

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
April 26, 1984

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Hon. Mr. Dirks: — Mr. Speaker, it's my privilege to introduce to you, and to all members of the Assembly today, a large contingent of high school students who are visiting with us and seated in the Speaker's gallery. A number of these students attend Luther College here in Regina which is situated in my constituency, and they are accompanied by a Mr. Cherland.

And then we have 43 exchange students from the province of Newfoundland who are visiting with us today from Bishop's College in St. John's. We're delighted to have you visiting with us.

We trust that both groups of high school students will enjoy your stay here, that you'll find it educational and informative. I shall have the opportunity to meet with you shortly after question period and I would ask all members of the Assembly to join with me in welcoming them this afternoon.

Hon. Members: — Hear, hear!

Hon. Mr. Blakeney: — Mr. Speaker, I would like to join with the member for Regina Rosemont in welcoming the students from Luther College and from Bishop's College in St. John's, Newfoundland.

One of the students from Luther College is my daughter Barbara, who I have seen on previous occasions this morning. And we have a number of the students — two of the Newfoundland students and one other out-of-province student — staying with us, the out-of-province student being someone who attends Luther.

And we are delighted that they have had this opportunity to be here under the leadership of their choir director, Carl Cherland, who does such an outstanding job in leading the Luther choir. And we are most pleased to extend a warm invitation to the students and a warm welcome to the students from Newfoundland who come to us, for the most part, from Canada's newest province, and Canada's oldest city.

Hon. Members: — Hear, hear!

Hon. Mr. Hardy: — Thank you, Mr. Speaker. I'd like to introduce to you, and through you to the Assembly here, some students from my home town of Hudson Bay again this week, and also from Carragana. They are seated in the west gallery over there. Their parents are in at the Saskatchewan Teachers' Federation councillors' annual meeting in Regina which we attended last night. I was very happy to be able to meet with them. A couple of them are in the gallery accompanying the children, or the students.

So I would ask the Assembly to join with me and welcome to Regina, and hope their stay is both educational, and that they have a very safe journey home, and I'll be seeing them probably on the weekend.

Hon. Members: — Hear, hear!

ANNOUNCEMENT

Media-MLA Hockey Game

Mr. Gerich: — Mr. Speaker, I would like to report on the annual hockey game that occurred last night between the media and the MLAs. It was a hard-fought game. Standing in goal for the MLAs was J. Duncan. And the big upset of the evening was when Mr. Dale Eisler happened to get sat on by Mr. Bill Sveinson.

The precision play in the evening, of the MLA team, was when Duncan and Gerich streamed in to make a goal. The most valuable player award goes to Mrs. Bacon. She fell on the puck in a break-away. The Melville rocket was streaming back and forth across the ice, and he never did touch the puck. George “Shut-Out” Bentley did his usual thing. He never did score a goal.

And in regards to the media team, I really think that, if it wasn't for the television technicians and the photo service people, that press would have lost. And they had a couple of other numerous imports for the media — was the French connection line from CBC, and they gave us quite a bit of hassle.

The referee for the evening was Mr. Katzman, and he had a strenuous time in picking up the puck, so we employed a young man to go around and fetch it for him. It was then uncanny how the Minister of Social Services, Mr. Dirks, was always one step ahead of the press in solving his problems out on the ice, and Terry White, trying to trip him up. And we had “Tripod,” alias Sherwin Petersen out there, and he let go a blazing shot from the blueline, and it hardly reached in meeting his goalie. The real problem arose when Sherwin lifted his stick off the ice. Incidentally, the score was 7 to 2 for the media, but it was no indication of the fun that we had out there. We're getting ready next month for the next fall's game, or next spring's game against the media.

Thank you.

Hon. Members: — Hear, hear!

ORAL QUESTIONS

Recession in Saskatchewan

Hon. Mr. Blakeney: — Mr. Speaker, I have a question for the Premier, and I note that after two years in office he's still making his “we're not participating in the recession” speech. “We're open for business.” But I note that he no longer makes that speech within the province, only outside the province.

And I point out to the Premier that his government's own statistics show that in March of 1982 there were 345,000 people working in this province in the non-farm sector, and that in March of 1984, after two years of his government, the number who are working in the non-farm sector was 339,000 - 6,000 fewer than two years ago.

My question to him is this: can the Premier, in the light of these facts, still go about the country with a straight face making the speech, asserting that Saskatchewan is not participating in the recession?

Hon. Mr. Devine: — Mr. Speaker, I'm very happy that the member of the opposition asked this question on April 26, 1984, our birthday, our anniversary of the 1982 election.

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, there's a lot that I could say. I'll say immediately that, yes, I will continue to talk about the success of Saskatchewan, about the pride that we have in

Saskatchewan and of the growth that we have in this province.

In today's *Financial Post*, Mr. Speaker, it says:

The province survived the recession relatively easily. As grain export volumes offset price declines, provincial retail sales in February were up 24 per cent from three years earlier.

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — And, Mr. Speaker, I have here a summary, a very quick summary, of some dramatic changes in exports and in manufacturing and processing, and I'll just briefly go down through the list. But, Mr. Speaker, it's an interesting change from '81 over '82, and '82 over '83.

Food and beverages: the value of shipments of goods manufactured are up 18 per cent; clothing is up 9.11 per cent; wood is up 36 per cent; metal fabrication is up 15 per cent; machinery (except for electrical) is up 37 per cent. Generally the total, Mr. Speaker, on manufactured goods exports is up 15 per cent in 1983 over 1982.

With respect to job creation, Mr. Speaker, no other province in this country has a growth in the labour force, or has created jobs faster than we have in the province of Saskatchewan.

When I look at a major publication talking about the province of Saskatchewan, all it can say, Mr. Speaker, is that they have never seen, and there is no other province that can claim growth during some difficult economic times like the province of Saskatchewan. So, yes, Mr. Speaker, I'm happy to be here during this second anniversary.

Some Hon. Members: — Hear, hear!

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker. Does the Minister agree, does the Premier agree that according to the monthly statistical bulletin put out by the bureau of statistics, which operates under his aegis, the number of people (and again comparing 1984 with 1982), the number of people working in manufacturing is down 5,000; the number of people working in transportation, communication, and utilities is down 7,000; and the number of people working in trade is down 4,000. Does he believe those figures, and does he think that the 16,000 additional people who are without jobs compared with two years ago share his euphoria, with respect to the election of his government?

Hon. Mr. Devine: — Mr. Speaker, I've said many times that the phenomenal growth . . . (inaudible interjection) . . .

Mr. Speaker: — Order, please. Order, please. Mr. Premier.

Hon. Mr. Devine: — Mr. Speaker, two years after we took government, two years ago today, there has been a phenomenal increase in the number, in the people, a phenomenal increase in the population of the province of Saskatchewan; in the number and the size of the labour force in the province of Saskatchewan; in the number of people employed in the province of Saskatchewan. In fact, we break all-time records in the number of people working in the province of Saskatchewan.

When we look at the potential that was here in this province by people not deciding to stay, by people leaving the province, and then look at what's going on today, we've broken historic records in the province of Saskatchewan — comparative records, looking at provinces on either side of us. Mr. Speaker, we have one of the most dynamic economies anywhere in the nation, and I'm proud to be able to say that, after two years of our administration.

Some Hon. Members: — Hear, hear!

