

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

**November 27, 1984**

**EVENING SESSION**

**GOVERNMENT ORDERS**

**SECOND READINGS**

**Bill No. 105 – An Act to amend The Legislative Assembly and Executive Council Act  
(continued)**

**Mr. Sveinson:** — Mr. Speaker, when we adjourned for lunch, I was discussing the criteria basically for membership in our legislature. And we cannot presume as legislators to instruct the electorate on who they will end to this legislature. The Bill as it presently exists, that we are discussing this evening, certainly has that presumption about it, that if the member from Thunder Creek were exonerated, that he would not be able to challenge a by-election, thereby taking the right of the electorate away to determine in their own way who should, in fact, be included in the membership of this House.

A discussion of criteria I don't think is one that's very well-defined. I suppose a member whose presence is never observed in the House, but who is a very active member in his constituency, could certainly be viewed as a member who represents the issues, and possibly not in this legislature, but with those who, in fact, deliver the legislation and the bureaucrats who follow up on the rules. As I outlined, if one of us who presently sit in this House was unable by sickness to serve our constituents, would that in itself mean that we, as legislators and colleagues of that member, should enact legislation indicating that the people who elected the gentleman should, in fact, elect someone else because he's incapacitated to serve in that duty? I think in this case we're all willing to look at a reasonable approach to membership in this legislature.

Due process of the law in Canada does include the appeal process and if, in fact, the appeal process exonerates our fellow member, I certainly feel we would have made an error in this legislature if, in fact, we do not leave him the opportunity to rejoin us after that process is complete. If he's convicted, yes, I would be in support of a motion to vacate his seat and give the opportunity back to the constituents – not to this legislature, back to the constituents of Thunder Creek – to decide who should represent them in this House.

This legislature, Mr. Speaker, is not, and the emphasis should be on "is not," an instrument of punishment. We do not sit in this legislature and deal in the punishment that is extended to those who are convicted of crimes. We sit in this legislature, and we reasonably approach the situations that do arise, and deal with them accordingly through the due process of this House.

I felt there was some lynch-mob haste in this legislature to get this legislation through this House, and I have not yet been able to determine why that haste existed. I have requested of the House Leader, and certainly of the Minister of Justice, and indicated if they can show me where this piece of legislation differs from any other, I am certainly willing tonight to deal with it if the haste is there. But I say that the due process of this House is there for good reasons, and has been developed over a long period of time, and that, until the due process is exhausted, that we shall remain in this House to debate a Bill I feel has a great deal of importance, not only to this House, but to the future legislators in this House. Certainly, they will not have to deal with this legislation as we've had to deal with it if the Bill is passed. There will be a precedent. They will have some guide-lines.

It seems that this understanding of developing the scenario that we're here to discuss was done without the guide-lines of an existing case in the province of Saskatchewan although, of course, there have been many such cases cited here today relating to the action we are about to take. And in our neighbouring jurisdiction of Manitoba . . .

**An Hon. Member:** — They've got a good government.

**Mr. Sveinson:** — Well, I would certainly debate the member's comment that they have a good government in Manitoba but, that aside, they do have a fairly strong precedent in that one Bob Wilson, a Conservative member in Manitoba, was convicted and sentenced to a seven-year sentence while he was involved as a member of that House. In that particular decision, in that particular discussion, they allowed one Mr. Wilson to sit until the due process of the law and the appeal period had been completed.

Punitive zeal is not the direction that we want to take as legislators. I realize it's the easy . . . It's the easy way out of the situation. We could have been, I suppose, enjoying Regina's greatest fall festival, the Agribition, tonight, rather than sitting here and debating a Bill, if, in fact, haste would have been the issue in this particular case. Certainly, I'm sure all of us would prefer to have taken that direction.

When we talk about responsibility as legislators, I believe that a very careful observance of the procedures and rules of this legislature must be adhered to, unless there is absolutely unfallible reason why we should falter and work outside those rules. And consequently, as a result of a government whose obvious arrogance, not only on this issue, but other issues, has not allowed the process to work in the way that they designed it, relating to this particular Bill, we are back tonight to discuss the second reading on a landmark piece of legislation, not only for Saskatchewan, but, I'm sure, other jurisdictions — Alberta, B.C., other jurisdictions, maybe some of the U.S. states who do not have in place legislation to deal with the possible action of a felon within their own House. They may look at this as a landmark Bill that they will have to consider implementing into their own legislatures, to avoid what's happened here in the last three or four days while this House has been sitting. And certainly, I don't think the debate in those particular legislatures will be debate that is hotly contested. They have the examples. All they're doing is protecting their future legislators from having to gather like we are here today, in a special session. I mean, I don't know if this House has sat . . .

**Mr. Speaker:** — Order, please. I called the member to order this afternoon for doing exactly what he is doing now, and that is questioning the procedure of the House rather than debating the Bill. I would ask the member to stay with the subject of the Bill.

**Mr. Sveinson:** — I'm just suggesting, Mr. Speaker, that we do have a landmark legislation that we are considering here this evening. And of course the due course of debate in a situation like this — looking across the House I see members who in the normal decorum of this legislature are giggling and laughing and thinking things are of, you know, of a very, quite over-zealous nature. I think that looking across there tonight, I can appreciate each and every one of us in this House.

**Mr. Speaker:** — I just called the member to order and asked him to get back to the text of the Bill that is before us. That's all that's debated here, is second reading of the Bill, and the subject matter of the Bill. How the members are behaving on the other side of the House is not part of that discussion.

**Mr. Sveinson:** — On that ruling, Mr. Speaker, I would like to read into the record a letter that I received from a little boy in grade 6.

**An Hon. Member:** — Is he old enough to vote?

**Mr. Sveinson:** — He's not old enough to vote, but I'm sure one day he will have a vote, and he has shown enough interest in what we're doing here today to contact his MLA for the first time. And I would certainly encourage those out there that are in grade 6 to contact me on a regular basis. But let me read into the record a letter I received from this young man:

I am only a boy in grade 6 but I am very interested about politics. I have a few questions about Mr. Thatcher's job. If you would not mind, I would hope that you would answer these questions for me. I was wondering: why did Premier Devine expel Mr. Thatcher now?

Of course, that hasn't happened, but that's how this young gentleman perceives it.

Couldn't he have waited until after Mr. Thatcher faced his appeal? Shouldn't he get his job back? I have never asked a MLA a question before, so I hope that I've asked it in the right way. If you would like to answer my question, of course, my address is the following.

But I think that drives home, at least in my mind, the importance to everybody in the province of the actions that this House is about to take relating to this particular Bill. The questions he raises are questions that could involve any one of us. Certainly they relate to the due process of the law itself. He is questioning the integrity of a House, who would act somewhat prematurely in his mind, to deal with an issue that he feels hasn't found the ground that it should have, and certainly hasn't been completed in the eyes of the law.

Another issue he deals with is – and I'm certain it concerns everybody – but is the employment of an individual. I suppose in this case it's very easy for a government to condemn someone who is, at least, rumoured to be very wealthy. But what about the little guy out there on the street? What about this young man's father? What about those of us in the House that aren't independently wealthy? Would we be treated any differently?

These are the things that this young man is raising. He also, at his age, has decided to get involved in the political process, an undertaking that 25 years from now it's not going to make any difference that any one of us was here because young men like him will replace us. And the legislation that we pass in this House is going to determine in some respect the future of not only the system in this province, but the system throughout the British parliamentary system of government. We have to take our actions extremely, extremely . . . We've got to take them seriously, regardless of what the nature of the legislation might be.

He's also asking, in a very honest way, just how inconsiderate, if this system is allowed to run its course and do so without any opposition . . . And maybe that's fair to say: there hasn't been much opposition relating to this particular Bill or this particular special session. But he is questioning how the system can work effectively and efficiently without an opposition that is willing to stand on the principles of human dignity, principles that our one Minister of Justice alluded to this afternoon. I'm not sure that he understands what they mean, but principles that are important to each and every one of us. That's what makes the fabric of this province, is the willingness, the willingness of people who sit in this legislature to, in fact, arrive at decisions through compromise and debate that are in the normal course in the best interests of everyone in the province, whether they are in a minority situation, or in fact whether they represent the majority. The decisions made here are hard decisions. In many cases, we deal with specifics, in areas that involve people's lives. This young man draws to our attention that we cannot take those specifics lightly, and that if we do take those specifics lightly, the electorate will not only decide who, in fact, shall sit in Thunder Creek, but the electorate shall decide who shall sit in Souris-Cannington, or Kindersley, or wherever they feel we are not acting in a responsible manner. That's the protection the system has. The responsibility for that protection between elections is the responsibility of the members in this legislature.

