

EVENING SITTING

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Berntson that Bill No. 5 — *An Act respecting the Organization of the Executive Government of Saskatchewan* be now read a second time.

**Mr. Hagel:** — Thank you, Mr. Speaker. I appreciate the opportunity to conclude my remarks addressed to Bill 5, Mr. Speaker, and just in the interest of continuity, if I may briefly reiterate, just briefly summarize, some of the points that I was making before adjournment.

The Bill that's before us, as has been said many times and by many more eloquently than I, is one which casts aspersions on the intent of the government in introducing Bill 5, a Bill which has been introduced with the stated intent of being an organizational Bill and stated specifically to facilitate the reorganization of the department of human resources, labour, and employment, combining together those departments as they currently exist, and adding the few secretariats to create one Bill. As we said before supper, Mr. Speaker, it is questionable as to whether that is the real intent of this Bill because if, as a matter of fact, that is the objective, then that can be much more easily accomplished by simply introducing a Bill to establish a new department, if that is the intent of the government. And so it certainly causes us to wonder why, if that is the intent, we find before us a Bill which allows for the government, for cabinet, simply on its own wishes, to not only establish but also to wipe out and reorganize the services as well as the employees of a number of departments, and to do all of that, Mr. Speaker, behind closed cabinet doors.

And so, Mr. Speaker, as we look at this Bill and as I look at it, in particular, from the perspective as opposition critic responsible for social services . . . And as I said before, it's questionable at this point today as to whether the Department of Social Services still exists because there are officials within that department who are already referring to themselves as officials from the department of human resources, labour, and employment. As we look at that, Mr. Speaker, we can only wonder. We can only wonder when we look at, in particular, a couple of sections of the Bill that would permit for cabinet ministers to contract with whoever it is they choose in order to carry out whatever it is that they decide, behind closed cabinet doors, are the purposes and the objectives of their government departments.

And I also point out again, Mr. Speaker, I think of particular interest to people who are serving at the municipal level of government in the province of Saskatchewan, to the mayors, and the aldermen, and the councillors from every city and town and village in this beautiful province, that it appears to me that this Bill will permit the transfer of responsibility for delivery of social services from the provincial realm and will introduce that into the municipal level. And I say that particularly in light

of the lack of response eliminating that possibility when addressed to the Minister of Social Services in question period some two weeks ago.

And I also would like to add, Mr. Speaker, that there was a time in this province, as you are well aware, in which social services were delivered through the municipal level of government, and which it was decided after a great deal of negative experience by people who had particular problems, both recipients of social services as well as property taxpayers with a constructive approach, to providing social services at the municipal level.

And I say that particularly because when we are delivering social services at that level then we find neighbours, friends and neighbours of people who are receiving social assistance, beginning to resent that because they see the charge for the cost of social services coming specifically from their own pocket-books. And it's difficult; it's difficult, in these difficult times that we have, to be as caring and as compassionate, understanding, as we would sometimes like to be, when we feel that someone who's in difficulty and is just down the block from me is receiving benefits at my personal expense.

And as a result of that, Mr. Speaker, you'd be well aware that there was a change in the delivery mechanism in the province of Saskatchewan some 25-odd years ago, which said that it just simply made more sense to the people of Saskatchewan to deliver social services through the provincial realm. By doing that it preserved and protected the dignity that those had who were the recipients, and it also preserved and protected the opportunity that those who were contributing to the public purse to still end up being respectful of those who were in most need.

And so I am particularly concerned when it is stated that the purpose for this Bill is to simply introduce a new department, and that at the same time, if one is led to believe that there is nothing more to it than that, that the Bill itself seems to appear to facilitate the transfer of responsibility for delivery from the provincial level to the municipal level.

Well, Mr. Speaker, before the supper break, I was attempting to familiarize the members in the Assembly here, but also the people of Saskatchewan, with the large amount of responsibilities that the Department of Social Services carries out in meeting the needs of its citizens. And the Department of Social Services, Mr. Speaker, is a department which personally and directly touches the lives of literally hundreds of thousands of Saskatchewan citizens — literally hundreds of thousands of Saskatchewan citizens. And simply when we look at the divisions within that department, it becomes obvious to all of us that the Department of Social Services has child and family services that it delivers to children to provide protection for those who are deserted by their families. It has youth services, Mr. Speaker, for troubled youths, and in particular, those who have come in conflict with the law and are of need of guidance and rehabilitation to change their lives and to become productive and contributing citizens in our society.

The Department of Social Services also has an NGO, a non-government organization, section which facilitates and provides funding and support for a large number of community-based organizations around the province of Saskatchewan, community organizations which exist directed by and delivered by people in the communities for other people in their own communities.

As well, there is the employment support and job creation responsibilities of the department. There is the whole administration of day care in the province of Saskatchewan that occurs in the Department of Social Services, Mr. Speaker.

I've touched on those six, and I think with all of those, before we just wrap up and look at the other two . . . When we look at all of those, we simply ask ourselves: are those necessary kinds of services, are those the kinds of services that the people of Saskatchewan both need and want? And I think we very, very clearly, Mr. Speaker, say a resounding "yes" to that.

But will they be taken away? Will they be taken away with the reorganization which occurs behind closed cabinet doors? And I say to you, Mr. Speaker, and I say to the members of this Assembly, I hope note, but we just don't know. We just don't know.

And we won't have the opportunity to carry out a review of the mandate and the objectives and the purpose of the Department of Social Services in this Legislative Assembly. We won't have the opportunity to review those things in public if Bill 5 is passed because, first and foremost, Bill 5 enables the cabinet of the Government of Saskatchewan to make all of those reorganization and department creation and department wiping-out decisions behind closed cabinet doors.

Well, Mr. Speaker, I was just referring to the income security and employment development portion of the responsibilities of the Department of Social Services when we adjourned, and I think that we all have to agree, even those least objective among us in this Assembly, that the track record of the Government of Saskatchewan over the past five years has been anything but commendable in terms of providing a basic means by which the least fortunate of our citizens can meet their basic needs, Mr. Speaker.

Also within that division, then, there is the responsibility to provide some hope for the future for a number of people, and particularly our young people. And so within that we find the Saskatchewan employment development program and Saskatchewan skills development program. Both of those, Mr. Speaker, are programs I think were introduced with positive intent under the very positive phrase of "welfare reform." And to some extent I think they've accomplished some of their purposes. There would certainly be many. I know there are many who have spoken with me about their concerns for the ways in which those programs are delivered, and whether they're delivered in a way that is sensitive to the needs of individuals to set their goals and attain their aspirations to become contributing members of our society.

And so we have to ask ourselves, Mr. Speaker, when we

look at income security and when we look at the Saskatchewan skills development program, the Saskatchewan employment development program — are those the kinds of services that the people of Saskatchewan need? And I think we say, yes. And will they be taken away with the restructuring of the Department of Social Services? We just don't know. We just don't know and we won't have the opportunity to review that decision in this Assembly because those are the kinds of decisions with Bill No. 5 which can be made behind closed cabinet doors.

Well, Mr. Speaker, let me conclude with my review of the Department of Social Services by reflecting on services for senior citizens which at this point are essentially delivered through the seniors' bureau. And at a time in which we have a growing seniors population and in which many, many people feel it is appropriate to build and co-ordinate on our services delivered to our senior citizens — those people who have given their lives to building Saskatchewan, to building the opportunities that we experience here now and provide the basis upon which we can build from here to our senior citizens, literally hundreds of thousands of senior citizens in this province, Mr. Speaker — many people are suggesting it would be most appropriate to establish a department whose sole responsibility it is to deliver and co-ordinate the services to our seniors.

But what do we have now? We have simply the seniors' bureau. And what is the seniors' bureau, Mr. Speaker? It's described as a one-stop point of contact in the provincial government for your questions and concerns about programs and services for seniors. So an information point. Kind of, in a sense, a library of services for seniors. And its objective is also to keep people informed about provincial government programs and services for seniors and to be a coordinator of services to seniors provided by many government departments and agencies. Now that's not an onerous task by any stretch of the imagination, Mr. Speaker, but it is there and it exists within the Department of Social Services.

And we ask ourselves, is that an important role? Clearly it is. Even as defined it's an important role. And would that be taken away by a reorganization of the Department of Social Services? We hope not, Mr. Speaker. We hope not only that it would not be taken away but that it would be built on and enhanced. And we just don't know. Because, as a matter of fact, Mr. Speaker, Bill 5 enables the Government of Saskatchewan, the cabinet of the Government of Saskatchewan, to make that decision behind closed cabinet doors.

So, Mr. Speaker, let me conclude my remarks this evening by turning ad looking at the situation that we have before us and offer some positive advice. Because it is the responsibility, Mr. Speaker, clearly it is the responsibility of the opposition to serve as critics, to examine the objectives and the proposals that the government is putting forth in this Assembly to meet the needs of the people of Saskatchewan, and to offer criticism for those things that we think are not consistent with the objectives that people want to see realized, but also at the same time, Mr. Speaker, to provide more positive alternatives, because it is not our objective to simply be critics; it is not

our objective to simply offer negative observations. At times that's appropriate, and with this Bill, Heaven only knows, there is reason and opportunity for providing a number of negative observations. But it doesn't have to be simply that, Mr. Speaker.

(1915)

When we look at this Bill, this Bill which calls for departmental reorganization to take place behind closed cabinet doors, and we ask ourselves: is it really true what the Deputy Premier has said, that this Bill has nothing more behind it than an attempt to provide a forum by which we can reorganize our governments and services as they exist now and create a new department called the department of human resources, labour, and employment? Let me be kind, Mr. Speaker — let me be kinder than a lot of the people of Saskatchewan — but let me be kind, Mr. Speaker, and assume that that's all there is, that that is the meagre intention of the introduction of Bill No. 5.

And so let me ask: when it is our objective here in this Assembly, no matter which side we sit on, when it is our objective through the services of the Government of Saskatchewan to meet the real needs of real people here in Saskatchewan, what is the best way of doing that? Do we take all of these secretariats and departments and boards that meet the needs of people who are most in need and lump them together? Is that the best way? Is that the best way to serve the real needs of the real people of Saskatchewan, people who are hurting?

It's take a long time — and I apologize for that, Mr. Speaker — it's taken a long time to review all of the services provided by the Department of Social Services.

And I highly commend the new minister of the Department of Social Services — if it's still that — for taking on that responsibility. It's an onerous responsibility, and I understand. It takes a long time to get a handle on the large number of needs that are experienced by Saskatchewan people and the vehicles by which we serve through government to meet those needs. That takes a long time, and I commend the new minister in his appointment for that.

But let us be fair. Let us be fair to the member from Melfort, Mr. Speaker, in assigning his responsibilities to meet the real needs of the real people of Saskatchewan. And instead of taking the responsibility to meet all of these needs I have described from the Department of Social Services, and then add to that the services that currently fall under the Department of Labour, including the Worker's Compensation Board; and then to add to that, the Women's Secretariat; and then to add to that the senior bureau, which now exists within the Department of Social Services; and then to add to that the Native Secretariat; and then to add to that the Employment Development Agency, an agency that was introduced by the Premier about a year and a half ago and for which we were told there would be a single minister responsible only — only for the Employment Development Agency to address our number one concern in Saskatchewan, the creation of employment — and instead of taking all of those things and lumping them together in some gigantic

beach ball, which is organized some way behind closed cabinet doors, and handling it to the hon. member from Melfort, and say, here's your ball; grab it and run . . . Sorry. Member from Melville, Mr. Speaker. My apologies. And to say to the member from Melville, here's the ball; here's the problems; grab it and run with it; it's your bag.

And I don't think that that's fair to the member from Melville, Mr. Speaker, to expect him to have a handle on all the needs from people . . . from all of those departmental, and secretariat, and bureau responsibilities as they exist now, and to say, it's your job to come up with solutions.

It seems to me, Mr. Speaker, that we came to this Assembly, we stood for election because we came to serve people. And people in Saskatchewan have problems. It is our responsibility to find solutions, and the responsibility for that should not lie solely with one minister for whom it is an impossible task to get a grasp on the problems and to formulate solutions.

And so it seems to me, Mr. Speaker, to be a much more constructive thing to do to form a special cabinet committee. And if we're intent in the province of Saskatchewan to build and diversify, then let us build and diversify our services to people. Is that not one of the reasons we're here for, is to provide services for people?

And let us take, Mr. Speaker, instead of making this gigantic beach-ball of responsibilities that is bounced around behind closed cabinet doors, let us take those responsibilities, Mr. Speaker, and let us allow the cabinet ministers to work together, to use their creative minds; people who can get a handle on their responsibilities and their departmental objectives and who can understand the problems and who can work together collectively and creatively and co-operatively to find solutions for the people of Saskatchewan.

And does it not make more sense, Mr. Speaker — and I toss this out for the members opposite — and if it makes sense, for heaven's sakes grab this one and run with it and do it for the people of Saskatchewan. But does it not make more sense, Mr. Speaker, to allow the Minister of Social Services to understand the needs of that department and to sit down at a table, a special cabinet committee table, with the minister responsible for Labour, including the Workers' Compensation Board; and to sit down and work co-operatively and creatively at that same table with the minister responsible for the Women's Secretariat; and add to that group the minister responsible for the Native Secretariat; and to add to that group, Mr. Speaker, the minister responsible for the Employment Development Agency? And let those five people, who are able to get a handle on their responsibilities and the problems and some of the solutions, work together creatively to co-ordinate their efforts and to bring about some real solutions to real problems for the real people of Saskatchewan.

