan should be established in appearance and in fact, at an unequivocal independent distance from government — it should not be controlled by government; and the principle that continuing and meaningful local community involvement would be best achieved by having autonomous, responsible, and locally elected boards in each area. Now, however, the minister seeks to change all that. He seeks to abandon these innovative and basic principles underlying the legal aid as we knew it. In place of these locally responsive, accountable boards, he seeks to set up advisory committees which he indeed will appoint.

In the past few months we have often heard the Conservative member give their standard speech about local community control and about accountability. And certainly I want to say that this bill represents a marked departure, that these proposals in this bill before us, the proposals in this bill, run precisely contrary to what this government likes to talk about. Instead of supporting local involvement, instead of reinforcing local community responsiveness, the minister's proposal will in fact totally destroy the independent boards altogether. They will simply cease to exist, to be replaced with mere advisory committees appointed by the Minister of Justice himself. As the minister knows full well, it if this proposal which is the most offensive to the many, many concerned citizens and residents of Saskatchewan.

And let me cite but a few of the voices of concern. A major editorial, for example, in the *Star-Phoenix*, we hear that paper's editorial board say this:

> No doubt some improvements in the system are possible and desirable. But great care should be taken that the system itself does not become the victim in any new approach that is taken. If anything, this drastic reduction in local autonomy should make this proposal to redesign legal aid unacceptable.

So says the editor of the *Star-Phoenix*.

And there is the resolution passed by the Saskatoon Presbytery of the United Church of Canada, which has noted the following:

> Local autonomy and involvement in the criminal justice system (and what goes on to say) are essential, and the community-run legal aid clinics have provided cost-efficient, quality service.
>
> Be it resolved that the Saskatoon Presbytery of the United Church of Canada urge the Attorney-General of Saskatchewan not to remove the control of legal services from the community boards.

This is the major concern as set out in the bill, that what is happening here is indeed . . .

What the minister is doing is establishing a commission, a commission which he in fact can appoint the majority of members — some eight out of 11 — directly or indirectly, and the local autonomy will indeed be removed.

I want to indicate that we have received a large amount of representation. We have indicated the position that is taken the United Church; we have indicated the concerns of many people who have and no representation in respect to the brining together of this new direction. We have looked and seen that indeed what the minister has done is not even to have followed the recommendations as set out by the local boards should be totally abandoned and done away with completely and totally; and the minister has done that. He has failed — the minister — to listen to the representations of native groups, poverty groups, church groups, university groups, representations from the legal profession and legal students. And, as a consequence, he is headed in the sole direction of government control of the legal aid system in this province.

And this is a concern to all people in Saskatchewan, because one of the uniqueness, as I said last day, in respect to our legal aid system in the past, was that in fact there was local control. And to merely say that, as he did in his opening remarks, that, oh, but he had problems with one of the local boards in Swift Current, and he seems to somehow use that as a justification: because one apple is beginning to spoil that you throw out the whole box.

AN HON. MEMBER: — Yeah, if you have a problem with a program, get rid of it.

MR. KOSKIE: — That's right. Totally destroy the whole concept. And what is really happening here, Mr. Deputy Premier, and I draw to your attention, and for your understanding of what is really happening, is that one of the most unique and independent legal aid systems in Canada is being undermined. This system here was the most unique in Canada because it was in fact locally controlled and met the needs of people at the local level. That is being destroyed. And now what we are doing is replacing it, in simple terms, with a legal aid system dominated and controlled by the Minister of Justice. And the awful part of it, Mr. Deputy Premier, the awful thing that has happened, is that he is sneaking this bill through on the backs of a large majority without receiving the representations from all of the groups.

In the past, as I indicated, under the Carter commission when it was set up, there was a large-based commission — individuals who were going to use the system, members of the legal profession. And today, when we did it with the McClelland the same thing — a large-based commission. And now what has happened here is that this right-wing, Amway-controlled partner is . . . Now what they're doing is indeed striking out at the very people who participated in this program.

I want to say that this party is on a course of action of driving one nail after another into their political coffin. One of the ways, and the surest ways of doing that, is through the arrogance, the arrogance of this government — that no longer, no longer will they listen to the people. They say they have been elected. They say, 'We do not need any public representation in respect to changes.' And that's what happening here. The are entirely destroying a unique legal aid system in Saskatchewan.

I want to say to you, Mr. Deputy Premier, in the interest of both your party, and particularly in the interests of the people of this province, that this bill should be pulled.

This bill should not be passed in this session. This bill should be allowed to sit on the government business and be dealt with at a subsequent session when all of the people of Saskatchewan have an opportunity of the underhanded central control direction that the Minister of Justice is going.

I want to say, in conclusion, that what is more frightening is that this minister has gone far beyond even the recommendations of Mr. Justice MacPherson. He had it in his head that he was going to control the legal aid system, and that is exactly what is happening here. Let there be no mistake. And accordingly, because of the direction of this government — their central control, their arrogance, and their lack of consideration for the people who use the services — we will not be supporting the bill.

SOME HON. MEMBERS: Hear, Hear!