Now upon re-examining the Act before the House tonight, I think that in debate there are two areas that obviously and very credibly shine, almost come out of the paper at you, and one of them, of course, relates to the membership in this House, and how that membership shall be decided. And I believe that that membership . . . There is no place in a democracy for a legislature to decide where, in fact, or to decide on the membership in this House.

Louis Riel was refused membership into the Canadian parliament. One hundred years later, I don't think it's any secret that Louis Riel has been somewhat exonerated, if not totally exonerated. Macdonald refused to take Louis Riel into the Canadian parliament. A black mark – a black mark in the history of Canadian politics.

So that what we're doing here today will not only be judged by those across this country, but the judgement will come for many, many, many years to come because, if we err, every one of us in this Assembly is responsible for the mistake, and every one of us in this Assembly is also responsible to the people of this province.

So the membership in this House, I don't believe, and I will move an amendment to the Act that will, in fact, delete from the legislation the necessity to govern who should run in a by-election in Thunder Creek. I believe the people of Thunder Creek are the only people who decide who represents them in this House. Some would say that members sent to many legislatures certainly aren't qualified. I say that we certainly aren't qualified in this House to determine who they send to the legislature.

Now, I have a file of public support for this House and the position it must take relative to the action to take Mr. Thatcher's seat and vacate it from the legislature. I have found, in the last several weeks, that public opinion in Saskatchewan – I don't pretend to be a pollster, but I listen – has come down squarely in favour of allowing Mr. Thatcher to remain as a member of the House – only as a member, not receiving any ability to function, and certainly removing his remuneration as the member for Thunder Creek. But letting the judicial system, which has a long and glorious history in Canada, letting the judicial system of this province decide the fate, and I would suggest decide the fate politically of Mr. Colin Thatcher, and, if that comes after a by-election, I don't believe that we can sit here as legislators and go out and tell the public in the province that we've done our job.

If the appeal process is completed before a by-election, I'm not so sure that Mr. Thatcher would want to come back into this House, but let him and the people of Thunder Creek outline that position and let us as legislators, if he is re-elected in Thunder Creek, let us receive him back into this House as a fellow member, whoever he might sit with. And let that government in their arrogance take him back into their cabinet. God knows they made the decision once, and I believe he'd be happy if they were able to make the decision again.

So deliberation on what we're doing, I feel, has an obvious and an absolutely important place in this legislature. One Minister of Justice, the member from Qu'Appelle, chose to deride another member of this House personally, suggesting that there is a trade-off between common sense in legislation and procedure, and in dealing with a specific action in this House. I find that despicable, absolutely despicable, Mr. Speaker. Here we are, I think we're all concerned. I know we're all concerned. I would bet, if we went into the back-benches of that government across the House, that they are as deeply concerned and as deeply interested as the member from Souris-Cannington or the member from Qu'Appelle. I don't think there's any doubt about the sincerity of any member of this legislature. The question I have is the manner in which they chose to deal with the issues relating to Bill 105 and the amendments of the Act you were talking about. And there is no doubt, Mr. Speaker, that, in the British system, we will find that people out in our province who believe in dignity will hold the decision of some of the members opposite to derive the personal political motives of anyone in this House to, in fact, request.

**Mr. Speaker:** — Order, please. The member is again on a tangent far from the Bill, and I would ask you to get back to the Bill and stay very close to it.

**Mr. Sveinsson:** — I apologize, Mr. Speaker. I was just trying to make a point, and I appreciate your ruling, that the point may not have been that relative to the Bill, but it is relevant in that the Bill wouldn't be here today if, in fact, someone in this House had not decided that it was in the

interests . . .

**Mr. Speaker:** — Order, please. I'm going to ask the member, for about the fourth time now, to stay on the subject; and you have no right to question my ruling. If you don't agree with it, then I would suggest that you have to take other measures.

**Mr. Sveinson:** — Thank you, Mr. Speaker. Back to the Bill — and I certainly apologize for any inconvenience to the Chair. But what we are discussing here is the membership of the member for Thunder Creek, and how this House will, either through legislation or through a motion, deal with that specific membership, and whether or not we should, in the eyes of the people of this province, now and 50 years from now, make a decision that is fair, and a decision that is reasonable, as it relates to just one individual. And that individual could be any one of us under other circumstances. Now that individual could be anyone in the province of Saskatchewan under any other circumstance.

In the Bill it's outlined that a felon who is convicted, is convicted and sentenced to in excess of two years will, in fact, fall under these guide-lines. I suppose if you look at areas where almost innocence could prevail, areas where an offender who, in fact, is sentenced after imbibing in alcohol to a great degree would, in fact, be suspended by this legislature, and I suppose the political motivations that follow that suspension, the possibility of the government also coming in and vacating that seat is a pretty sobering thought. And the whole scenario that develops is that in our society, while that kind of crime is totally governed by the Criminal Code, there is no guarantee that society looks upon that individual as a criminal. And if, in fact, that does happen to one of our members — and who knows what process is currently underway in the courts? — maybe it's happening today; will that, in fact, relate positively to the activities in this legislature? We could lose some of our best minds. And that wouldn't take a great number of people to exhaust these Chambers. But it's a consideration. And, you know, it could be downplayed, but until we reach the point where one of our members is in that situation, we really won't know.

Also, I think Abscam is an example. While it doesn't relate to our jurisdiction, I think it drew to the attention of millions of people that you can't necessarily trust your governments. And I think a two-year limitation outlines some very interesting scenarios. Abscam resulted in some extensive sentences. How difficult would a government find it to involve one of its own members or somebody in the opposition in a felony that requires a sentence of two years or more? I suppose if we could implicitly trust this government, and any government, that there isn't any room for debate, Mr. Speaker.

But I suggest that we can't, and I suggest that because we can't, maybe that's why other jurisdictions have chosen to go with single-case scenarios rather than long-term legislation. Let the legislature deal with its members, as the events unfold, unless the legislation is designed to protect its members from itself. And I'm not sure that that limitation of two years offers that protection. But I believe that most certainly it requires some deliberation, and I believe it most certainly requires that every one of us, in our own minds, when we vote on this Bill, might be very aware that the consequences of this particular Bill could, through no action of our own, affect each and every one of us.

The Bill in Manitoba has a similar limitation, but the limitation is five years. And I suppose it just, while it doesn't exactly absolutely deal with the situation, it makes it more difficult to act against any one of us in our own jurisdiction and in our own legislature. And I believe we should build in at least that confidence. I stand alone in this House by choice, that after the vilification and the absolute, outright attack by a member opposite on my position relating to the procedural requirements . . .

**Mr. Speaker:** — The member is back doing exactly the same thing that I have cautioned you four or five times for. And I'm going to warn you: this will be the last caution on that point.

**Mr. Sveinson:** — Well, I can appreciate that, Mr. Speaker, and I certainly can't criticize you for doing your job. And I guess once . . . Occasionally we do react out of a purely emotional feeling for what happens in this House, and I apologize for expressing that feeling.

The junior senator from Wisconsin . . . He was certainly in a position, in his era, to make fear an element that even legislators were, in fact, forced to recognize. I don't believe that in this system of government that we have, in our democracy, that McCarthyism has any place. And I would like to request that this government, in its fear, in its fear of the presence of the case that we're here to decide, the fear of the presence of their own member, will act in any other than the absolute and the best judgement and the most effective compromise that this House can put together.

Communication through an element of fear, I don't think serves anyone. It certainly doesn't serve me as a member, and in dealing with legislation, I hardly believe there's any place for it.

I think our consideration, for what we have been asked to decide, be based on fairness, be based on reason, be based on the human rights of the individual whether here in this House, or anywhere in our province, be based on a judicial system that doesn't act in a manner directed by our legislature, but takes its course based on the request of society to deal with the elements that are before it.

If we take this course, I don't believe that the government of this province will lose any political points. It's always a consideration. It doesn't matter what the legislature is looking at or examining; politics is the basis, is the reason we're here.