**Some Hon. Members:** Hear, hear!

**Mr. Hagel:** — And I say that, Mr. Speaker, because that has to be our objective. No one is opposed to reorganization. No one is opposed to realignment, but we

are opposed to a step backward. And I say, Mr. Speaker, that we are taking a serious stride backward when we conglomerate all of those social, people problems together, and we give it to one minister and say, there you go, you're now in charge of the department that unfortunately, Mr. Speaker, people are cynically referring to as the department responsible for oppression. So instead of doing that, allow them the opportunity to build and diversify in our services to people by working co-operatively and to work constructively at the table together.

And, Mr. Speaker, I encourage the members opposite to reconsider, to reconsider, and in particular to the back-benchers opposite, because you haven't tied your political can to this one yet, but to give some creative thought and to ask the members of the front benches on the opposite side: does it not make more sense to build and diversify services to people? Does that not make more sense instead of hiding them together in one? And to withdraw; and to withdraw or amend. Take away Bill 5, the Bill that provides the opportunity to make all kinds of decisions about all kinds of departments that exist now or don't exist now, and to do that behind closed cabinet doors. Put it out front. Let the people of Saskatchewan see that you're working creatively and constructively. Let the people of Saskatchewan see that you care. Let the people of Saskatchewan see that you want to provide for them an opportunity and a future and an opportunity for hope, Mr. Speaker; and to do that with a spirit of optimism and co-operation in constructive thinking. And that I suggest, Mr. Speaker, is a much, much more positive move for the government to take today.

So, Mr. Speaker, let me conclude by coming back to an editorial that I referred to before. I refer to the editorial that was listed in the *Regina Leader-Post* on December 18. I simply come back, Mr. Speaker, to quote the final paragraph of that editorial. And the editor writes:

We urge the government to reconsider.

Mr. Speaker, I urge the government to reconsider. He writes:

We urge the government to reconsider. Streamline, yes; reorganize, yes; but do it in the open where it can be seen, dissected, and clearly understood.

Mr. Speaker, we're faced with a Bill today which does not provide the opportunity for streamlining and reorganization in the open. It will not provide the opportunity for it to be seen. It will certainly not provide the opportunity for it to be dissected. And, Mr. Speaker, I am afraid I must admit that it seems that it may be one of the objectives that the reorganization will occur in a form in which it is not clearly understood.

And for all of those reasons, Mr. Speaker, I must join with my colleagues on this side of the House standing opposed to the passage of Bill 5 in its present form. If it is removed or amended to provide for some constructive directions for the people of Saskatchewan then, Mr. Speaker, I would be happy to support a Bill in an amended form which provides a positive alternative.

And so for those reasons, Mr. Speaker, let me conclude simply by saying that as the Bill currently exists today, I must vote against it.

**Hon. Members:** — Hear, hear!

**Mr. Brockelbank:** — Mr. Deputy Speaker, I had not anticipated that I would take part in this debate. However I feel that it is such an important debate that I must say a few words.

I suppose the debate on Bill 5 . . . If I may look into the future for a moment, at some time historians may look back on the essence of the debate on this Bill and say that this is a watershed in the government that is the Government of Saskatchewan today. They will say that this is a study in the use and abuse of power. Now history has yet to show whether this will be an abuse of power or a use of power, and that's very important that we understand that. At this point we are, I'm afraid, Mr. Deputy Speaker, of the opinion that this may be an abuse of power. Therefore on that basis we must rise and oppose it.

This particular government is proficient in creating illusions. People will be aware of the election campaign where the illusion was created — with great amounts of public money, great amounts of Conservative Party money — to the effect that this government was building and diversifying for the future of Saskatchewan. Now far in excess of 50 per cent of the people of Saskatchewan did not believe that, whereas those same people, just a few years ago, had given this government an overwhelming mandate to govern in the province of Saskatchewan.

In this particular session of the legislature the government is again attempting to create its illusions, and it is the illusion of efficiency and effectiveness. And in this particular document of despair that we dealt with last week, one section is entitled:

#### Government Efficiency, Effectiveness and Reorganization

My Government will address the problems of internal administrative efficiency and effectiveness. Government resource revenues have fallen. At the same time demand for government support and services has risen.

My ministers will improve delivery of programs and services while constraining the cost to taxpayers. New legislation will be introduced to reorganize and consolidate provincial government departments and agencies to ensure maximum efficiency and effectiveness.

And I noticed when the members that have spoken on this and that have spoken on other debates in this House, Mr. Deputy Speaker, have repeatedly and repeatedly referred to efficiency and effectiveness. Now what I feel is before us at this time is a three-pronged attack on democratic institutions. I feel that what we have before us, Mr. Deputy Speaker, is a conspiracy against democracy. In the Bill 5 which is before us, it clearly talks about the

government's need to continue or vary any department, and determine the objectives and purposes of that department.

Right at this moment, Mr. Deputy Speaker, I'm more concerned about the objectives and purposes of this government rather than this legislation, and I shall examine this legislation in that light. What are the objectives and purposes of this government?

It has been mentioned before, Mr. Deputy Speaker, that the government brought in a report which they attempted to have accepted by this House dealing with quorums on special committees, and Mr. Speaker properly ruled that the report was out of order in that part of the report that dealt with quorums.

Now for some of the newer members this may be instructive. Don't for a moment assume that the government is done with the question of the quorum on committees, because there are many other ways to accomplish what they sought to accomplish in that report which was ruled out of order.

So don't for a moment assume that that is done with. At some point in time government members may come back through some other means and attempt to adjust the quorum in committees.

Take Bill 5. And I want to deal with how Bill 5 deals with the critic area, one of the critic areas that I am assigned. And that, of course, Mr. Deputy Speaker, deals with the question of the property management corporation.

(1930)

In a speech previously given in this House, a member had said:

Mr. Speaker, consistent with this government's announced intent to increase government efficiency and effectiveness. (Well there's those buzz words again, on behalf of the government member) as Minister of Supply and Services I'll be undertaking the full establishment of the Saskatchewan Property Management corporation. The role of SPMC, Mr. Speaker, will be to satisfy government accommodation requirements and to provide financing to third parties for capital construction projects.

The benefits of the corporation, Mr. Speaker, will be increased government accountability in the provision and use of government-funded accommodation; also increased management efficiency and a reduction in the cost of providing public facilities. A board of directors has been appointed, Mr. Speaker, with myself as the chairman, and we will begin immediately staffing the corporation in order to get it up and running.

Now it appears, from what the minister in charge of this corporation has said, — the property management corporation — that we have a finely tuned athlete with his foot on the starting block ready to get up and running.

Well I think an examination of what actually is occurring here would be relevant at this time, Mr. Deputy Speaker.

The corporation was established on March 1986, and by order in council 357-86. Now the corporation didn't do a blessed thing, Mr. Speaker, until the 12th of November, 1986. Another order in council was issued. So this was 711 order in councils later. Another order in council was issued which changed the chairman of the corporation. And the only reason the corporation made a move at that point was because the people of Saskatoon Sutherland had sacked the chairman of the property management corporation. Now I don't suppose . . .

**Some Hon. Members:** Hear, hear!

**Mr. Brockelbank:** — I don't suppose they sacked the chairman of the property management corporation because he was management of that corporation, because they could attach no blame to him whatsoever. The corporation hadn't done a blessed thing, as I said, Mr. Deputy Speaker.

Now the property management corporation, as I said, was created by order in council in March 1986. The minister in charge says that this finely tuned instrument has got its foot on the starting block and it will begin immediately staffing the corporation in order to get it up and running. And as I said, this is 711 or 13 orders in council later they finally got around to saying, this corporation's ready to go.

Well what had this particular corporation done? Well the record shows quite clearly, Mr. Chairman, that the corporation had done nothing up to this point except two appointments to the corporation. And it was the previous chairman of the corporation — the one that got himself sacked — and he said when he was being examined way back in June 1986:

At the present time, Mr. Chairman, (this was in committee) we have no staff with the corporation. We have two people on contract. We may in fact be hiring staff in the very near future, in the very near future. But as of now, that's the situation.

Then it turns out that they have two OCs there, each being paid \$3,000 a month. And they have laboured mightily, yet we do not know what the corporation has brought forward.

The corporation might to some appear to be a parallel development to what Bill 8 is suggesting be done, that things should be once removed from this Legislative Chamber. In this particular instance, the irony of the situation — that this government is creating a Crown corporation for that purpose. In the Bill 8 which is before us, the government, of course, is creating a situation whereby decisions similar to this can be made in the cabinet room and never be debated in this Legislative Chamber as has always have been done in the past. And we think that is a dangerous precedent.

I want to, Mr. Deputy Speaker, deal for a few moments with the next item that appears in this conspiracy of three things: the first one being the special committee quorum,

the second one being Bill 5, that seeks to do in the cabinet room which formerly had been done in this Chamber. And I say that the members of this Chamber, especially the new members, should go back and acquaint themselves with debate of a similar nature when there was a conspiracy against democracy in this Chamber.

And I want to deal with that now for a few minutes if I can get the floor from the member from Weyburn. In this same document the government says a new electoral boundaries Act will be introduced to reflect the changes and ensure effective representation in all parts of the province. And we are watching with interest to see when this new Bill comes forward — this new Act. And this in itself should be alarming to members in this Chamber. It takes me back to the period 1969, 1971. And if I may just lay in a bit of background for you, Mr. Speaker, because you weren't here at that time, and I was, and so were some of the other members.

In 1964 the Liberal party had won a resounding victory in the province of Saskatchewan and formed a government. In 1967, aware that they were getting into a deepening financial crisis, the Liberal Party called an election after three and a half years.

**An Hon. Member:** — And won again.

**Mr. Brockelbank:** — They won again, as the Liberal in the back row says. They won again. Now why did they call a snap election in 1967? Because of the worsening financial condition which they didn't want to disclose to the people of Saskatchewan. In the spring of 1968 came black Friday. The budget that was brought down by that particular government increased virtually every tax and fee before the people of Saskatchewan. Now here you have a government, one term, has a quickie election, a budget which is a desperate situation on its downhill slide into opposition.

And what do you have here? You have a government which dillied and dallied for four and a half years before calling an election; is in a serious financial condition — their black Friday is still before us, Mr. Chairman, and it will come. Now this situation that we were faced with in 1970. What did the Liberal party do? Well, Mr. Speaker, in the back room of the cabinet at that time there was a lowly executive assistant to one of the Liberal cabinet ministers. And he was assigned the responsibility . . . He sat there with his cold, cold electoral map before him and a hot adding machine in his hand and it was his job to draw the boundaries. And that lowly Liberal executive assistant was one Gary Lane, Mr. Deputy Speaker. Now this lowly Liberal executive assistant, Mr. Gary Lane, was working on this adding machine and he came up with some interesting boundary changes for the Liberal Party. And I have them here. I went back and I checked the record . . . (inaudible interjection) . . . Well I don't know if he introduced the Bill or not but the Liberal Party . . . The front people for this executive assistant in the back room were Mr. D. G. Stuart, introducing Bill No. 86. And Mr. Stuart in his opening remarks said:

I had the help of a committee composed of MLAs from all parts of Saskatchewan (this is one of the Liberal attempts at electoral reform) including the

Hon. Allan Guy, (Athabasca), the Hon. Cy MacDonald, (Milestone), Mr. McPherson, (Regina), Robert Heggie (Hanley).

So we had a four-member committee of the legislature deciding the constituency boundaries and they were working in close quarters with that lowly Liberal executive assistant in the back rooms of the cabinet, drawing up the electoral map. And what did they put on the electoral map?

Well there's some interesting boundaries came out of it. Let's take a look at Moose Jaw. Moose Jaw North had 8,000 people. When that lowly Liberal executive assistant was done, they had 6,200. At the same time, Moose Jaw South started with 11,400 and went up to 13,400.

**An Hon. Member:** — Sounds like a garymander.

**Mr. Brockelbank:** — Yes, yes, that was the garymander, the garymander. And it went on and it went on. Canora under the new set-up, the constituency of Canora, will have nearly 9,000 voters as compared to Pelly which was reduced to 6,500 voters. And there's other examples of this as well. If you took the Liberal members that were elected in the '67 election, on average represented 8,500 voters. The NDP members on average represented 10,200 and those same Liberal members had the audacity to accuse the NDP of rigging the boundaries — of rigging the boundaries when the Liberals on average represented 8,500 voters and the NDP on average represented 10,200 as a result of boundary changed by NDP government. Now I don't wish to get back into that era because at this time a new era was opening up and . . . Just another comparison here. I should give you this one. This was in the constituency of Regina. Three constituencies across the North had a total population of 46,000 and the other four constituencies 31,000, or 15,000 less than in the three northern ones. So that was the situation in Regina, with this new attempt at independent boundary commissioned by the special committee set up by Mr. D. G. Stuart, assisted in the back room by one Gary Lane.

Now, that would be a very bad situation. And I noticed in going over the debate here Mr. Lloyd, the Leader of the Opposition, was speaking and he talked about the Liberal Party having a principle and the only principle was that of an alleged divine right of the Liberal Party to govern. An interesting use of words there. And Mr. Lloyd also said that, "This Bill in itself was sufficient reason for the defeat of the government that sits opposite," at that time.

Now I was particularly interested in this garymander which was going on at that time because I was the member for Saskatoon Mayfair. And when the member who was drawing those lines, or the non-member who was drawing those lines in the back room had finished, the constituency of Saskatoon Mayfair had about 15,000 or more voters. The constituency of City Park, on an adjacent boundary, had 5,000 or less. I felt that was rather unfair and rather an attack on the democratic system.

