

The Assembly met at 2 p.m.

Prayers

READING AND RECEIVING PETITIONS

Clerk: — According to order, I wish to advise the Assembly that I have examined the following petition with regard to a private Bill under Rule 11(7), find it to be in order. I hereby lay it on the Table. The petition:

Of Briercrest Bible College of Caronport, in the province of Saskatchewan, praying for an Act of Incorporation.

ORAL QUESTIONS

Potential Location of Dam in South-west Saskatchewan

Mr. Lyons: — Thank you, Mr. Speaker. My question today, Mr. Speaker, is to the minister responsible for the Saskatchewan Water Corporation, and it deals with the corporation's study of potential irrigation projects in south-west Saskatchewan.

Mr. Minister, can you confirm that the Saskatchewan Water Corporation is proposing to build a \$2.6 million irrigation dam and reservoir along the Swiftcurrent Creek on land owned by your Legislative Secretary, the member for Morse?

Hon. Mr. Swan: — I confirm to the hon. member that the subject has been under discussion and under review for some time. No commitments are made at this point to build a dam anywhere.

If I were to go just a little further and advise the hon. member that if there is to be a dam on the Swiftcurrent Creek, there is no other suitable area on the creek than the land that is controlled by my Legislative Secretary. So the decision is rather narrow as far as the water corporation is concerned. If there is to be a dam, there is no place else to put it. But the decision to build one has not been made.

Mr. Lyons: — Well, Mr. Minister, just to get this correct. Are you saying that the only site . . . Are you saying that the only site in which that dam can be built has been identified by your officials as the land owned by the member for Morse. Are you saying that that is the only site?

Hon. Mr. Swan: — I'm saying that the information that I have received . . . And the study I don't believe is done by my officials but rather by PFRA (Prairie Farm Rehabilitation Administration). And in their studies, that is the only site. There's two sites, and both of them would be on that land.

If you take a look at the Swiftcurrent Creek some time, the member will understand why, because it's a very shallow creek.

Mr. Lyons: — Supplementary, Mr. Speaker. Mr. Minister, despite the shallowness of the creek, it doesn't anywhere near match the shallowness of your answer in terms of

this report done for your department, by Keith consulting engineers, which identifies 16 — not one, but 16 — potential sites. Sixteen potential sites for the dam.

Would you please explain to the legislature why it was that out of these 16 potential sites, only one — only one — was identified for study, was identified for study, and that one site was on the land owned by the member for Morse?

Some Hon. Members: Hear, hear!

Hon. Mr. Swan: — I have advised the hon. member that the creek was looked at and that the decision was made that there was only one area that was suitable for a dam. That's the answer that I gave you; that's the answer that I will stay with.

Mr. Lyons: — Supplementary, Mr. Minister, you're telling us — and I want this perfectly clear — you are telling us that no other site, no other site is available to build a dam in the immediate area except that on land owned by the minister for Morse.

Could you please tell the legislature why that site was chosen, particularly in regards to the fact that the vast majorities in the area, of farmers in the area, are opposed in fact to the building of that dam site or in fact are opposed to the irrigation projects in total?

Hon. Mr. Swan: — I'd just like to tell the hon. member that PFRA has been involved in the study. They are looking at the area that's suitable for a dam. They are looking at the area that is suitable for irrigation. And that is the decision that they are putting forward. Now a decision to go ahead and build has not been taken — to build anywhere. So these are things that are proposals at this time. They may at some time become decisions, but they're not at this point.

Water Reservoir Right of Way

Mr. Upshall: — Thank you, Mr. Speaker. My question also is to the minister responsible for Saskatchewan Water Corporation. The fact that he has just confirmed that the majority of the right of way would be purchased from Martens Ranch Limited, the province will have to shell out — and it showed in the study — \$125,000 for a reservoir right of way. In light of that . . . Another point is the \$625 per hectare, or \$250 per acre for this land, much of which is native grassland. Mr. Minister, would you not agree that \$250 an acre for native grassland is a very premium price considering today's slumping farm prices?

Hon. Mr. Swan: — I think the hon. member is getting a little bit far down the trail. There's been no decision at this point to build. There is no one that has fixed a final price on anybody's land. So the supposition that it's \$250 or 550, or whatever it may be, is strictly just a guess at this time and there really is nothing that you can go on. If the time comes when we will be even considering building that dam, then the price that would be structured for the land will be done by a fair appraisal by a person skilled in that business, not just by a guess such as the member is throwing out.

Some Hon. Members: Hear, hear!

Mr. Upshall: — Supplementary. I might say these are . . . I'm quoting from the consultant's report, Mr. Minister. These are not guesses.

Mr. Minister, do you not agree that what we have here is a double standard? On one hand we have a proposed project which will benefit the member from Morse — basically one member of this House — with people opposing it in the rural area. On the other hand we have just recently seen a demand surcharge placed on farmers irrigating with motors over 60 horsepower.

On one hand we have benefit to those people, direct benefit to those people involved on your side of the House, and on the other hand we have a surcharge placed on other people. Is this not a double standard, Mr. Minister?

Hon. Mr. Swan: — I think the hon. member is trying to mix two or three different things together, and sometimes that's most difficult. When you talk about a demand surcharge, that has been put on by the Saskatchewan Power Corporation, handled by an entirely different minister, and if you'd like to talk to him about it, then go to the minister responsible.

When you come to the issue of the dam that's proposed, it's not built yet. There's been no authority to go ahead. So you can't charge a member with receiving government funds until somebody says, yes, we're going to do it. I think it has been a problem to the water corporation since the date that that study was done, that this particular land was selected as the most favourable spot for a dam. And for that reason I have not been willing to go ahead with it, and the water corporation has not been willing, and the member has not been willing. So nothing has happened. It's sitting and waiting for a decision. And whether it will be made in the near future, I wouldn't even hazard a guess, but I doubt it.

Camera Crew on Nut Lake Reserve

Mr. Mitchell: — My question is to the minister responsible for the Indian and Native Affairs Secretariat, and it deals with your relationship to chiefs and band councils on Saskatchewan reserves and attempts by a government member to undermine the authority of a chief and band council.

I refer to an incident involving the member from Kelvington-Wadena who, a few weeks ago, took a camera crew on to the Nut Lake Reserve, without the knowledge of the chief and the band council, and recorded a number of interviews attacking the chief and the band council about housing conditions on the reserve. The videotape, as I understand it, was given to a local newspaper and sent to the federal Minister of Indian Affairs in Ottawa.

Mr. Speaker: — Excuse me. Are you getting to your question? Please put it. Please put it.

Mr. Mitchell: — Is the minister aware of this incident, and

does he condone this kind of conduct, and are these the tactics that chiefs and band councils across Saskatchewan are to expect from your government?

Hon. Mr. Schmidt: — I can advise the members opposite that the question has nothing to do with government or tactics. And I can advise the member opposite that I discussed this with the chief of the Saskatchewan Federation of Indians and I told him thus: that Indian reserves are a part of Canada; the public is entitled to travel there; they're not an exclusive domain; that the Indians who live there have their residences there, and the residents are entitled to have, as their guests, whoever they wish, and the residents of the reserve do not have to ask the chief if they can bring their friends or politicians or anyone else to their residence.

Mr. Mitchell: — Mr. Speaker, am I clear then from the minister that you condone this type of action on the part of government members?

Hon. Mr. Schmidt: — I'm advised that the government member to which you refer was invited on to that reserve as a guest of a resident.

Mr. Mitchell: — Further supplementary. Has the material that the government member accumulated on his trip to the reserve been supplied to you, Mr. Minister.

Hon. Mr. Schmidt: — No.

Policy Concerning Department of Agriculture Leases

Hon. Mr. Hepworth: — Mr. Speaker, yesterday I took notice on a question from the member from Humboldt which seemed to imply that this government would be forcing some 750 lessees off the land before Christmas. Mr. Speaker, I want to inform you and the members of the legislature today that in fact nothing could be farther from the truth.

In fact, Mr. Speaker, the practice of billing lessees at this time of the year has been in existence since the mid-'60s under administrations of every political stripe. This government's lease collection and the fee policy has been very compassionate and recognizes the difficult period our farmers have been through the last few years. For example, lease rates have been frozen since 1964. Our policy also recognizes, Mr. Speaker, that, as the government, we must be responsible for the public purse.

An Hon. Member: — 1984.

Hon. Mr. Hepworth: — Sorry. I used '64 rather than '84. I'll repeat that, Mr. Speaker. For example, lease rates have been frozen since 1984, and our policy also recognizes that, as government, we must be responsible trustees of the public purse.

Mr. Speaker, the opposition yesterday suggested that we were only giving lessees 30 days to pay or they would be forced off the land. In reality, Mr. Speaker, the 750 cases in question have arrears of greater than one year, and some are in arrears three or four or five years. Those individuals have therefore known that their rent was due for more than one year and have had previous

communication with the Department of Agriculture.

Moreover, Mr. Speaker, the department has established a three-part process which is initiated by the letter referred to yesterday. If arrears are not paid by December 31st, then a notice of intention to cancel lease will go out in January, which provides a further 31 days for the lessee to make his payments.

But more than all of this, Mr. Speaker, lessees are invited to apply to the counselling and assistance for farmers program with a view towards getting assistance on how to make their payments. And all of this, Mr. Speaker, is on top of the production loans, cash advances, stabilization payments, and deficiency payments — all tools to help all farmers through the downturn that the agriculture sector has faced.

So, Mr. Speaker, as you can see, lessees have had in the past, and will continue to have in the future, many options on how to deal with the problem. I believe it is a credit to the rest of our 12,000 lessees that they have made their rent payments, and I trust that the opposition would not advocate that any government should not attempt to deal with this problem in a fair and reasonable manner as administrators of a large public asset.

Some Hon. Members: Hear, hear!

Mr. Upshall: — Yes, thank you, Mr. Speaker. I would ask the minister . . . We have a situation now where the farm debt is roughly \$6 billion in Saskatchewan. In Canada rather, Saskatchewan.

We have Farm Credit Corporation with large outstanding debts. We have financial institutions who have been stopped from collecting debts. We have a government promoting the . . . supposedly promoting the family farm security. And why now, at this time, are you suddenly taking a reversal in your policy and saying that we're going to be the leaders and foreclosing upon these people.

Hon. Mr. Hepworth: — Mr. Speaker, this is not a reversal. In fact, I would argue that if one checks the legislation, this policy provides more protection for the lessees than did the original legislation which, as I understand, only provided for a notice of intent to cancel. We have in fact beefed that up through a provision of things like the counselling and assistance for farmer program, where not only can they get counselling, but as well, Mr. Speaker, they can get guarantees to take out operating loans and see them through.

I would remind the hon. member that, as was pointed out in my remarks in answer to the original question, these lessees are not . . . this is not a new situation. This policy recognizes that we've been through a difficult time; that in fact these leaseholders are two and three and four and five years in arrears, Mr. Speaker. And after a while, I suppose, the question becomes one of fairness to the other 11,250 out there who have in fact made their payments, Mr. Speaker.

Financing of School Construction Costs

Mr. Rolfes: — Mr. Speaker, my question is also to the Minister of Education. Mr. Minister, last week Wednesday or Thursday you took notice of a question from my colleague from Prince Albert, and you also took notice of a question from me. I wonder if the minister would be so kind as to give us his answer today on the changes proposed on the school financing formula on capital construction. Would the minister be so kind as to give us the answer today?

Hon. Mr. Hepworth: — Yes, I would, Mr. Speaker. The question was originally posed on December 18th by the hon. member from Prince Albert and ended with the question: why are you at this time proposing a shift of school construction costs to local school boards and off the provincial government?

I took notice, Mr. Speaker, on the question because I was unaware of such a proposal, the reason being because there is no such proposal. In fact, what is happening is the departmental officials are consulting with school boards across Saskatchewan on three points: long-term planning for the educational development fund, and I might add that of the one-day meeting this took the majority of the morning out of the meeting time, Mr. Speaker, and I can honestly say as well that that educational development fund has been met with extremely enthusiastic response across the province.

The second major point of the consultations — and I don't apologize for this either, Mr. Speaker — was to discuss with school trustees and school boards our Buy Saskatchewan program, a program that creates and maintains jobs across Saskatchewan, and the role that school boards can play in buying Saskatchewan products and maintaining those jobs.