Hon. Mr. Blakeney: — Mr. Speaker, one short final supplementary dealing with the phenomenal increases to which the Premier referred. Will the Premier agree, again referring to the statistical bulletin put out by his department, that the labour force has increased from 448,000 to 463,000 — not a surprising increase in two years — and that the number of people employed has changed from April 1982 of 420,000 to March of 1984 of 419,000, and accordingly we are seeing no phenomenal increase in the number of people who are actually working, but substantially the same number — indeed, a few fewer.

Hon. Mr. Devine: — Mr. Speaker, the hon. member knows that if you go from February to February in any particular year, you will see cyclical changes over going for the entire year. And he is always using, he is always using December over December or January over January.

Did you take the entire year, Mr. Speaker? You take the entire year, January through to December, the entire year 1982 versus 1983, versus 19 . . . But the time we finish 1984, then you will see the relative, and the significant statistics.

I can take, for example, September of 1982 and compare it to September of 1983, and I see a growth of 13,000 people in the labour force — that month, 13,000. He's picked February over February when he knows . . . (inaudible interjection) . . . All right, the last figure.

Let's look at every February that's going through from the historic times. Let's look at every March. Let's look at every January. Let's look at all of them. Then add up all the months, add up all the months in this province compared to the previous, add up all the months into other provinces, and we'll rank, Mr. Speaker, as the province that creates the most jobs in this country in 1982 and in 1983. And, in fact, Mr. Speaker, we were the only province — the only one — to create new jobs in 1982.

Some Hon. Members: — Hear, hear!

Sale of Former SGI Head Office

Mr. Shillington: — Thank you very much, Mr. Speaker. My question is to the minister in charge of SGI. It concerns the rather startling story which you told the House yesterday — startling, Mr. Minister, because it represents the third version of the full and absolute truth which we've had on this matter.

Version number one: Mr. Miller was a mere minion who had no responsibility and did not pass on any expression of interest. Version number two, given last week: he did pass it on to the superiors. Version number three, given yesterday, was: he didn't even show them the building.

Mr. Minister, I am going to table immediately following question period — I would have tabled it earlier had the rules permit — I am going to table an affidavit by Sydney Lovell to the effect that he was shown the building by Gary Miller, and an affidavit by one Terry Bulych to the effect that he was in the company of Syd Lovell when Gary Miller showed them the building. My question, Mr. Minister, is: would you give us the fourth version of Mr. Miller's involvement?

Hon. Mr. Rousseau: — Mr. Speaker, yesterday the member from Regina Centre raised a point of privilege in this Assembly because he felt he was being hard done by. And it's the kind of malicious slander that has been coming from the member opposite against people in this province, Mr. Speaker, that have no opportunity to defend themselves, that brought about his concern yesterday.

He is talking about versions. He's talking about one individual versus another. The Leader of the Opposition, in his questions to me last week, assumed exactly the same as I did, based on

information provided us by one Mr. Lovell, which we now find to be inaccurate in the sense of the time. Because it has been determined, not only by Mr. Miller, but also by the officials at SGI, that on July 13, 1983, Mr. Miller wasn't even working for SGI — never even worked for them. That was the time he referred to, because . . .

An Hon. Member: — No, it is not. No, it is not. Read this correspondence to you. Read the correspondence . . . (inaudible) . . .

Hon. Mr. Rousseau: — Because I'll accept whatever affidavit he wants to table and send over to me, Mr. Speaker. And the lawsuit brought about by Mr. Miller against Mr. Shillington, the member from Regina Centre, is exactly contradictory. I am not going to get involved with statements made by members from the private sector, members outside of this Assembly. I am not going to slander them, Mr. Speaker. I have no intention of slandering the reputation of Mr. Lovell or Mr. Miller or anyone else, as the members opposite have been doing.

I have taken, at face value, the information provided to me. I also have letters from Mr. Lovell, dated early August, contradicting what the member is saying. Mr. Speaker, we are prepared to make available to the members opposite information to the sale of this building, which was as straightforward a transaction as has ever been conducted by anyone. It was completely straightforward.

Mr. Speaker, I can list to you a series of showings of this building — a series of them — of the year 1983, not only through Mr. Lovell, not only to Mr. Bulych, but many other people. I can start back into 1980 when they first sold it to Albertino's Enterprises in Edmonton. They had sold it to them, but backed out of the sale. I can also table, Mr. Speaker, I can also table and inform this Assembly of offers of a million dollars that they had, that they had as an opposition when they were in government (and I'm referring to the members opposite), that they didn't accept, for that same piece of property that they are now crying about. And I have that information.

So, Mr. Speaker, if they want to open up a kettle of worms I am quite prepared to argue and debate the points brought out by the members opposite as to who that it was shown to, as to what offers were made, as to what expressions of interests were made by . . .

Mr. Speaker: — Order. I would caution the member when he is giving answers to be brief and to the point.

Mr. Shillington: — New question, Mr. Speaker. Mr. Minister, if you have read Mr. Lovell's letters to you, you will know that he's not talking about a visit in July. He's talking about a visit in September when Mr. Miller was employed. Mr. Minister, his affidavit, Mr. Bulych's affidavit says, "We know Mr. Miller; we could not have been mistaken about his identity." Secondly, "He showed us through the building, and an expression of interest was made."

Mr. Minister, you must be driven to the conclusion that either Mr. Miller hasn't been accurate, or that Mr. Lovell and Mr. Bulych aren't being accurate. Do you not think that merits some further investigation than to simply, as the documents you tabled yesterday show, to simply call up Mr. Miller and say, "Were you involved?"

Because that's the extent of your investigation, Mr. Minister. You called him up and said, "Have you been involved?" Mr. Minister, my question is: do you not think that this matter merits some further investigation than that?

Hon. Mr. Rousseau: — Mr. Speaker, Mr. Miller also categorically denies having showed it to Mr. Lovell. So it isn't for me to say that one or the other is right or wrong, as the member opposite has been doing and insinuating since this began, slandering the people involved and saying that they're wrong, that they're lying, or whatever it is he's trying to say. Those are the kinds of insinuations we don't need, Mr. Speaker. It isn't for me.

I have made an investigation. Mr. Fletcher of SGI admits having shown the building to Mr. Lovell. Mr. Fletcher admits that. Now, and I'm not . . . (inaudible interjection) . . . Look, I am not going to get into a debate with the member opposite, Mr. Speaker, as to who saw it, who showed it. I have information given to me that I take in good faith and at face value.

Mr. Speaker, I have investigated the events that took place in the summer of 1983. I am satisfied that we acted in good faith, that there were no improprieties in the sale of the building. I am satisfied, Mr. Speaker, that we only had one offer. I am satisfied that the people at SGI acted in good faith.

Hon. Mr. Blakeney: — I'm not asking for protestations from the minister, but a simple answer to a simple question.

Mr. Lovell asserts, in an affidavit form, that he was shown the building by Mr. Miller in September. My question to you is: have you investigated the matter, and are you able to say that, on the basis of your investigation, Mr. Miller did not show Mr. Lovell the building in September?

Some Hon. Members: — Hear, hear!

Mr. Speaker: — Order, please. Order, please. Mr. Minister.

Hon. Mr. Rousseau: — Thank you, Mr. Speaker. The member from Regina Centre has just displayed a degree of intelligence.

I am satisfied that the information that I have was given to me in good faith, and I have accepted it at its face value.