And the people who defended the democratic system at that time are the same people that are defending the democratic system now. I see a resolution here moved on

an independent boundaries commission, by the member from Mayfair, Mr. Brockelbank. And I see amendments to the Bill, brought before the House moved by the member for Riversdale, Mr. Romanow. And they were there, along with other New Democratic members, defending the democratic system. And it was fortunate that the people of Saskatchewan not only saw through the economic mess that the Liberal Party was getting Saskatchewan into, but they saw through this democratic flimflam that the Liberal Party was trying to foist on the people of Saskatchewan with this four-member commission which was drawing electoral boundaries which were thoroughly undemocratic.

(1945)

**An Hon. Member:** — They paid for it, though.

**Mr. Brockelbank:** — Now . . . Yes, they paid for it. As a matter of fact they lost every seat in Saskatoon as a result of that and other things.

**Some Hon. Members:** Hear, hear!

**Mr. Brockelbank:** — And they lost almost every other seat in Regina, and they lost their government. And I want to warn the back members, the back-seat members in this House: think of your future. Think of your future. Because this government is putting you in exactly the same position that Liberal government put itself in back in the 1971 election. And I suspect that these members should think carefully about that because their future is at stake, not only the . . . If you just take the selfish point of view — forget about the democratic system for a minute, fellows — but you should take the democratic point of . . . You should take your own personal point of view: do I intend to be around this House very long? Because when this government starts to slide after the budget in the spring, when you see the defections — there'll be one, at least one defection with a year after the budget in the spring and it's going to be sitting right over there. There's going to be one defection at minimum, maybe more. That budget in the spring will be the reason that the member, who leaves over there, will use to separate himself from the Conservative Party.

I say to the government of the day: if you intend to carry out another one of these garymanders, do your worst, but be assured that every step of the way we will be fighting you, the way we fought the Liberal Party back in 1970, when the last attack on the democratic system took place.

Now if you're going to, Mr. Deputy Speaker, if these members intend to go ahead, regardless, I would think that the obvious choice for heading up this committee would be the member from Qu'Appelle-Lumsden. He's had some experience in this area and I'm sure he hasn't forgot how to use an adding machine. And if in fact that's what the governing party has in mind, they should make good use of the talents of the member from Qu'Appelle-Lumsden.

And they should have an urban member on that committee of theirs, and I would suggest that, with all due deference, it should be the member from Regina South. Now I suggest the member from Regina South — and I

know he's listening to me now — I suggest the member from Regina South because he knows what it's like to have the hot breath of the NDP on his neck. He's got incentive, and he's a survivor. He's a survivor. He was out of cabinet, in cabinet, out of cabinet, in cabinet and, Mr. Speaker, he has, as we say, the ability of Superman, the ability to leap large cities at a single bound.

**Some Hon. Members:** Hear, hear!

**Mr. Brockelbank:** — For example, from Regina North to Regina South. And I wouldn't be surprised if you scratch him, you'll find a Liberal under the surface.

Now I don't want to take too much time this evening, Mr. Deputy Speaker, but I think that it's important that especially the new members of the Assembly understand what is at stake.

You can come out of this as heroes. All that's necessary is that you bring your government to ground in caucus. You have a good serious talk with them about what I said here today.

And I get that feeling of *déjà vu*. I've been here before; you haven't. I want to give you the benefit of my experience. You are now back-benchers attached to a majority government that is on the slide. It's financially in trouble. It is bringing in anti-democratic measures, three of which I've stated here this evening. It's a conspiracy against the democratic system.

If you want to be on the right side of this argument, I suggest you beard the lion in his den at the next caucus meeting, and come to some different conclusion than you have on this particular Bill.

And I say that with all due respect for the members' abilities in caucus to be able to turn around this government. Because I don't think they should let this government, from the democratic point of view, make the same foolish mistakes that some of its members made back in 1970, 1971.

**Some Hon. Members:** Hear, hear!

**Mr. Brockelbank:** — What we have here, Mr. Deputy Speaker, is an agglomeration of power. This government is attempting to gather in, this cabinet is attempting to gather into its hand all of the power that's necessary so that when that next budget comes down in the spring, they'll be able to make what they believe to be necessary, fast moves. And there's going to have to be some very fast moves made next spring when that budget comes down.

Now, Mr. Speaker, I appreciate this is a difficult subject to deal with, and it's difficult to get the members across the way to understand the subject because they've had so little acquaintance with it in the past.

And I don't expect I'm going to convert the cabinet ministers and the front-benchers — maybe some of the new cabinet ministers.

For example, the member from Saskatoon Mayfair comes from a wonderful constituency. I had the opportunity of

representing that constituency for the first time in history.

Mind you, at that time it was made like a Senate seat by the Liberal government by putting in all the parts of Saskatoon and thereabouts that voted NDP — putting it all into Mayfair constituency.

**An Hon. Member:** — Senator Brockelbank.

**Mr. Brockelbank:** — Yes. And it was a wonderful victory.

And I think that the member for Mayfair has a proud constituency to answer to. And I want to assure him that, in the event that he should insist on this conspiracy against democracy, I shall be talking to some of the people in Mayfair constituency. And I have a pretty fair knowledge of them because I've been representing parts of them for a long time, and I would welcome the opportunity to explain how the member for Mayfair acted on this particular Bill 5 that we have before us.

And there are other members, new members, that are looking forward to a long career in politics and I want to assure you that the average career in politics is around maybe four years. After four years . . . And I hear that fellow from Regina South chirping from the back seats again. He says, more than mine. Well I tell you my career is much longer than the member's from Regina South and I suspect I may even be around much longer than him. Could be.

**Some Hon. Members:** Hear, hear!

**Mr. Brockelbank:** — And I'm welcoming the opportunity for the member of Regina South to get into his seat and say something in this debate because there has been very little said. The minimum amount of debate has been issued forth from the government side with the minimum amount of information. I know that the member from Souris-Cannington, the Deputy Premier, is a man of few words, but I was astounded the other day with the number of words he used to introduce this particular Bill. And he's even cut his minimums lower because he told us very little about what was in the Bill and what would actually happen.

And I want to just make a final plea to the members and especially those members that were in close seats. I think of Wascana. I used to live in Wascana. I lived in Wascana for 10 years; it was a good constituency then. And we'll be looking forward to hearing . . . There's another one. I bet you scratch him and you got a Liberal underneath. I'll just bet you, I'll just bet you.

And I've seen some of them laying the groundwork for the budget in the spring. And you just go back and read the member from Wascana's speech. He's laying the groundwork for that budget — just in case, just in case.

But I know the member from Wascana comes from a family that has a long political history in Saskatchewan, and I'm sure he's proud of that, as I am. And I want to encourage him to be on the right side in this issue. When you get in your caucus, if another meeting is required of your caucus, make your voice heard. Make your voice heard because afterwards it'll be too late and you'll be on

the sinking ship. You'll be on the sinking ship with all of those that went down in '71. There are very few survivors. The whole thing went down in '71, and it's going to go down again.

Thank you, Mr. Deputy Speaker, for your allowing me to put forward my remarks. I hope it would have some effect on some of the newer members in this Chamber.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — Mr. Deputy Speaker, I did hesitate to get up because I really thought that the member from Regina South, or the member from Regina Wascana, might want to stand up and get into this debate after hearing the member from Saskatoon in his remarks. But, Mr. Speaker, I do want to say that I do rise, as many others before me have, with the words that I was not intending to get into this debate earlier. But as I studied with some care what this Bill really does and what it proposes to do, and as I listened to the articulate debate that has taken place from my colleagues on this side of this House, I felt compelled, Mr. Speaker, on behalf of the people of Regina North East, as well as, I think, as all of the rest of us, on behalf of everyone in Saskatchewan, to put on the record my concerns about what I see the government intending with this legislation that's before us here today.

Now, Mr. Speaker, the implications of this Bill are such that no reasonable person who believes in the principles of a democratic, parliamentary system of government can ignore. I don't think any reasonable person could ignore what this Bill is going to do.

And I'm going to deal with some of those implications in my remarks later. But first I want to address, Mr. Deputy Speaker, the rather feeble defence of the legality of this Bill that was made here, I believe, on Friday, by none other than the Minister of Justice when he stood in this House.

He stood, the Minister of Justice did, on Friday last and suggested that he had consulted with legal officials in his department and that he had been advised that this Bill is constitutionally legal. Well I'm not sure where he found a lawyer to write down what he had dictated in such a manner, Mr. Deputy Speaker, and the fact that he made no offer to table that legal opinion when he referred to it, and he even chose not to read from that document, makes one question what kind of document he really had in his hand.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — Now, Mr. Speaker, that action on the part of the minister leads to the question: did he really have a legal opinion, or a defence of this proposed Bill by the government, or was he doing as his government has done for four and a half or almost five years? And that is, stretching the truth to its limits to attempt a political defence of his government's actions which are questionable, wrong-headed, and contrary to that which any democratic system of government ought to be doing.

Now here is what the minister said. The minister said that the delegation of power is substantially different from



law-making power. And I can't disagree with that. I don't think anyone could.

And then the minister went on to say that Bill 5 does not take powers away from the Legislative Assembly. On that, Mr. Speaker, he is wrong. He knows he is wrong. And I suggest to you that unless he, as the Minister of Justice, can provide evidence here to support his claim, no one can be blamed for believing that his intent was anything less than to mislead the legislature and the public of Saskatchewan.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — Mr. Speaker, there are presently a number of statutes, each creating a department with a minister and outlining various powers and duties and purposes and functions. And these have, of course, been enacted by this legislature. What Bill 5 does, in short, is enable the cabinet, in effect, to change existing legislation by order in council.

The Bill enables cabinet to establish new departments, and more than that, but also to determine the objectives and the purposes of the departments. And this, Mr. Speaker, is taking powers away from the Legislative Assembly and transferring them to cabinet which then has an absolute power to do almost anything without coming before this Assembly to seek the power to do those things.

(2000)

Now if you follow through this scenario and recognize that this Assembly is nothing more than the forum for debate, and the law-making body through which the people speak through the members who they elect, Bill 5 is in a major way taking power away from the people of this province, and giving it to a select few who might happen to be in the cabinet.

Now I suggest to you that one does not have to be a master student in history to know that everywhere in the world when too much power is put in the hands of a small elite, abuses of it have been astronomical. And I predict that if this Bill passes in its present form, all of the lessons of history will be repeated under this present government here in Saskatchewan.

Now the Minister of Justice and the House Leader of the government might say all they want, but there can be no doubt that this Bill grants to cabinet the power to obliterate the intent of the legislature in so far as the prescribed powers, duties, and functions of ministers and departments go.

And when clause 12(1)(b) is considered along with sections 5 and 22, it becomes apparent that the cabinet can indeed disestablish any department. And if this is done, the legislation setting up the department concerned would effectively be obliterated.

Now while the departmental Act would still be on the statute books, there would be no vehicle in the form of a department to carry out the powers and the duties and the functions that are mandated in that departmental Act.

Now the cabinet would be given the power to disestablish a department with no corresponding obligation on the part of cabinet to transfer the various powers, duties and functions of the disestablished department to another minister or department.

Now this, Mr. Speaker, I suggest to you, interferes with the mandate of the legislature in spite of what the Minister of Justice said the other day. It not only takes powers away from the Legislative Assembly, it also gives the cabinet the power to ignore the laws passed by this legislature when this Assembly exercises its power.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — And I suggest, Mr. Speaker, this is clearly an attack on parliamentary democracy itself. It's an attack which must be fought with all the energy and vigour that people who believe in freedom have displayed time and time again throughout the world.

We are a democracy and we have some important rights that allow us not only to choose our governments by election. Those rights also allow us the right to determine how our elected governments act and carry out their responsibilities. And by taking power away from the legislature and giving it to the cabinet, by this stampede to centralize power and decision making in the hands of the Premier and those he surrounds himself with, those rights of a democratic society are restricted greatly. Other countries of the world have had parliaments and even do still parliaments today, Mr. Speaker, but in many of them because of too much power in the hands of the executive or cabinet, the parliaments are ineffective and they are powerless.

And the most contemporary example, I suppose, would be the Philippines, which indeed has had a parliament for a long time, but during the time of the Marcos regime, I ask you, Mr. Speaker: did that parliament have any power in spite of the fact that it existed? I say to you, it did not. And it did not have any power because the executive and the president had too much and therefore were able to do what they wished in spite of the fact that there existed a parliament. And as a result, Mr. Speaker, the abuses of power grew and multiplied until the Philippines was a democracy by name only. And we must guard against this tendency by cabinet to provide ever-increasing power to itself; must vote against this Bill which is the greatest power-grab in the history of this province of Saskatchewan.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — And I want to say to the back-benchers on the government side, and I say it as sincerely as I possibly can — think carefully about what your cabinet wants you to do. If you really ran in the last election because you believed that as a legislator you can have a role to play in governing this province, you cannot support this Bill. If you don't care, then I suggest you do this province and this whole democratic process a great disservice.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — I say to those back-benchers, Mr. Speaker, that they have an opportunity — and they don't need to do it publicly — they have an opportunity to prevent this Bill from passing. I say to them, do it in your caucus; do it in your lounge; do it in the hallway between the lounge and this Assembly; but do it. Stand up for something that is important. If you all say to the House Leader and to the cabinet on the government side of the House that you're not going to stand for it, you can put a stop to it. But if you can't, if your House Leader feels that he's got to put the whip on you, then I say you have reason to become very suspicious about what's going on and that this Bill, in your mind, should most certainly be wrong and therefore you should vote against it.

I say through you, Mr. Speaker, to the members on the government side of the House who are not in the cabinet, that by supporting Bill No. 5 they will be giving the cabinet the power to effectively repeal and replace existing legislation. And the enactment of Bill No. 5 would amount to the legislature delegating broad legislative powers to the cabinet and even constitutionally, that is wrong.