The third point was to discuss capital construction. And on capital construction there has been no government policy change. The department is continuing a well-established practice of consulting before developing policy.

In fact the board has asked us to sit down and discuss many aspects of capital funding, and my officials spent considerable time doing just that so that we could iron out any problems boards were having at a local level, including things like school rules, Mr. Speaker. Any proposals discussed were merely as examples for discussion. Nothing in any of those proposals would result in greater local costs overall. In fact, for most projects the examples would see local costs decrease significantly . . . (inaudible interjection) . . . I repeat again, Mr. Speaker: in fact, for most projects the examples would see local costs decrease significantly.

Mr. Kowalsky: — Are you denying then, Mr. Minister, that you do not have any proposal that will increase the cost on the local taxpayer for capital costs on schools in the vicinity of two or \$3 million?

Hon. Mr. Hepworth: — Mr. Speaker, I have already indicated that there were consultations held on three major points relative to capital cos. There were some examples tossed out. The one that the member has seized upon as an example was in fact an extreme one and an

attempt to over-simplify a relatively complex issue. In fact in the same piece of paper, the same weak document, Mr. Speaker, that he had access to, I think he also could have found examples where for some local school boards the share would have gone down from 33.7 per cent to 13.2 per cent at the local level; and having said all of that, Mr. Speaker, these were merely examples. And I might add, Mr. Speaker, it was local school boards that, in fact, requested that some of these concerns be laid on the table.

Some Hon. Members: Hear, hear!

Mr. Rolfes: — Would the Minister of Education not admit that that letter was sent out by a superintendent of his and the meeting was to be chaired by his deputy minister, and one of the aims of that meeting was a proposal to be put to the local representatives on changing the financing formula on capital construction. We could have given you another two or three or a half-a-dozen examples of where you were going to increase the burden on local people and increasing their property taxes.

Is it not true that the purpose of that meeting was to change the formula structure as set out before?

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — Mr. Speaker, absolutely not. In fact, nothing could be further from the truth, and that kind of rhetoric is irresponsible. It creates fear and paranoia amongst a lot of very good, ordinary school trustees who are trying to do a decent job and give better education in this province, Mr. Speaker, and it does a disservice to the entire school board system out there, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — The examples that the member referred . . . the examples that he referred to is as if that's some kind of generalization, and he says I could find many more examples. Well, I'll tell you what examples he'd find — a down-shifting of the cost from 28.3 to 16.9.

Mr. Speaker: — I think you answered the question.

Allegations re Pioneer Village Directors

Mr. Van Mulligen: — Mr. Speaker, my question is for the Minister of Finance and it deals with his rather bizarre public statements of a few weeks ago concerning Regina's Pioneer Village.

In early November, the minister made a number of serious allegations respecting the Pioneer Village board of directors but failed to supply any proof to back up those allegations, and, Mr. Speaker, even a senior cabinet minister is required to tell the truth once in a while. Can the minister table in this Assembly, Mr. Speaker, any written proof of his wild accusations about Pioneer Village and if not, will he now do the honourable thing, stand up in his place and apologize for misleading the people of this province.

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — The truth was self-evident to every fair-minded person in Regina, Mr. Speaker.

Mr. Van Mulligen: — Supplementary, Mr. Speaker. That's the kind of double-talk and bafflegab that the people are accustomed to. Is it any wonder that the minister has so little credibility with the people of this province? He won't table any documents because he doesn't have any documents. Mr. Minister, aren't your accusations, aren't your statements concerning Pioneer Village just another example of you playing fast and loose with the truth in order to score a few partisan political points?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — The answer is no, Mr. Speaker.

Mr. Van Mulligen: — Mr. Speaker, I wonder if the minister will now admit that the real reason for his outburst was that a few weeks prior to the election the PC MLA for the area, one Gordon Dirks, promised a \$6.3 million renovation to Pioneer Village. Mr. Dirks got beat badly in the October election; now your government is looking for a way out of that campaign promise. And isn't that what's behind this whole escapade, Mr. Minister?

Hon. Mr. Lane: — The answer for the third time is no, Mr. Speaker.

Tabling of Wakabayashi Report

Mr. Romanow: — Thank you, Mr. Speaker. My question is directed to the Minister of Economic Development and Trade in the absence of the Premier, and it has to do with the announcement by the Premier in June, I believe, of 1986, in establishing a Wakabayashi committee on free trade. I believe the objectives were to listen to selected groups of Saskatchewan people about free trade and that there was to be a report tabled publicly by September in order to assist our Premier in his negotiations, or should I say discussions, with the Prime Minister later that month.

My question to the minister is this: has that report by Mr. Wakabayashi been prepared, and if so, will the minister undertake to table a copy of that report before this current sitting of the session adjourns?

Hon. Mr. Andrew: — Mr. Speaker, I received information from Mr. Wakabayashi yesterday, the day before, that that interim report would be ready probably between Christmas and New Year's, and would be published and made public in early January, early 1987.

Mr. Romanow: — Mr. Speaker, a supplementary if I may. Does not the minister find it somewhat unusual that some several months after the negotiations on free trade have begun, indeed while the negotiations are ongoing now between Mr. Reisman as the Canadian representative, and Mr. Murphy the American representative, that Saskatchewan is still struggling to find out what its position is — that Saskatchewan is still trying to determine what it is that the people of this province want? Is that not a bit unusual? And if the minister will acknowledge to me that it is, as I think most fair-minded people would say it is, when that report is tabled, will he

undertake to mail copies to all of the members of the Legislative Assembly?

Hon. Mr. Andrew: — Well, I'll make two observations. One, I will send to the hon. member from Saskatoon Riversdale a copy personalized to him. I can also send you 23 copies or 24, however many there are and you can distribute those to the rest of your folks.

Mr. Speaker, with regards to the trade negotiations that are going on presently between Canada and the United States, those are indeed very critical and very historic trade negotiations that are going on. Saskatchewan will certainly be there as it relates to the interest that we have in those particular trade talks, whether they be agriculture or resources — to a lesser degree the manufacturing sector.

I think it is well for all members of this Assembly, regardless of their political stripe, to bear in mind that 50 per cent of everything that we export from this province is exported to the United States of America. Now it's nice at some point in time for people to get their jollies off attacking the Americans, but quite frankly if we lose that market, Mr. Speaker, or even part of that market, we lose a great deal of economic clout; we lose a great deal of market for the product that we produce.

So I think it's imperative that we all attempt what we can do to make sure that those markets are preserved for potash, or for beef, or for uranium, or for whatever we so rely on to produce jobs in this province. And I believe in 1987 that we will move forward to get some type of a deal with the Americans.

Some Hon. Members: Hear, hear!

INTRODUCTION OF BILLS

Bill No. 8 — An Act to provide for the Postponement of the Tabling of Certain Documents

Hon. Mr. McLeod: — Mr. Speaker, I move first reading of a Bill to provide for the Postponement of the Tabling of Certain Documents.

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

STATEMENT

Minister's Correction of Answer

Hon. Mr. Schmidt: — Mr. Speaker, I rise on a point of privilege, or whatever the technical term you may wish to use. When I make a mistake, I intend to make a correction, and that's what I intend to do. The question raised by the member for Saskatoon Fairview — did I have a copy or did my office have a copy of the tape he referred to? I did not know that I do have a copy. I am advised by my staff that there is a copy awaiting my screening at my television set, and I haven't had a chance to look at it yet. So I do have a copy.

When I've seen it, I will consider a request from yourself to view it with me, and a request from the media, but I

have to protect anybody that may be endangered. I haven't seen the tape as yet. So I'm prepared to entertain that question at a later date.

Mr. Speaker: — Since the minister has been allowed to make the statement I will at this time permit the original questioner, if he wishes, to . . .

Mr. Mitchell: — I appreciate the minister telling the House this information, and I'll look forward to hearing from him after he's had an opportunity of reviewing the tape.

ORDERS OF THE DAY

Hon. Mr. McLeod: — As we enter orders of the day, I would ask for leave of the Assembly to move down the order paper and in effect waive the private members' business and move to government orders.

Mr. Romanow: — Mr. Speaker, just before we respond to that side, I wonder if I might direct a comment, or perhaps a question, to the hon. government House Leader in this regard.

On page 5 of supplement 5 of the blues, of course, is listed item no. 1, which is the report of the special committee appointed to prepare lists of members to compose the standing committees of the Assembly, and that was moved by the hon. member from Yorkton.

You'll recall, Mr. Speaker, sir, that that was the subject of a ruling by yourself a few days ago on the question of quorums. And that ruling, as we know, in effect eliminated the aspect of an attempt to change a quorum. That being the case, I would ask the government House Leader why it is that we ought not to proceed to enact that report, minus the quorum provision.

As members will know, Mr. Speaker, there are a variety of committees that await establishment pending that particular adoption — Agriculture Committee, Communication Committee, Education Committee, municipal law, Public Accounts Committee, private members' committee, which may deal with petitions of the public. None of us, I think, would want to have the public inconvenienced if there is no committee established.

And therefore, Mr. Speaker, my respectful submission to the member opposite and to the government is, we'd be prepared to deal with this motion so that no one is inconvenienced or damaged by its non-implementation in the light of the quorum decision. And I'd invite the government House Leader to say that we will vote this afternoon and then get these committees formally established.

Hon. Mr. McLeod: — Mr. Speaker, I recognize the arguments raised by the opposition House Leader. However, I would point out to you, sir, and to all members of the House, that the committees will normally sit during the sessional period when the House is in session. The House will be back in session . . . this particular session will continue at some point in 1987. And at that time, when the House reconvenes, there will

be a report, an interim report perhaps, at least, but a report from the rules committee, whom I'm sure will be studying the whole question of quorum, along with many other things.

So I would suggest, Mr. Speaker, that we leave this motion and let it come up as a matter of normal course at that time. And at that time we'll have certainly a clarification of the House as it relates to the quorum issue.

Leave granted.

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. McLeod that Bill No. 7 — **An Act to amend The Legislative Assembly and Executive Council Act** be now read a second time.

Mr. Solomon: — Thank you, Mr. Speaker. I would like to say a few words about Bill 7 in this second reading. Bill 7 is an Act which is consequential to Bill No. 5, and I think it's very important that I outline a few items which are relevant in both cases.

It's my view, Mr. Speaker, that both Bill 5 and Bill 7 basically enslave as opposed to liberate. What Bill 7 does in short, along with Bill 5, is to enable the cabinet, the Executive Council — a small band of Conservative hold-overs from an archaic era — to change existing legislation by order in council. The cabinet in private seclusion will be able to make decisions to suit their own purposes, which up to now have been made in the open public forum of the Legislative Assembly of Saskatchewan. This tight knot of Conservative cabinet members will now be able to make private, censored decisions in law which will not have to bear up to the public scrutiny. They will in effect be able to change how government operates without a forum for public input.

What this Bill means to the people of Saskatchewan is that the Government of Saskatchewan, the Conservative government, is basically centralizing power, focussing more power and control into the cabinet. Rather than creating a more open approach toward government, the Conservatives are making lawmaking more exclusive to cabinet. They are closing off, in essence, decision-making input from this Legislative Assembly and tightening and basically shrinking the circle of people who will be making important decisions which will be affecting all people in this province.

Decisions cabinet will be able to make under this new authority will be more secretive. Decisions cabinet will be able to make under this new authority will be unaccountable to the elected representatives in this legislature. Decisions affecting the delivery of services, whether they are amended or deleted, the elimination of programs, departments and agencies without proper and adequate debate in discussion, will now be undertaken without public scrutiny or public accountability.

What we will see, Mr. Speaker, if Bill 5 and 7 pass, is a centralized, more secretive government — from a Conservative party that preached for years in Ottawa, and in this Assembly when they were in opposition, the need for less secrecy. What we will see if Bill 5 and 7 pass unamended is an undemocratic Conservative Executive Council style of government from a Conservative Party that preached for years in opposition the need for greater democracy in Executive Council decisions.

What we will see if this Bill passes, Mr. Speaker, is a PC government which is unaccountable and restricts access to government information — from a PC Party in opposition which preached for greater access to information.