Mr. Speaker, the members opposite should know, particularly since the two of them that have been asking me these questions are both lawyers, that there is a case today, a lawsuit that has been launched, and it will be . . . and the lawsuit is between the two parties you're referring to — the two parties that both members are referring to.

It won't be my decision, Mr. Speaker, as the minister. It will be decided by the courts as to who is right and who's wrong.

Mr. Shillington: — New question, Mr. Minister. All the documents, which you tabled yesterday, prove is that SGI called up Gary Miller and asked him if Mr. Lovell's version was correct, and he said it wasn't. Mr. Lovell went two steps further. He got an independent witness who swears to the same effect, and he provided a sworn statement. Mr. Minister, are you telling this House that this is the extent of your investigation? Is that what you're telling this House?

Hon. Mr. Rousseau: — Mr. Speaker, again I repeat, and it'll take some time for this to get through to the member from Regina Centre, and I know he's slow in accepting anything. I repeat, this is now before the courts. The two parties involved will be in court over the matter. The member from Regina Centre continuously wants to slander someone in the private sector who has no opportunity to defend himself — none whatever. And that is all he intends to do, is to slander someone out there that can't come out here and defend himself against him. Now, Mr. Speaker, the courts will decide who is right and who is wrong.

We have conducted an investigation; we are satisfied, from the information that we have, that everything that developed within the sale of the old SGI building was, in fact, very proper. And, Mr. Speaker, I will invite the members, I will invite the members opposite to sit down with me, and I will give them all of the documents available to them, with some confidential aspect to it — simply because I am not prepared to open personal negotiations in business for the public to

see — because that would be setting some precedent, and I'm not prepared to do that. I am prepared to sit down with the Leader of the Opposition, and to show him how the transaction was handled, how straightforward it was all the way through, how many showings we had, how many expressions of interest that we had. Any time you would like to see it, I would be happy to sit down and show it to you.

There was nothing in the sale of that building that showed any impropriety of any kind. It was straightforward. I admit that there is a disgruntled loser, as you might put it, that didn't get the building. That is unfortunate. But there are many of them who expressed an interest of purchasing that building, who lost out. There are many of them. There was only one that could buy it, and he bought it, and bought it in good faith.

An Hon. Member: — How many offered more?

Hon. Mr. Rousseau: — So, Mr. Speaker, I can show you many more. I will be happy to show them to you any time, Mr. Speaker.

Reduction in Bursary Payments

Mr. Yew: — Mr. Speaker, I have a question for the Minister of Advanced Education and Manpower. I want to ask the minister why his department has cut bursary payments to Metis and non-status Indian students enrolled in the Saskatchewan Training for Employment Program sponsored by the Gabriel Dumont Institute of Native Studies.

Mr. Speaker, in the midst of final exams this month, those students received notices from the department informing them that bursary payments were to be cut by an average of 25 per cent, effective immediately. As a result, many of the students now enrolled in this job training program will not be able to continue their studies, due to a lack of financial resources.

I ask the minister: who ordered the reassessment of those bursary payments, and what possible justification can you give for cutting assistance to those native students in the midst of their studies?

Hon. Mr. Maxwell: — Mr. Speaker, I don't have all the details at my fingertips right now. But I'm aware of the reasoning behind the decision that was taken by my departmental officials who have briefed me on this subject.

Two things: (1) I will take notice on the precise details the member has asked for; (2) I will undertake to meet with the member in my office, or his, I don't care where, as soon as possible, and I'll go over the details with him.

But I will, Mr. Speaker, come back with all of the details that have been asked by that member, and I'll lay them out here for the media, for the gallery, for everybody else here . . . (inaudible interjection) . . . And, Mr. Speaker, I'd be quite happy — if the member from megaphone could shut his mouth for a minute — I'll be quite happy to go right through that in estimates.

Mr. Yew: — Supplementary, Mr. Speaker. The minister will know that his government's record with respect to job training and adult education opportunities for Metis and non-status Indian people in this province is nothing short of deplorable.

There are 25,000 adults in Saskatchewan who are either Metis or non-status Indians. More than 70 per cent of those people are in the unskilled worker category, yet only 517 are now enrolled in employment-related education and training programs across this province.

If you truly have a commitment, Mr. Minister, a commitment to job training for native people, if you truly wanted to help native people learn to help themselves, you would be expanding job training opportunities . . .

Mr. Speaker: — Order, please. The member is on his feet to ask a supplementary. You've made a fairly lengthy statement, but you have asked no question. If you have a question, proceed with it.

Mr. Yew: — My question, Mr. Speaker, then, is: I ask the minister, how do you justify cuts to the type that I have asked about today — the type of training and government encouragement requested, when you claim to be concerned about job training and skills upgrading for native people in this province?

Hon. Mr. Maxwell: — Mr. Speaker, I'd be happy to discuss this in estimates. I dodge nothing in estimates. If it's an estimates question, I'll go right through it. Let's take a look at a couple of things then.

Since we took office, and since I became minister in this particular portfolio, we have a northern manpower needs committee established, we've made space available in La Ronge for multi-purpose lab, for high-tech courses during the past two years. We've got a chemical technician program running, which you never had running; environmental technician program running, which you never had running; Gateway School in La Ronge is being made available for training spaces as of April of this year. We've computer literacy, data processing courses running, office education programs running as of April of this year. We are offering accounting, we are offering word processing. If the members opposite really want, I'll be more than happy to run through all of the programs right now. It could take about 20 minutes.

And as for the bursaries, the program to which they refer is a special incentive program. Now that particular program, as they should well know, that particular program is aimed at several groups in society who are considered to be disadvantaged.

Under the terms of that program, the particular group to which the hon. member was referring — he referred to the Gabriel Dumont Institute — our student service branch personnel has been available for counselling to that group. There are a total of 191 Gabriel Dumont students, and they knew that it was for first-year people, the forgiveness that he's talking about. I know exactly where he's going on this one with the bursary, was for one year, not for anybody who was in the second or subsequent years of the program, as the member well knows because I know to whom he spoke about the subject, and who gave him his information.

MINISTERIAL STATEMENTS

Establishment of Review Committee

Hon. Mrs. Smith: — Thank you, Mr. Speaker. Today I wish to advise this Assembly that I am proceeding with the establishment of a review committee under section 7 of The Department of Education Act — a review to examine and report upon various issues that have been causing difficulty between the board of the Moose Jaw Roman Catholic Separate School Division and the teachers employed by that school division.

I am also pleased to advise this Assembly and the citizens of Moose Jaw, that the teachers and the children will be back in the class-room come Monday morning.

Some Hon. Members: — Hear, hear!

Hon. Mrs. Smith: — Mr. Speaker, the review committee will consist of three persons. The chairman will be Dr. John Egnatoff, who has had an outstanding career in education.

He has served as president of the Saskatchewan Teachers' Federation. He has served as president of the Saskatchewan School Trustees Association, the Canadian School Trustees' Association, and the Canadian Education Association — a truly unique set of accomplishments that has

earned Dr. Egnatoff the respect of the education community, not only in Saskatchewan but throughout Canada.

The two other members of the review committee will be named after further consultation with Dr. Egnatoff and the Moose Jaw board and teachers. I am pleased also to advise that the board and the teachers have pledged their co-operation with this review.

The review committee will be given the assignment of examining the interrelationships among the board, teachers, public, and students; local communications procedures; the processes and approaches used by the board and teachers in the conduct of their local negotiations; such other matters as the review committee itself considers to be appropriate in order to facilitate the efforts of the board and teachers to build and maintain relationships that are conducive to a positive, educational environment.