And the law is clear that the legislature can validly delegate powers, including powers that can be described as law-making or legislative powers to subordinate bodies. In all sorts of ways, the power to make rules is given to others and there's been examples used of the Highway Traffic Board and Labour Relations Board and I know there are many others. But such a delegation, however, normally involves the grating of power to make rules within and subordinate to enabling or primary legislation.

The body to whom rule-making power is granted can only work within the confines of the primary statute which creates it and/or gives it its powers. Bill 5 purports to do something else. It purports to delegate the power to make rules which would effectively amend, repeal, and replace existing legislation. And it gives to cabinet a *carte blanche* to legislate in very broad terms. And to do this, Mr. Speaker, therefore seems not an exercise in delegation to a subordinate body but rather the elevation of the delegate, or the cabinet, to the statute of the Legislative Assembly.

Bill 5 would allow the law as set down by the legislators to be ignored, amended, nullified, and replaced by cabinet order. And this is more akin to primary law-making authority than to a valid exercise or delegation. This is what the Minister of Justice on Friday ignored in his speech to this House.

And I say to the back-benchers again, and I say it particularly again to the new ones who hopefully have not yet been corrupted by the patronage and the high living and the scandal of those who took part in it during the last four and a half years: your cabinet has not been honest with you. Take this opportunity to let them know that you have some clout and that they will not be able to run over your for the rest of the term of this government. Show the cabinet that you intend to represent the people who elected you and not only the wishes of the power brokers in the Conservative Party and the members of cabinet who are their spokesmen.

Mr. Speaker, the reason why I intend to oppose this Bill, and why other members of this side of the House intend to oppose it, I think have been made very clear. I don't think it's right that the cabinet should get such a kind of power under this Bill which would erode the proper role and the responsibility and the authority of the Legislative Assembly. And I don't think it's right that any Bill should be passed in this House that would seriously undermine the parliamentary government in Saskatchewan.

Now there are those who in the early stages of this debate had different hopes for this Bill. And I want to quote to you an article that was written in the "Legislative Report" of the Saskatchewan Chamber of Commerce which I think came out last week. And I think in all sincerity the author of the article said the following when they referred to this Bill. They said:

Our understanding of this new Act is that it will be enabling legislation so re-organization can take place with the Legislature first placing its imprimatur on the plans. However, the Bill is expected to carry some clause which will require the Government to bring there-organization to the MLA's for confirmation.

Well since that time the Bill has come to this House and there is no such clause. And I say, Mr. Speaker, that even these people, who the members opposite always assumed to be their strongest supporters, are going to be very concerned. And they're becoming very concerned about what this Bill intends to do because it does not address that one qualification which the Saskatchewan Chamber of Commerce put into their expectations of it.

Now, Mr. Speaker, when this kind of power is granted to a government and to a cabinet, there are certain questions that have to be asked. And I think one of the major questions that has to be asked is, what is the role of this legislature? And members must ask themselves, and I submit they must ask themselves on both sides of the House: is the role of the legislators simply to respond to the acts and to the actions of the cabinet, or do legislators have some role and some responsibility in considering and determining the legislation of this province and the services provided by government and the way in which those services are provided?

I believe that we, each and every one as an individual member for our constituencies, have that role and we ought to protect it. As has been said by others this Bill, which is a power-grab by a power-hungry government to a large extent, takes away much of that role and reduces the members to asking of questions on things that happened after the fact.

And I say to the House, and I say to you, Mr. Speaker, that is wrong. That is a total contradiction of the democratic parliamentary system of government, and this Bill should be opposed by all of those who support the British parliamentary system of government.

Now I listened carefully the other day when the member, the Hon. House Leader, got up and he justified in a few brief remarks why this Bill was here. I was somewhat

fascinated that his remarks were as brief as they were because one would have thought with legislation as broad and as significant as this one that the Hon. House Leader would have something to say.

But he did say one thing, Mr. Speaker, that I think was significant. And he said that this Bill would give the government the power, the cabinet the power to do things even if the legislature is not sitting. And he used the example of the new human resources department. And he said that would accommodate government's plans to create a new ministry of human resources encompassing the old portfolios of Labour, Social Services, the Employment Development Agency, and the Indian and Women's Secretariat.

Now I ask you, Mr. Speaker: why is it necessary to do this major reorganization with all of its broad implications which my colleague, the member from Moose Jaw North, referred to so well this afternoon and again this evening — why is it necessary to do this in such secrecy? Why is it necessary for the cabinet to be able to sit around the cabinet table with two or three of their advisers . . . why is it necessary for them to do it without coming to this legislature so that the members here who represent all of Saskatchewan — and I'm talking about members from both sides of the House — might have an opportunity to scrutinize what it's going to do and whether it will achieve and accomplish all of those things that those various agencies and departments were originally established to achieve?

**Some Hon. Members:** Hear, hear!

(2015)

**Mr. Tchorzewski:** — Is it because the government has something to hide? I think . . . (inaudible interjection) . . . I agree, it must be. Is it because this government knows that it is in for some very hard times politically, and it has to find a mechanism by which it can silence the opposition as best as it can so that the voice of the people will not be heard in this Assembly and through the media when it is then brought to this Assembly?

For a long time legislation establishing departments and agencies has been brought to the legislature and debated and considered. Somehow it has become essential with this government that that no longer be the case.

Now I say to you, Mr. Speaker, that the kinds of powers as proposed here would give the cabinet powers beyond any that our system of government in Canada should allow or ever intend to allow. Such powers in the hands of the cabinet would lead to a number of things: it would lead to decisions being made, not under the scrutiny of this legislature where the cabinet has to be accountable, but it would lead to decisions being made in the basement of the Premier's office by some politically hired people who would be more interested in the preservation of the government than the needs and the interests of the people that the government represented.

And you know, the member opposite have been known to state that they are great admirers of the American system of government. And I don't mean to be critical of

the American system of government. In their place and in their society, maybe that's the kind of government that's necessary. But what the members opposite fail to recognize with their complete support is that that system of government does not fit in a parliamentary system of government like we have in Canada.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — Their complete support of the fiasco that was paraded as free trade negotiations testifies to the fact that they exercise poor judgement in these kinds of things. There is more power in the hands in the United States in the executive branch than there is here in Canada.

And this government is moving towards a system that is modelled on the political system which is the presidential system, because it is trying to take more power unto the cabinet and less power unto the legislature. And I simply have to ask this question: is that good for the people of this province?

**Some Hon. Members:** No.

**Mr. Tchorzewski:** — You know, I agree. It is not good.

We have had already other examples, and I will name you two which show that this government could not handle that kind of a system. We've already had the Pioneer Trust, to name one. And what happened when the issue of Pioneer Trust was brought before the Public Accounts Committee during the spring session of the legislature? Was the government forthcoming and say as the Provincial Auditor said: it could be considered; go ahead and consider it? No, the government refused to allow the members of the Public Accounts Committee to ask questions about the question of Pioneer Trust and all of the related issues to it. Hopefully, some time in the near future, we'll be able to find out why, but the public should not have had to wait when it should have been considered in committee last time.

We've had other examples about the secrecy of this government. We have had the Premier who's refused time and time again in the last four and a half years to answer questions in this House, questions that were ordered by this Assembly by vote — orders for returns which were not answered for up to two years.

What happens when we turn all of this power to the cabinet if this Bill passes as it is, Mr. Speaker? Does it mean that the amount of unanswered questions will even be greater than what has been the case in the past?

I submit to you, Mr. Speaker, that we don't need the Watergate system in Saskatchewan.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — We don't need the Iran weapons sales system, where someone in the privacy of the Premier's basement offices will decide on the interests of Saskatchewan people without being responsible to the legislature.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — Now, Mr. Speaker, I have some other concerns about this Bill because I said I wanted to speak about some of the implications.

Now in one of the sections of the Bill, it talks about disestablishing departments. Now what does that do? Or what can it do? Well I suggest to you, Mr. Speaker, that this kind of a power will lead in the hands of this government in particular to an unprecedented attack of the employees in the public service. They will have absolutely no protection at all. With the power in Bill 5 for Executive Council to repeal or amend fundamental statutory powers duly enacted by the legislature, cabinet will be able to do away with the departments and all of the employees in any department which may be affected.

Now Conservative members opposite may relish that thought. They seem to have this strange view that it's okay to make an attack on the poor because they're defenceless. They seem to have this strange, perverted view that it's okay to attack the unemployed because they are defenceless, or the public servants because they too cannot effectively defend themselves.

I happen, Mr. Speaker, to believe, and have no hesitation in saying so, that the public servants of this province have served us well.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — And they provide services which no modern-day society can operate without. And it is just not acceptable, within all of the parameters of human justice, that any government of the day should be able to treat these people unfairly and treat them as scapegoats for the government's own failures, which I think is what they intend to do if this Bill ever comes to pass, or take away all of their rights to job security so that the politicians in power can treat them in any way they believe the poll results would show to be popular for them.

Now there's another implication, Mr. Speaker, that I think is worth considering, and I suggest to you that the powers which this Bill provides to the cabinet will lead to even greater patronage than we have seen in the last four and a half years. Cabinet will not have to adhere to legislation dealing with the expenditure of money by department because Bill 5 will make the cabinet have the power to, in effect, change existing legislation which they see as being in their way by a simple order in council. And it is well known that in the last four and a half years we have seen patronage of such shameful magnitude in this province that it would have even made the conscience of Jimmy Gardiner twig just a little bit.

Now, Mr. Speaker, close friends and supporters of the government would be rewarded, there is no doubt, but everyone else will be at the government's mercy. Government by patronage, Mr. Speaker, has devastating effects. It has had devastating effects in the past, and it will even be more so in the future under the Bill if it becomes law.

When appointments are made and contracts given with

no consideration for the interests of the province and the people who live, over time there is a high price to pay. Oh yes, there is no doubt that the interests of those who are at the public trough will be well served, but the vast majority of people will have to pay for it.

I say that government by OC, as this Bill proposes to do, will result in the interests of the Conservative Party being served at the expense of present and future generations.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — Let me suggest that there is no more vivid proof of this than the recent CF-18 example which involved the federal government and this government because of its support of what took place. It was a cabinet decision implemented by federal government order in council. It was politically motivated with no consideration for what is right.

Well those kinds of things have happened in Canada for a long time, and let me give you one example of what the result has been. About three decades ago there was a thriving shipbuilding industry in the Atlantic provinces, and because of these kinds of patronage acts by the federal government — which has been going on also in Saskatchewan for the last four and a half years and with this Bill will even go on to a greater extent in the future if this Bill passes — that industry no longer exists in the Atlantic provinces; it's in the province of Quebec.

Now I say to you, Mr. Speaker, that that kind of patronage-motivated government in this province will lead to similar kinds of circumstances happening here as well. Friends of the government will be rewarded even though they're not established in the province of Saskatchewan, and we've seen examples of that. Regions of the province because of government by cabinet and OC might be favoured over other regions. But I say to you, Mr. Speaker, the Saskatchewan business and industry will wither and move away under those kinds of conditions in the same way that the shipbuilding industry withered and moved away from the Atlantic provinces.

Now others have said it and I join them in saying that we're not going to stand back and allow the government to set up a dictatorial regime which removes the important functions of this legislature from its role in the government of this province. And, yes, the government may eventually win on the Bill. They may win. They may win this one battle because of their majority, but as the member from Saskatoon Westmount indicated earlier, the whole war is not won in the battle. And there was a government here in the late '60s which tried, which tried this kind of power-grab, and the people of Saskatchewan dealt with it, and they will deal with you as well.

**Some Hon. Members:** Hear, hear!

**Mr. Tchorzewski:** — The public will know what you are really all about and they, in their fairness, I say to you, gave you a second chance — not the majority of them — but being fair to the electoral system, I will say that they gave you a second chance. And I think that they are already indicating their amazement at how quickly you would move to disappoint all of those who supported you

by this kind of legislation.

And the question is why? Is it because the government has already concluded, Mr. Speaker, that they have already concluded that come the next election, there will be no hope for them under the present rules as they exist in the electoral system and in the system under which we work in this House? Its plans in the future, Mr. Speaker, must be rather severe ones if they feel that they need to be protected by this kind of legislation.

Now I suppose that the Bill, all by itself, would have been bad enough, but when one considers that this Bill is part of a growing package, then I think there is even more reason to be concerned.

The throne speech announced that the government will introduce a new electoral boundaries Act. I'm not going to deal with that in detail except to say this: since we already have an independent boundaries commission that has served us well, why is it necessary for a government to ignore that and bring in an electoral boundaries Bill, unless they intend to undertake a gerrymandering of constituencies? Now if the former executive assistant to the provincial treasurer, now the Minister of Finance, is put in charge of that, I can understand why they would be doing it.

Secondly, Mr. Speaker, there has been an attempt in this House to change the rules that regulate the committees of the legislature even though there was no authority to do so. There was no consultation, no reasons were given for the those proposed changes. In fact, this happened after the announcement in the throne speech that there would be the establishment of a special legislative committee to look into the whole range of the rules of this House.

(2030)

And then of course, Mr. Speaker, there was a special committee with respect to rules and procedures and practices and powers of the Legislative Assembly, and other related powers. We welcome that. Rules of this House are not perfect and should be reviewed from time to time to suit the changing times and conditions. But one has to wonder, and I hope that this is not going to come to pass — one has to wonder whether the government opposite with a majority on that committee will carry on the old tradition where changes to rules happen because there was unanimity in the proposals and in the agreements. Now I hope that it will not be that the government intends to push through its own ideas of what the rules will be in keeping with the kind of proposals that they have in this legislation.