And certainly, that due political consideration is number one – is number one on the list of why and how we generate legislation through this House. Certainly in most cases, or at least in some cases, it's based on situations that arise that were expected. But in other cases, it develops around situations that are absolutely unexpected. But that political consideration of the unexpected is still number one on the list of a government who is enacting legislation, regardless if it's legislation regarding one of their members, or legislation that, in fact, involves some area of our province that needs the attention of this legislature. And in oftentimes, the drama and political offshoots that are developed is the criteria that they establish politically.

And I suggest to them, in this particular instance, that this government carefully consider the unexpected, and do so without the consideration that politics in this particular case is the only consideration. Because I think, even in the last few days, that the public opinion has hardened and that the government's position relative to two or three points in that Bill can be voluntarily changed without involving any political overtone. And if it can't be, then the government is answerable to the Bill in very, very political terms. And this Bill will become, this very Bill will become the reason for some of those who support you and some of those who support me for deciding to support someone else. And I certainly don't apologize for my position to defend the integrity of an individual before the law, which has absolutely nothing to do with the case before this House.

That integrity must and has been, in this system of government, protected, been protected by legislatures far and wide at every cost, and, where that integrity of the individual has not been protected, blood has been the result. And I think that blood, and the blood that has been spilled to protect the integrity, the integrity of people in this province and in this country, has got to be examined and we have to approach this situation as not a single-case scenario but a situation that has to be examined as an individual, an individual protection of liberty and justice.

Now I realize that's a very difficult situation for many of us to appreciate. Because of the nature of our legislature and of our political system, we haven't been involved. But many of our fathers were. Many of our grandfathers were. And now they leave it up to the system and the ability of the constituents to elect their representatives, rather than try to strike their points in a more

aggressive manner.

I see the member from Souris-Cannington has taken the position that what I've just said is not very serious. I think it is. I think you talk to every Legion member across this province and you'll find out how serious it is, and how serious they take what we do in this legislature relating to individual integrity and to individual rights, providing they are within the jurisdiction of the law. And in this case this gentleman, in my opinion, until his case is exhausted and completed before the courts of our land, I believe that he should be treated as other individuals should be treated, and with the integrity that our system offers and the integrity that this legislature can assure us all.

And I'm sure, Mr. Speaker, that Bill 105, or the amendment to Bill 105, becomes somewhat of a test case for a government who claim . . . I was a member of that organization for long enough to know what they believed in five years ago. And I know five years ago they believed in the integrity of the individual and the protection of human rights and the protection of our judicial system. Today, I'm not sure. I'm certain that many of their members are not so sure of exactly what they believe in.

And this Bill No. 105 and the amendment of 105, I believe is a test case. The initial decision to railroad this legislation through the House was indicative of the personality of that government, but that was three days ago. Maybe their personality can change. We won't know unless they are willing to change the content of this Bill. But I believe that in every one of them there is the political will to come through this united, through just a pinch of compromise.

The official opposition has indicated that there was no communication relating to the format of the Bill prior to our meeting in this House, Thursday. Maybe that's not necessary. The government certainly decided that it wasn't necessary. That co-operation in our system is a necessary element if all parts of the system are to be treated fairly and justly.

**Mr. Speaker:** — The member is again debating the process of the House rather than debating the Bill. I believe if you would take a look at the Bill and know what's in the Bill and get back to that subject, it would be of benefit to you and to the House.

**Mr. Sveinson:** — On a point of order, Mr. Speaker, I have read the Bill. I do know what's in the Bill. And on a point of order, I appreciate your direction to get back onto the subject. But I believe that the fact that I have read the Bill should not be part of your direction to me, "Stay on the topic."

**Mr. Speaker:** — Your point of order is not well taken. I would ask the member to proceed.

**Mr. Sveinson:** — I think the debate has certainly come down to a situation where one word would suffice, and that word would be fairness. And that fairness could certainly be directed at this legislation, and could certainly result in a parcel of legislation that every one of us, every one of us in this House, could be duly proud of, knowing that we did not enact the legislation for any reasons other than fairness, and that a vindictive political motivation has been absolutely and totally removed from any possible direction that anyone may point, relating to any one of us as members of this legislature.

And that, Mr. Speaker, relating to Bill 105, would do every one of us in this House proud. We wouldn't have to leave here and try outline a position taken in this House that clearly questions the membership and the choice of a constituency to elect its own member, not through direction of the House, but through election of a candidate. We wouldn't have to support that in Big River, or in Canora, or in Prince Albert, or even in Pelly, or Shaunavon. We could stand united as members of this House and walk out of here proud that our justice system has survived political instincts, and that a Bill arrived at in this legislature is deigned to be a landmark that every one of us in here can be forever proud of, and not a tool, not a tool to go out and criticize

fellow members with, or not a tool that the public, the voters, our constituents, can use to either criticize us as members, or criticize the government as government, because regardless of what we do in opposition this legislation will pass. There is no doubt about that.

I would like to be as proud of this legislation as each and every government member would be. I think it's legislation as every Bill, but particularly this Bill, developed in a special session, special attention, special debate – special. I think it reserves the special consideration that I know members of that government are capable of. I would have difficulty saying that if the former opposition were the present government. I couldn't stand in this House and say that.

The personality of this government changes, and that's not so bad. There is good legislation that is passed in this House, since 1982, and that is only good. That benefits everyone here, including a somewhat meandering opposition, official opposition, who, in this debate, chose to do their meandering on the backs of a single member, whose criticism for not co-operating and co-opting totally, and immersing myself in a situation that I felt wasn't healthy, decided to co-operate to a member – excuse me, Mr. Speaker – with this government.

Now the personality of this opposition is unchanging. We observed that when they were in government. But the personality of this government is capable of changing this legislation, and what surprises me is that there was no opposition, no opposition until last night, when they suddenly took a position on a Bill that's been before the House, certainly before their caucus, for four or five days at least.

So I don't apologize, Mr. Speaker, for the government if, in fact, they decide to change their mind, and I don't think they should apologize to anyone. And it's not necessarily politically expedient, but in relation to this particular case, I believe it is expedient.

And I just suggest that in an element of fair play, where the cameras are on us, depending on us to in fact initiate that fair play, if the Bill that they presented had some small error in its content or in its intent, well let's not be too critical. And I suggest to the people of Saskatchewan, let's not be too critical.

Because I believe that criticism relating to this particular issue is not the order of the day, it's co-operation and a little bit of compromise. And I'm sure that the government is willing to say that that co-operation and compromise has to come both ways. Well, I believe that it will come both ways.

The point that I feel is important is the final Bill that receives the royal consent. And the reason for the procedure, and the method of dealing with legislation in this House, is age-old. It's to allow those kinds of changes.

Governments of every stripe have on occasion had to change legislation in our system. Because they aren't, they aren't a dictatorship. There are governments within our system who believe they are, and the result in the last election was certainly evidence of that, of how the public perceives governments who are uncaring, and who don't listen to their needs, and are willing to come in and legislate, legislate legislation that is not necessarily in the interests of those that elect them, but in the interest of the government for political and for politically expedient reasons. This government or that government, the former government demonstrated the pitfalls of that attitude. The people of Saskatchewan, far too long, had to deal with those pitfalls and that attitude, and as a result they felt they elected and trusting and a compassionate and a government that will listen.

That's what happened. That's what happened to the Anderson government in 1930 ... (inaudible interjection) ... No, when they were elected, I believe it was 1930 – it could have been '28 or '29 – but because of an uncaring attitude, and because of a lack of initiatives on people issues, they were a one-term government.

I believe that this could be a turning point for this government. This legislation can bring back to the attention of the people of Saskatchewan that maybe they are a caring government, maybe they don't take the personality on of every government, maybe there is a possibility, there is some hope. And I see them nodding their heads. That's good.

The government shouldn't be the enemy of the people, but unfortunately historically in many cases that's their role. Relating to this Bill, I don't think that's our role. Our role isn't to act as the judiciary. It's simply to deal with one of our own members in a very fair and a very just and a very humane manner until the law, or the system of our law, has completely come down in a manner that will not exonerate him or his presence in our House. We take that very seriously.