When the Conservatives were in opposition, Mr. Speaker, they cried for more open government. They shrieked for greater public access to information. And they even whined for more public involvement in government decision making. They even made a commitment in writing to introducing freedom of information legislation.

And I refer members opposite to the blue bible that they have put out themselves under their own handwriting — the pocket politics, the quick reference to PC policy for candidates in their Conservative band. And on page 13 they say in writing, Mr. Speaker:

Responsible government. Is it true that Saskatchewan has no freedom of information legislation?

And they respond:

That's correct. A PC government will be committed to freedom of information legislation.

This from a party, Mr. Speaker, that is now doing away with freedom of information. They have turned full circle, calling for more information, more democratic input to decision making in this government, to a point now where they want to centralize and censor any decisions that are made into a few.

When they are in opposition, the PCs are committed to reform. They are committed to freedom of information. But when in power, simply put, they impose censorship unparalleled in any modern democracy.

The member from Arm River, in 1980 in this Legislative Assembly, spoke at length about the need for greater input and greater freedom and greater access for information, and I quote an excerpt from that, Mr. Speaker. December 8, 1980, page 295 of *Hansard*. This is the member from Arm River speaking:

The Legislative Assembly of Saskatchewan is based on the principle that on the one hand we have a democratically elected government to provide leadership, policies and effective administration, and on the other hand we have the opposition MLAs to hold the government accountable for these policies and actions. That is what we're here for (and the press had better understand what we're here for).

And that's the end of the quote, Mr. Speaker. But he goes on to say in another paragraph:

Here in Saskatchewan the power of the Premier, the cabinet and the Crown corporation has grown at a most incredible rate. Their power has been at the expense of the legislature and out of the public domain. This growth is dangerous and gives the cabinet too much power.

Mr. Speaker, take a look at the volumes of regulations and orders in council, that for all intents and purposes are outside the scope of this legislature. Crown corporations controlled by the cabinet are not really accountable to the taxpayers. The legislature should be able to scrutinize the Crown corporations (and other departments), but this government, which deals in secrecy, will not allow that.

These are exactly the same charges that the member from Arm River made in this Assembly of a former government when we had more open access to cabinet decisions, where we had complete opposite viewpoint that this government is now putting forward in Bill 7 and Bill 5. That they are centralizing power, they are closing out any further input in eliminating public access to decision making that has been the right of members in this legislature since its inception.

The member from Arm River had made those comments, Mr. Speaker, and I want to remind members opposite, and the member from Kindersley knows what I'm going to say next. He knows that I'm going to raise the fact that when he sat in opposition he spoke at length about freedom of information. I have a *Hansard* again here, April 21, 1981, and I'd like to quote exactly what the member from Kindersley had said:

Number one, and I think perhaps the most important area of political or parliamentary development that we need, not only in this province but in this entire country, is in the area of freedom of information. I know the Attorney General has expressed his views on that on several occasions. But, without that information flow from government through to the legislature and out to the people, parliamentary reform is very difficult. You need the information first before anything else can take place.

And he goes on further in his remarks April 21, '81, page 2323:

What has happened is that the growth of the executive branch of government has increased dramatically and there has been no corresponding increase in the balance of it for the legislature. So what we are having, as some have described, is a presidential system without the checks and balances of the United States. I don't think that is quite right, but I think everybody agrees that the massive growth of the executive branch of government has been without any offsetting control the other way.

These kinds of comments, Mr. Speaker, from a member of the government who is now saying: to heck with freedom of information. Not only to heck with that, we are going to tighten up the circle of decision makers in this province so that we have absolutely no input from the opposition and tot hat end he is flip-flopping from his position of 1981.

He goes on to say a number of other things, Mr. Speaker. As a matter of fact, he put forward Bill No. 53, An Act Respecting the Right of the Public to Government Information, and talks about access to government information by the public in this province. And he went on in second reading of that Bill, and I happen to have a copy of that, Mr. Speaker, May 27, 1980, when he moved second reading, where he spoke about more power to private members as opposed to the cabinet, which in my view is really incredible because what these Bills now do is actually lessen the power of the private member. I quote the member from Kindersley, 1980:

I think there is a point to be made that changes could be made in our rules so private members are able to introduce legislation which has money implications to it, with certain restrictions.

(1445)

He was saying, one step beyond access to information, he was suggesting that we even have some ability in terms of money Bills.

He went on further in his remarks, Mr. Speaker, to quote James Madison, the former president of the United States, and what he had to say about the whole concept of freedom. And I'll enter that quote for the record as well, Mr. Speaker.

A popular government, without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both. Knowledge will for ever govern ignorance, and the people who mean to be their own governors must arm themselves with the power that knowledge gives.

He goes on to quote more . . . other politicians of Canadian nature, one Pierre Elliott Trudeau in 1964. And Mr. Trudeau said, and I quote:

Democratic process requires the ready availability of true and complete information. In this way people can objectively evaluate the government policies. To act otherwise is to give way to despotic secrecy.

He went on to quote the Canadian Bar Association. He even quoted, Mr. Speaker (surprise, surprise!) Mr. Joe Clark, the former prime minister of this country, who was speaking at that time in the House of Commons with a motion that Ged Baldwin, a former Conservative member from Alberta had put forward on freedom of information.

He as well, Mr. Speaker, quoted Andrew Brewin, an NDP member at that time in the House of Commons, and I want to add this from the record as well, and I quote:

It may have been said that well-informed citizens are the lifeblood of democracy. I believe that to be true. We cannot have truly effective democracy unless we have at the same time a well-informed group of citizens. They can only be well-informed if they have access to information. For that reason our party (the NDP federally) will support this freedom of information act.

He quoted the Ombudsman, he quoted all kinds of people at length, but what he basically tried to put forward in his debate, Mr. Speaker, at that time, was to outline the main elements of the opposition's access to information and the opposition's input to decision making in this legislature.

I quote from page 3598, May 27, 1980 where the member from Kindersley says:

Requirement number one is a clear preamble, a clear statement that says all government information should be released unless the government can prove it is to be kept secret. That preamble sets the spirit of open government.

And, Mr. Speaker, I think that this example that I've introduced today in this debate shows very clearly that the Conservatives, the member from Kindersley in particular, spoke of reform in government when he was in opposition. But we all know, Mr. Speaker, that reform must come from within, not with from without. You can't legislate virtue. But through Bill 5 and 7 it's my contention, Mr. Speaker, that we are legislating sedition.

Bill 7 does not reform government for the better but legislates changes and power for the few. Ambrose Bierce once said, and I quote:

A Conservative is a politician who is enamoured of existing evils, as distinguished from the Liberal who wishes to replace them with others.

What this Bill does, and Bill 5 as well, is put the Conservatives in an advanced Liberal mind-set, not just replacing but increasing censorship and secrecy of government, and centralizing both under Executive Council.

Mr. Speaker, our caucus and our party believe in government serving the people. We also believe that government has to be streamlined or changed from time to time. We even believe that government has to be reorganized and changed to meet the changing needs of people. That may come as a surprise to members opposite, but that is in effect the truth.

But when we look at this government — and they are not accurately polling the changing needs of Saskatchewan people, in my view, but only the changing censorship and secrecy needs of the cabinet. They are trying to privatize government. That's what they're trying to do, Mr. Speaker, through these Bills - concentrating power into the hands of a few.

They are trying to run government like a business man

runs his business, and that's not so bad if you cover off all bases, but they are focusing on the arbitrary nature and the sharing of information with as few as possible, which are two elements of many in the business area, Mr. Speaker. And you can't run government like business — identical to business. It can't be done. I've been in business and I've been in government, and there's just too many differences in order to do that.

And the major reasons, Mr. Speaker, primarily: one, a government has to have a heart, has to consider other people's views, had to consider the welfare of people in our society, and because government provides programs and services which cost money as opposed to providing services which make money for the Crown.

In business, decisions are made in the boardroom under very little or no public scrutiny. Government, by definition, must be open to public scrutiny. In government, decisions must be debatable in public and accountable to the public.

A government, Mr. Speaker, must be accountable for three reasons, in my view. One, because they're elected and defeated by the voters. Number two, that elected representatives are merely custodians of the public wealth and assets, and in the case of Saskatchewan it seems, more and more, custodians of the massive growing debt. And thirdly, Mr. Speaker, because decisions governments make affect the public directly, and they have a right to know how decisions which affect their lives are made, so they know who is responsible or accountable.

But there is a lesson to be learned in all of this discussion, Mr. Speaker, less than this debate on Bill 5 and Bill 7. The lesson that we've talked about in terms of the flip-flop nature of the Conservatives opposite, but the lesson very simply is that a Conservative is like quicksilver. If you try to put your finger on them, you will find nothing under it.

My final comments, Mr. Speaker, very quickly are that few governments have good enough sight to see their own faults. And with these Bills the PC government exposes for public review their basic faults. Their basic faults: one, that their record is disgustingly poor when open to public scrutiny; two, that they have no plan or no vision other than for the multinationals, the oil companies, banks, Peter Pocklington, and the Weyerhaeusers of this world. And the plan they reveal for the taxpayers is that more of the taxpayers' money will be going to the rich and powerful corporate friends of this party. But if the conservatives are able to hide from public scrutiny, through passing these Bills, their decisions in the future, one can only speculate on their reasons.

The ultimate result of Bill 5 and Bill 7, if they are passed, I predict will be the demise of this government, Mr. Speaker. Cover-up and secrecy will defeat this government.

I oppose Bill 7, Mr. Speaker, and I ask all members, including the private members on the government side, to think very carefully about some of the things that I have said today and that my colleagues have said before me. Thank you for your time.

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Speaker, I'm happy to stand and add a few remarks to this second reading debate of Bill 7 which serves as the consequential legislation for Bill 5. And I intend my remarks to be fairly brief.

As with all Bills, I approach them first by asking: what is the effect of this Bill on the average person in Saskatchewan? What's the net effect on the senior citizen, and the young person, the young family, working person, the unemployed person?

And, Mr. Speaker, if people in your constituency are anything like people in my constituency, they don't wake up in the morning asking themselves, I wonder what the Premier and the cabinet are going to do today. It's a good thing they don't do that; it would send them crazy. Even we don't know.

Mr. Speaker, where the average citizen in Saskatchewan relates to government, it's not with the Legislative arm, it's with departments of government where government serves them.

So if a senior in Saskatchewan needs a prescription drug, or a young person breaks his ankle playing hockey, very soon they're going to have a relationship with the Department of Health. If we send our kids off to school in the morning, we're having a relationship there with the Department of Education. If we get in our car and drive from Tuxford to Craik, we have a relationship and relate there to the Department of Highways.

Where the average person relates to government is where government serves them, and that's the department level. And not a day goes by in our lives, Mr. Speaker, that we are not touched in one way or another by provincial government.

And because this Bill, in relation to Bill 5, gives the Executive Council power, ultimate power, over all the departments of government, then it has . . . these two Bills have a real effect in the lives of Saskatchewan people. These pieces of legislation are not simply a matter of shuffling responsibilities. They're not simply a matter of switching the deck chairs.

It's a fundamental shift in power over every government department, a shift of power from the legislature as a whole into the hands of a few, as it stands now, into the hands of 16 people — the Premier and 15 of his friends who will have ultimate deciding power over all of the departments of government — over the Department of Health and the Department of Education, Department of Highways, Labour, Social Services, and so on, to do with those departments what they wish, without public scrutiny, without the input of all elected members.

And so, Mr. Speaker, Bill 7 and Bill 5 together have an effect on every citizen of Saskatchewan. It handicaps 48 out of their 64 representatives. It makes their legislature — and this is their legislature, Mr. Speaker — it makes their legislature even less effective. And it places the decision-making power over those departments which serve the people of this province in the hands of a very

few. And, Mr. Speaker, in my mind that makes this Bill, and the Bill it enables, plain wrong — both plain wrong.

Now, Mr. Speaker, I would like to build on an argument today that was raised in this House last night by the Leader of the Opposition. Mr. Speaker, these Bills may not be so bad — these Bills which give to the Premier and his cabinet this ultimate power — these Bills may not be so bad if these people had our trust. If they have this ultimate power, it might not be so bad if they had our ultimate trust.