The committee shall also be asked to look at implementation strategies for any recommendations which may be made by the committee on the matters they have reviewed. The committee will be given the freedom to determine its own procedures and processes on the understanding that all of the interested parties, including the public, will have an opportunity for input.

Mr. Speaker, it would have been preferable to have had a local collective bargaining agreement settled by the board and teachers prior to a review getting under way. In this way, perhaps the committee could have more readily concentrated on other matters of long-term interest in building positive relationships in a sound educational environment in Moose Jaw.

Officials of my department worked intensively with board and teacher representatives around the clock during the past two days in an effort to assist the parties in coming to an agreement. Agreement was close, but was not achieved.

Mr. Speaker, I am hopeful that in spite of the differences that currently divide the teachers and the board, both parties sincerely desire to build and maintain a more positive and constructive local relationship. I am also convinced that both parties wish to do so in the best interest in serving the children of that school division.

This review presupposes no fault or blame on either side. And I trust that all concerned will look upon the review as an opportunity not to dwell on the past but to build for the future, a future that minimizes conflict and builds on positive human relationships.

Mr. Speaker, today our hearts and prayers go out to the Moose Jaw Catholic system (the teachers and the trustees) while they are endeavouring together to provide a quality educational program for our future — our children. Thank you.

Some Hon. Members: — Hear, hear!

Mr. Koskie: — Thank you, Mr. Speaker. I'd like to make a few comments. First of all, I want to say that I am particularly pleased, particularly pleased for over 1,500 students who can now return to their classes and continue their education. I am particularly pleased with the efforts of the parents, the concerned parents of Moose Jaw, who came forward prior to the strike with the very recommendation which has belatedly, has been adopted.

We, in the opposition, have indicated to the minister that the teachers, the parents first of all, had proposed and requested this type of review. We asked her to use her good offices to bring the parties together with this type of solution.

The teachers in the separate school system in Moose Jaw also requested a solution by setting up a review and returning voluntarily to work. Our regret in the announcement is the strike certainly

could have been averted had the minister indeed listened to the parents, to the schoolteachers, and to the pressure that the opposition had presented to her in the House.

Certainly, I want to say that it's regrettable that we are entering the fourth week of the strike. Obviously we welcome that the impasse has been, in fact, overcome, and we can only say that certainly in the future I hope that the minister will be more cognizant of what the opposition is saying and what the respective parties are saying, and certainly we could have resolved this problem at a much earlier date.

Some Hon. Members: — Hear, hear!

INTRODUCTION OF BILLS

Bill No. 51 — An Act to establish The Industrial Incentive Program

Hon. Mr. Klein: — Mr. Speaker, I move first reading of a bill to establish The Industrial Incentive Program.

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

STATEMENT BY MR. SPEAKER

Points of Privilege

Mr. Speaker: — Before orders of the day, I would like to respond to points of privilege that were raised yesterday.

First, I would like to deal with the point of privilege that was raised by the Attorney General. Yesterday, the Minister of Justice raised a point of privilege stating that the member for Regina Centre had breached the privileges of this Assembly in his remarks. I have reviewed the transcript of yesterday's proceedings and find that a prima facie case of privilege has not been established.

Dealing with the point of privilege raised by the member for Regina Centre, yesterday the member for Regina Centre raised a point of privilege for which he submitted notice as provided under Rule 6. I thank the hon. member for his notice and for the concise manner in which he raised the points of order before the orders of the day.

Privilege is one of the most important procedural points in parliament. A breach of privilege of parliament affects all members and parliament itself. I refer all hon. members to *Erskine May's Parliamentary Practice*, 20th Edition, page 70, for a general definition of privilege as follows:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

And further:

The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members; and by each House for the protection of its Members and the vindication of its own authority and dignity.

The rights and privileges of members evolved and were enshrined over many centuries in the development of parliament. The ninth article of the Bill of Rights of 1688 stated:

“That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament”.

Bourinot, another parliamentary authority wrote:

Among the most important privileges of the members of the legislature is the enjoyment of freedoms of speech in debate, a privilege long recognized as essential to proper discussion and confirmed as part of the law of the land in Great Britain and all her dependencies.

Bourinot's Parliamentary Procedure and Practice, 4th Edition, page 47.

And further from May on page 82:

The absolute privilege of statements made in debate is no longer contested, but it may be observed that the privilege which formerly protected Members against action by the Crown now serves largely as protection against prosecution by individuals or corporate bodies. Subject to the rules of order in debate, a Member may state whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he is protected by his privilege from any action for libel, as well as from any other question or molestation.

Saskatchewan legislatures have recognized this important privilege by incorporating it into The Legislative Assembly and Executive Council Act, Section 27, as follows:

27. — (1) No member is liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise by reason of anything said by him before the Assembly.

(2). The immunity provided by subsection (1) applies notwithstanding that words spoken by a member before the Assembly are broadcast, whether the broadcasting takes place while the words are being so spoken or the words are recorded at the time they are being so spoken, and are broadcast at a later time.

The member for Regina Centre, yesterday, in raising his point of privilege stated that a letter he had received from the law firm of Wilson, Drummond, Finlay and Neufeld, and a statement of claim issued out of the Court of Queen's Bench, were threatening to him as a member of the Legislative Assembly, and served to obstruct him in the carrying out of his duties. The letter and the statement of claim arose out of certain remarks made by the member in the Legislative Assembly.

I refer all hon. members to *Erskine May's Parliamentary Practice*, Twentieth Edition, page 157.

To attempt to influence members in their conduct by threats is also a breach of privilege.

And further, on page 158.

Conduct not amounting to a direct attempt to influence a member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as a breach of privilege.

. . . It is a breach of privilege to molest any member of either House on account of his conduct in parliament.

I refer all members, again, to The Legislative Assembly and Executive Council Act of Saskatchewan, section 24:

The Assembly is a court and has all the rights, powers, and privileges of a court for the purposes of summarily inquiring into and punishing:

Any assault, insult or libel, upon or to a member while the Assembly is in session; and

(j) The bringing of a civil action or prosecution against, or the causing or effecting of the arrest or imprisonment of, a member for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise or said by him before the Assembly . . .

Upon reviewing the point raised by the hon. member yesterday, and after having referred to Bourinot, May, Beauchesne, and The Legislative Assembly and Executive Council Act of Saskatchewan, I find that a *prima facie* case of breach of privilege has been established.

I wish to point out that it is the role of the Chair to examine whether, on the surface, the privileges and rights of the members, such as freedom of speech and the freedom to fulfil their role as a member unimpeded, have been reached. It is up to the Legislative Assembly as a whole to act as it sees fit in this matter.

PRIVILEGE DEBATE

Mr. Shillington: — Mr. Speaker, I would refer yourself and all hon. members to the *Rules and Procedures of the Legislative Assembly*, rule 6(3), which says:

When a *prima facie* case has been established it shall be taken into consideration immediately.

Mr. Speaker, I outlined yesterday what I believe were the grounds upon which the privilege of this House had been breached. It has been heretofore, I think, accepted that members should not be the subject of intimidation by letters from law firms which state that if remarks are not withdrawn, an action will be pursued vigorously, and imply that if remarks . . . that if a member continues to do his duty as he sees it, the action will be pursued.