I see members opposite watching the clock. If I knew at this time that you would take that very seriously, that there would be some consideration for some small changes, for some humane changes to this Bill, I would have no difficulty dealing with it tonight. And I'm sure the people of Saskatchewan would feel relieved that this legislature could get back to the reasons that we were elected, and that is the problems that face the people of Saskatchewan on an ongoing basis. But I haven't even been able to receive word from any quarter of this government on why there's a great urgency to get this Bill through the House, and I don't believe that today they could even present an argument for urgency. I'm sure they're as convinced as I am, as convinced as the official opposition, that let's let it take its course, and let's do what's right. And then let's start fresh on Thursday after the throne speech and come in here and give the people of Saskatchewan hope, that are waiting for some direction from this government.

Areas that have been outlined, that deserve the consideration, are only two. And that is, number one, we allow the members of the constituency and the voters of Thunder Creek to determine their own destiny when it relates to who they nominate, or select, or elect, to serve in this legislature. That's not our role. That's not the role of the government; that's not the role of the legislature; that's only the role of the people out there who have a vote in our society. And I don't believe any government, regardless of its stripe, could make a case, develop a case that could support a Bill that includes within it, and as part of it, legislation dictating to the people, who are the electorate, just who can serve. And of course if that argument – and I haven't heard that argument – can be made, I'm sure we'll hear the argument in the next day or two, or three. If the argument can't be made, there's no disgrace, absolutely no disgrace, in this government agreeing that maybe that change should be made. And there's absolutely no threat politically if a government can be demonstrated as caring, and can be demonstrated as at least listening. And I'm sure that the electorate out there does not support being told by you, or you, or you – not you – just who they should, in fact, elect.

And while it's difficult for a government once it takes a track and once it embodies its soul in legislation, it's difficult to untie that embodiment and justify a change. There's no doubt that the people of Saskatchewan and the members in this House would understand very well and very sympathetically why that change had to be made.

So I ask you to dig deep down and try to get under that political façade and examine the reason, which is no doubt political, and make that change. It not only governs this case – and this case may be the reason it's in the Bill – it governs any case, but will, in fact, find itself before this legislature, and maybe other legislatures who decide that if Saskatchewan did it, we should. I know that certainly that's one of your loud cries with respect to other legislation. Why shouldn't it govern at least the conscience that decides where this legislation will, in fact, arrive after considerable debate in this House? It's a small request and if I'm not mistaken – and their position hasn't been very clear on any issue, let alone this issue – the official opposition, I believe, also supports the change. At least there were mutterings, and I'm sure there will be more mutterings that will find their way to the floor of this House out of the mouths of eight relating to that change.

The second area – and it's a short Bill, a very short Bill, and so it should be – the second area that deserves some attention, and has certainly had some attention in the public opinion that has developed around this particular legislation, is that area which is very, very difficult to define and that is, who should and who shouldn't serve after they've been elected to a legislation.

Recently, I think as recently as the November U.S. elections, a Tennessee legislator was elected from his prison cell. This isn't Tennessee, but in Tennessee I'm sure they have a system that's at least similar to ours, and considerations for people that are not much different than ours, and considerations for a judiciary and a legislative commitment that are similar to ours. So it is very difficult, in explicit terms, to define who, in fact, should remain within these walls and under what conditions. Obviously the government has the opportunity to deal with any of us at any time. But that would not be a very responsible position for a government to take unless a situation like the situation we deal with today has to be dealt with.

So the membership issue, if it can be considered an issue, is the debate, is the question, and the answers that govern the membership in this House cannot be simply derived. One Fred Rose was thrown out of the House of Commons in 1945 because he was a communist. Today, they would consider that absolutely unacceptable, I'm sure, even within our jurisdiction. So the membership issue cannot be taken lightly, and the membership issue does change as time goes by. Would Louis Riel be allowed to sit in the Canadian parliament today if, in fact, he had been elected today? I would imagine Louis Riel would be, possibly, a member from Souris-Cannington, or wherever.

So the conditions do change, and the conditions in our province have changed, or we wouldn't be amending an Act to deal with it. We could deal with it out of this House. But conditions do change, and membership in this Assembly changes. And maybe it's political maturity, and maybe we're dealing with a government that hasn't yet reached that political maturity. This government is in its infancy, although it's growing old very quickly.

So membership in this Assembly, and how we decide to deal with it after we've been elected by the people of Saskatchewan, cannot be taken lightly, and should not be taken lightly. And I can assure you, as a member in opposition, it will not be taken lightly. You've got a motion on the order paper now that deals with that membership in this House, that requires again unanimous consent of this House in order that that membership be withdrawn.

How will the official opposition react? It's a secret. Why is that motion on the order paper? Why hasn't this debate matured to the point relating to membership in this House? Will the member from Thunder Creek be allowed to stay here only physically? Only he's not going to be around for a while, gentlemen. His desk is all that'll be here. He's absolutely no threat. Why can't the physical presence of his being be allowed to remain in the membership of this House until the judicial process has completely been, and effectively and efficiently been exhausted?

I'm sure these are questions that you've all dealt with in cabinet, in caucus, with your constituents. I'm sure that people all over the province have phoned each and every one of you relating to this specific item of membership in this Assembly.

Earlier in the day the argument for membership has been made, at least I believe it's been made. And what I've heard that argument to be is that this member has no right to be a member of this Assembly because he cannot serve the constituents of Thunder Creek from a jail cell. Well that's one member that cannot serve his constituents. And there's no question that he cannot serve those constituents effectively through his own involvement. There's no question about that. I think he only exercises two hours a day.

But the question is: other members of this Assembly who are unable to serve their constituents for other reasons – do we deal with them on the same basis? If for reasons of sickness or accident or whatever any one of us is unable to effectively utilize the resource we have

personally to communicate with the people that elected us, are we coming back into this Assembly and vacating his seat to give the people in that constituency a member that can adequately – a term that we haven't yet described – give the constituency adequate representation? I seriously doubt it, and I certainly wouldn't support it.

And those same doubts have to arise prior to the judicial appeal in the case that we are considering and in the legislation that we are considering in this House, Mr. Speaker. And all I can do . . . I haven't got much power as a member in opposition. The House Leaders don't even talk to me. All I can do is recommend that we maintain reason and request of the government that we maintain some reason as it relates to the membership in this House; and further to that, that we continue to and will always maintain reason as it applies to the procedures for getting Bills such as Bill 105 through this legislature; and that this House will always honour the input of the official opposition and an independent member.

And I think a step that this government could take, which would be a huge step for this government, would be to reconsider, get their minds back together, bring in the members and reconsider. If you have to leave after this session tonight, call them together. Get the member for Moosomin. Get the member from Turtleford. Bring in the from Indian Head. You might even include the member from Souris-Cannington. But bring in your members and seriously consider changing the requirements of membership in this House as it relates, as that membership relates, Mr. Speaker, to Bill 105 that we are presently considering.

And I don't ask you to do this in a light . . . I'm not asking you lightly. I'm asking you; I'm begging you. I'm sure there are many caucus members opposite whose position is not much different than mine, who are capable – some of them at all times, but certainly some of them occasionally – of reason. Show the other side of this government. We've established that your hide is tough, but let's have a look at your soft under-belly where it relates to the membership as outlined in this Bill.

And I can hear that some members take this request lightly, and that appalls me, because you as the government have got to, in fact, initiate that direction. And when I hear things that I just heard, I know that the will of this government is not to change its mind, it's to maintain its tough skin. Boy, we're going to demonstrate we're tough. We got a guy stuck away for 25 years and we are going to just ram it to him. Boy, that's tough. That's the kind of street fighting that even . . . Well I certainly wouldn't understand it, as one member said, but I can appreciate that there are some members here that do. And that's a tough consequence, a tough consequence.

And reviewing doubts that your caucus has, and members of your caucus will always have, about your intent, about the reasons, the political reasons, for undertaking to initiate legislation for political motivation, you'll have to answer for it. And in this particular circumstance, and under this legislation, I see no reason why the people of Saskatchewan should have to look upon our government and cast aspersions because of legislation relating to themselves. And I believe every one of us in this House, including the government, with two small changes to this Act can leave this Assembly with their heads held high, and not have to apologize or explain for a misdirected political motive but be sure of your reasons because they are concrete and they can be defended.

I would seriously, as members of your caucus, undertake to spend some quiet time tonight and reflect – reflect on what you're doing and how you will effect future legislative decisions relating to this Bill 105 amendment. It becomes a debate of unfair use, of unfair use of government power. Now why should that debate be out there? Why should that be on the minds of people in rural Saskatchewan, as people in Bienfait, as people in Rosthern, as people in Elrose or Regina? Every one of us will have to answer, Mr. Speaker. We'll have to answer those questions raised about the intent of the use of government power as relates to the passage of this Bill.