And now we have this Bill, Bill 5, an attack on the very foundations of the parliamentary system of government, an attempt to neutralize the opposition, an attempt to create every opportunity to hide information on government activities from the very people who elected them.

Well, Mr. Speaker, as this Bill is — government by cabinet with reduced accountability to the legislature, more secrecy in decisions that affect every citizen in Saskatchewan, I cannot support it. I do not support any

effort to reorganize so that the reorganization simply puts power in the hands of the cabinet. I do not oppose reorganization if it will bring about more efficiency and more effect give government. But I don't believe that this Bill will do that.

Now I say as others have said, if this Bill can be amended and if the members opposite on the government benches are prepared to look at some amendments or are prepared to provide some of their own which will indeed address the questions of more effective government and more efficient government, then of course I would want to reconsider my position. But I say clearly on behalf of the people I represent, and I've spoken to many of them about this, that as this Bill is, neither they nor I can support it when it comes up to a vote in this Assembly.

**Some Hon. Members:** Hear, hear!

**Ms. Atkinson:** — Thank you, Mr. Speaker. I too, along with my colleagues, want to make several comments with respect to this Bill, Bill 5, An Act respecting the Organization of the Executive Government of Saskatchewan. I want to talk about why I think this Bill is before us; what I think it means to us as legislators; what it will mean to the civil service in this province; and what it will ultimately mean to the people of Saskatchewan.

Mr. Speaker, this is a dangerous Bill. There is no other word for it, for this Bill will ultimately change the way governments have operated in this province for the last 81 years.

Mr. Speaker, when I look at the contents of the Bill, this Bill gives the cabinet in this province the power to establish, continue or vary any department of government, to disestablish or eliminate departments, and to determine the name of the department.

Mr. Speaker, this is a radical change from previous processes here in Saskatchewan because up until now, Mr. Speaker, every Saskatchewan government has had to come before this Assembly if they wanted to create a new department or eliminate a department. For example, Mr. Speaker, the Department of Co-Ops and the Department of Health were created by the Legislative Assembly of Saskatchewan, not by the cabinet. The cabinet, or a member of cabinet, may have introduced the legislation necessary to establish these departments, but it was the entire Assembly, members of all sides of the legislature, that made the final decision as to whether or not a department was going to exist.

**Some Hon. Members:** Hear, hear!

**Ms. Atkinson:** — Up until now, Mr. Speaker, both sides of this House, all duly elected members of the legislature, have been given the opportunity to look at legislation establishing government departments and decide whether it was right and proper, or whether, Mr. Speaker, it served the needs of the people of Saskatchewan.

The practice of this House has been to allow the opposition or the government members to review the legislation and to make amendments, if necessary. But no more, Mr. Speaker. In the future the cabinet will decide,

and only the cabinet will decide. And that, Mr. Speaker, is centralization of power; that is centralization of decision making; and that, Mr. Speaker, is a power-grab.

The people on the government benches show such disdain for democracy. This move, Bill 5, in my mind, is anti-democratic. And why, Mr. Speaker, would the members opposite want to be anti-democratic? Well I can only speculate that they either have something to hide, or they do have something to hide.

They don't want us to scrutinize their actions; they don't want the people of Saskatchewan to know what they are up to because, Mr. Speaker, if the opposition has the right to scrutinize their actions, to bring it to the public's attention, then the people will know. And they, Mr. Speaker, don't want the people to know. They don't want to disclose their actions because their actions are designed to help their friends.

And what kind of friends am I talked about, Mr. Speaker? Well, I'm talking about friends like the banks, the oil companies, the Peter Pocklington of the world, and the Weyerhaeusers of the world. And these people, Mr. Speaker, don't always act in the best interests of the people of Saskatchewan, for these friends often act in their own best interests, and those interests tend to be the pursuit of the almighty dollars.

**Some Hon. Members:** Hear, hear!

**Ms. Atkinson:** — Speaking of Tory friends, when I think of some of the debates that have occurred in this House in the last four years, I think of their PC friends. We all recall the debates that occurred around the Pioneer Trust fiasco and, of course, the debate around the give-away of PAPCO (Prince Albert Pulp Company), a publicly owned company here in Saskatchewan, to the large multinational company, Weyerhaeuser.

Now I know the Conservative Party wasn't very happy about the debates because the public was able to find out how incompetent and how inept some of these people were and still are. I think the government would have preferred that my colleagues not have the opportunity to discuss these two particular disasters because, Mr. Speaker, the press was able to report the proceedings of the legislature and the public was able to find out. I even think that some of these very fine debates that have occurred on this side of the legislature the last four and one-half years led to a much reduced majority on that side of the House.

And, Mr. Speaker, they don't like it — they don't like that we have 25 members sitting on this side of the House because, Mr. Speaker, they're afraid that if the Opposition can debate and argue against some of their actions during the next four years, that we may well form a government, and they don't want us to form governments.

**Some Hon. Members:** Hear, hear!

**Ms. Atkinson:** — Mr. Speaker, the members opposite are afraid, and well you should be. They want to centralize power; they want to muzzle the opposition, and, Mr. Speaker, Bill No. 5 is nothing other than a gag order. They

want to gag the opposition. This, Mr. Speaker, is an unprecedented grab for power. They want to transfer power from the legislature, all of the members of this House that sit in this legislature, to the cabinet, away from the scrutiny of this legislature — away from the scrutiny of the public.

Now, Mr. Speaker, some may say, well, that's okay, the cabinet and the Premier are elected, and they're ultimately accountable to the people of Saskatchewan. But I'm not so sure, Mr. Speaker, because as we all know this government has one of the largest political or partisan bureaucracies of any provincial government in Canada. I think most members would know who I'm referring to. I'm referring to the political assistants, the executive assistants, the advisers and all those political hacks that the Premier and the cabinet members have. These people are the back room types, Mr. Speaker, they're the Premier's handlers, the cabinet handlers; they make many, many decisions. In fact, Mr. Speaker, I'm sure that they make a lot more decision that a lot of the politicians sitting on that side of the bench do.

But, Mr. Speaker, maybe some of those political handlers aren't very happy about the kind of power that they have, and they want more. Maybe that's one of the reason why we have this Bill before us, because they don't want the opposition to scrutinize their actions.

And, Mr. Speaker, I'd like to quote to members of the House what the Hon. Perrin Beatty had to say about some of these political back room boys, and I quote:

But it often happened, when I was in the cabinet, that a messenger would come from the Privy Council and say, 'We need your signature on this. We need signatures from four members.' 'What's it about?' you would ask, and the messenger would say, 'Don't ask me.'

So you'd find minister being asked to sign orders in council, creating laws without the benefit of any full discussion or briefing. And the minister assumes that his colleagues know what he is doing, so he goes ahead and signs it.

The belief that cabinet gives adequate scrutiny to delegated legislation is false. The extent to which a bureaucrat is able to write laws is very great.

This is what a member of their own party, the Progressive Conservative Party, had to say about their political hatchet men or women.

Mr. Speaker, I'm also concerned about some of the ramifications on the civil service which, up until the time the people on that side of the bench got elected, was recognized as the very finest civil service in Canada. Mr. Speaker, the civil servants own union, the Saskatchewan Government Employees' Union, have asked the Premier to withdraw the Bill. The very people who know those people best, and know all of their weaknesses, have asked them to withdraw the Bill. They believe, and I quote:

If adopted, this Bill would constitute a radical

departure from Saskatchewan tradition in the organization of government services, and the public's right to scrutinize government decisions. As such, it warrants thorough study of its implications, and meaningful consultation with affected groups, before consideration of its passage into law.

Well, Mr. Speaker, I agree this is a radical departure from Saskatchewan tradition, a tradition steeped in the public's right to scrutinize government decisions.

And, Mr. Speaker, what happens to the civil service if some day some cabinet minister decides to eliminate, for example, the Office of the Rentalsman? What if some cabinet minister decides that the Office of the Rentalsman is an impediment to some of their friends? Where will those civil servants go, Mr. Speaker? To the private sector? Or will they go on to the unemployment lines? What happens to the legislation the Rentalsman administers if the cabinet decided to eliminate it? Where will tenants or landlords go to get their disputes mediated or arbitrated?

An example, Mr. Speaker: what happens if a landlord has a tenant that has damaged his or her property and the Rentalsman has been eliminated. If, Mr. Speaker, he or she has to seek a judgement from the courts, which are already overloaded and overburdened, the landlord could wait months and months and months. A conservative estimate, Mr. Speaker it could well be nine months. I can tell you, Mr. Speaker, that the landlord won't be very happy as he or she waits for the courts to deal with that person who is destroying the property. And the members opposite are going to have to deal with the political consequences.

On the other hand, Mr. Speaker, what happens if a tenant has a landlord who steadfastly refuses to turn on the heat in the middle of winter? Under the present legislation administered by the Office of the Rentalsman where there are employees, the tenant has the right to go to the Rentalsman to have their rights enforced under The Residential Tenancies Act.

But, Mr. Speaker, what happens if the Rentalsman is no longer and the members opposite, with the stroke of a pen, have eliminated the Rentalsman, and the legislation is still sitting there? Well, Mr. Speaker, that tenant will have to pursue her interest through the courts, and the courts, as I said earlier, are backed up.

Once again, Mr. Speaker, the tenant would have to move in the middle of winter because they couldn't possibly wait until the next summer to have the heat turned on. Mr. Speaker, I think that if the government is allowed to do what they want to do, that landlords and tenants in this province will not be able to enforce their rights under the Office of the Rentalsman legislation or The Residential Tenancies Act. There'll be no employees, no department. There will be legislation on the books designed to protect people's rights but there's no mechanism for the people to have their rights in force.

Mr. Speaker, I'd also now like to raise some concerns about what impact this legislation could have on The Department of Health should the Department of Health

be disestablished, as it could well be if Bill 5 is passed. And let me give you an example of my concern.

(2045)

Let's say the cabinet decides to disestablish or do away with the Department of Health and transfer parts of its mandate to other departments and outside private agencies. What would happen to The Department of Health Act? In particular, Mr. Speaker, what would happen to section 12 which refers to the oath of secrecy? And I want, Mr. Speaker, to read this section into the record. Section 12 says this:

In this section the expression "board", "commission", "committee" or "council" means respectively, a board, commission, committee or council appointed under this Act or one of the Acts enumerated in section 5, or a board, commission, committee or council the members of which, or one or more of the members of which, are appointed by the minister or by the Lieutenant Governor in council upon the recommendation of the minister.

(2) The minister may require any person appointed to a board, commission, committee or council to take an oath before entering upon his duties or at any time, that he will not, except as authorized by the minister, disclose any information received by him in the course of his duties as a member of the board, commission, committee, or council where such information relates to or consists of:

(a) the name of a patient, his illness, injury or other physical or psychiatric condition, and the diagnostic or treatment services he has received, is receiving or is about to receive;

(b) the name of a physician or other person providing professional services to patients and any particulars concerning the personal affairs or details of practice of that physician or other person.

Mr. Speaker, section 12 requires that the minister and the employees of the minister or persons employed by commissions or boards keep this kind of medical information confidential. This section, Mr. Speaker, is there to protect people.

Let's say that this section — if the department was disestablished or transferred some place else — let's say that if this section was not carried over to those new departments or to the new agencies, does that mean that there is no requirement or obligation to keep this information confidential? Mr. Speaker, could we possibly see people's medical records spread all over this province? And is it possible, Mr. Speaker, that if this Bill is passed that there would be no obligation on the part of the minister, if this particular section was not transferred to some other department, to keep people's medical records confidential? Because up until this time, Mr. Speaker, those records have been confidential.

Mr. Speaker, if we were to have the present regime, where

if they wanted to transfer part of the department's mandate to other departments or jurisdictions, we could review the legislation. We could point out some of the problems with the legislation. We could say, for instance, that we want section 12 or the oath of secrecy section included in legislation. If this Act is passed, Mr. Speaker, there will be no obligation to carry this section over, and therefore it may not be done, and the legislature won't have any power or opportunity to review it.

Well, Mr. Speaker, this is unacceptable. This is a bad Bill. It's undemocratic. It will ultimately take away powers from this legislature. I don't think the people of Saskatchewan elected us to come here to, in essence, not really participate in the process if the cabinet is allowed to have the powers that they would have under this particular piece of legislation.

I think, Mr. Speaker, that the members opposite should introduce some amendments that would accommodate some of our concern. I certainly would be interested in looking at those amendment if in fact they do accommodate those concerns. I would ask them to do that. This Bill can't go forward in its present form, and therefore, because of the dangerous nature of the Bill, the anti-democratic nature of the Bill, I won't be supporting it.

**Some Hon. Members:** Hear, hear!

**Mr. Van Mulligen:** — Thank you, Mr. Speaker. Conventional wisdom, political wisdom, Mr. Speaker, and political pundits would hold that if a government were to enact potentially unpopular legislation, it would do so early in its term of office so that it might be forgotten by the time that its mandate had expired.

And secondly, it would do so and should do so at a time during which the electorate will, to a greater extent than is normal, be preoccupied with other concerns. And it should go without saying, Mr. Speaker, that is also in the government's interest to obfuscate the real intent of unpopular legislation by ascribing to it otherwise laudable and generally accepted objectives and virtues. And surely Bill 5, Mr. Speaker, and the process of introducing this Bill has all those attributes.

No sooner had the members of this Legislative Assembly warmed up their seats, loosened up their vocal cords, when the government introduced the Bill that is staggering, when all its implications are understood. And what better time, Mr. Speaker, to introduce such a Bill, than at a time of year when the public is perhaps, and I think understandably, more interested in and concerned with all those activities associated with the Christmas season. What would appear to be the affairs of politicians and not affairs concerned with everyday life or affairs of the pocket-book simply does not capture the public's attention to any great and abiding extent. And what better way, Mr. Speaker, could there be to mask the real intent of this piece of legislation than to talk about it blithely, as simply an accepted way for the government to begin to deal with issues of efficiency. Who could argue with that?