I think, Mr. Member, the privilege is not just mine. It must be remembered it is the privilege of all members of this House. Think of my colleagues from rural ridings who might want to say some things that Canadian Pacific Rail might object to. And if they're going to be subjected to the kind of intimidation and harassment which the long pockets of the railway permit, then the nature and the tone of the debate in this legislature is going to change very significantly.

As I said, I said all these things yesterday, Mr. Speaker, I don't intend to repeat it. I assume that the normal course of the House will follow, in which, once a *prima facie* case has been established, it will then be left to the committee of elections and privileges to deal with and I, therefore, Mr. Speaker, move, seconded by the hon. member from Shaunavon:

That the matter of a letter from Mr. Eric J. Neufeld to Ned Shillington dated April 19, 1984; and the matter of a statement or claim between Gary Miller and Silver Developments Ltd. as plaintiffs, and Syd Lovell, Fossil Fuel Developments Ltd. and Ned Shillington as defendants; and the circumstances surrounding both be referred to the Standing Committee of Privileges and Elections of this legislature, and that in the course of its investigation the committee call before it as witnesses: Gary Miller, Mark Silver and Eric J. Neufeld, among others.

I just add, in closing, this is precisely the wording of the resolution I said I would introduce yesterday. I include the three because I assumed that they would be given an opportunity to speak and put their case forward.

Hon. Mr. Andrew: — Yes, Mr. Speaker. In the question raised yesterday by the hon. member from Regina Centre, I took the opportunity, as Mr. Speaker has ruled with regard to *Erskine May's*, and I think the material part is page 82 of *Erskine May*, which Mr. Speaker referred to. I think it's important when we look at the approach of this particular question and that we look at, in fact, what *Erskine May* had to say:

The absolute privilege of statements made in debate is no longer contested . . .

It's very clear. I think it's been without question in court for some time.

. . . but it may be observed that the privilege which formerly protected members against . . . the Crown . . .

That's back to the early days of parliament in Great Britain where the Crown was basically the action against it.

. . . now largely serves to protect against prosecution by individuals or corporate bodies. Subject to the rules of order . . .

Which is obviously certain privileged questions that are still subject to privilege of statements in the House.

. . . a member may state whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he is protected by his privilege from action for libel . . .

The early case of *Dillon v. Balfour*, again referred to in *Erskine May* makes it clear:

In this action brought in the Irish courts in 1887 against a member of the House of Commons for words spoken in the House, the court being satisfied (this is important in that) the court being satisfied that those words constituted . . . an action, ordered that the writ and statement should be taken off the records of the court, the court having no jurisdiction in the matter.

Quite properly as well, Mr. Speaker, you referred to The Legislative Assembly and Executive Council Act and, in particular, section 27, which basically says (if we cut it aside):

No member is liable for any civil action or . . . damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise or by reason of anything said by him before the Assembly.

And I think that's clearly the case. Mr. Speaker has ruled, I believe, quite properly that this is, in fact, a *prima facie* case of privilege.

I suggest that the law on this particular matter, I think, is beyond question, that should that case proceed, does that case proceed, that the courts have over time, both in our country and in any other Commonwealth country, ruled that that type of evidence is not admissible; that an action founded on statements made within the walls of a legislature of a parliament are not something that can be used in court. That is clear beyond question, that is clear beyond question. It has constantly and on several occasions that type of matter has been brought to the courts. The courts have consistently, year after year after year, ruled against that. That's the situation, Mr. Speaker.

This Assembly, therefore, should not — so it's clear Mr. Speaker — should not in any way try to interfere with the statement of claim in the sense that the statement of claim does have the right to go to the court. And it's not for us — and I believe the hon. member will agree with me here — it's not for us to say that a statement of claim could not proceed to the court. Clearly it can. So we should not deal with that particular situation here.

I believe, therefore, what we have is, quite frankly, an open-and-shut case with regard to privilege in this particular case, and, as Mr. Speaker ruled, privilege is something that should not ever be taken lightly by the Assembly for the importance of the Assembly and for the importance of parliament. Therefore, we ask ourselves: what should the Assembly do about this particular case? And I think that's really where we come to, what we want to talk about, what we, in fact, should do.

We must obviously ensure that free speech is always preserved. That's the nature and the meaning of what our democracy is about. That's the meaning and purpose of what parliament and the legislature is about. And I think it's important, Mr. Speaker, that we constantly remind ourselves and remind the public and make statements with regard to the importance of free speech, and that you should not be interfered with that free speech.

That, I believe, can be accomplished by this Assembly today, making a clear and unequivocal statement with regard to the principles of free speech, what it means, and what is important.

As a lawyer by profession, I believe, and I'm confident, that a clear statement from this Assembly to the parties involved, a clear statement by this Assembly, should, to a large degree, offset any intimidation that the hon. member from Regina Centre should feel with regard to any letter or any statement of claim. That's the thing that is advanced.

But then we must ask ourselves: what would be accomplished, Mr. Speaker, by referring this question to the committee on elections and privileges? What would be accomplished by that? To determine the fact that there is a privilege; that has been determined. To determine, therefore, then, what sanctions should be taken by this Assembly against the person that has committed that privilege or breach of privilege, and that's really what we're asking ourselves. And I simply ask the members of the Assembly, that is really the function of the Assembly.

What is going to be served by having this matter referred to a committee to recommend a sanction, or to further investigate the whole issue involved? I think it's very clear that the committee, any reference to a committee of privileges and elections, should not deal with the question of the substance of the dispute presently involved in the community today and last week.

In other words, they should not deal with the question of what A said or what B said, or who is right and who is wrong. That's not the issue that we have before us. The issue that we have before us is, in fact, that a letter was sent to a member of this Assembly threatening legal action, in fact, followed with or accompanying legal action being taken on it.

So I suggest that what we have, Mr. Speaker, is a situation where we make a clear and unequivocal statement by this Assembly, re-establishing, restating, if you like, the right of free speech in this Assembly, and the right or the lack of a right for anybody to try to interfere with that.

And I would go further. And I will be moving an amendment to the hon. member's motion at the end of my comments, Mr. Speaker. I would go further than that and ask that this Assembly request an apology to Mr. Speaker from the law firm that, in fact, sent the letter to the hon. member. A clear, unequivocal statement of the right of free speech, number one, Mr. Speaker, and an apology to Mr. Speaker, because that is where the breach is. The breach is not solely to

the member from Regina Centre; the breach is to this Assembly if we are to rely on the concept of the right of free speech.

Therefore, I think those are the two things that I would suggest that we must look at, and what we should do. We look at some of the history that we can have in this particular Assembly. I believe . . . And I was not a member of the Assembly at the time. The last time the Committee on Elections and Privileges sat — I think it was in the session of '75 to '78 — it created, I think, a certain degree of animosity. A certain political element tended to creep into it, Mr. Speaker. And I don't believe that that concept did anything for the betterment of parliament or the betterment of the legislature.

The last and most recent case involved a breach of privilege against the member from Saskatoon Riversdale, about a year or a year and a half ago, in which case a particular individual lured that particular member from the House on false pretences in order to effect service of a document in the precincts of the Legislative Assembly.

That was found to be a breach of the member's privilege. And I believe, Mr. Speaker, the ruling of the Assembly was, in fact, Mr. Speaker, that that particular individual make an apology to the House. And that, in effect, I believe, was done.

So in summary, Mr. Speaker, I would say three things. Number one: we must always restate, and I think it's important to once again restate the position on free speech in this Assembly. That's number one.