The government can flex its muscles, but it doesn't necessarily have to use them in manner that many people do not look upon government to use them for. Oftentimes governments find themselves in a position of political vendetta, clumsily marching to their goal, stumbling and who knows may be in the way. Those people deserve no respect. When a political vendetta happens, it happens. The decision is made in the front benches of any government.

Mr. Lane in *Hansard* on May 11<sup>th</sup> . . .

**Mr. Speaker:** — Order, please. When referring to members of the Assembly, would you refer to them by their position or their constituency?

**Mr. Sveinson:** — Thank you, Mr. Speaker. The member from Qu'Appelle alludes to a political vendetta in 1978, and spoke very eloquently about the former government's position, relating to Mr. Collver. And his defence of Mr. Collver was that governments are able, and governments do, and rightly so, governments do use their power for political ends. And that end, if it's a political vendetta, has no place in legislation.

So the very government, the very members who made the decision on this Bill, are on record as saying yes, political power can be abused. And I'm sure if we searched the records we don't have to go very far. We don't even have to leave home. We can find examples where political power and political vendetta were a means to an end. And sometimes, as in the case of our former government, we're the end. But I ask this government, let's not make this, let's not make Bill 105 and legislation relating to Bill 105 – let's not make it legislation designed as political vendetta. And I ask this government that if that end is not going to be the end, there has to be some reason. There has to be another assertion that this legislation is designed to protect us now and, in fact, to protect this legislature from similar incidents hereafter.

So a single political vendetta is not the reasoning that we can stand in this House and develop legislation regarding membership in this House for . . .

I would just ask the page if I could get some more water, please.

So we have had an example read into the record of a speech made by one of your more compassionate members, self-acclaimed, of course, one member from Qu'Appelle. We know what happened to Mr. Collver. As the result of a political vendetta initiated by a former government – the remnants of which I see next to me – as a result of a political vendetta, and in the minds of people who, out in that constituency, have time to consider these implications, decided that they didn't need a government who would ever, ever, ever, take an individual and strip him of his integrity and do so for political and for vendetta reasons.

This government did it. The government of . . . The member from Elphinstone did it. The member from Shaunavon was part of that government. He knows what it is. He was an executive part of that government. He knows what it means to go into a meeting with political vendetta in mind and crucify someone's personality. He understands that. Knowing him as well as I do, I don't even know if he supported it, but he was part of it.

So let's come back down to some reason. I'm sure that if the back-benchers in your government are looking for a compassionate ear – an ear that will listen to reason, an ear that's on record of not using, or not wanting, or not desiring, or certainly saying that it isn't in the interest of the people of Saskatchewan to use a political power too (that is the government) to act in a manner that is detrimental to the integrity of any person.

And I suggest to those back-bench members in that government, some of whom I do know have compassion, truly have compassion – that's why they're still on the back benches. But one snuck into the front benches with some compassion as well. First time I realized it was just reading *Hansard* May 11, 1978. Just suggesting to those members along the far wall behind the

curtains and stuff, come on out. The member from Qu'Appelle has a compassionate ear. He's the fellow – he's the Minister of Justice in this situation as well. Call him tonight at home.

So the ideal that we must develop relating to the membership in this House must be an ideal we can live with, and we can be proud of, and that the future legislators of this province if, God help them, they ever run into a situation where they have to use it, don't have to question the political motivations of one Tory government whose one term left them without direction on exactly what they meant by a Bill that clearly doesn't support the individual integrity and the human rights of any little guy that could find his way into this House. That is the question on membership. That is the question you have to deal with, and that is the question that the back-bench members of that government have got to redirect to that compassionate ear and that blind eye that you will find in your front benches. And if there isn't room for healthy debate within the structure of the government, give me a call. We'll certainly find some room.

But it's a critical matter, gentlemen, and you cannot take it lightly because your peers, the electorate, the people of Saskatchewan, don't take it lightly, and they won't take it lightly. And if you weren't willing and can't find political reasons or political will, or both, then the sympathy that you deserve as government cannot be extended to you by the peers that elected you, and won't be extended you by the peers that elected you. And they don't have an opportunity to express the way they feel except through their member in this legislature.

And I look at members opposite, knowing that those people who want representation in here, and who often don't get representation in here, are asking for it. I know that, because requests to me to hear exactly what I've said today have come to me from every corner of this province – from Weyburn, from Swift Current, Gull Lake, from Shaunavon. In fact, yes, he's right – from Shaunavon. One of his own constituents phoned me last night indicating that he'd also talked to Mrs. Lingenfelter who looks after the shop when Mr. Lingenfelter's gone. Excuse me, Mrs. Lingenfelter is not the member.

**Mr. Speaker:** — I would just caution the member to refrain from using the names of members.

**Mr. Sveinson:** — I apologize. Unfortunately I got caught up with the word Lingenfelter as related to Mrs. Lingenfelter. And the member from Shaunavon is married to Mrs. Lingenfelter who, in fact, was consulted last night on this very issue. And because of a lack of position taken by this NDP opposition, he had to put his input and what he believed had to be done, through me.

I hear another member say, "Shame on you." She's the member from Swift current, who I've also had a great deal of input from Swift Current. I can appreciate a cold shoulder to your electorate, but that's not the way I feel the system should work. So I didn't carry the argument that I've made today. I can assure you that people in every one of your constituencies, and a large number of them, agree.

**Mr. Lingenfelter:** — Mr. Speaker, on a point of order.

**Mr. Speaker:** — State your point of order.

**Mr. Lingenfelter:** — Mr. Speaker, the member for Regina Northwest referred to my wife who gave instructions to him to bring some message to the Assembly. I would ask that the member be requested to remove those remarks which are not true.

**Mr. Speaker:** — I'm not sure that that's exactly what the member said. If that's what he said, I would ask to remove it, but I don't believe that's what he said. Proceed.

**Mr. Sveinson:** — I'm sure it isn't what I said. In fact, I can outline exactly what I said, and that is that a constituent of the member from Shaunavon phoned the member's wife, and the

constituent relayed to me the discussion he had with the member from Shaunavon's wife. He just felt that as an avenue into this House and to express the feelings that he had as a constituent, that he, in fact, chose me as the vehicle to get his message into this legislature. And if that's the need out there in Saskatchewan, I certainly don't mind accommodating that need. And I've found that need has certainly found its way into my venue from all parts of the province, Mr. Speaker. And what the public opinion has asked me, or what the people out there who elect us has asked me, is to carry a simple message – a very simple message into the House. And that simple message is that we cannot take this legislation lightly, in lieu of the fact of who it involves.

And I just express and have expressed, over the last few minutes in debate, exactly what the people out there have carried to me. And I was enunciating on what they have also carried to members of that government, whose message has not been received by the front benches, and the people who draw up legislation, and those who can wield political power. And that, Mr. Speaker, is the underlying message that I bring to this House from those people in Saskatchewan who are extremely concerned about human rights, individual integrity, and the safety net that our judicial system does offer, even after conviction.

And we have a compassionate history in Saskatchewan. It's often been said across this land that there isn't any hospitality any better than you'll find in this province. And certainly the government advertising relating to tourism elicits directly, fans that message out across North America. But the history is that it is true. We do have a very compassionate electorate. And we do have, and have had, a very compassionate government.

In relating to this Bill, I ask this House will it, relating to: number one, sir, the choice the electorate has to make to send a member into our House and leave that choice with the electorate. The request is simple. And number two, which I feel deserves just an absolute attention of the House, is the membership herein. We don't elect it. We can't appoint it. But we do have the power to remove it. And that power is being demonstrated, and will be demonstrated, if this Act receives Royal Assent, will be demonstrated very emphatically as to the powers that this House has to remove their own members.

And that isn't all bade, Mr. Speaker. Considering the process of the law, considering the nature of the event, considering the intent or motivation of the government, it may be good. But considering all three, certainly it may be far from ordinary. And that's the political nature of any government. And that's what we have to protect against in this Bill.