But I ask members present: can we trust them? Can we trust them? And certainly we cannot, Mr. Speaker. And 55 per cent of the people of Saskatchewan said, we can't trust them either and we want them opposed. And so, Mr. Speaker, I refer these remarks to members opposite.

And I make this argument based on a quote from T.C. Haliburton who, writing as Sam Slick in the early 19th century, said:

A power imprudently given to the executive or to the people is seldom or never given back.

A power imprudently given to the executive is seldom or never given back. And so I ask members on that side of the House to imagine themselves on this side of the House — and they should do that fairly often because this is where they'll be in four years — imagine yourselves on this side of the House and say to yourselves, can you trust us — can you trust us? Would you want, members opposite, a cabinet of ours to have the powers which are enabled by this Bill 7 and given in Bill 5?

Mr. Speaker, I don't want the cabinet of the government to have those powers; I don't want a cabinet of our party to have those powers; I don't want any cabinet to share those powers. If we are imprudently giving powers — if we are imprudently giving powers — then let us not give them to the few but let us give them to the many. Let us not give them to the executive but let us give them to the people; let us give them to the legislature.

And so, Mr. Speaker, let me conclude these brief remarks with one other quote about power, this one, I think, more appropriate. This one, I think, presents a saner and a safer vision for democracy than what's been presented in these two Bills; this from F.R. Scott:

Till power is brought to pooling
And masses share in ruling,
There will not be an ending
Nor any peace for spending.

Mr. Speaker, I stand to oppose Bill 7 as the consequential legislation to Bill 5.

Some Hon. Members: Hear, hear!

(1500)

Motion agreed to on the following recorded division.

Yeas — 33

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

Nays — 19

Prebble	Solomon
Brockelbank	Kowalsky
Shillington	Atkinson
Koskie	Anguish
Romanow	Calvert
Tchorzewski	Lautermilch
Rolfes	Trew
Mitchell	Van Mulligen
Upshall	Goodale
Simard	

The Bill read a second time and, by leave of the Assembly, referred to a Committee of the Whole later this day.

MESSAGE FROM THE LIEUTENANT GOVERNOR

Membership of Board of Internal Economy

Mr. Speaker: — I have a message from His Honour the Lieutenant Governor. Please rise.

Dear Mr. Speaker: Pursuant to Section 68.7 of The Legislative Assembly and Executive Council Act, I hereby inform the Assembly of the membership of the Board of Internal Economy effective December 22, 1986:

The Hon. A. Tusa, Speaker; The Hon. G. Hodgins; The Hon. H. J. Swan; L.A. McLaren, MLA; J.E. Gerich, MLA; M.J. Koskie, MLA; and E.F. Lautermilch, MLA.

Yours sincerely, F. W. Johnson, Lieutenant Governor, Province of Saskatchewan.

COMMITTEE OF THE WHOLE

Bill No. 5 — An Act respecting the Organization of the Executive Government of Saskatchewan

Mr. Chairman: — Would the minister introduce his officials.

Hon. Mr. Berntson: — Yes, Mr. Chairman. On my right is

Dr. Norman Riddell, deputy minister to the Premier, and cabinet secretary; on my left is Ron Hewitt, clerk of Executive Council; behind me is Doug Moen, co-ordinator of legislative services, Department of Justice; and to his left, Bob Richards, director of constitutional law, Department of Justice.

As we go through clause by clause, I'll be more than pleased with the able assistance of these four gentlemen to deal with the questions that you raise. But I admit at the outset to some of my shortcomings, that is, when you get into questions of constitutionality, since I'm not broadly versed on those lawyering-type words, I may be calling my colleague, the Minister of Justice, to respond to them.

Clause 1

Mr. Romanow: — Mr. Chairman, I thank the minister for introducing his officials. I'm sure they will be of assistance to him in answering some of the questions which we will want to direct to him and to the government.

In my remarks on clause 1, Mr. Chairman, what I really want to try to focus the attention of the committee is to the question which can be simply put and asked, and in my judgement not yet answered by the government, and that is: why this Bill? Why is it necessary to introduce this Bill?

We will be doing, in the course of the afternoon, a number of amendments, or proposing a number of amendments, and making some arguments which will try to reinforce the question of the necessity of this Bill, to satisfy our own minds as to its purpose, but also to highlight some of the difficulties which we think the Bill presents not only for the government but for the people of Saskatchewan. But fundamentally as I see it, the question that has to be answered is, why this Bill? The government has to make its case out, in my respectful submission, to the necessity of introducing a piece of legislation which by any fair-minded assessment is a quantum leap up in the acquisition of power that the provincial cabinet has.

Now to give you an example of what I'm getting at when I ask, why this Bill, I wish to refer the hon. minister and the members of the committee to the developments very recently in the establishment of — purportedly the establishment — of a new purported new department by the provincial government. This is, as the -Leader of the Opposition pointed out in his remarks last night in second reading, the department which deals with the hon. member from Melville, the Saskatchewan human resources, labour and employment department, heretofore a combination of two or three separate departments.

Prior to November 12 of this year, Mr. Chairman, we saw a number of things take place with respect to the development of this department. We saw by orders in councils which have been identified — I don't intend to take the time of the committee to again detail them — but signed by the Premier — we saw a number of things happen. First of all, we saw the transfer of responsibilities and staff from the current Department of Labour — or as I thought it to be the current Department of Labour — over to Environment. We saw orders in council transferring to

Labour the responsibilities, the staffing, the funding for other functions of government such as the Women's Secretariat, Indian and Native Affairs, Employment Development Agency, and Seniors' Bureau in Social Services. We have seen either subsequently or before — chronologically it doesn't much matter for the purposes of my argument today — documentation which refers to this new department which is known as human resources, labour and employment.

I have here, Mr. Chairman, a photocopy of the report from the Department of Labour, and this is the first page, table of contents. And on the bottom of this publication — the publication is called *Labour Report* — the following is written:

Readers of the *Labour Report* will notice that the title of the department has changed from Saskatchewan Labour to Saskatchewan Human Resources, Labour and Employment.

By the way, that's the first time that I noted that.

This new department is being created by integrating the Indian and Native Affairs Secretariat, Women's Secretariat, Seniors' Bureau, Employment Development Agency and Labour under the Hon. Grant Schmidt. Readers should watch for further changes to the *Labour Report* as the development of this department and its mandate proceeds.

(1515)

I might just stop there and say, parenthetically speaking, that that itself I think is rather unusual, perhaps even sloppy in terms of government organization to have the statement, made at the very bottom, that readers should watch for the development of this department, should watch for the development of this department, Mr. Chairman, and its mandate as it proceeds, implying that there is either no clearly thought-out form and shape and objectives and purposes of this new department which will evolve in some sort of evolutionary manner. Or in the alternative, if there is a clearly thought-out pattern for this department, the writer of this report says: we ain't telling what it's going to be until we decide to tell to the people of Saskatchewan. But I leave that as aside for the moment.

But you will see what I am trying to say to you, Mr. Chairman, and to members of this committee. We have seen the gazetting, we've seen the orders in council, we've seen the advertising, if you put it that way. Certainly we've seen official documentation be released from the appropriate government officials. We've seen a new title to a new government department.

My question, therefore, to the Deputy Premier and the persons piloting this legislation through this House is this: does the legislation, as it currently exists in the province of Saskatchewan, now provide sufficient authority to set up this new department, as these documents have indicated it has been established? Does it so provide that statutory authority? And if it does, why then is Bill 5 necessary?

But I'll put another side to that question on the other side of the coin. If the legislation does not now provide sufficient authority to establish the new department, using it as an example, will the Deputy Premier tell this House and the committee that officials in his government have improperly, perhaps even unlawfully, set up a new department prior to the passage of an appropriate Bill 5? Now those are my specific questions.

But they all are germane to the key issue, and the key question that I ask again: why this unprecedented power-grab? Why is it that all of a sudden, now, after 75, 80 years of legislative history in the province of Saskatchewan, we find it so necessary to conglomerate in the hands of the cabinet this authority and this power? It certainly hasn't prevented them with respect to the current department of labour . . . human resources.

But why is it generally necessary in a larger philosophical basis? Has this government's bureaucracy become so bloated, are there so many agencies and secretariats that one does not know where the other exists, that such radical legislation as this is required in order to put it into some form of order?

Is it, after four and a half years now, such that the size of the civil service and the multiplicity of cabinet committees and the inability to interchange and to interact as between the cabinet ministers necessitates this rather Draconian measure to put things into order? Are things so inefficient now in the operation of this government over four and a half years, nearly five years, that that justifies this virtually unprecedented piece of legislation?

What is it? Why do we need this? I mean, Mr. Chairman, you hear -e I've had the pleasure of being in the private sector for four and a half years. I've had the pleasure of being employed privately in the private sector for four and a half years. And I tell you, it was a very refreshing thing to be there, because I had the opportunity of listening to the people in the business community telling me about the confusion which reigns in their relationships with this government. They say the government is inefficient, there are too many departments, too many bureaucrats. One arm doesn't talk to the other arm, doesn't deal with the other arm. One person doesn't talk to the other person. There is a certain sense of lack of purpose and direction.

So maybe that is . . . and the question is: did you ever hear that before? No, I never did hear that before. I never heard that complaints that are existing out there. I tell this: it sounds like a partisan comment; I suppose it is a partisan comment. I tell you, Mr. Chairman, and the members of the government opposite, that is there. And I'm giving them the piece of political advice, if they don't recognize that it's there, the outcome of the next provincial election will be foregone, it'll be a definite outcome, without any doubt at all. It's there.

So my question really is, Mr. Chairman, why does the government feel now so necessitous of bringing in this kind of all-powerful legislation? What is it that motivates this conglomeration of authority?

I want to ask the member, the Deputy Premier specifically, if he'll put it in some general philosophical terms. And by the way, if he will admit that the government has been running a very sloppy ship, and it's not been very tight and not very efficient, and they've got to take some drastic remedy, okay fair enough. That's at least a justification. I want him to try to put it in general terms, but I want to also have him answer this specific question if he will: does the legislation not now provide for the authority to set up a new department as has been done here by the department of human resources? And if it doesn't so provide, then does the Deputy Premier say that the establishments and the publications and the orders in councils are unlawful? Under what authority have these been made?

Hon. Mr. Berntson: — Mr. Speaker, I think the member has touched on just how little this Bill does in fact do. Existing law does permit reassignment of duties as we have done with the Minister of Labour and the assignment of those secretariats and Social Services, etc., to his particular area of responsibility. It shows how little this Act really adds, and does, in fact, provide for the name change. I think that the suggestion that that department or that title, if you like, of human resources and labour does not yet exist . . . There may have been a few people in the department who have in their enthusiasm taken a little licence and say they belong to that particular department, but it doesn't exist, and it can't exist until this Bill has passed.

I see that the member as well during his four years in the private sector was listening to some of the same people that we were, because a large number of people out there over the last six, seven, eight years have been telling us that government, in fact, is not efficient, and it provides for a great deal of confusion, and even wasteful in some respects, and in some areas shows a lack of purpose and direction. And again those are some of the things that we're trying to correct, Mr. Chairman, with this legislation.

I want to quote from you briefly something that will, I think, generally tell you the purpose and the direction of what we're trying to do here. And it says:

I want to quote from you briefly something that will, I think, generally tell you the purpose and the direction of what we're trying to do here. And it says:

The main effect of this legislation is to formalize a number of practices already in use and to provide, generally speaking, to provide for greater flexibility in the executive branch of government. The greater flexibility proposed here would empower the Lieutenant Governor in Council to determine with greater ease the organization of the executive arm of government. Rather than have departmental Acts for each and every department, it would empower the Lieutenant Governor in council to rearrange the executive arm as is found most expeditious and most efficient in the judgement of the members of Executive Council.

And that, Mr. Speaker, comes from the Manitoba *Hansard* in April of 1970 of Mr., or at that time premier, Ed Schreyer, when he was passing similar legislation in Manitoba.

And I might add, Mr. Speaker, that it was a Walter Weir, Mr. Chairman, a Walter Weir, when he was premier of Manitoba, that first proposed this streamlining, if you like. I don't know . . . I doubt very much if it was because he proposed it that he wasn't successful electorally shortly thereafter.