MR. YEW: — Thank you, Mr. Chairman. The bill before us, Mr. Chairman, is proof positive that the government opposite is totally, totally insensitive to the needs and concerns of residents in northern Saskatchewan. This bill, which incorporates virtually every recommendation of the ill-conceived and much-criticized MacPherson report, totally ignores the needs for the legal aid services directly needed in northern Saskatchewan.

I would remind the Minister of Justice that in the 100,000 square-mile area in northern Saskatchewan there is only one private lawyer — one lawyer, Mr. Speaker, pardon me, Mr. Chairman, in all of northern Saskatchewan — that's located in La Ronge. The North, Mr. Chairman, badly needs the services being provided by the existing community legal aid board, which has a staff of four lawyers, one articling student, and two community legal services workers. The legal aid case-load in northern Saskatchewan, Mr. Chairman, is among the two or three highest throughout the province, and yet, Mr. Chairman, the MacPherson report dismissed the special needs of northern Saskatchewan. The entire report makes only two references to those needs, and I quote, number one:

> I found that there is no variation in practice from north to south or east to west, except that in La Ronge they have to know the federal fisheries Act and its regulations.

Number two:

> Judge MacPherson stated that he felt that the lawyers in the system were sensitive to the needs of native people.

Mr. Chairman, I suggest that the government opposite, by proposing this bill, has confirmed its attitudes with respect to the North and its residents. We don't count, and we are insignificant in the overall priorities of this Conservative government.

Mr. Speaker, clients in northern Saskatchewan have less access to legal services than those in southern Saskatchewan. The majority of the population is native and poor, which means there is greater demand for legal services. Travel is restricted in many instances to light airplanes, which is costly for any northern resident let alone a potential legal aid client. There are also linguistic problems to be recognized, Mr. Chairman. Both the MacPherson report and the government's bill failed to recognize any of these unique and major circumstances.

The government opposite, Mr. Chairman, should be condemned for its blind acceptance of the MacPherson report, which ultimately resulted in this bill, and therefore, Mr. Chairman, I will not be supporting this bill. Thank you.

SOME HON. MEMBERS: Hear, Hear!

MR. SHILLINGTON: — Thank you very much, Mr. Deputy Speaker. I want to address a few comments on this bill, as one who was around and involved when these legal aid clinics were set up some 10 years ago now.

The key consideration, Mr. Speaker, in setting up these clinics was their independence. It was an over-arching concern that these clinics be independent of government, so that people who needed legal services would get it, independently of whether or not it was in the government's best interests for them to get legal services, and independently of any considerations of the day — that the only consideration would be just simple justice, if they got legal help.

There were a number of models looked at. One of the models what that of a public defender utilized in Minneapolis-St. Paul. It served that community very well, but would be difficult to translate into a parliamentary government. The public defender, as is the case with so many officials of American state and federal governments, operates independently of the administration of the day, and we felt that difficult to translate into a parliamentary system of government.

The public defender system had its benefits. One of the benefits was a very high quality of criminal defence. Another weakness in this system was it was only available really to assist people with criminal matters.

Another model that was looked at was the medicare system for paying the private bar. In some ways, probably would have provided the best quality of legal services, but at a horrendous expense.

Eventually, what was done with the problem was to set up a commission chaired by Roger Carter, Q.C., on which the Law Society of Saskatchewan was represented; the poor and indigent people were represented; the government was represented. The decision to go with the model which we actually went with was unanimous. The Law Society of Saskatchewan, the Canadian Bar Association, would never have consented to it without a guarantee that the services would be provided independently of government. It as a key factor in getting their co-operation and consent.

I think that that model has served us well. The legal aid societies have, I think, been responsive to their communities. The boards are by and large elected by indigent people and people who are interested in the plight of poor people, and I think they've met local concerns. I think an apt illustration of that was the issue of the use of dogs by the Regina City Police force. That was an issue among the Regina community, the native community, and the poor and indigent, generally. If it had not been for the community clinics, that issue would never have aired, and it was aired. Whether or not the solution was satisfactory may be controversial, but at least the clinics had the issue aired, and it would never have happened with the kind of system which the Attorney-General is now proposing.

As well, I think the societies have been responsive to what the local people perceive to

be their needs. There isn't sufficient money to provide all legal services for all indigent people. The current system allows a local area and a local community to determine what it wants to leave out, and thus some societies provide legal services for uncontested divorces, some do not; but the local community makes the decision. I do not accept for a moment that the advisory boards will operate and provide the same function. First of all they won't speak with the same authority because they're not elected by the local people. They're chosen by the Attorney-General, and since they are appointed and answerable to the government, they're not likely to give the government hard advice when the government doesn't want it.

Mr. Deputy Speaker, there are a number of people to be consulted even beyond the community clinics themselves; obviously they are prime actors. But among those who should be consulted, and whose view should be obtained, are the various multitude of organizations representing native people, and the poor and the indigent, and there's a lot of them. They have been very active, actively involved in the community clinics. Because members of our caucus want to utilize the next week to meet with those groups and to get their views and to bring those views back to the Legislative Assembly for the benefit of members, I beg to adjourn debate.

Debate adjourned.

HON. MR. LANE: — I move that this House do now adjourn.

The Assembly adjourned at 12:42 p.m.