And I don't think reason is a far-reaching request. Common sense is a term I've heard in political circles recently. I think reason and common sense are somewhat interrelated. If I'm not mistaken, it was a common sense approach to government which is a very healthy approach, considering the province we live in and its history. There won't be criticism of governments who use their common sense to arrive at legislative decisions. There will be criticism of governments who don't. And this particular government, and its tough-skinned personality, at least indicates on occasion that common sense can be a guide. I would just ask them, respecting this Bill and the membership to this Assembly, that deep, deep down – deep down – they consider that common sense win the day. That's the nature of Saskatchewan. That's the nature of the pioneer that settled in this province. They built this province, and let's honour them with some common sense out of this Assembly relating to legislation. They are watching us; unlike 15 or 20 or 30 years ago, Mr. Speaker, they are right in here with us tonight.

I heard earlier, and I'd just like to correct an error relating to Louis Riel. Louis Riel was expelled from the House of Commons, but was not stopped from running in a by-election which he won. So the essence of what I've said, that the House has the right to dictate membership. We can dictate who sits in here after we get here, but we certainly don't have the right to tell our electorate who to put here. And that is the basic principle that I think this government has to reflect upon to deliver a compassionate parcel of legislation relating to you and you and me and

everyone in this House. But I can just – for the record again. I'll read into the record:

In November, 1873, the Macdonald government resigned because of the Pacific Scandal. Alexander MacKenzie became Liberal prime minister and called a general election for February, 1874. In this election, which the Liberals won, Riel easily defeated Joseph Hamelin, the Liberal candidate in Provencher and a Metis who had not participated in the movement of 1869-1870. Dubuc and Ritchot had campaigned actively on Riel's behalf. He travelled to Ottawa where he signed the Oath Book, but he was soon expelled from the House on a motion of the Mackenzie Bowell, seconded by Schultz in September, 1874, with the encouragement and the support of Alphonse Desjardins, Emmanuel Persillier Lachapelle, and the ultramontane conservatives in Quebec. Riel was re-elected in a by-election in Provencher.

So our history, Mr. Speaker, speaks for this issue, and this issue relates to a man who was hanged right here in Regina. And we have a statue of this man right here in our own legislative grounds. Maybe every one of us should take a turn around Riel's statue, and maybe we should take a look at who, in fact, legislated this piece of activity, and what guided them in their decision-making, to allow Riel to run in a by-election.

So, as outlined earlier, Mr. Speaker, it's not an easy choice of this House to dictate, while we have that apparati, or apparatus. The choice is difficult as to how we dictate our own membership. But the choice should not be difficult as to how the electorate should pick their own representatives.

And I want this government to reflect, and exactly, the political motivations that were, in fact, considerations when developing Bill 105. And consider that history does set its course, and history does set our course, and the legislation in this House will set the course for generations to come, but that, as Canadians, our course was set by our forefathers. And in trusting their wisdom, I'm sure that the political motivations for expelling Louis Riel at the time was vendetta and vindictive, as those reasons that this government may have for expelling this present member. But let's not let that whole issue be so politically clouded that we can't get together as legislators and let the people of Saskatchewan have a Bill that respects human dignity and respects their abilities. Sure it's easy as legislators to say each and every one of you are smarter than your electorate. If you weren't, why aren't they here? It's easy to do, but with that attitude you won't be here long either.

**An Hon. Member:** — One of yours is going to be here.

**Mr. Sveinson:** — I heard a member opposite say one of mine will be here. Well he's not one of my constituents. Unfortunately, he lives outside the constituency, but I take the lesson well, and as a result I respect my electorate. I respect them ultimately because basically without them you won't see me here next time either. I don't hear a loud cheer, but I certainly hear some fairly active remarks. But I'll be back. I will be back.

But some of your folks who have decided that for political reasons we will override the system, we will not abide by the rules, and we shall legislate, we shall place in legislation, we shall place in legislation, legislation that does not take into consideration anything other than political direction, political power, and certainly not the personal, the personal protection of human dignity before the law.

So in summation, Mr. Speaker, I think we've established that this government relating to this Bill has a precedence, several in fact – Manitoba, Ottawa – that relates to the section of the Bill that dictates to the electorate who, in fact, they are allowed to use; who, in fact, they can elect. I don't think there's any embarrassment. In fact, I think you'd find a great deal of credibility to be gained by removing from this Act that so explicate, so explicate embarrassment of the intelligence of the voters in Thunder Creek. You cannot dictate to them who they elect in this Assembly. And you will not dictate to them who they elect in this Assembly. The electorate in

Thunder Creek will not accept that dictum, that part of this Bill. They will decide.

And if you continue to take a course where you, as a government, are going to decide, you'll pay heavily. You'll pay heavily. And if you take a course where you're unbending relating to this Bill, you'll pay heavily anyway. Not only by the voter you're going to find whose dissatisfied in Thunder Creek, but you'll pay heavily right across this province. Because the people of Saskatchewan will not put up for a government who is bent, as the former government was, on political vendetta. And some members opposite sat in this House, and listened, and participated in that debate with exactly the same arguments, or very close to those that I've made tonight. And yet as government, they can come up with the same ideas.

But there is a difference between the former government and the present government. I would hope there is a difference. It's difficult to identify. This gives them one measure where they can identify that difference. And I can tell you the people of Saskatchewan will accommodate that identification. They don't want this. They've expressed that. But they do want some compassion in their electorate, in their elected. And that's all I ask for.

And if that compassion is demonstrated in this Bill, we will see a rapid passage of this legislation. Unless, of course, the official opposition whose course has not been too explicate, or in fact, well-charted. Unless, of course, it's their decision to hold it up. But in Saskatchewan you don't get elected without some compassion, without some honour, for the system that has been long developed, long before we arrived here, long before this infant government came to power through the wisdom of others. And that wisdom shone clearly in April of 1982, and I don't want to have to say we were wrong. And I don't think you agree that they were wrong.

And I'll tell you you can prove that they weren't wrong just by demonstrating some level of compassion as it relates to this specific Bill presently before this legislature. And if you do that and do it as a government, you'll be here for a long, long time. There's no question about that. Just ask a government that didn't. Those of you in that government that weren't here, that weren't aware, and there were — there are members here sitting opposite, who have compassion. They weren't blinded by power. They came here as one of eight. And I welcome them because if as an opposition we can set a course for a government that is charted on compassion and goodwill, we can all be proud, even Tories.

But you've got to start to demonstrate that somewhere. Babies aren't born with thick skin. This government was. Let's hear some maturity. And let's initiate that maturity with respect to the Bill presently before this House, and then let's come back here and let's address the problems that this province is presently experiencing without having to continue debate on Bill 105.

It's a simple matter of changing a small part of a small Bill, and people will forget it as quickly as you did it. There's no issue here. How did this ever become a political issue? This should have been tabled . . . Get away from the course of government decision-making, Mr. Speaker, but this should not be an issue that demands such public attention. What else recently has been elevated in the public mind to the same degree? Jobs? No. Farming community? No. The economy? No. Well, why not? This is a simple Bill relating to common sense and reason. And the government simply has to show some of both, and we will quickly pass this Bill through this House so all members can get back to the work of the legislature. And I promise this government that they have my commitment that if those changes are made, and they are done in a spirit of non-partisan politics . . . There's time enough to demonstrate your power. I mean, let's get out and do it with job creation.

Let's look at the issue, Mr. Speaker, and the issue relating to Bill 105 is a host of principles developed in this province over the history of Saskatchewan. We just have been the legislators who must make this decision. And we've seen that our colleagues in other Houses, as far back as 1869, have been faced with similar decisions. And we've seen in cases across this country, in Quebec, in Manitoba, in Ottawa, and maybe soon to be in Nova Scotia, that legislators have

dealt with the question that we have to deal with here in a reasonably compassionate fashion, and done so without being politically scathed for a little bit of compassion that governments show very, very seldom; it's not in their personality.

We don't want this Tuesday to go down in the history of this province, when relating to the content of this Bill, we don't want to be tarred – and I will do down fighting those principles – we don't want to be tarred, Mr. Speaker, if this legislation were to go through tonight, we don't want to be tarred and feathered with the descriptive connotation that this Tuesday was black Tuesday for legislation in this House. And I don't believe the legislators in this Assembly will allow that to happen.

I think that the NDP opposition will have some courage, or demonstrate some courage, and relate to this issue in terms that are similar to the terms that I have related to this issue on. And if they don't, the milestone could be a black Tuesday for the NDP.