But the premier, Ed Schreyer, who followed him, very quickly moved to put this in place with the full support of Walter Weir's opposition. And it has since survived the government of Sterling Lyon and now Premier Pawley. And they've all, from my understanding, all have found it to be a very efficient and effective use of the time of government in handling the streamlining of government in this way.

Mr. Romanow: — Mr. Chairman,, I thank the Deputy Premier for his answer. Let me make a couple of observations, if I may, in rebuttal and further explanation of what we're trying to get at in Committee of the Whole.

First of all the greatest of respect to the former premier of Manitoba, Ed Schreyer, or the Government of Manitoba. This argument does not carry very much weight with me, sir, not because of Mr. Schreyer or because of Mr. Bennett in British Columbia or anybody else.

I think it's important that we can look to other jurisdictions, but I think it's also equally important, if not more important, that we tailor legislation to suit our jurisdiction. And I'm arguing to you that, while you can point to Manitoba, that doesn't cut very much ice because that's not the way we've done business in the province of Saskatchewan, by introducing that form of Manitoba-style legislation which is before us now in this committee.

The second observation I'd made with respect to Manitoba is that the legislation is not identical. You very properly use the word "similar" to the legislation that you propose, but it is not identical, and it's not identical in some very material respects. Some of those respects may be amended or corrected by some subsequent actions proposed by government, but that doesn't take away from the overall direction of this Bill, which is an assumption of power in cabinet in the name of efficiency.

So the first point that I wish to make and stress to the Deputy Premier and the government opposite, that whether it's an NDP government in Manitoba or a Social Credit government in British Columbia or a Liberal government in Ottawa, that argument by itself, *per se*, will not cut much ice unless you can overcome a valid reason to change the history and the tradition of this province. Point number one.

Second point I want to make, Mr. Deputy Premier, is to put this issue clearly behind us. Nobody on this side of the House, and I dare say no one in this House, argues against the need to become more efficient. I know it's a struggle in government; it's a struggle all the time whether it's in Saskatchewan or Ottawa or elsewhere. We're not opposed to any attempt by this government to streamline its operations.

Indeed I would say, Mr. Chairman, if I may slightly wander into a more partisan area, if there is any government in Canada that needs to streamline its operations, goodness knows it's this government and this cabinet, because it is indeed one which is, certainly by every outside observance, confused as to its lines of responsibility and authority, confused as to the decision-making process. You don't have to go searching out civil servants who will tell you that, sir; they'll volunteer it. You don't have to search out business men or farmers or other people; they will tell you that.

And as I say, it sounds as a partisan comment. I suppose it is a partisan comment, but I tell you as well that it is an objective fact. There is some basic problems of inefficiency and lack of communication and crispness of decision-making authority which has put your government in an administrative twilight zone. So we're not going to argue against the necessity to have better efficiency and more efficiency operation in terms of government. That, you will get the members of this side to agree. That's not the issue either.

So we're not going to be appeased by Manitoba, and we're not going to be appeased by any form of suggestion that we're not for efficiency. We are. We recognize that we may not achieve it. We didn't achieve it; you people haven't totally achieved it. But the necessity and the demand to make this government more efficient is indeed very high on the list of priorities. That's the second point I make.

But the third point that I make deals with the question that I asked at the beginning, Mr. Chairman, which I shall put back again to the minister in charge. Why is it that we need this legislation? Because the minister in his answer to the question that I directed to him pointed me, as he did to other members of the committee, to the existing legislation. He would have us believe that all that this new Bill 5 does, apparently, is somehow bring in all the loose piece and ends and strings and ties them together, but doesn't really add anything new to the powers and the provisions of the province of Saskatchewan in its administrative capacity. I say, Mr. Chairman, that is absolutely and totally false. That's wrong.

(1530)

Just take a look at this order in council which prompted my first question dealing with the new department of human resources, labour and social services — whatever it's called — the new super ministry that the member from Melville's in charge of. This order in council itself, dated November 12, 1986, points to the current legislation, section 71, subparagraph 2. In that order in council, if you look at it, it empowers cabinet — and this is the way it's always been or at least done for a long time in Saskatchewan — it empowers cabinet to transfer what? I underline the word, sir — the administration of the Act, the administration of portions of the Act and the assignment of various administrative responsibilities currently given to various ministers to other individuals in the cabinet.

That is the current law. If it's thought desirable by this government to become more efficient and to rearrange

the administrative functions of various ministers, this government has the authority to do it under the current law, section 71, subparagraph 2. In fact, it did so. The minister would say, in his answer to me, that all that they did on November 12 was rearrange the functions.

He slightly admitted that there may have been no legal basis for the title — the new title of the department. Let's leave the title aside for the moment; it's important, but that I don't think is as important as the functions.

They've achieved their goals by this order in council, readministration, reorganization, which we see here. That's obvious. That's the answer that he gave to me. I ask the question: if they can accomplish this with the new department of human resources, as they've done so, where is the need for this new power-grabbing Bill? Why do we have to have legislation — which we'll deal with in specifics when we come to the other sections — which talks about objects and purposes and the provisions in section 5 and the provisions in section 17 and 22 and laced throughout. Where is the urgency?

I say this to the member opposite, the Deputy Premier: is he telling us that we as legislators are so busy here in the four or five months that we're sitting that we can't take an extra couple of days to deal with a Bill that the government might want to introduce for the name of efficiency and more speed?

Are the members opposite telling us that we cannot take the time to publicly debate any mandate that ministers may be given in department responsibilities, publicly and openly in front of television cameras?

Is the minister telling us that he is so busy and that the objectives of efficiency so outweigh the openness of government — so outweigh him coming to this legislature and to the people of Saskatchewan to tell us what's intended by way of administration and by way of efficiency — that we cannot afford the time to consider that, Mr. Chairman? Surely, the Deputy Premier isn't telling this to us.

We're not a body which sits 12 months of the year. We're not so yet burdened down that we're not able to consider the detailed purposes of a mandate that a minister must fulfil. By this legislation, Mr. Chairman, if there is an order in council rearrangement, or if you will, I'll even give you a better example . . . If there is an order in council disestablishment, to use that euphemistic term and rather disingenuous word, as the Leader of the Opposition described it last night, but disestablishment of a department — if there's an order in council doing that, how in the word do we as members of the Legislative Assembly know whether or not the minister's new functions and mandates are being performed by that individual? You have to have a statute, sir. You have to have a Bill by which you can judge the performance of have a Bill by which you can judge the performance of that minister. You have to have a mandate in black and white writing which will tell the opposition — let alone the opposition, tell the entire people of Saskatchewan — whether or not that minister or that minister is doing the correct job.

No, not here. The proposal is that in the name of some

form of efficiency they're going to disestablish. I say, Mr. Chairman, let's be very careful and precise with the language that we're using here. When we talk about efficiency, whose efficiency? Are we talking about efficiency in the delivery of the services of government? That's an objective that I support. Or are we talking about the efficiency in the delivery of bureaucracy and the cabinet of government in their goals and desires to achieve their objectives? That's a different kind of efficiency.

You can't assume that the efficiency of administrative or bureaucratic objectives equals efficiency of the delivery of service to the people of the province of Saskatchewan. Whose efficiency are we talking about here? Are we so busy, Mr. Chairman, I ask? Are we so busy as legislators in a province of a million people only that a government of the day can't come forward and say: we're going to amend this Bill to do this function or that function in order for us to have an open debate in front of the television cameras and so the people of Saskatchewan can see us. Are we that busy? I don't think we are.

Whose efficiency are we talking about? I say, Mr. Chairman, that since the Deputy Premier either is unable or unwilling to answer those questions in general terms — and I think he has an obligation to answer why the policy behind this Bill — why it is that it found its way through cabinet, presumably through caucus. In the absence of an explanation by the Deputy Premier, what are we to conclude? What are we to conclude on this side, Mr. Chairman? Is it too far-fetched to conclude that indeed there is another agenda involved in this political move by the government for the reorganization of departments, that agenda being, as I say, that this government is either too sloppy or too lazy to come forward with legislation in order to see the light of day — and it's their efficiency — or in the alternative they're going to so scramble the departments in the weeks and the months ahead, disestablish, vary and amend those departments, that not only will the press, not only will the MLAs, but more importantly the public of Saskatchewan won't see what their hidden agenda is. Or is that the purpose that's behind this Bill?

Now there has to be some explanation as to what this government is going to do. So I say to the Deputy Premier, Mr. Chairman, I'll ask again a question — obviously he'll want to respond to my remarks — you, by your own remarks, sir, have said that all that this new department of human resources is doing, or how it was established, is a realization of existing power. You've achieved all of your objectives, Mr. Deputy Premier. You've reorganized several agencies into one new super ministry. You may have one small problem with respect name, but you have achieved your objectives under the current legislation. You would have us believe that that's all this Bill wants to do, purely administration. You've achieved that objective. My question to you, sir, is this: since you have admitted that you have accomplished that goal under the current Bill — I come back to the key question which is instrumental to getting this Bill through the Committee of the Whole quickly — why this Bill?

Hon. Mr. Berntson: — Mr. Chairman, to answer your second-last question first. The example you use, what we

have with the Minister of Labour is five or six separate entities under one minister. The administrative efficiencies that come from reorganization simply don't exist until this Bill is passed.

I want to comment briefly on your earlier remarks about, don't point to Manitoba, your earlier remarks about not pointing to Manitoba — don't point to Manitoba. Manitoba has its own uniqueness, as we have ours, and we ought to do those things that reflect our uniqueness as opposed to Manitoba's. And I suppose that's fair. I also suppose that a good idea from wherever is . . . ought not to be rejected just because it comes from some place else.

And I remember as well, in second reading debate, when several of your members said, well you know this Manitoba legislation is not bad. If your legislation was more in line with the Manitoba legislation, I could even support it. That was the line they were taking. And they were saying things like, objects and purposes. We have a great deal of difficulty with this phrase — objects and purposes. And if you would bring in the Manitoba wording, likes duties and functions, we could probably support this legislation.

That was the kind of talk that was coming from that side of the House. I said, yes, sure, we'll gladly move to that kind of phrasing — duties and functions — if that will satisfy members opposite. We think that objects and purposes is far more safer. We believe that the word duties comes perilously close to powers, and we've been trying stay away from that, quite frankly.

And you talked about, you won't appease us with this or you won't appease us with that. I, quite frankly, don't think you're going to be appeased. I think you don't want to be appeased. I think you just want to get up and make your point. And you do it very eloquently, I might add.

And the point that you made about existing legislation gives us the power to do the kinds of things we want to do — what existing legislation does, is prescribes powers to certain ministers responsible for that particular statute. What section 5 in the new legislation or in this Bill before us does, is assign powers, which is something different from prescribing powers.

And section 12 in this legislation before us now, deals with administrative framework only, objects and purposes for administrative in the administrative framework. These five or six different entities that we're talking about under one minister can be brought together in one administrative body.

But the duties and powers of those separate statutes that exist will not be changed. They can't be changed without coming to this House, either alter or repeal or otherwise deal with them. So I guess the point I make is: this is not anything sinister or dark or evil. It's really, I suppose, a mega-housekeeping sort of Bill.

Mr. Romanow: — Well, Mr. Chairman, first of all I say to the Deputy Premier, flattery won't get you anywhere. I want to say that the other members of this House will decide when and if they want to enter into this debate to explain what their remarks were about. But as far as I

heard those remarks in second reading debate . . . (inaudible interjection) . . .

Yes, they're in *Hansard*. And certainly my remarks, I remember that evening very well. I took the position then, and so do my colleagues, that Manitoba is not a model that we want to adopt. We do say that if it was Manitoba, it would be a Bill a little more closer to what you say you want to do. But that does not mean that we should go the next leap in logic, namely to adopt Manitoba.

We can point out, as we have pointed out, Mr. Deputy Premier, that Manitoba is in at least, I think, a more responsible position by this legislation. But you ought not to conclude from there that the next step is going to be, from our point of view, that we should therefore adopt the Manitoba position, especially if, when I come back to my central theme — and I say this with the greatest of respect for the Deputy Premier; he's not answered it yet — especially when the central issue is: why this Bill, in policy terms, why this Bill?

So I don't agree with you when you say that the members on this side of the House are urging you to adopt a Manitoba-style piece of legislation. That's not true.