Number two: I believe to provide an appropriate sanction besides that would be to ask for Mr. Speaker to ask for an apology of Mr. — I believe his name is Eric J. Neufeld, who, in fact, authored the letter, Mr. Speaker, to Mr. Speaker.

In closing, Mr. Speaker, though, I would like to say this: the principle of free speech is an important principle. It's the principle upon which we're all here, and the reason we're all here. And some of those principles have a lot of time-tested rules by which we live by, if you like. And we have those rights fought for, won, delivered over a long period of history in the Commonwealth and the parliamentary system — some of those rights for a long time, Mr. Speaker.

What we have to look at, Mr. Speaker, and I think what we have to look at very often is, along with all rights, Mr. speaker, goes responsibilities, and those responsibilities should be handled by elected members, I suggest.

And I think something that we should also keep in mind at all times: those responsibilities are also not to use the freedoms that we have so importantly hold in our country, not to use those freedoms and those principles and those rights lightly. We should not try to hide behind principles, Mr. Speaker. We should not try to make statements that we can declare to be under those rights but are misguided in many ways, that can be using particular rights that we have been granted for our own advantage. And I think that's a very important and fundamental thing that we should also look at, Mr. speaker. We should not hide behind this Assembly to be able to say things that we wouldn't otherwise say other places, because to do that perhaps we start to abuse some of those rights and some of those principles that we hold so dear.

With that, Mr. Speaker, I would like to move an amendment to the motion of the hon. member that would be as follows:

That all words after the word "That" be struck out and the following substituted therefor:

This Assembly asserts that freedom of speech in debate in the Legislative Assembly is an historic and essential privilege of every member, and resolves that in threatening the hon. member from Regina Centre with legal action if he did not cease making certain remarks respecting a Mr. Gary Miller, Silver Developments Ltd., their legal counsel, Mr. Eric Neufeld, were guilty of a contempt of the Legislative Assembly, and this Assembly orders Mr. Neufeld to apologize to the Legislative Assembly by way of a letter to Mr. Speaker.

I would so move that amendment, seconded by the hon. member from Meadow Lake.

Hon. Mr. Blakeney: — Mr. Speaker, I would like to address a few remarks to the amendment. The amendment is a comprehensive amendment which, in effect, totally replaces the previous motion. It is not an amendment which changes its meaning mildly, but an amendment which changes its meaning totally.

We are dealing here with, as Mr. Speaker has said, the very basis of the operation of parliamentary institutions. No parliamentary institutions have attempted to operate, certainly in the British Commonwealth, without their members having protection against being sued for statements they make within the Chamber, or bills they introduced, or petitions they may present.

This is not only something which members claim because they wish to be protected, but it is something which members claim because only if they exercise that right will they have the opportunity to represent fully the electors who have elected them. It is a right which inheres not only in the member, but also in his electors. It is they whose voice is to be heard in this Assembly if we are to be faithful to the principles of popular government.

We are here talking about that principle. We are not talking about any principle of law, by which an individual member who is sued may have a proper defence or may have a basis on which to have the particular statement of claim struck out. It is not something which is designed to help members win lawsuits. It is something designed to see that members are not subjected to lawsuits. And that's an important distinction.

Because all of us know that he who is sued must spend time and money in defending himself or herself. And if members who speak in this House, and say things which they think ought to be said, whether rightly or wrongly, are going to be subjected to lawsuits, then, very clearly, they are going to be inhibited from speaking in this House. They're not going to say the things they would say in this House, even though they have an ironclad legal defence. Because the very fact of having to defend the action, instruct counsel, spend time, deflects them from their ability to serve as members — you can't be in court and in the legislature at the same time, or you can't be instructing counsel and doing your work at the same time — deflects them from doing their job as a member, and also runs them the risk of substantial legal costs.

So what we are trying to do is to prevent members of the House from being subjected to legal action. And that's what all of the authorities say. That's what Bourinot or May or Beauchesne or any of the other recognized authorities say.

So we are not now talking about legal defences; we're talking about the fact that members are not to be subjected to lawsuits. Now we have here a case where a member was very clearly subjected to a lawsuit. The writ was issued, the statement of claim was issued, and it was served, and with it, a letter which I think, on a fair interpretation, is designed to inhibit what the member would say in the legislature. I choose my words to make them as inoffensive and lacking in emotion as I can. But the letter was clearly designed to restrict what the member said in the legislature.

Now there may well have been, in the minds of the persons who issued that writ, some grounds

for so doing. It seems to me that two things ought to be established by this House. We ought not, totally, to prejudge the issue. We ought to give those persons who we say, on I think pretty good grounds, are violating the privilege of this House, an opportunity to be heard. And we ought also to ask them — and this is the other side of the coin — why they have taken the step they have done.

It's not only, I think, good enough for the House to say . . . It's not good enough for the House to say only, "You should not do this," when the House has clearly had its privileges assaulted in this way, in an almost unprecedented way, so far as this legislature is concerned, for many decades. We ought to obtain from the persons who have conducted themselves in this way, an explanation of why they have done so.

To fail to do so, to fail to do so will mean that the sanction is simply to have a resolution of the legislature passed, and presumably in due course, having to withdraw the action in so far as it concerns the member of the legislature. That is not a very heavy sanction. That is not likely to prevent other people from launching legal actions against members of the House. And that is what we are trying to do.

We are trying to get across the idea that being a member of this House does not subject one to legal action for what one does in this House. And we are trying to get across the idea that you do not have to have a long purse to be a member of the legislature. You do not have to have money to defend legal actions. There is no distinction, and ought to be no distinction, between members who have substance to deal with legal actions which may be mounted against them, and members who do not have substance. And that's important. And no citizen should have a special advantage because he has substance and, therefore, is able to launch a legal action, and, therefore, able to inhibit what a member says over and against another citizen who does not have that substance, and is not in a position to launch the legal action.

All those points are pretty fundamental to making a legislature or a parliament work and, therefore, I think we should find out from the people who launched this action what they had in mind. It is fairer to them, because they may well have something they wish to say. And it is fairer to us, because it asks them to explain themselves and, in the course of so doing, if they have no explanation, it acts as a further deterrent to other people attempting what was clearly attempted in this case: to influence the member.

We have persons who are in business, and things were said about the manner in which they conducted their business with the government — and I do not want to talk about the details of this at all, but simply to structure it — and these business people, who are in a commercial operation, launched an action against a member. Now I think we have to be sure that this is not repeated, and the way to do that, it seems to me, is to ask for an explanation and, if one of not forthcoming, then we can be even more forthright. And the very fact of having to appear and giving an account will be an additional deterrent to any other large organization, be it business or trade union or other, which attempts to influence what a member says in this Chamber by launching a legal action against him.

Accordingly, I will be opposing the amendment because, it seems to me, it removes from the motion all effective sanction, except the sending of a letter of apology, and leaves members open to be sued by anybody who will run the risk of having a motion of this Assembly passed and having their lawyer write a letter. Not a very large risk, and one which, notwithstanding the fact that there may well be a legal defence, will not be sufficient to deter people of substance from attempting to influence what is said in this Assembly if they do not like what is said in this Assembly. That, I think, is not good enough.

We need to be a little more forthright in protecting members and, if I may say so, particularly members of the opposition in their ability to say what they think needs to be said in the legislature, without having any large organization, in this case a business organization, using the

threat of legal action to control what is said. I do not think the motion moved by the member for Kindersley is in any way effective in achieving what I think we all wish to achieve and, accordingly, I will be opposing the amendment and supporting the main motion.