Mr. Speaker, the issue that we are debating will have grave consequences if allowed to be passed with an air of arrogance. We have to approach the legislation we are dealing with here with an absolute humility and an underlying respect, because we are making decisions that will affect others, if it ever happens again that somebody is convicted in this House, for generations to come. And, while many of us may not be here, you will still be branded if the motivations for this Bill have any political overtone. And there's no doubt at this point in this debate that there is a great deal of political initiative. And let's not let Bill 105 be the beginning of the end for this government. And believe me, it will be if you don't move from the simple and single position of power mongering through a position of compassion.

There is just, for any man who lives by principle, Mr. Speaker, it has to leave in his throat a fairly large lump when governments that represent him find themselves so negatively politically motivated. They will have the opportunity – they have the opportunity. They can get together in about 40 minutes and decide within themselves that we're going to make some changes.

With respect to membership in our legislature, it simply, it simply involves removing a motion from the order paper, a motion that could be re-introduced at any time to deal with the same situation, if there is a desperate need before the appeal process is exhausted, to remove his physical presence, his desk, from this House.

Certainly the tools are there in this legislation, that after the appeal process the motion can be re-introduced and the seat vacated in an extremely orderly fashion without any fanfare, without any opposition, and certainly with the absolute support of the people who put us into this House.

The other clause of the Bill simply requires a physical change to the Bill, a change that I have no doubt as legislators, each and every one of you could live with.

And certainly, the people in this province who respect, in most cases, the integrity of their governments – and if there's doubt, look out – I'm sure that the people of this province would respect us all for a show of unified compassion, and also a show supporting the intelligence and the integrity of the electorate. Certainly of Thunder Creek. But as legislation it has broader connotations in Thunder Creek. This legislation could reach into any constituency in Saskatchewan if the circumstances were to present themselves to this House.

And that, Mr. Speaker, is the essence. And that, Mr. Speaker, is the urgency. The urgency isn't to get the Bill across the table and out of the House. The urgency is to change the Bill, and introduce it in a fashion that this opposition, and this government, and all of us in this House, can live with. And the problem you have with that kind of a scenario is you're the big boys on the block.

Well that may certainly be true, but occasionally even the big boy on the block can show a little

humility. And you'll only be respect for it. It won't challenge your integrity as legislators. It won't challenge your integrity as cabinet. It will allow you to unite as a caucus because I know that your caucus is not united on this Bill. And maybe some discussion should be initiated between members of the far back benches and those that I can still see. And I think that discussion could be productive. And I think that discussion could be beneficial. And I think that discussion could result in political points scored by a government that has scored very few in recent months, notwithstanding one federal election.

The mandate is huge. You certainly don't have to consult the opposition. That would be out of character. Well, don't. Just draw up something that we can agree with, and that the people of Saskatchewan, who are sitting around having a cup of coffee or watching their television sets or whatever, can be proud of. 'Cause right now, we're a window. They're looking at us, not only provincially, but right across this country. And they're looking at you as a Progressive Conservative government, and they're asking: is there any compassion left? And I believe there is. I know there was respect to some members across the House. There's a lot of compassion left. Don't let us down. And I'm talking about the people of Saskatchewan.

Your responsibility with the mandate that you have as legislators – there's a responsibility that some of us, when elected, were maybe not even aware of. But we have to demonstrate that responsibility from time to time. And this is a time, this is a time to demonstrate a responsible attitude and a united attitude.

So let's deliberate. Let's go home tonight and return tomorrow determined to develop legislation that isn't tailor-made to the opposition, and certainly requires some change in attitude by the government, but is designed for people, regardless of their political stripe, and regardless of where and from where they may come. The onus is on us.

I can assure you that the people out there in Saskatchewan are depending on the direction that this Bill will take, respecting governments' abilities to recognize people's human rights before the law. And that unless we change this Bill to demonstrate that this government is interested in those rights, there is no doubt that we will lose the confidence as a House, and you will lose the confidence as a government that the people have in you to make the right decision. And that right decision should only be on the side of common sense, on the side of reason, integrity. And if you do that, you can, without any political debate, go into another session of this legislature without political determination to make things better in Saskatchewan. And the people of Saskatchewan, Mr. Speaker, are also depending on that political will that will follow this debate.

Simple changes to the Act, a government expressing a wee bit of humility and a direction interested in individual rights shouldn't be too much to ask and should not be difficult to deliver. So that we have got to be united on the will of this Bill, if not it will never be clearly understood. And the understanding should be unanimous, that it isn't to castigate a politician or remove him from public eye, that it isn't politically motivated, that it's designed to bring on a political direction that supports reason on the one hand, and certainly reflects the will of this government to provide a direction that people can recognize, Mr. Speaker, as compassionate. And those farmers in our rural areas, the businessmen, who are looking for attention within the system so that the economy can move it's way upward, and those of us who live in the cities and the towns of the province can look forward knowing that, occasionally, the request for compassion of government will not go in a deaf ear.

And that was the basis of how the Tories in this province came to power. That was the promise they delivered. Those were the expectations that people had who voted for them in April of '82. Yes, the expectations were too high. No, the government can't deliver on everything. But yes, they can deliver with an honest direction, and an honest interest in the plight of individualism, fair play, and, with the justice system, will look after the criminal. We are not in this House to pass judgement. We are not in here to, in fact, invoke punishment.

We are, simply, in here to determine how the membership should view someone who has experienced that situation, and the legislation outlines that very explicitly. It does so with lack of consideration in other areas, and that lack of consideration is based on, I believe, some underlying political initiative which, of course, the government can deliver. The opposition can't stop that initiative. The procedure is clear. They could pass any kind of legislation they want, at any time. They only have to answer to the electorate every four years.

In this case we have legislation that, with a little bit of political will, can recognize that situation, or those situations, and rather than the people condemning a government, the people will applaud the government. Now, the opposition will applaud the government. And that's, I suppose, in itself a political goal. You get a lot of your own applause in this House, but certainly the people of Saskatchewan should be able to participate in that applause on occasions as well. Give them some reason. They haven't had much lately. But I expect you can change that, and I expect you might initiate that change with respect to this Bill, and do so in the course of the next 24 hours so we can go into a new session of this House with a clear direction.

I have said earlier that, demonstrate the haste and I may co-operate. At this point demonstrate the need for, first, the clause we've discussed, and (b) the membership in this Assembly, and the need to vacate the physical, only the physical, the oak bench, from this House.

The people of Thunder Creek have spoken somewhat, Mr. Speaker. I'm sure every one of us, and certainly the front benches, have heard from the executive in Thunder Creek. And I don't hear a great hue and cry from Thunder Creek to vacate the seat. In fact, I haven't heard a position out of that constituency which favours vacating that seat until the due process of the law has expired, or completed, and the member is dealt with by the judiciary in a fashion we all respect. And at that time we, as legislators, can deal with him on the same basis. But if he is still a member of this House and is exonerated, he walks back in here as a member of this House.

And your position politically under that circumstance . . . I believe there's any number of reasons why, at that point, you could even welcome him back; certainly many reasons likely why you wouldn't, but that's not the debate. The debate is whether or not his membership should be completely pulled, or whether his membership should include the physical bench in this House, and pull everything else. Don't pay him or let him play, but let him come back if the system of justice that we all believe in exonerates him. If it doesn't, put a motion on the order paper. Vacate the seat and have a by-election. What's wrong with that position?

I'll tell you the people of Saskatchewan support that position, and the people of Saskatchewan would support the government if they would take that position. And if they don't take that position, the consequences could be grave for the Government of Saskatchewan, first in a by-election, and then in a general election. Lose 20 or 30 seats, but don't initiate that loss through this legislation. Don't initiate that loss as a result.

**Mr. Speaker:** — Order, please. I find the member is becoming repetitious, is repeating the same thing over and over again, and now is off the subject completely; and I would ask the member to get back to the subject at hand.

**Mr. Sveinson:** — Thank you, Mr. Speaker. The point I was trying to make, and that I'm not certain that I have made, Mr. Speaker . . . I've aired it, I've drawn and I've quartered it, but I'm still not sure that the ears on the other side of the Assembly have, in fact, heard it. So I would like to go through it once more, Mr. Speaker, and then I'll hang my hat on my case, and I'll let the government hang their hat on theirs.

But just to review what we're doing here tonight, Mr. Speaker: we're in here; we called a special session, whatever that means, to deal with special legislation. That legislation involves the amendment of The Legislative Assembly Act to deal with a convicted felon who presently sits in this House. That Bill, which has been tabled in this House, we are presently debating second

reading on, is explicit in its nature, and also can be questioned for its direction.