A second observation I want to make in the context of your remarks is this business of Bill No. 5 being merely some form of, as I say again conglomerate Bill which ties up all the loose strings and does not change any of the existing powers or authorities of the legislation involved. You undoubtedly will be asked questions later this afternoon about specific department organizational responsibilities, the way this Bill is worded. But I tell you, Mr. Chairman, and Deputy Premier, that I, for one, on the wording of section 12 and section 5, and 22 and 17 of this Bill, am not so sanguine about the judgement that you make that there's going to have to be some form of legislation to change ministerial responsibilities or mandates of departments.

My former responsibilities dealt with the Department of the Attorney General. I don't have the Bill of the Department of the Attorney General in front of me, but if my memory serves me correctly, somewhere in that Bill, that departmental Bill, Mr. Chairman,, is the responsibility for the minister for the administration of justice in the province of Saskatchewan. That's in that Bill. That's a departmental mandate Bill.

I know that the current Minister of Justice, if he doesn't fulfil that responsibility for the administration of justice — because it's there on black and white in a legislative enactment — I know as a citizen of the province, and I know as a member of this House, that I can then criticize. I have a yardstick; I have a bench-mark, something by which we can assess performance, make motions of confidence or non-confidence.

(1545)

The way this Bill is currently worded, Mr. Chairman, I invite you, sir, to take a careful look at it. The way this Bill is currently worded, this cabinet can disestablish the department. Let's forget about disestablishing the department. It can certainly take out that particular object

and purpose of the responsibility of the administration of justice.

My automatic reaction to the members opposite will be, well that's a far-fetched example; we're not going to do that. But we're not debating it on what intentions are. I say to the Deputy Premier . . . I know he's a good guy, but I'm not so sure that the political people who are advising this cabinet are so honourable in their intentions and their motivations.

I don't think that we can be passing legislation on the assurance of members of the government or the treasury benches that they should somehow trust us — that they should say to the people of Saskatchewan, trust me.

The department of Continuing Education Act has a provision which obligates — and it's a departmental Bill assigned to the minister — obligates this government and this minister to honour the question of academic freedom. In question period or one of the earlier debates, yesterday I guess it was, the Deputy Premier got up and he said, well it shouldn't be there; it should be somewhere else. Well that's no answer. Maybe it should be somewhere else, but the fact of the matter is that in the combination and several Bills which tie up the responsibility of the department of continuing education and the ministry and the minister, there is an obligation to maintain the highest principles of academic independence, just like with the administration of justice.

Now they're telling us, Mr. Chairman,, they're asking us to buy a pig in the poke. They're asking us to say that we should enable them by legislation, by order in council after the Bill is enacted, to theoretically, if not practically, some day, somewhere, somehow, do away with one or two of those functions. We should trust them that they're not going to do that. That's what they're saying.

I ask you, Mr. Chairman, I ask the members of this House: is this the way we do our legislative and political business in the Saskatchewan? That's why I come back to Manitoba. If someone says, well they do it elsewhere, I frankly don't care if they do it elsewhere. I think that in Saskatchewan what I want seen to be done, is I want legislation that sets out departmental objects and purposes by that legislation. I don't want that lawmaking power being assigned to an order in council in a cabinet.

And I want to repeat one other argument which in my judgement is telling, Mr. Chairman — telling. It was raised by the Leader of the Opposition last night. I don't know whether the Deputy Premier will answer this question. I don't know if any other of the people in the back benches are going to take part in this debate, but I'll put it to them.

What would you say if we were on the treasury benches and we came forward with this Bill in this form? What would you do? What would you, Mr. Chairman . . . I won't say you, because you're impartial in the Chair now. I ask the hon. member from Eastview who I know by his ideological commitment believes in less government, believes in open government, who does not believe in what our party stands for, who fears what he says —

I

think wrongly so — is a proliferation of government activity on our part.

How would you react, to the member of Eastview I say, if we had this power, and we were in government, and we had the right by order in council to create departments and disestablish departments and amend departments and vary departments and transfer departments and gazette them but not necessarily take them to the Regulations Committee — we'll argue that; my colleague from Lakeview will explain that legal argument — how would you, member from Lakeview, like that? I don't think you'd like it.

An Hon. Member: — Eastview.

Mr. Romanow: — Eastview. I'm sorry. I said Lakeview, but I meant Eastview. Two views but from two different perspectives, Mr. Chairman.

How does the member from Eastview like this? I don't know whether or not the member from Arm River sitting in his chair over there, but he was formerly in cabinet . . . How would he like it if it was my friend, the leader of the Liberal Party, in power with this bill? He says he's just waiting for it. Well, to be honest with you, although I think he's a good guy too, I can tell him that I'm not waiting for it. I don't think that this Bill in the hands of any political party, of any group of men and women, no matter how well intentioned, is the way that we ought to be organizing our political and administrative affairs in Saskatchewan.

You see, Mr. Chairman, these people opposite are making one big, fatal mistake. They think that they're going to be in office for ever. I want to tell you, sir, from personal experience, it ain't necessarily so. It won't happen. And when you fall, as fall you will sooner or later, although I predict, I say to the member from Regina, a lot sooner than they would want, that Bill will be there.

And then I ask the member from Eastview, from Saskatoon Eastview, who is a fellow Saskatonian, or anybody else in the back bench: how would you like us to be in charge of that legislation? I don't want to be in charge of that legislation. I'm telling you that right now. That's the test surely that must be applied, as the Leader of the Opposition has stated.

Mr. Chairman, I say to the Deputy Premier of the province of Saskatchewan who has very able advisers around him — all dedicated to the improvement of the public administration of Saskatchewan — why is it on philosophical terms this Bill is being advanced? What is the major policy and philosophical basis, especially coming from a Conservative party, especially from a group of men and women who believe in the traditional rights of parliamentary democracy and accountability — at least they say they do — and that long history of going back to parliamentary accountability, especially from that group of men and women; why is it — will somebody please tell me there — that this Bill needs to be introduced on a philosophical or policy basis? We haven't heard that answer.

The member says that I am not about to be persuaded.

Well I've got a surprise in store for him. I am about to be persuaded if you can persuade me. But please, what I want you to do is to start by telling me and telling the members of this House: what is the policy purpose behind this? Don't tell me efficiency, because you haven't answered the question of efficiency for whom. Is it efficiency for your people advising you, or is it efficiency outside?

And tell us more than efficiency. Tell us how this Bill meshes with the concept of responsible parliamentary democracy, because that's what we're tinkering with right here. We're monkeying with that principle.

And so I say to the Hon. Deputy Premier: is there any other reason that you advocate, other than this ubiquitous word that you throw out, of efficiency? Efficiency for whom? For whom is this Bill designed? Who out there in the public is doing to benefit by the capability of this cabinet to act in secrecy in the back rooms to reorganize departments and ministers? Will the Deputy Premier please tell us that.

Hon. Mr. Berntson: — The hon. member talks about secrecy in back rooms and efficiencies, or lack thereof, and I've pointed out one or two examples. If we're talking about administrative frameworks — and we have with the Minister of Social Services, Minister of Labour, etc. — where we have six or five or whatever separate entities responsible to one minister, and if we can bring that together administratively so that we can bring those kinds of efficiencies to the administrative side of government, I don't see how that can ill serve either government or the people that government represents. And for the life of me I don't understand why members opposite are arguing against bringing those kinds of efficiencies to government.

On the question of public accountability, it's been put before the House before on more than one occasion that this Bill provides no more power, as it relates to the expenditure of money, than already exists under existing legislation. Every expenditure has to be brought before this House in estimates and approved here before it can legitimately be spent.

On the question of establishment or disestablishment by order in council, all of those regulations re put before the Regulations Committee of the legislature. The Regulations Committee of the legislature can argue that that can come before the House, etc.; it can be debated in that way.

And so, you know, I think that the member from Riversdale, the opposition House Leader, is far overstating the case that he tries to make. And very eloquently overstating his case, I might add. The press may catch your line. I suppose the press may catch your line. But nobody else in the province will, because the rest of the province, all the taxpaying citizens of the province, are looking for administrative efficiency to come to government. And, Mr. Speaker, we're quite anxious to provide them with that.

Mr. Romanow: — I'd just ask a couple more questions, if I can, of the Deputy Premier. I will be very specific and

shorten this one. Is it the position of the Deputy Premier that the Government of Saskatchewan does not have the legislative capacity at present to bring administrative efficiency in the organization of departments by virtue of section 71(2) of the current Bill?

Hon. Mr. Berntson: — By virtue of section what?

Mr. Romanow: — Well let me rephrase it. You have reorganized the Department of Labour and Social Services to have this new super ministry, as it's been described, of human resources, labour, and social services, Mr. Chairman. That's been accomplished without this Bill. My question to you is this: is it your position that you do not have the legislative authority to achieve administrative efficiency now? And if the answer is no, you do not, then how is it at law that the government can justify the establishment of this current department of human resources?

Hon. Mr. Berntson: — Okay, the point should be made, Mr. Speaker, that that department is not yet established. What we have is five or six or three or two, or whatever it is, separate entities responsible to one minister. That department cannot be established, in our view, until this legislation is passed.

This legislation will then bring that administrative function together, and I've already admitted that there may have been some people in this proposed department who have taken a little licence and called themselves members of whatever this new thing is going to be called. But technically and legally, we believe that that department doesn't exist. It can't exist, except as separate entities assigned as responsibilities to this minister, until this legislation is passed.

Mr. Romanow: — Mr. Chairman, let's assume for the moment that the answer by the Deputy Premier is correct. My question to you is: in the context of Bill 5, what would have prevented . . . what prevents the government from coming forward to this House at this session with a department Bill, setting up the department of human resources, social services, in the full title of the Bill? Why could you not have done that?

Hon. Mr. Berntson: — I suppose we could have; I suppose we could have. We chose not to because, quite frankly, the reorganization will not stop at the efficiencies, the administrative efficiencies, that will come to that one department. We're going to be looking throughout government for efficiencies and, as such, want to be able to have the flexibility to bring those efficiencies into play as they are recognized and as we talked about earlier.

Mr. Romanow: — Mr. Chairman, you see, I say with respect to the Deputy Premier, that is an answer which does not satisfy me. And I'll tell you why it does not satisfy me. First of all, it does not satisfy me because the implication, in fact the explicit words behind that answer, is that the government does not know where the mandate of this new department of human resources and social services is about to start or, more importantly, to end. And I find that a very strange commentary in the way this government is conducting business.

Surely to goodness, even if you wanted to move under Bill 5 to reorganize departments, you would have had in mind by now how those departments are going to be organized; where the departments are going to exist; what they're going to do; from where are their functions coming; what new functions are going to be adopted. Surely the Deputy Premier is not saying that the reason why they need this Bill in order to implement this department of human resources, the new department of human resources is, as he has told us, because there needs to be some evolutionary, long-drawn-out process for the establishment of a new department. My goodness, don't you know what you want out of that new department of human resources, for example?

(1600)

Do we not know what is going to be of a Department of Labour? Have we started this process of taking one brick away from some departments and from other departments and then put together a half-built house; and because we don't know what that house or those houses are going to look like, we need to give you people, at the expense of democracy and accountability, a *carte blanche*. That house may end up looking like an elephant or some other unseemly creation.

Is that the position of the Deputy Premier and the government, that they have no firm idea of how government organization is going to take place? That they're going to organize because somehow that's the buzz-word. Or is it, Mr. Deputy Premier — and forgive me if I sound a little bit paranoid about this — or is it because you do have a game plan, but you don't want to meet this legislature, using this Bill as an example, to defend what you're trying to do.

Is it really, Mr. Deputy Premier, the purpose behind this Bill No. 5 that you people on the treasury benches indeed know exactly what you're going to do with the government's department. You know which of those departments will be eliminated. You know what the consequences are going to be in civil service staff complement and negotiations. Is it because, using this example of human resources, you're really going to batten down the hatches and sock it to all of those people who have now been suffering for four and a half years under your administration, and you're afraid that by coming with a full-fledged departmental Bill to set it up, you're going to run into tremendous political flak from us and from the press. Is that the real reason behind Bill 5?

Some Hon. Members: Hear, hear!