I think, Mr. Speaker, the government deserves a backhanded compliment for the manner in which it has

handled Bill 5. If one were ever disinclined to be cynical about how the PC government operates, this Bill would certainly make you a sceptic, and quickly at that.

Mr. Speaker, I don't think that I've heard a more chilling comment emanate from his Chamber than the words of the Deputy Premier when, in introducing Bill 5, he stated what this Bill will do is eliminate the need for the legislature to consider government structures in its finest detail.

Why, Mr. Speaker, is it necessary to eliminate the need for the legislature in this respect?

The Deputy Premier points to the past, and states, and I quote him:

Weeks of time all this House had been taken up dealing with volumes of legislation required to effect the reorganization of the structures of government.

Speakers on this side of the House, Mr. Speaker, say that this is simply not the case. I ask, would the PC government please be more specific. When, in the past, has this House so burdened the Executive Council that it could not proceed to do its business. And more importantly, Mr. Speaker, is it not healthy for our form of representative government to involve the House in this type of deliberation?

Is Saskatchewan such a large and complex jurisdiction that government can no longer function effectively if we involved the Assembly in something as basic as determining what the objectives, what the functions should be of government departments.

Are we like Great Britain with a population approaching 48 million, and with a House that has 650 members, and where it might make some sense to restrict the involvement of the House in the detailed affairs of government and restrict it to the broadest possible questions of policy, Mr. Speaker.

I think it doesn't make any sense, Mr. Speaker, and it's just plain silly for the PC government to infer these things. And if not silly, Mr. Speaker, then the PC government is surely caught up in its own delusions of grandeur about what Saskatchewan is really all about.

Saskatchewan, Mr. Speaker, is a province of barely one million people. This Legislative Assembly has 64 members; that's one member to present approximately 15,625 people. As members we are close to the people that elect us. Our greatest strength as a democratic institution is that we are close to the electorate, and because that electorate is sophisticated in its understanding of the political process, and interested and involved in its politics, more so than people elsewhere, Mr. Speaker.

One only has to examine the vote of participation rates in federal, provincial, municipal elections in Saskatchewan and compare that with voter participation rates in other jurisdictions to know what I'm saying is fact, Mr. Speaker. Yet, the PC government would attempt to deny this



interest and that involvement.

Mr. Speaker, members from this side of the House would claim that the people of Saskatchewan, through their governments, have made some notable achievements over the years. Indeed they have achieved a position, I think, of pre-eminence in Canada. And I would point to medicare as one example. And I say these achievements have come about because we are in touch with people and their needs, and certainly not because we distance ourselves from the people we represent.

Even the members opposite, Mr. Speaker, will be inclined to point to noteworthy achievements, but I ask them, did these come about because we distanced ourselves from the people we represented. I think not, and they know that this is not the case, Mr. Speaker.

Mr. Speaker, we should all work to build on our traditions, not seek to destroy them. Mr. Speaker, it is my belief that the more opportunity we provide to people to participate in the affairs of its government, the stronger and more effective that government will become. We should look for ways, Mr. Speaker, to involve people more in running our province, to enable them to have a greater say in provincial government affairs. That's how we become more responsive; that's how we become more efficient. Just where the PC government gets this strange idea — by involving more people less you can make government more effective — is simply beyond me, and it also escapes all members on this side of the House, Mr. Speaker.

One of the outcomes of this Bill is that the government will rely less on the opinions expressed in this Chamber and in their caucus about how government should be structured, and will rely more on the advice of unelected and appointed officials. And I think that is a regressive step, to rely more on the advice of the unelected than on the advice of the people through their elected representatives.

Now I do not harbour any ill feelings, Mr. Speaker, about appointed people. Saskatchewan has had a record of having a first-rate public service. The public service, the civil servants serve Saskatchewan well, and even now under very trying circumstances and a morale that is less than desirable, civil servants continue to serve us well. But I think that it is important to draw a distinction between those who are elected to serve and those who are only appointed, Mr. Speaker. Elected representatives are directly accountable to the people who elected them. Every four years they must give an account to the people for their actions; they ignore the wishes of the people at their own peril, and appointed officials are not accountable in this way.

It is the job of the elected representative to pay heed to the ideas and concerns of the people and to translate these with the help of appointed people into meaningful and concrete action. And I think we put the shoe on the wrong foot, Mr. Speaker, if we tend increasingly to rely on the ideas and the advice of appointed officials as to the needs of the people.

The great advances in our society came from the ideas,

the conditions, the needs as expressed by people, Mr. Speaker. One of the ways in which this Bill will frustrate the people is that it will make the job of the opposition more difficult. It is the job of the opposition to make certain that the government is responsive to the issues of the day, but also to ensure that the government's spending plans are in order and that the taxpayers money has been well spent. With a "now you see him and now you don't" shuffle of responsibilities for branches, agencies — indeed, whole departments — this Assembly will be hard pressed to keep up with the government's real spending plans. Things such as comparative analyses of spending will become redundant.

And frankly, I'm not surprised, Mr. Speaker. I'm not surprised that at the first sign of a strong and vigorous opposition that the PC government would turn tail and seek refuge behind closed doors.

**Some Hon. Members:** Hear, hear!

**Mr. Van Mulligen:** — Mr. Speaker, we do not object to all portions of this Bill. As the Deputy Premier indicated, many of the provisions of this Act are carry-over provisions from other legislation. But we do object to the idea that it is up to the cabinet to determine what the purpose should be for any department, without debate in this Chamber, and to the stage that is being set without the opportunity for any further debate for the transference of government responsibilities, duties, functions to the private sector.

Our traditions would hold that it is the place of the Legislative Assembly to become involved in these debates. And at this time I think we can only anticipate the worst.

(2100)

In the absence of a more complete explanation of what is intended, we can only assume that Bill 5 sets the stage for an unprecedented and massive transfer of responsibility from government into private hands. Now a more complete explanation of what it is the government intends to do would be welcome, Mr. Speaker. But on this issue the government has remained strangely silent, and I think it is a silence that in itself speaks volumes, Mr. Speaker.

We assume, therefore, that the PC government wants this legislation so they can, in their own twisted way, achieve government efficiency. What they will do is to examine any and all aspects of government operations with a view to turning these operations over to private hands. And I ask you, what will come first, Mr. Speaker? Will Dick Collver be invited to run the Regina General Hospital? Or will it be the sale of the Saskatchewan Transportation Company, STC, to Greyhound Bus Lines? Or perhaps the functions of the Saskatchewan Securities Commission will be turned over to Will Klein, Mr. Speaker.

Mr. Speaker, I spoke before about the need to involve the members of this Assembly in these matters, involving the elected representatives through the Assembly in the affairs of government is healthy for democracy and, I would submit, good for government.

Now, on the flip side, on the flip side, Mr. Speaker, it can be argued that the more you move these matters behind closed doors, the greater are the chances that the government will seek to reward their own friends. The opportunities for patronage will be tremendous, and as patronage escalates, the potential for corruption increases accordingly.

I think everyone is aware that Bill 5 . . . And it is conceded that it will increase the power of cabinet. And I think, Mr. Speaker, people are also aware and not ignorant of sayings such as Lord Acton saying that power tends to corrupt, and absolute power corrupts absolutely, or the words of Edmund Burke: "The greater the power, the more dangerous the abuse," or those of William Pitt: "Unlimited power is apt to corrupt the minds of those who possess it . . ."

I think that one can safely predict, Mr. Speaker, that as their power increases, the PC cabinet will also indulge as never before in patronage and that corruption will become a hallmark of that government.

Perhaps we do need one new agency, Mr. Speaker, and that would be a whole new hog marketing commission to look after their new friends that would be feeding at the trough after this Bill has passed.

I would urge the Premier and the cabinet to rethink this Bill and to take to heart the words of Benjamin Disraeli, and I quote:

I repeat . . . that all power is a trust; that we are accountable for its exercise; that, from the people, and for the people, all springs, and all must exist.

You know, Mr. Speaker, it's only been about 140 years since the people of Canada achieved a responsible government, and that came about as a result of a prolonged struggle, including actual rebellion in Lower and Upper Canada in 1837. And prior to that time, although we had representative government, executive power was in the hands of the Governor and his appointed assistants, something called the Executive Council. The people had only one body, the Legislative Assembly, under their control, but that Legislative Assembly did not have very much say in the affairs of government.

And this Bill, I submit, takes us back to an unsavoury time in our history, and is it any reason, Mr. Speaker, that we would rebel? Is it any reason that we would oppose this Bill?

Thank you very much.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — Mr. Speaker, I want to join the debate on this Bill 5. This is an important Bill, an important Bill because it will make a major change in the relationship between the legislature and the executive. The House Leader, in introducing the Bill suggested that this was not the case. He stated some alleged facts which are simply not facts. He said, for example, that this Bill

will give no new powers to the cabinet. Now that is simply not true. Even in his own remarks he negates his argument. He says that the regulations would permit . . . the regulations under the Bill before us would permit the disestablishing of departments that can not now be done. And I will seek to point out that that is a major new project.

He suggests that the regulations committee would somehow be an appropriate safeguard, and he says that the regulations would be laid before the legislature, "they . . . will be tabled in the House for review by the regulations committee of the legislature." He suggests, Mr. Speaker, that somehow that is a safeguard. Mr. Speaker, it is not a safeguard. And it is not a safeguard because the regulations committee has mandate to examine into regulations to see whether or not they are authorized by statute. That's what the Regulations Committee does. It says: this regulation was not authorized by the statute; therefore it ought to be changed.

Unfortunately, it would be very difficult to think of a regulation which wouldn't be authorized by Bill 5. That is our whole objection to Bill 5, not that there will be regulations passed under it which are not authorized by it, but that the regulations passed under it would be far too broad because the Bill authorizes regulations which are far too broad and which, as my colleagues, have said, are an attack on the system of government as we now understand it.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — And I'll come to showing exactly why that's true, Mr. Speaker.

The other thing said by the minister who introduced it, the House Leader said that the Bill is based on The Executive Government Organization Act in our neighbouring province of Manitoba. The Act was brought in by the Schreyer administration in 1970. Mr. Speaker, I had an opportunity to study that Act, and I find that that Act does not contain in it the powers and prerogatives which are so objectionable in this Act.

Now, Mr. Speaker, as my colleagues have indicated, and as I will attempt to illustrate, the nub of this Act is section 12, the power given to the cabinet to establish departments and determine their objects and purposes and to disestablish departments. That is what I object to; that is what my colleagues are objecting to, and that is what is not in the Manitoba legislation.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — It is disingenuous. It is disingenuous — and that's the politest word I can bring to tongue — for the House Leader to say this is based upon legislation such as there is in Manitoba when the core of this Bill is not to be found in the Manitoba legislation. And it is not, Mr. Speaker.

Mr. Speaker, this Bill will also bring about a significant change in the relationship between the government and the press. There are in the statutes which can be repealed, effectively repealed by the government opposite, many

many protections for the public. If the government were to come in with a piece of legislation to take away those protections for the public, there would be a vigorous debate and perhaps an uproar in this House. The information would be freely available to the press. When that may well be done by the cabinet behind closed doors, and perhaps in a way which will not easily be detectable, perhaps in a way not easily detectable, it is not certain that this information would be available to the press.

I'll give you one simple illustration. Suppose the powers of the Department of Social Services were transferred to a new department— a new department of human resources. And suppose they lifted out a number of the powers that are now in the Department of Social Services and shifted them over to the department of human resources. It is by no means certain that they will pick all the powers, and if they don't pick all the powers, very significant protections now available to the public will be wiped out. Indeed I suspect, Mr. Speaker, even if they do pick all the powers, some of them will be wiped out because they will not have the statutory protection which they now have. I'll come to that in a moment, Mr. Deputy Speaker.

I want to touch just a little bit on the history of our parliamentary system, and I won't take long. But clearly, Mr. Speaker, we started out with a system of government a thousand years ago where the executive — the Crown, the King — did all the ruling, a gradually there evolved a talking shop, a parliament which could express views, but that's all. Indeed it was a place where views were expressed and that's where we get the word parliament. It comes from the old Norman French word, to speak — *parlez-vous français*.

Gradually powers shifted from the executive to parliament through a whole series of particular constitutional measures, the Magna Carta, the Petition of Rights, the Bill of Rights, and so on. And then a movement whereby the ministers who advised the king has to be chosen from parliament. That's something that came to us with the Georges — George the I and II.

We had something of a similar evolution in Canada, the winning of responsible government in the 1840s in Canada the province of Canada under the Baldwin-LaFontaine regime, and in Nova Scotia under Joseph Howe. All of them designed, Mr. Deputy Speaker, to give the legislature — the organization, the arm of government which was elected — power over the executive.

And these moves were aimed at doing three or four things: to make sure that no taxes were levied without parliamentary approval; to make sure that the cabinet, the executive, exercised no power except pursuant to laws passed by the legislature or parliament. Now there were still a few things they could do under the old royal prerogative, but there weren't many, and they kept declining. And that's as it should be. We, for over a period of several hundred years, and here in Canada over at least a hundred years, have put curbs on the cabinet, on the executive. We should not now start moving in the reverse direction.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — We should not return to a situation whereby the cabinet ministers can define its own powers — some sort of a new royal prerogative.