First off, this government indicates that yes, we should determine who the candidate could be in Thunder Creek. And maybe they should – maybe they should, as Tories, determine who their candidate should be, but let the electorate, Mr. Speaker . . .

**Mr. Speaker:** — I'm going to read to the member the point under rule 25(2):

Mr. Speaker, or the Chairman, after having called the attention of the Assembly or of the committee, to the conduct of a Member who persists in irrelevance, or tedious repetition, either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech, and if the member continues to speak, Mr. Speaker shall name him, or, if in committee, the Chairman shall report him to the Assembly.

I am cautioning the member. I am not naming you at this point, but I am cautioning you that you are doing the same thing that I have just asked you not to do.

**Mr. Sveinson:** — Thank you, Mr. Speaker. I would just like to express my opposition to the content of this Bill, and I would like to also address this House with the fact that opposition to a Bill of this nature, when a government with a mandate as this government has, relating to legislation that affects the future of a province, opposition that outlines explicitly arguments for, or arguments against the legislation is certainly not an uncommon position for a member to take. On occasion, in debate in second reading, there will certainly be an active participation by all opposition parties.

With respect to this particular Bill, and concerning the areas that we've outlined relating to this particular Bill, I have not heard an explicit position demonstrated by the official opposition. So it makes the incumbency of demonstrating the point or the points fall squarely and absolutely on the shoulders of one member who can't stop this House from proceeding beyond second reading, or certainly, in the passage of the Bill. I would like to relate to this House that it's certainly not a new phenomenon that an individual may even take exception to legislation and relate that exception to an activity such as changing parties, to an activity such as voting against a majority government, to an activity such as resigning from a government, relating to a Bill, or to legislation or to activities of the government that are very, in essence, questionable, and certainly very directed against personal integrity, and against individual rights, and against human rights, and against things that are purely and absolutely recognized within our society as being the most important things that governments do.

The people in our communities express their dissatisfaction in other ways. They phone their members. They participate in activities with their parties to demonstrate the directions that these parties should take who are in government or who are in opposition. They get involved. But many members in the history of parliaments have taken a position where they felt very strongly about, and had to carry it themselves, and had to do that with some eloquence in order that a government understand or, in fact, an electorate understand the official position and exactly what it means in terms of future developments within the jurisdiction.

I take that responsibility. And I undertake to let the people of this province know where the weaknesses of this government are relating to this Bill, and where this opposition is relating to this Bill. And I do so with a great deal of pride because if, in fact, I chose not to, we wouldn't even be in debate tonight. This would have been swept out of sight three days ago.

So I do apologize maybe for the occasional repetition, but the point has got to be demonstrated because there's an abject failure. There's an abject failure in this opposition to demonstrate that point. And there's a government who, if they don't become a more caring government relative to this particular Bill, will pass legislation that I personally can't live with as a legislator. And a lot

of people in Saskatchewan can't live with it. And they aren't legislators; they're electors. And I would just like to warn this government about that kind of legislation, for their own good. And that warning I think the government should take heed of.

Although in most cases in a legislature the opposition only directs the problems, the government solves them, and they certainly don't necessarily solve the problems that are directed by the opposition. In this case we have a case that involves all of us in this House, all of us in this House who were elected to serve in this House. And I think it's incumbent on every one of us in opposition, and those in government who feel like I do about the legislation that's presently before us, that we all express, everyone of us express, either our like or our dislike for this legislation and the reasons. And my reasons are plain and they're clear, and I've outlined them explicitly and emphatically, and I don't apologize for doing it because I know that others here will not do the same thing. I absolutely know they won't.

The NDP wanted to rush it through. The government wanted to rush it through. And maybe there were good reasons for rushing it through. I haven't heard those reasons. And in examining the Bill, the NDP suggest that there aren't reasons for rushing it through either.

So, I'm saying that the press accused me at supper time of filibustering this Bill, and I'd only spoken to it for 20 minutes or more. It's not a filibuster. I am absolutely committed to where I stand on this Bill, as a member in opposition. I am saying the onus is on the NDP, as a partner in this opposition, to this particular Bill to express per member. What does the member for Cumberland think? He won't express himself. What do your people in Cumberland think? They don't know what their member thinks. So who do they call? They haven't got any choice. They haven't got any choice.

And if he wants new direction, he's going to get new direction, but he's going to get it from his electorate, and so are many members opposite. And that direction may not come for months because the by-election likely won't come for months. Why won't it come for months? Because they don't want to be beaten, and I don't disagree with that. And if they would change a few, just a few, clauses in this Bill they wouldn't be beaten. They couldn't be beaten. And if they would act as a government with some compassion, they would be here for 25 years.

The onus is on the government in this situation. The opposition has chosen to stand down. They stood down all week. They mired in the mud. They're trying to present a case that the government is involved in this in any fashion, in a fashion other than strictly as an associate. I mean, what kind of opposition do we have in this province any longer? That is not a position the opposition should take.

Some researcher in Ottawa sends a newsprint, copy of a newspaper item into Regina, and they look at it as the gospel. And they relate that a government has to be involved in a murder case as a result. How ridiculous! They thought that that day, the day we were in the House, Mr. Speaker, that we would sweep the Bill through, and this government would be left holding the bag. Well, they weren't. They weren't involved, and the Premier explicitly covered that area. What do they do today? They're back into the mud again. Well, get out of the mud and get back into opposition because there is room in this House for some opposition, and it's time the opposition served as the opposition. There are other areas out in this province that do need some . . .

**Mr. Speaker:** — I believe that the member realizes that he is a long ways from the Bill. The opposition, and what the opposition should do, I guess, can be decided by the opposition. I would ask the member, at this point in time, to relate only to the Bill.

**Mr. Sveinson:** — I apologize, but as a member of the opposition I think I can speak for this member of the opposition, and all I'm doing is calling on these members to participate. The provinces requires an opposition. This Bill requires some opposition. Where are they? Who knows? Who knows?

But if, to demonstrate my point to this legislature and to the people of Saskatchewan, you feel I have repeated it on too many occasions, I apologize. But this legislation can not be taken as lightly as this House would like it to take this legislation. It must be taken with due consideration, and due consideration not only to the legislation, but due consideration to the members who will forever serve in this House. And as a consequence, I ask this government and the members of this government to leave here tonight and to put together a package that is forthright, that involves the Bill that we are discussing, that can be accepted by the government, the opposition and the people of Saskatchewan and that package relates and can be related to the Bill we presently are discussing.

We have illustrated and demonstrated that some parts of it have their weaknesses. We have also demonstrated that the Bill does have, in some areas, its strengths. Let's eliminate the weaknesses of the Bill, and let's work on its strengths and come back with a compassionate undertaking that relates to what the people of this province expect from a government that has a mandate the size of the mandate that this government has, and that the opposition (and I speak only of myself) can live with. And believe me, with that undertaking this Bill will not take a great deal of time to pass through this House. And I will be introducing an amendment that could, in fact, be supported by the legislature. And I think the amendment's based on common sense, and an approach that the people can live with, and that we can live with as legislators.

And it's near 10 o'clock.

**Hon. Mr. Berntson:** — Mr. Speaker, before 10 o'clock, and before adjournment, I wonder if I might make an announcement.

**Mr. Speaker:** — The House Leader has asked for leave to make an announcement. Is leave granted?

Leave is granted.

## ANNOUNCEMENTS

### Date of Throne Speech

**Hon. Mr. Berntson:** — Thank you, Mr. Speaker, and members of the legislature. It would appear, Mr. Speaker, that we are on a procedural collision course with the throne speech due to be given on Thursday of this week, and we are in no way inclined to limit debate on this particular Bill. We do have to keep in mind the concerns of all members of this House who may have guests coming in to the opening of the new session on Thursday. And, while I'm prepared to be as flexible as we possibly can, I think it's fair that I give all members the opportunity to call their guests and indicate to them that, because of the uncertainty of opening date, I will be asking cabinet tomorrow to amend the proclamation to move the throne speech one week hence, like one week from Thursday of this week. While I say that, Mr. Speaker, I indicate clearly that I'm prepared to use all the flexibility that I possibly can, so that we can proceed this week. Thank you.

The Assembly adjourned at 10:00 p.m.