Some Hon. Members: — Hear, hear!

Hon. Mr. Lane: — Thank you, Mr. Speaker. Now that the Assembly has determined that there was a breach of privilege . . . (inaudible interjection) . . . well, that there's a prima facie case; we are now debating that, we are now debating that and, I think, it's been accepted by members of the Assembly. But how does that privilege arise? A privilege arises by the historic basis of the members of this House to freedom of speech.

The rules of this House go back several hundred years, Mr. Speaker, and they, in many cases, are somewhat esoteric — some go back to 3 or 400 years — that we get brought forward from time to time. I think it fair to say that not many people in the public understand the rules, nor do we expect them to know the detailed rules of this Assembly.

What we are trying to do with a motion . . . What we are trying to do with the amendment is make it clear, as the Leader of the Opposition says, that there is an absolute privilege to what members say in this House. And that is protected, that is protected as well by section 27 of The Legislative Assembly and Executive Council. It does not go as far as the hon. Leader of the Opposition has said, which he says is to protect members against lawsuits. It doesn't go that far. To that it that far, as the hon. member said, to take it that far it does not protect against lawsuits. The hon. members know full well, know full well that an employee, now an employee of the Leader of the Opposition, through devious means, enticed a member out of the House to serve a court document; and it was done under The Elections Act to controvert an election. That doesn't protect us against lawsuits.

What it does is protect us against civil action or prosecution, arrest, imprisonment, or damage by reason of any matter or thing brought by him by petition, bill, resolution, motion, or otherwise by reason of anything said — said by him before the Assembly. Very, very narrow. Very, very narrow. And it does not protect all members against lawsuits. And I beg to differ with the Leader of the Opposition who, I think, put a rather extreme interpretation on what that privilege does.

But what does the member from Regina Centre's motion say? And I think it indicates . . . Really the intent of his motion is not to deal with the right of members to freedom of speech. It does not deal solely with his claim of privilege and his concern about the legal action, because if we read the motion, his motion, who does he want to call? Who does he want to call? . . . (inaudible interjection) . . . Oh, no, he names them: Gary Miller, Mark Silver, Eric J. Neufeld. He doesn't say anything about calling himself. He doesn't say anything about calling other parties' names who have been brought forward . . . (inaudible interjection) . . . It does not. It does not. The design and the intention of the motion, Mr. Speaker, is abundantly clear.

The intention of the motion is not really to deal with the privilege. It's to deal with the witch-hunt, or the court action, and that's really what the hon. member wants this Assembly to deal with. He wants — I don't know for what reason — certain select members of the public, not any of the ones that he's been referring to over the past several days of debates, very carefully that he has not given some of their names. He very carefully defined whom he wanted before this Assembly. So I think there's not much doubt that the motion as proposed is really an investigatory process desired by the opposition.

What really should be done? We should let the courts decide on the matters in dispute. The hon. member, the hon. member, my understanding . . . (inaudible interjection) . . . You want us to question the statement of claim? I think the courts should decide that. And the question of privilege — I have before me a copy of the demand letter from the law firm in which they make

an allegation, correctly or incorrectly, but an allegation which I believe the courts decide, that legislative privileges does not appear to be a defence because the publication of an injurious falsehood and the tort so referred to.

That is the allegation they make that should be decided by the courts, and I think all hon. members will agree with that. The courts may then rule that the claim of privilege applies, and that the action in tort is not a valid one. That is something for the courts to decide, and that is the claim. When the plaintiffs claim, Mr. Speaker, that this privilege does not apply — and that's their claim, as I say, correctly or incorrectly, they make that claim — that is something for them to decide.

Now I don't know why the hon. member . . . (inaudible interjection) . . . Yes, I can talk about suits. I mean, I can talk about Mr. Parker, and I don't know what other allegations have been made from time to time, so let's . . .

Hon. Mr. Blakeney: — I rise on a point of order, and ask what relevance suits that have nothing to do with anything in this House that we're not debating are, so that they are injected in this debate by the Minister of Justice.

Mr. Speaker: — I would ask that the Minister of Justice stay on the topic that's before the House.

Hon. Mr. Lane: — Mr. Speaker, I made reference to one particular court action because it, in my view, was a precedent and it indicates that, in fact, members can be sued — members of this Assembly, and it's not the blanket statement made by the Leader of the Opposition,.

I also, Mr. Speaker, brought to the attention of all hon. members what the motion, what the motion was really intended to do. And I think, as well, that we must take into account that there is an allegation in the claim that the legislative privilege does not appear to be a defence, because there is a tort, an allegation of the tort of publication of an injurious falsehood. That is something for the courts to decide.

I think that is the proper course. The argument that it's costly to defend, I don't think has any relevance to the matters. I think that the hon. member may well have got himself in over his head, and I think that the hon. member is looking for an out, the hon. member from Regina Centre.

And I can say that for another reason, Mr. Speaker, because if the hon. member, if the hon. member had the courage, and if he really believed what he was stating by innuendo over the last few days was accurate, why does he not say it beyond the boundaries of this Assembly? Why does he not? Mr. Speaker, I am giving the argument as to why the motion cannot be supported and should not be supported, and why the amendment should be supported, and I have given the reasons. I have given the reasons. I know the hon. members opposite do not like to hear this.

We have a situation where a member is making statements to claim a privilege. It doesn't bother him that he may be ruining reputations or whatever. So the courts should decide it. The courts should rule on the claim made by certain individuals, and the courts should rule as the claim is made, that because of the tort of injurious falsehood, the legislative privilege does not appear. So I've given. I've given, as I say, rightly or wrongly; that's a claim made. And I suggest, Mr. Speaker, that we've given every reason for rejecting the proposed motion.

It specifically goes after certain parties. It looks very much like an attempt to avoid someone being held to some account. It looks . . . (inaudible interjection) . . . Well they say, exactly. We talked. We talk, and that's precisely what the amendment says; that is precisely what the amendment says. It restates. It restates the historic right to freedom of speech, and I happen to believe that many people in the public don't necessarily know all the rules of this Assembly and,

if they do necessarily know all the rules, that they may well have a claim that they make reference to in the demand letter.

So what are we asking for? We are restating. We are restating the privilege set out in section 27 of The Legislative Assembly and Executive Council Act. We are reaffirming it as a Legislative Assembly, and we are following a precedent. Someone from the public may have broken the rules of this House, that they apologize. Just as we ask others.

So I suggest, Mr. Speaker, that if, as the Leader of the Opposition says, we should be communicating a message out there, as to the protections that involve or that come to members of this Assembly, this will be more than adequate. I think it will make it very clear that we do have an absolute privilege, that the individuals who have breached that privilege will have to apologize to you, Mr. Speaker. I think that's a more than adequate warning to the general public, but we also have to remember, we also have to remember that with that privilege goes responsibility. Unfortunately, in this case it didn't, but it may be a warning to all members, as well, that with that privilege goes a responsibility. We could not make a more clear statement, Mr. Speaker, than to support the amendment proposed by the Minister of Finance.

Some Hon. Members: — Hear, hear!

Mr. Shillington: — Mr. Speaker, I am speaking to the amendment. I don't intend to be long. I do intend to suggest to this House that what is being offered by this amendment is wholly and completely inadequate, and would embarrass any government but this one.