Mr. Deputy Speaker, that's bad government, and it may well be illegal. I heard the Minister of Justice give his views on the legality of this, and I had an opportunity to refresh my memory by reading the *Hansard* of December 19th. He based his argument on the fact that this Bill, Bill 5 before us, does not contain any primary lawmaking power. I dispute that judgement on his part. I believe it does.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — Now he recited what we all know that cabinets can delegate, or the legislature can delegate to cabinet, and why discretion can be given to cabinets. And in our modern society that must be. But what the legislature can't delegate is primary lawmaking power. They cannot say, you go ahead and make any law you like.

The legislature or parliament must say, here is an area where we want to achieve some objectives, some purposes. We set out a very broad framework and then you, the cabinet, go and work out regulations which will achieve this. That's well established, and no one quarrels.

I do say, Mr. Deputy Speaker, that this Bill goes much farther than that. Mr. Deputy Speaker, this Bill allows the cabinet to determine the organization of the executive arm of government and to do so, to establish departments, to disestablish departments, and to determine the objects and purposes of the department.

Now it is in the establishing, disestablishing, and the setting of the objects and purposes that this Bill gives the cabinet, or purports to give the cabinet, primary lawmaking power.

(2115)

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — And I suggest, Mr. Speaker, that if this were tested, there is an excellent chance that it would be found to be beyond the jurisdiction of the cabinet to accept those powers.

Now let me be very clear. The arguments given for the Bill are all the arguments given for part of the Bill, but none of them direct their attention to the core of the Bill, section 12. It says the Premier can appoint the cabinet, or the minister says that, and we all know that, that the Premier can reorder departments. That's what the Bill says, and we agree with that — and that the cabinet can assign and transfer powers from one minister to another, and we don't quarrel with that. That has already been done. They can do that without in any way this Bill having been passed.

No one is suggesting that in order to set up a department

of human resources or department of human resources, labour and employment, perhaps you need to give it that name, but you don't need it in order to group all of those powers in any one department — you already have that power — I hope no one denies it. It is only if you want to give that department new and additional powers that you need this Bill. And it is the giving of this department new and additional powers which I think should be dealt with by this legislature.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — I say again, we have no quarrel with the minister moving agencies of government from one minister to another or from one department to another. There is no strong objection to that. In our system of government the ministry as a group is ultimately responsible through the doctrine of collective responsibility, and it doesn't matter that much whether or not a particular function of government is performed by one department or another.

I have always felt that when you're doing that by order in council, it would be desirable to have a sunset clause to say that the order only lasted for 18 months or so — let's pick a figure — and that then legislation would be passed in order to make the whole situation clear in statute. I think that's desirable because I think the system of transferring power as provided for in this Bill by section 5 will eventually get very, very confusing if we have orders in council stacked one on top of the other. And I think we all have an obligation to make clear that the public can find the law. So I think that's desirable to have a sunset clause, and I would like us to think about that because it will make for better government.

But I want to say again that it is not necessary that this Act be passed — this Bill be passed in order to give the government power to regroup agencies. I have before me a piece of literature circulated by the minister. Somebody . . . actually by the Deputy Minister, Mr. Phil Richards, who describes himself as the deputy minister of the Saskatchewan human resources, labour and employment. Pretty obviously he didn't think we needed this Bill. He didn't think we needed it. There may be some small question as to whether it's needed to give it that name, but there's no question that under existing legislation all of these powers could be grouped under one minister, with that deputy. The orders in council here are all dated November 12, 1986; it's all been done. I hope no one suggests that the orders in council are invalid. Surely they have a law officer for the Crown who says that these orders in council are valid. Every cabinet does, and I'm sure you do. You passed the orders in council. It's done. I hope no one suggest we need the legislation; we don't. We don't need the legislation to regroup. We do need the legislation to change the substantive law, and it ought not to be done.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — Let me illustrate a few things that can happen if this law is passed. First, I repeat that this law gives the cabinet — and it starts out notwithstanding any other law — the cabinet can disestablish departments, establish departments, and set their objects and purposes

notwithstanding any other law. I want to underline that one, Mr. Deputy Speaker. Now disestablish a department, that's perhaps a curious word. But I want to quote a portion of the Department of Energy and Mines, that statute, and it says:

A department of the Government of Saskatchewan to be called the Department of Energy and Mines is established.

It's pretty clear that the person who drafted Bill 5 said, we want the cabinet to be able to disestablish the Department of Energy and Mines. We want them to be able to disestablish any other, any other department. And I think that is clearly wrong. At least it will create major confusion; at worst it will give the cabinet powers it ought not to have. And this is the core of my objection. It's wrong for the cabinet to be able to determine the objects and powers of a new department — a very different thing from rearranging existing powers.

Let's concede again that we already have regulations and they contain broad powers, but they are always pursuant to umbrella legislation. The courts will contain the excesses if regulations are made under umbrella legislation and the regulations go too far. There is no way the courts can contain any excesses when it says you can set up any new department you like and set its own objects and purposes.

Section 12 is very, very different from anything we've ever had before. Now let me give you a couple of illustrations. Mr. Deputy Speaker, I wonder if I could illustrate something here. I will try to illustrate it this way. Suppose we have the Department of Social Services, and suppose those powers are no longer with the Department of Social Services but over in a department of human resources. What happens, Mr. Deputy Speaker, to a power that says no file, document or paper that is kept by any person pursuant to any Act administered by the department can be disclosed publicly? What happens to that? These Acts are no longer administered by this department.

Let's take The Child Welfare Act. Suppose it's administered by a new department. This particular provision no longer offers protection to the public, as was illustrated by my colleague.

And I want to say one further thing, and I direct this to my lawyer friends. Suppose you say, ah, but we would be certain to put that power over in the new department by OC. I say this: while I am reasonably confident that in a court case, if an officer of the department was called as a witness and asked questions about confidential information on Social Services files, he would be able to say: I cannot answer; I will not answer; I'm permitted by statute to answer. And I think the judge would say: you're right, I won't make you answer.

But if it's in an order in council, I kind of think the judge would say, just a moment, I'm not letting the cabinet decide. I'm not letting the cabinet decide what evidence is going to come before my court; go ahead and answer.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — I think that's a real risk — that's a real risk. And there are many, many others.

Let me give you a couple of other powers which I don't think should be set up by order in council. Here's a Department of the Environment. Suppose they wanted to disestablish the Department of the Environment and move all the powers over to another department. There are, Mr. Deputy Speaker, powers in this Act which have been carefully worked out, powers which say that the officers of the Crown can forcibly enter land, can shut down factories . . . (inaudible interjection) . . . They can, under this Act.

Well, the member opposite says so can the Luddites. I think his history is a little bit faulty. Luddites were people who didn't want factories.

I am talking about the powers that are here which he says — he says — he doesn't see any problem with allowing the cabinet to define powers of saying you can go in on a person's land, you can forcibly enter, you can shut down his factory . . . (inaudible interjection) . . . the cabinet. I doubt whether that's the sort of power which should be written into the mandate of a department by a cabinet.

I think these ought to be drawn pretty carefully in this legislature because we have to balance between the need to protect the environment and the rights of the citizen, just as in the child welfare cases we have to balance between the protection of the child and the rights of the parent. These are not easy decisions. And the public doesn't agree on how they ought to be defined, and they ought to be set out in legislation.

If I wanted to take some relatively extreme cases, here's one. Here's the Department of Consumer Affairs. I would not wish to see the provisions that are in this Act enacted by order in council. I don't think it ought to be done that way.

In this Act, it is provided that a person who contravenes the Act can be, on conviction, fined \$500 or can be imprisoned for 30 days. These are fairly common. But these provisions which impose penalties which can lead to imprisonment have in the past been pretty carefully drawn. And I for my part don't want to see this province move to a situation where the cabinet decides the penalties and whether people go into jail for 30 days or 60 days or 90 days. That's the jobs of a legislature, not a cabinet.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — The Deputy Premier says that this will not affect the financial affairs of government. Just postulate for a moment what would happen if they were foolish enough to disestablish the Department of Finance and attempt to put something else in its place— attempt to put something else in its place. This Act is absolutely full of protections for the public. It is full of protections — but keep very, very clear here now, the cabinet wants the power to vary all of the provisions of this Act, all of the provisions which protect superannuates and the superannuation plans. They're all here, page after page of

protections of these plans, provisions which say that the auditor must audit given books, that material must be submitted to this legislature. The very, very backbone of this legislative is contained in what the government must do under the Department of Finance Act. And these people want to be able to change that by order in council. They want to be able to disestablish it.

(2130)

Let's assume that they wouldn't do that. Let's assume that they would either vary it or take the powers and move them over to some sort of financial administration department, but in the course of so doing, are they going to provide the same protections which have been built in here very carefully for superannuation plans and the like? We have no assurance of that.

We have a government which wants to create offences by cabinet and imprison people by cabinet order — or at least be able to. It wants to be able to change the total financial administration of this province by order in council; remove protections of pension plans; remove the protections which the public have about the disclosure of their health records, as my colleague from Saskatoon Nutana has illustrated; remove the protections that people have about their social service records — particularly adoptions and these matters which have been carefully built into statute.

Now I won't take the time of the House to illustrate any further provisions. I say to you, Mr. Deputy Speaker, these are sweeping powers and powers which have not here before been given to any cabinet in this province and, insofar as I'm aware, in any other province.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — Now, Mr. Deputy Speaker, I want just to touch on one or two other aspects of this Bill. The core, as I say, is section 12 that gives all of these powers, but there are other disturbing provisions.

Section 17 says that the minister may authorize one of these agencies which he creates to enter into agreements with any person, agency, or association, and it also provides that he can hand out money to that person, agency or association. Now just let your mind roam on that one a bit. We have a government which, at least in the minds of some, propose to take portions of the public service, package them into portions which can be contracted out, and then enter into agreements to contract out. A reading of the Speech from the Throne suggests that does not do any violence to the language of the Speech from the Throne.

We have here then a provision which permits the packaging, permits the government to make agreements with respect to contracting out, and permits the movement of money from the government to the contractee. Does one wonder why many people in Saskatchewan are concerned about the powers contained in this piece of legislation?

Well, Mr. Speaker, I will recap what I said. I want to say again we have no quarrel with giving the government

power to move agencies of government from one minister to the other. We say it already has; they say it already has; they're acting on it.

We say that they don't need the powers of creating new departments with new powers. They don't need that, and they put up no case for it. They should not be able to create agencies whereby the cabinet determines the objection powers, apparently unfettered, to be able to do away with audits and superannuation rules and public protections and the like; should not be able to levy fines and in default have imprisonment.

Somebody may say, you're drawing a long bow. I'm not drawing a long bow. I'm saying that we can reasonably assume that the departments created by the cabinet would have the same sorts of powers as the departments which now exist, and I illustrated that all of the types of powers that I have been talking about are in existing Acts. It's not drawing a long bow to suggest that the cabinet would attempt to put them in their own cabinet-created departments, and I just suggest that's entirely inappropriate.

If you wanted to take a more extreme view, you could say that the cabinet could, by creating a department, endow it with many, many other powers, powers to — what? — bar students or faculty from education institutions if you don't like their views, or whatever.

**An Hon. Member:** — That's a long bow, Al.

**Hon. Mr. Blakeney:** — All right, that's a long bow. I would have thought it was a very long bow had I not heard the Premier of this province take the view that public servants, who work for this government, should not criticize the policies of this government even though they do not work in any area associated with those policies. And I've heard him say that again and again.

It's a relatively short step to say that people who were going to go to educational institutions paid out of the public purse ought to show the same respect for the Premier's views. And I don't feel that that's appropriate.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — And I say to members opposite, particularly to new members, don't look at this with a view to asking what your cabinet would do with this legislation. Ask what could be done by a cabinet composed of people whose views you do not share.

Because this legislature is going to stay around for quite a while and it can be abused. I'm not suggesting it will be abused by the present cabinet. I do suggest that, but I don't expect members of the government side to agree with that.

Ask what might be done by a cabinet of a persuasion very different. And you, I think, will reach the conclusion — you will reach the conclusion that no cabinet of your view, or ours, or any others, ought to have those powers.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Blakeney:** — Mr. Deputy Speaker, I think the Bill fails the test. It fails because no adequate case has been put forward to justify the sweeping powers. I don't think we should pass this Bill, and because of that, Mr. Speaker, I am going to move, seconded by my colleague, the member for Riversdale:

That all the words after the word "Saskatchewan" be deleted and the following substituted therefore:

Be not now read a second time, because:

- (1) It would erode the proper role, responsibility, and authority of the Legislative Assembly;
- (2) It would provide for an unreasonable and excessive increase of arbitrary power in the Executive Council;
- (3) It would therefore seriously undermine parliamentary government in Saskatchewan.

Mr. Deputy Speaker, I so move.

**Some Hon. Members:** Hear, hear!

**Mr. Romanow:** — Mr. Speaker, I just rise to enter this debate very briefly to draw to the attention of you, sir, and the members of the House, that through several days of debate now the only two people who have taken part from the government benches in on this have been the mover of the Bill and the Minister of Justice — not anybody even prepared to respond to what I think has been a very reasoned argument advanced by all the speakers on this side, but particularly by the Leader of the Opposition in the dying moments of this evening's session to this reasoned amendment.

I think that's a commentary, Mr. Deputy Speaker, on what this Bill is all about. I think that's a commentary on what this government is all about.

**Some Hon. Members:** Hear, hear!

**Mr. Romanow:** — This government, Mr. Deputy Speaker, is displaying an arrogance already only after four and one-half years in office which is best befitting a government of much longer reign, much longer government, period. It shows a contempt for the parliament and for the legislature. It says there's nothing there to respond. It says that it is going to wait out an opposition, and it's going to introduce its own legislation in its own good time, and according with its own agenda.