Mr. Romanow: — It's got to be one or the other. It can only be one of two objectives, Mr. Deputy Premier. You either don't know where you're going and you need the flexibility when the House is not around to put together this concoction, whatever it's going to be, which is a damning indictment of the incompetence of this government, Mr. Chairman. Or in the alternative, you do have a game plan but you do not want to come to this House to tell us what it is. You don't want to explain — I use this department as an example — what it is, the mission and the mandate of that department is, and what

other departments are likely to be affected. Which of those two really accounts for this Bill?

Hon. Mr. Berntson: — Mr. Chairman, I'm sorry that the hon. member misunderstood what I said, because what I said was that while those responsibilities under the Minister of Labour would come together as one administrative function, one administrative operation as opposed to the several separate entities that he has now, and clearly we know where that one is going to take us — and you've asked us why we couldn't bring legislation in to deal with that particular reorganization at this time. And I say, I suppose we could have.

But I'll give you another example. We have, in the Department of Environment, we have moved into some public safety aspects of government. And that may require, when all of our analysis is completed, that may require a similar bringing together of administrative functions rather than having separate entities responsible to the same minister. And as regards your paranoia, however ill-founded, I want to set at ease by telling you this, that the public servants in the province have and will continue to be looked after under the collective agreements and The Public Service Act. They continue to stay in place.

So quite frankly, Mr. Chairman, and member for Riversdale, I apologize for not making myself clear in the previous answer. But secondly, I think that your case is being considerably overstated.

Mr. Romanow: — Mr. Chairman, I only wish I could say the same of the Deputy Premier's. I don't think it's being overstated or understated. I'm not sure that it's being, with the greatest of respect, even stated.

Because I tell the Deputy Premier, the position that we take, the position that I take, is this: when we establish departments of government, the theory of parliamentary democracy in the sense of ministerial accountability is to be able to ensure that the opposition and the public knows what the mandate of that minister is to be, as measured by the Bill, and whether or not he or she is fulfilling that mandate.

If you weren't ready with respect to the new human resources department, if you're still not ready with all the other departments which you're going to establish, I say to you, sir that it's incumbent upon the government to delay the introduction of such reorganization in the name of efficiency or for whatever purpose, even ideological objective. It is incumbent upon you not to do that until you are ready to come to this House.

You can't expect us . . . I don't mean to be sounding in a lecturing way, but I don't think you can expect an opposition to buy a pig in a poke, as I've said. You have an obligation to lay out via the legislation what it is that you're trying to achieve by way of departmental organization. We have a duty to say whether or not you've accomplished that goal. The public and the press have got the right, the ultimate right, Mr. Chairman, to judge this government, at election time, whether they achieved that goal of efficiency.

You can't do it on some surreptitious, some ill-thought-out, concocted, half-baked idea in this Bill, and then plead with us that we should tolerate a period of uncertainty and a period of lack of direction. You cannot do that. You can do it, but don't expect us to accept it.

People say the member said that the public may not be paying much attention to this. I don't agree with him. I think the public is paying attention to this Bill. I think that there is a concerned group of people out there and it's growing. It's growing because at issue are two fundamental principles. One is something which the Conservative Party heretofore said it believed in, the principle of parliamentary democracy, but in power here they are eroding. In fact they've attacked it. That, I think, people are interested in because it tells you where they're going. But people are interested on a day-to-day basis. You can't fool around with men and women who have built careers and livelihoods, working honourably and honestly in a civil service, and have a great big question mark hanging over their heads.

That's what this efficiency and this whole objective of slimming down government has resulted in.

It's resulted in thousands of civil servants, Mr. Chairman — loyal civil servants, people who know what their duties are, people who want to fulfil those obligations to the betterment of all of society — having a great big question mark over their future while the government makes up its mind as to what its objectives are and then asks the opposition to trust it in the implementation and the reorganization of the departments of government.

I ask you, Mr. Chairman, is that a logical way to proceed? I say to the Deputy Premier that not only is it illogical . . . I don't want to overstate it by saying that I think it undermines the principle of parliamentary democracy. I think it does not help it, that's for sure.

Not only is it illogical and it's an attack on democracy, but I think it is indeed a part of an overall game plan by this government which is going to spell big trouble for the ordinary people of Saskatchewan very soon, Mr. Chairman — this Bill is. Anybody who acquires unto himself or herself the kind of authority that this cabinet does in this Bill, I tell you, is going to be bad trouble for the people of Saskatchewan down the road very soon.

If you can't defend and explain publicly why you can't come forward with legislation; if you don't reorganize your efficiency by bringing in your Bills and explaining to the public the rationale and the objectives behind it, I tell you, Mr. Deputy Premier, you will never be able to explain it, no matter how much money you spend on government advertising to try to justify that objective. You'll never be able to explain it.

It's counter-productive from your purposes. You must be able to convince the average person in Saskatchewan what you're doing is right and proper. And that means not only the civil servants but from the civil servants right on up to the masters of us all, the ordinary people, the men and women and the voters of this province.

I say, Mr. Chairman, the failure of this government to do

this is a betrayal of the traditions and the history of this House. And I say, moreover, it is an Act which is bound to have this government defeated sooner than later — and soon enough can't be too soon for me.

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — Well, Mr. Speaker, I think the only thing brought into this debate that was new there was the question mark that the hon. member put over the heads of the public service. And I just point out to the member that I don't think it's a legitimate argument by virtue of the collective agreements and The Public Service Act in existence.

And if you compare that, if you compare that to the . . . and take that same argument and apply it to the powers and duties given to the cabinet under the — I believe it's called The Crown Corporations Act of 1945 or '46 or whenever it was — under the CCF and re-enacted in 1978 when that particular member was sitting on this side of the House, and my guess is that a lot of the people in the Crown sector, or at least some of the people in the Crown sector, don't enjoy the protection of either collective agreement or The Public Service Act.

You know, I just don't understand how he can act in one way and argue strenuously in quite another. I guess, you know, the points have been made. Obviously we are in disagreement and that's unlikely to change, that's my guess.

Hon. Mr. Blakeney: — Mr. Chairman, I'd like to make a couple of points and just ask a couple of questions, basically. The Deputy Premier will know that this is not the first effort at reorganization, not the first announcement that here was going to be a pursuit of efficiency. And I call to the attention of the House another one, and I will quote it again:

I'm happy today to announce a major reorganization of government departments and agencies. It is designed to meet three key objectives: (1) to improve government productivity, overall effectiveness, efficiency and economy by co-ordinating similar programs; (2) to consolidate related functions under single departments to insure greater accountability, and: (3) to improve public access to government by simplifying communication and reducing confusion.

That, as you will know, Mr. Deputy Premier, were the words of the Premier in March of 1983. Now were they achieved? And if they were, why do we need this Bill; and if they weren't, why did it take you three and one-half years to find out that you needed this Bill?

Hon. Mr. Berntson: — The short answer is that I suppose in some measure some of those objectives were achieved, Mr. Speaker.

Government of the day, as with a large part of the rest of the world, is a rather dynamic situation and thus the reason for this Bill. Every time we find some way to bring

new efficiencies to the administration of government, should we come back here with a reorganization Bill and debate it and debate it and debate it, or should we have this executive flexibility that is not any sort of a power-grab where we can, through Executive Council, through regulation that can come to this House, or a committee of the House — Regulations Committee — and be referred to the House, have the streamlining that several other jurisdictions have found to be efficient and bring those kinds of efficiencies that we talked about in earlier reorganizations; and we're talking about in this reorganization. So, yes, to answer your question, I guess that in some measure some of those earlier objectives have been met. I freely admit, not all of them, and we're looking for more efficiencies now.

Hon. Mr. Blakeney: — Mr. Chairman, and Mr. Minister, you have referred to regulations and the Regulations Committee. Do you concede that no order in council passed pursuant to the Bill we're now debating will ever come to this House for debate without the consent of the majority of that committee sitting on the government side of the House? Don't you agree that the Regulations committee is controlled by the government, as are virtually all other committees, and that no regulation passed under the Bill we're now debating can ever get to this House without the consent of that majority sitting on the government benches?

(1615)

Hon. Mr. Berntson: — My understanding, Mr. Chairman, is that that is true of all committees. All committees are a reflection of the House. If that committee recommends that that regulation should come to this House for debate, that's what happens. If that committee recommends that it doesn't, and that it's passed at the committee, that's what happens. That's also true of Crown Corporations Committee, Public Accounts Committee. Any committee, as a reflection of the House is, I suppose, democracy in action, and it can be debated in the committee.

And I suppose, not off the top of my head, but other jurisdictions can be cited where all kinds of things far more weighty than this never come to the House but are dealt with in committees. So I don't . . . while I accept what the member has said, I don't see that it carries the kind of weight that he implies that it does.

Hon. Mr. Blakeney: — Well, Mr. Minister, obviously we haven't made our point. It is our view that when you are going to change major powers in Acts setting up departments — and they are major powers, major rights of citizens — that those changes ought to be made in the House. That's our point.

Now you're going to say that you weren't going to make changes that way. We simply don't believe you. We don't believe you if you say you can't do it. If you say you can do it, but won't, we say that that's bad law.

When you can vary a department, we believe you will be able to change substantive rights. This is our reading. We don't believe that those rights are sufficiently protected by being debated in a committee which is not set up for that

purpose.

One look at the terms of reference of the Regulations Committee will indicate that it is a committee designed to check abuse of power by finding out whether regulations exceed the authority contained in the statute under which they're made. Now that's what the Regulations Committee is all about. And our problem is that we are hard-pressed to find any regulations which could exceed the powers given by this Bill, because the Bill is so sweeping. And I again refer you to section 12, which talks about, notwithstanding any Act or any other law, you can do major, major things.

Do you believe, do you believe, Mr. Minister, that the rights of the citizens, many of them entrusted to the departmental Acts which are before us and which are about to be changed by order in council, do you believe those rights are sufficiently protected by having them perused by a committee whose job it is not to examine those rights but to see whether or not legislative power has been exceeded.

Hon. Mr. Berntson: — Mr. Chairman, one of the advantages that I have in this debate is I am unencumbered with any knowledge of the law and so I depend on those who have some significant knowledge and have been advising people for some time, and I'm told that there is nothing in this legislation that can provide for, as the member opposite says or suggests, major changes in power by this legislation.

What this legislation provides for is that we can change administrative objects and purposes, if you like. For instance we can say that the Department of Labour no longer exists. Okay. But The Labour Act continues to exist and all of those powers and duties that are in The Labour Act are assigned to whoever it is that this new administrative body, whether it's human resources and labour or whatever. So if there's any cleaning up to do in The Labour Act that will cause amendments or repealing of the Act or whatever to take place, and that has to come back to this House to be dealt with. So when you're talking about sweeping changes in power, we believe that that's simply not possible under this legislation or this proposed Bill.

Hon. Mr. Blakeney: — I want you to take me through a change then. I want you to consider the Department of Energy and Mines. And I tell you that the Act setting up the Department of Energy and Mines being chapter D-13.1 starts out by saying:

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

Now I take it you don't deny that under this Bill under section 12 that department can be disestablished and the department will be gone. And so will the minister be gone — the minister in this case, he will not be gone except that he will be the member of the Executive Council to who it's assigned, but he will not be the minister of Energy and Mines.

All right. Now, I want you to look at say, section 5:

5(1) The staff of the department is to consist of a deputy minister, etc. . . .

(2) No employee of the department shall:

(a) disclose any information that is obtained by him through his employment with the department; or

. . . recommend the worth of any mineral lands, I paraphrase.

Now that is an obligation imposed upon employees of the Department of Energy and Mines. And that's an obligation which protects the public — that the employees of the Department of Energy and Mines aren't out there wheeling and dealing with information on whether or not there's a hot piece of gold property.

I want you to tell me, once you have disestablished this department, why any employee is still bound by that provision. Isn't that gone? Isn't it gone? And if not, why not?

Hon. Mr. Berntson: — Mr. Chairman, I suppose, if I understand the question, the answer is as follows. You say that we move under this Bill or this proposed legislation to disestablish the Department of Energy. And we do that so there is no more Department of Energy and Mines. That is not to say that that legislation or that statute is gone, because it's not. It's still there because it hasn't been repealed or amended or otherwise adjusted.