Mr. Speaker, I asked members opposite and the Minister of Justice to read section 24(j) which I read yesterday in the House. I would ask the Minister of Justice, who is supposed, as all members are — but you have a special responsibility to uphold the laws of this province — to listen to this subsection.

The Assembly is a court and has all the rights, powers and privileges of a court for the purpose of summarily inquiring into and punishing: (and the offence so stated is) the bringing of a civil action or prosecution . . . or the causing (of the effect or) arrest or imprisonment of, a member . . . by (the) reason of any matter or thing brought by him by petition . . . or otherwise . . . before the Assembly.

The offence stated in 24(j) is the bringing of a civil action, and the amendment put forward by the Minister of Finance is utterly and completely silent with respect to the civil action. The civil action is never mentioned.

All that this asinine amendment does is to say to the lawyers, "When you deliver a statement of claim on the basis of something said in the Assembly, don't be too descript about it. Don't suggest the obvious. But if you persist the action will be persisted in." The statement of claim is never mentioned in the amendment. They are free to continue with the statement of claim, as they no doubt will. They are free to continue with the statement of claim and pursue it with all the consequences that entails.

I suggest to members opposite that you are disregarding The Legislative Assembly Act, the protections given to me by the history and tradition of this parliament, and the protection offer is none at all, is none at all. Anybody who is capable of writing such a letter, I suggest to you, is quite capable of making an apology and continuing the action.

All this amendment says is he shouldn't have threatened you overtly. It does not say that the action shouldn't have been brought. The Legislative Assembly Act says the action shouldn't have been brought, but you people choose to ignore the legislation upon which this Assembly is based, and I say your response is wholly, and completely inadequate.

I say to you, Mr. Member, that isn't relevant. What is relevant is what's said inside this House because there will be times and occasions when members must raise issues which are going to step on the toes of some of the powers that be, and we, as practical politicians, know that some of those people will use whatever means are available to discourage a discussion of an issue.

And I suggest to you that that is one of the effects of this statement of claim, is an attempt to discourage the discussion of the issue in this Assembly, and your amendment doesn't deal with that at all because the statement of claim and the action are going to continue, by your own admission. Not only is it not mentioned in the amendment, by your own admission, that statement of claim is free to continue, and I say to you, Mr. Minister, you are ignoring the legislation upon which this House is based, and you are ignoring all of the precedents cited by me and all of the precedents cited by the Speaker in finding a prima facie case of privilege.

. . . (inaudible interjection) . . . It is true. Read section . . . Let me read again for the Minister of Finance, who seems to have difficulty with the English language . . . (inaudible interjection) . . . Well, I would think that The Legislative Assembly Act would have some precedence over *Erskine May*, and I ask that you listen again to this section.

The Assembly is a court and has all the rights, powers and privileges of a court for the purposes of summarily inquiring into and punishing . . .

and then he states a number of offence, one of which is:

The bringing of a civil action . . .

And I say you are, Mr. Minister, you are ignoring the legislation of this House, and you are ignoring a very important principle that we be free to raise issues on behalf of our constituents, which . . . and enjoy a freedom.

The issue is not whether they can continue with the thing in the court. It is up to this Legislative Assembly to protect the privileges of the members. It's not up to the Court of Queen's Bench, as the minister very well knows. As the minister very well knows, it will be a lengthy period of time before a judge ever sees this thing. The responsibility lies on Mr. Speaker to defend the privileges of the members, and he has done so within the limits of the rules. And then the responsibility is on the House to defend the privileges of its members, and you seek to avoid that through an amendment which I suggest disregards the legislation. This is utterly and completely inadequate.

Mr. Minister, I say as well that you are . . . I want to repeat what the member from Elphinstone said, and that is that the process which you choose is a breach of fundamental justice. As angry as I am about your behaviour, I am not angry enough to lose sight of the fact that the parties involved have a right to be heard. They have a right to state their case. Perhaps there is something . . . They have a right to state their case either before the bar of the Assembly, if you so choose, or before the committee.

Mr. Speaker, I say that what I ask for myself, I'm equally vigilant in defending for others. I ask for the freedom of speech, but I'm quite prepared to defend Mr. Miller and Mr. Silver's freedom of speech as much as I am prepared to defend my own. You're denying them that.

I don't know if the speech given by the Minister of Justice is worthy of comment. Suffice it to say that the incident involving the member from Riversdale, as regrettable as it was, bears no relation to the present problem. The suit was not in any sense based on anything said inside the House. The witnesses named as those which should be called were, in my view, the parties whose rights would be interfered with if, in fact, what has happened is found to be a breach of privilege. It's illogical. I'm surprised that even this government, in its bloated arrogance, has the face to suggest that you can call a letter a breach of privilege, but the statement of claim upon which the letter is based is not a breach of privilege. What you suggest is the letter will be senseless without the

statement of claim. The letter only has any meaning because it's based on a statement of claim. If the letter is an offence against the privileges of the House, then surely the statement of claim is.

It would have been clear enough, I think, had it not been for The Legislative Assembly Act, the authority cited by myself and by Mr. Speaker, and the act cited by Mr. Speaker, the act of some antiquity actually, whose name escapes me — all make it crystal clear that you don't bring a civil action on the basis of anything said inside the House, and that's not up to the courts to defend that privilege. That's up to this House to defend that privilege.

And I suggest to this House, and that includes all 55 members sitting opposite and to my right, to my left, have the same responsibility to defend that privilege as members of this caucus do. I call upon you to do your duty.

The division bells having rung from 3:40 p.m. on Thursday, April 26 until 5:40 p.m. Tuesday, May 1, 1984:

Amendment agreed to on the following recorded division.

YEAS — 49

Devine	Schoenhals	Smith (Moose Jaw South)
Muller	Duncan	Hopfner
Birkbeck	Currie	Myers
McLeod	Sandberg	Rybchuk
Andrew	Klein	Caswell
Berntson	Dutchak	Hampton
Lane	Embury	Gerich
Taylor	Dirks	Schmidt
Rousseau	Maxwell	Tusa
Katzman	Young	Meagher
Pickering	Domotor	Glauser
Hardy	Folk	Sauder
McLaren	Muirhead	Johnson
Garner	Bacon	Martens
Smith (Swift Current)	Hodgins	Weiman
Baker	Parker	Morin
Hepworth		

NAYS — 8

Blakeney	Lingenfelter	Shillington
Thompson	Koskie	Yew
Engel	Lusney	

Mr. Koskie: — Yes, I would like to move an amendment to the motion as amended as follows:

That the following words be added after the final phrase, “a letter to Mr. Speaker”:

and that this Assembly notes that the legal action commenced by the plaintiffs, Gary Miller and Silver Developments Ltd. against the hon. member for Regina Centre has been withdrawn; and further, that this Assembly accepts the letter, dated May 1, 1984, to Mr. Speaker, from the said Mr. Neufeld, as an apology to the Legislative

Assembly referred to above.

I so move, Mr. Speaker, seconded by my colleague, Mr. Lingenfelter, the member from Shaunavon.

Amendment agreed to.

Motion as amended agreed to.

ROYAL ASSENT

At 5:58 p.m. His Honour the Administrator entered the Chamber, took his seat upon the throne, and gave Royal Assent to the following bill:

An Act for the granting to Her Majesty certain sums of Money for the Public Service of the Fiscal Year ending on March 31, 1985.

His Honour retired from the Chamber at 5:59 p.m.

The Assembly adjourned at 6:00 p.m.