And I say, Mr. Deputy Speaker, that all the fears that have been raised by those on this side of the House with respect to this Bill are justified by that silence by the members opposite, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Mr. Romanow:** — That silence is deafening, Mr. Deputy Speaker. That silence is so deafening that it should give a message to all the people of Saskatchewan, in the civil service and outside the civil service, all of those who stand at risk by this proposed legislation, that it's possible,

maybe even probable, that if any objective run counter to what this government wants to achieve by this legislation, will simply bide its time and achieve its objectives notwithstanding.

Mr. Deputy Speaker, and members of the House, I for one find this to be a very disappointing aspect of this debate. And I find it very disappointing about some of the new members of the House who have been on the opposite side who have apparently been either cajoled or misled by the government members as to what this debate is all about. Whatever it is, I find it disturbing that they'll go back to their constituents, not having raised a word even in defence of this Bill. I find it a sad commentary on the state of democracy in this legislature and a damning indictment of this Bill No. 5 and the objectives of the government, Mr. Deputy Speaker.

**Some Hon. Members:** Hear, hear!

Amendment negated on the following recorded division.

#### Yeas — 22

Blakeney	Kowalsky
Prebble	Atkinson
Brockelbank	Anguish
Koskie	Hagel
Romanow	Lyons
Tchorzewski	Calvert
Rolfes	Lautermilch
Mitchell	Trew
Upshall	Smart
Simard	Van Mulligen
Solomon	Goodale

#### Nays — 32

Duncan	Martin
McLeod	Martineau
Berntson	Sauder
Lane	Johnson
Taylor	Hopfner
Smith	Petersen
Swan	Swenson
Muirhead	Martens
Maxwell	Baker
Schmidt	Toth
Hodgins	Gleim
Gerich	Neudorf
Hepworth	Gardner
Hardy	Kopelchuk
Klein	Saxinger
Meiklejohn	Britton

**Hon. Mr. Berntson:** — Mr. Speaker, in closing debate, I want to clear up for members opposite a number of points that they have raised earlier in the debate.

Firstly, Mr. Speaker, we are fully prepared to take responsibility for what is done in the operation of government. We are also prepared to fulfil the mandate given to us by the people through the Legislative Assembly by fulfilling those powers and duties given to

the executive by the Assembly and all the myriad Acts including the departmental statutes.

To clarify, it is not our intent to dispose of the obligations placed on the executive by the Assembly. This Bill merely permits the reshuffling of existing powers and duties from one bureaucratic entity to another. None of those statutory obligations, Mr. Speaker, will be displaced. Most duties and powers now contained in departmental Acts probably ought never to have been placed there in the first place.

The section guaranteeing academic freedom, referred to by the member from Saskatoon University, more properly belongs in the statutes creating the universities, not the Department of Advanced Education and Manpower — not in that legislation, Mr. Speaker.

When departmental structures are changed, changes to existing Bills will obviously be necessary. It is our intention to return to this Assembly with our proposals for repeal, for re-enactment in other statutes, or enhancement by creation of special Act, of all the duties and powers presently contained in departmental Acts. At that time, Mr. Speaker, all members will have an opportunity to debate what powers and duties ought to be carried on by the government.

What this Bill will do is allow flexibility in the allocation of resources to ensure that the powers and duties are carried out in the best way possible, and that the moneys voted by this Assembly are used to their greatest advantage.

The member for Regina Lakeview, Mr. Speaker, has raised a number of interesting points regarding Bill 5, and I'd like to address those points at this time along with other points raised by members during the course of this debate.

The hon. member, Mr. Speaker, suggests that this Bill gives the executive power to legislate basic and fundamental rights outside the legislature. She also suggests that in allowing the executive to establish the objectives and purposes of a department, that in effect the executive will be able to give powers to minister and to departments. I say to her that precisely the opposite is the case. The executive will not be able to give to the minister the right to enter on property or seize articles unless it is otherwise provided for in law.

In section 5 of the Bill, we have been very careful to provide that the Lieutenant Governor in Council may only assign powers, duties, or functions to a minister, or transfer any power, duty, or function already assigned to another minister. We have very carefully avoided allowing the Lieutenant Governor in Council to prescribe powers to ministers.

Similarly, Mr. Speaker, in section 12 of the above Bill, we have specifically avoided providing that the Lieutenant Governor in Council may determine powers and duties of departments. The Lieutenant Governor in Council may determine the objects and purposes of the department; for example, it may frame the mandate for the department, but this is considerably different from

actually prescribing powers that that department will exercise. The only way a department can exercise power is if it is assigned to it and is otherwise constituted by law. We are attempting to avoid any suggestion that the Lieutenant Governor in Council can by order give a department any power that is not already imposed by law.

The member has objected to the phrase "objects and purposes", suggesting that it is wider than the term "duties and functions" contained in the Manitoba statute. I would say that we specifically avoided the term "duties" because to prescribe duties can be perilously close to prescribing powers. When one determines objects and purposes, one is merely framing a mandate, and while conceptually the ability to frame objects and purposes may seem reasonably broad, it avoids the issue of allowing cabinet to determine powers of departments.

So I think members opposite, Mr. Speaker, have missed the mark completely in their allegations on objects and purposes. In attempting to find fault with this Bill, the opposition seized on the major distinction between this Bill and the Manitoba Act and assumed a sinister goal, Mr. Speaker. In fact, our goal was to restrict the power of cabinet so evident in the Manitoba Act by restricting the assignment of duties to those already existing in law, not to allow, Mr. Speaker, determination of new duties or variations of existing ones.

However, Mr. Speaker, however if the opposition feels more comfortable with the phrase "functions and duties", I would be willing to consider such a proposal because the phrase would accomplish the same goal that we're trying to achieve, in that it would allow us to frame a mandate for the department.

The member for Regina Lakeview, Mr. Speaker, asks how legislation will be affected by Bill 5. She asks whether legislation will be automatically repealed when a department is dismantled. The answer to the specific question is that no legislation will be repealed other than the sections that are repealed in the consequential Act, Bill No. 7. We regard this as the beginning of a transitional process.

All department Acts will stay in place. If a particular department is disestablished and is rolled into another department, the departmental legislation of the disestablished department will continue to stand and will be assigned to the new department. Any special provisions that are contained in the department Act will continue to stand. Ultimately, all department legislation will be repealed. Special provisions will be rolled into appropriate Acts or will become Acts in and of themselves.

Mr. Speaker, I note that the opposition has chosen to be very selective in comparing this Bill to legislation in other jurisdictions. No mention is made by the opposition that the Manitoba Act does not speak of the effective date of an order in council, or review by the Assembly. No mention is made of the fact that the Saskatchewan Bill ensures that an order in council under the Act is treated as a regulation and referred for review to a committee of this legislature, which has the ultimate power to recommend

that regulation be set aside by this Assembly. No mention is made of the fact that the Manitoba Bill is completely silent on this point.

The opposition is being very selective on the points it chooses to bring to the attention of this House. Members opposite have alleged, Mr. Speaker, that I have misled the House on this Bill. Well, Mr. Speaker, how can they allege that while in the same breath allege that this Bill, for example, will give the cabinet the power to abolish the Human Rights Commission. It is misleading, to say the least, Mr. Speaker, to suggest that when, by the simple definition section, it is clear that this Act only deals with the executive government, departments, secretariats and the like — not independent agencies established by statute by this Assembly. That, my friends, is misleading and misrepresenting this Bill for your own political ends.

The member from Saskatoon University and the member from Regina Rosemont, Mr. Speaker, suggested that this Bill would permit destruction of a large number of agencies or branches of departments.

Most interesting, Mr. Speaker, is the allegation that this Bill would allow the disestablishment or the dismantling of the Saskatchewan Transportation Company. It may come as a surprise to the member that that corporation and many others, Mr. Speaker, were created under a statute passed by the CCF when they came into office in 1940. The Crown Corporations Act of 1945, Mr. Speaker, permitted the creation of Crown corporations for any undertaking advisable for the public good, and went on, Mr. Speaker, to give cabinet broad powers to assign duties to those corporations.

Section 6 of that Act provided:

A corporation shall perform such duties and may exercise such powers as may be prescribed by the Lieutenant Governor in Council, having regard to the efficient operation of its business.

Mr. Speaker, that was the power prescribed by the CCF in 1940 ... (inaudible interjection) ... '45, I'm sorry. Crown corporations could then carry on any commercial or industrial undertaking considered advisable for the public good. The section was later expanded to permit the operation of any business, enterprise, or undertaking for the public good.

If you want to talk, Mr. Speaker, about delegations of authority by the legislature, the enactment of that legislation in 1945 and its re-enactment in the present Act in 1978 went far beyond that proposed by this Bill for the departments.

The member for Lakeview questions the constitutionality of the legislation before us. I would refer to the comments made by the Minister of Justice respecting constitutionality.

It is not accurate to say that the legislature can only delegate routine and ancillary matters.

Legislatures have, in the past, delegated very wide powers to cabinet. In fact the previous government, in



legislating The Crown Corporations Act, 1978, gave to cabinet a far broader power in that it gave to cabinet the power to assign powers and duties to Crown corporations created by order in council.

The member for Lakeview suggests there is no requirement on behalf of the executive arm of government to ensure that the powers and the rights contained in departmental Acts are carried over into a new department. That, of course, is inaccurate, Mr. Speaker, because the departmental legislation is not being repealed by this particular Bill.

The member tries to find something devious in the agreement section suggesting that this is the delegation section of the Act. Mr. Speaker, the agreement section in this Act is very similar to standard agreement sections contained in virtually all departmental Acts. We specifically left out the delegation section because it had not been in the Saskatchewan legislation before. There is a danger that it would actually take away from common-law powers of delegation, and we felt it would raise too many questions. Therefore, there is simply no delegation section in this particular Bill. The Interpretation Act and the common law will continue to apply, Mr. Speaker.

The member raises concerns about the grant-making section. She suggests that somehow the grant-making section is the same thing as giving cabinet new spending powers. Again I would say that the grant-making section is very similar to grant-making sections in the departmental statutes.

The member must never lose sight of the fact that money cannot be spent under the authority of this particular section except by statutory appropriation following the estimates procedure. Special warrants are still possible, but they too have to be approved in supplementary estimates. There is absolutely no attempt to extend the ability of ministers of cabinet to spend money beyond that which exists at this moment.

The member suggests that the regulations made under this Bill do not have to come before this House. She has noted that The Regulations Act applies in respect to any order establishing a department. The effect of that particular requirement is that the regulations come before the regulations committee of this House and ultimately can be brought before the House itself. If that member is unhappy with the particular requirement, then perhaps in committee she will be suggesting an alternative.

The member suggests that departments will be totally destroyed and then, by regulation, new objects and purposes will be created. The member goes out of her way to try and confuse the public by suggesting that objects and purposes are the same thing as powers.

Mr. Speaker, what has happened in Manitoba and British Columbia with their legislation is precisely the type of thing that will happen here. This Act is simply an administrative mechanism to create new departments from old, to change the names of departments, to change the functions, and so on. If one carefully analyses the Manitoba statute and this particular Bill, one will see that

there's very little difference between the two. To suggest otherwise is simply to try to find spectres where they don't exist, Mr. Speaker.

The member for Assiniboia-Gravelbourg, Mr. Speaker, also raises similar concerns, particularly in relation to spending power. Again I would say to that particular member that he must appreciate that money can not be spent in this province by government departments without approval by this legislature. Any money spent pursuant to the grant-making section in this particular Bill will be reviewed in *Estimates* as required by law. To suggest otherwise, Mr. Speaker, as the member has done, is simply to draw a picture that is completely inaccurate.

I have found it interesting that various speakers in the opposition have agreed with the concept of streamlining the legislative scheme around departments, or consolidating existing departmental powers. Many have identified that many sections of this Bill do nothing more than is presently done in most departmental statutes. I only hope, Mr. Speaker, that those few will speak to their colleagues and explain to them the existing structure so that they will better be able to address the issues raised by this Bill.

Another point raised in this debate that cannot go unanswered, Mr. Speaker, is the suggestion that this Bill is directed at the public service. I was quite frankly surprised at many of the experienced members, some of whom have served in cabinet, suggesting that this Bill would be used to ravage the public service, as was suggested by the member for Quill Lakes.

It is irresponsible, to say the least, to raise concern in the public service that this Bill could in any way be used to override the rights of employees contained in The Public Service Act or collective agreements. Irresponsible, and I might add, Mr. Speaker, reprehensible. Nothing in this Act affects employment security. It is trite for me to even have to say that, but the tactics of members opposite oblige me to do so. Members of the public service will continue to be governed, Mr. Speaker, by The Public Service Act when this Act is enacted.

I hope, Mr. Speaker, that my comments will assist members opposite in understanding this Bill before we enter into consideration of it in the Committee of the Whole. Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

Motion agreed to on the following recorded division.

#### Yeas — 32

Duncan	Martin
McLeod	Martineau
Berntson	Sauder
Lane	Johnson
Taylor	Hopfner
Smith	Petersen
Swan	Swenson
Muirhead	Martens
Maxwell	Baker
Schmidt	Toth

Hodgins	Gleim
Gerich	Neudorf
Hepworth	Gardner
Hardy	Kopelchuk
Klein	Saxinger
Meiklejohn	Britton

**Nays — 22**

Blakeney	Kowalsky
Prebble	Atkinson
Brockelbank	Anguish
Koskie	Hagel
Romanow	Lyons
Tchorzewski	Calvert
Rolfes	Lautermilch
Mitchell	Trew
Upshall	Smart
Simard	Van Mulligen
Solomon	Goodale

The Bill read a second time and referred to a Committee of the Whole at the next sitting.

The Assembly adjourned at 10:16 p.m.