And I suppose you can argue that there now is no longer a Minister of Energy and Mines, if the department doesn't exist. But I suppose that Executive Council can have a minister of whatever — it might be the Minister of Labour, it might be the minister of miscellaneous — who has responsibility for this statute. Section 22(b) of the proposed legislation, if you look at that, is what my people are telling me in relation to the exercise of the respective powers, duties, and functions shall in any Act, regulation, order, or document be substituted for.

Hon. Mr. Blakeney: — Did you say 22(b) does it?

Hon. Mr. Berntson: — Yes. And I hope that answers the question.

Hon. Mr. Blakeney: — I don't follow that, Mr. Minister. Let's just take me through it slowly then. On or after the date, the minister to which the function is transferred in relation to the exercise of the respective powers and duties shall be the minister from which . . . Sorry, I don't see how that in any way addresses my section 5 problem. And I want someone to look at section 5 and note that it does not impose any obligations on the minister but only on — or duties — but only on employees of the department.

And I say that once the department is gone it doesn't have any employees. And the fact that the functions may be transferred to the minister doesn't make those employees employees of the department which is gone. And I say that this is just one of the many provisions in these departmental Acts which is going to be effectively repealed.

And we are in, I suppose, a fairly narrow little bit of law. And I admit that where it says “the minister shall,” those duties transfer to another department. I concede that because I concede that to be the effective section 5 where the Executive Council may transfer or confer any power imposed upon law on any department to any minister or other department.

And if I were talking about a power of the minister or a power of the department, you can do it. But this section 5 is neither . . . got nothing to do with ministers as such or departments as such. It is a duty imposed on a particular group of employees, and I say it’s gone.

And I say these are the sorts of things which are going to keep popping up. I want to . . . And that, I think, is a straight . . . I’d be interested if anyone had an answer to my energy and Mines, section 5(2) problem.

Let me take another one. And I think that you have an answer to this one, but I just want to know what your answer is. The Department of Finance says that the minister shall be the Minister of Finance. And then later on it says, the minister shall prepare accounts and lay them before the legislature. It’s a duty on the Minister of Finance.

Now what I want to say is this. If you had disestablished the Department of Finance, made yourself a department of financial services so there is no longer any Minister of Finance, on whom is this statutory duty? On whom is the statutory duty contained in section 31(1) of the Act, of The Department of Finance Act?

(1630)

No, it’s perhaps not 31(1). It doesn’t matter where it is, but I will find it in a moment. It’s 30(1). Section 30(1), and I say I think you have an answer to it; I just want to know what the answer is.

The minister shall prepare the estimates of revenue and expenditures in any form that the board may direct, and shall present the estimates to the Legislative Assembly.

Now there is a specific statutory duty imposed upon the Minister of Finance. Can you avoid that? That is there for the protection of the legislature. Can you avoid that by doing away with the Department of Finance and having yourself a department of financial services?

Is it then true that no minister has that obligation? Have you not done away with the statutory obligation to present estimates to the Legislative Assembly? And this one is a “shall.” You can go through these Acts and you will find almost all of them say that the minister “may.” This one is not; this one says the minister “shall.”

Here the legislature is saying, we are not giving you permission to do something; we are ordering you to do it. Now do you not feel that you can defeat that order by in effect disestablishing this department and setting up another department? It can do all the same things but with a different name.

Hon. Mr. Berntson: — Your question is: can the obligation to table estimates in the House be avoided if this legislation goes through? The answer is no. The responsibilities, or the duties and functions, are transferred to a minister — maybe the minister of estimates; I don’t know — under section 5. And then section 22 applies, that obligates him to do those things that exist in that Act.

Hon. Mr. Blakeney: — I hear exactly what you’re saying. And under section 30, the legislature said you shall — you shall prepare estimates and present them to the legislature. And you say, I don’t like that idea; I don’t like this whole idea of presenting estimates to the legislature.

So you do away with that department, and then you say the lieutenant in council “may” assign that duty to somebody else, but then again, they “may” not. There is no obligation on anybody, and I say that you are simply doing away with that statutory obligation to present estimates to the legislature. And as I say, the statutes are full of these, I’m not just picking out one’s or two’s around here, but I am trying to point out the sort of thing you’re doing and the sort of thing which is open to you. And I don’t think you should be able to avoid such a fundamental statutory obligation on the executive in its duties to the legislature as to prepare estimates of revenue and expenditures and present the estimates to the Legislative Assembly.

I think that is a fundamental statutory obligation that any executive owes to any legislature. The legislature has put it in the uncharacteristic command terms of “the minister shall.” And you say, no, I don’t like that; I’m going to do away with that department; I’m going to do away with that minister; I’m going to transfer some of those obligations in this department to another minister, but I’m not going to transfer that one because I don’t like it and I have no obligation to transfer it. And while this still sits on the statutes books, the only minister who has an obligation is the Minister of Finance, and there is no such animal. And I think that you ought not to be able to end-run the legislature that way.

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — Okay, Mr. Chairman. My understanding is that the current Act, the Legislative Assembly and the Executive Council Act says the same thing — that the Lieutenant Governor in Council may from time to time prescribe duties of officers appointed under section 70 of the several departments over which, etc., may . . .

And that exists now. Now I don’t know how, if we disestablish some administrative function, how that would allow this statute to sit around there floating without someone to have responsibility for that and all of the powers and duties and obligations that exist in that particular Act.

Hon. Mr. Blakeney: — I just say that’s exactly what you’re doing. You can have powers in departmental Acts which will be nobody’s responsibility — and here’s one. “The minister shall . . .,” and if you don’t have a Minister of

Finance, then there is no statutory obligation. We've got another one, I see, in the Energy and Mines department where "No employee of the department shall . . .," and you're going to disestablish the department so there won't be any employees. The people who are doing the same work will not be bound by the same statutory rule.

Now, Mr. Chairman, and Mr. Minister, I don't intend to go through six or eight or 10 departmental statutes. We pointed out some. I'm just pointing out two more. But I say that when you can disestablish a department — and I say the fair inference when you disestablish a department is that you do not have a minister called with that name, and there is no obligation in The Legislative Assembly and Executive Council Act to which you referred — the Lieutenant Governor may appoint a Minister of Finance, and I concede that. I just say that . . . (inaudible interjection) . . .

Mr. Chairman: — Order, order. I'd ask the member to make his comments on his feet.

Hon. Mr. Blakeney: — The member says that the Executive Council may give this responsibility to another minister. All I say is, then again they may not. Then again they may not. And I say where it says, "the minister shall prepares estimates. . ." and you don't like that, you just very conveniently get rid of both the minister and the department. Well I make that point; you can accept it or not. I have heard no argument — no argument which meets the one I'm putting forward, none whatever, except you say that you might transfer the obligations to somebody else. There's no obligation whatever to "must transfer," and that's my point.

I want to change the subject, because I have made the point or not made the point, depending on one's perception.

Would you consider, and if you don't do it now, consider at some point making a provision which said that any order under this Act, any order transferring powers under this Act, any order in council or, if you want it more limited, disestablishing a department or establishing a department, would have, let us say, a life of 12 months or 18 months so that you would then bring in legislation regularizing what you have done, or at least putting into statutory form what you have done.

My case is this, that the public really does not have full access to orders in council and regulations. I know they're out there. I know they're published, but they certainly are not readily available to people in the way that the statutes are. People simply don't look in orders in council, except lawyers, for major reorganizational changes in government.

You want flexibility; I understand what you're saying. Whether I agree with it or not, let me concede your point that you want to be able to rearrange and reorder departments without having to come to the legislature. I would put it to you that you ought to consider the fact that when you have done that you might bring in legislation in the next session, and I say 18 months because that ought to — even if an opposition were ragging you — if I may put it that way, you would have an opportunity to bring it

in in 18 months.

And this would mean that the public, when they were trying to figure out what department may be in charge of anything, would need only to go to the statutes, plus regulations back 18 months. Because I fear that if we work on this system for year after year after year after year, we are going to get cross-piled regulations that will make it very difficult to figure out who's in charge of what.

I wish I could say that any government of our political stamp always cleaned up all the regulations. But it wasn't true under our administration, although major efforts were made to do so, and they were continued under your administration. And I compliment you, as I'm sure you'd compliment us. Our regulations are probably in as good shape in Saskatchewan as they are in most provinces, so we have nothing to apologize for.

But anyone who has ever tackled that process knows that it's just complex, complex, complex. And I just happen to have one that set up this new department, or didn't set up this new department, whatever you care to say. But it has a couple of cross-references in it, and this is what happens. You've got to have a large table when you start tackling them.

I ask you to consider the possibility of "sunsetting" those regulations so that they would all be brought in in statutory form at some point. And as I say, the public, including the legal profession, would then be able to go to the statutes, plus regulations back 18 months or . . . That's what I have suggested. And I suggest that that may be worthy of consideration. If you don't want to think of it now, perhaps another time.

Hon. Mr. Berntson: — You know, I have some degree of sympathy for the arguments advanced by the member, and I will give it some consideration. I'm not sure that we would want it in this Act.

There is, I think, in every instance where a regulation or an OC were passed under this legislation, there would be a requirement, in any event, to come to this House with consequential amendments to various pieces of legislation that would provide, I think, opportunity for debate on all of those things. And the real reason for this legislation is to give the kind of flexibility that the executive — not only here but in other jurisdictions — has wanted and used to provide for the efficiencies in the organization and administration of government.

So while I have some sympathy for your argument, I'm not entirely sure that we should have it in this legislation. But it should be clear that . . . I can't think of one instance where there wouldn't be a requirement for some kind of legislative clean-up consequentially.

Ms. Simard: — Mr. Chairman, there has been a great deal of discussion this afternoon on this Bill, and I just want to reiterate some of the points that I agree with that have been made, and some of the questions that should be asked again, and that is that it was stated here earlier this afternoon that the purpose of the Bill is to rearrange government. If that's the case, why do we need this Bill? Why does this Bill do that we can't already do other than

change the name of a department? That question has to be asked by the members opposite. They have to ask themselves that question.

(1645)

The member from Souris-Cannington had indicated just a few seconds ago that there was a requirement to come back to this House to deal with the legislation that is left dangling when a department is disestablished, for example. I would like to know, Mr. Chairman, where that requirement is. That requirement is not in this Act. There is no requirement to clean up the left-over legislation. In fact, if they're given the power to disestablish a department, does that carry with it, by implication, the power to repeal sections that are left hanging in the departmental Act? I ask them that question: whether by implication the rest of the Act is also repealed?

I also wish to comment on the Manitoba and B.C. legislation, as well as the federal and British legislation, which I did when I spoke on second reading speech . . . in the second reading debate, rather. The Manitoba legislation, as far as I respectfully submit, does not go as far as this legislation. I am not saying, and I did not say, that the Manitoba legislation was acceptable to the opposition, but it does not go as far as this legislation does in that it speaks to duties and functions. And there is some suggestion and some concern on this side of the House that objects and purposes — because duties and functions flow from objects and purposes — that objects and purposes are broader.

So we have to ask ourselves whether or not this also, when you can establish the objects of a department, does that imply the power to also establish the powers of the department? Are the objects the powers? Where do we have the dividing line between objects and powers? And does it not leave this Bill open to the possible interpretation that objects and purposes means that the government can also establish powers and, therefore, some of the more substantive legislation that we've been discussing over the last few days?

And that's why, Mr. Chairman, in my respectful opinion, this Bill goes further . . . that's one of the reasons why it goes further than the Manitoba legislation, for example. But I'm not saying that the Manitoba legislation, for example. But I'm not saying that the Manitoba legislation is perfect and that we should adopt the Manitoba legislation. Now I understand in Manitoba the system that they try to follow is very much like the one that the member from Souris-Cannington described he wishes to follow here. But, you know, I'm still not saying that that's the acceptable approach.

But we have to respect the fact that this Bill, in our opinion, goes further, even further than the Manitoba legislation, and also goes further than the federal legislation and the British legislation which was referred to on the second reading debate by the members opposite.

As I understand the federal legislation, Mr. Chairman, it requires that the proclamation, regulation, whatever — I believe it's considered a proclamation in Ottawa — the proclamation has to be brought back to the House and it

provides for debate. And that, Mr. Chairman, I submit is the proper way to deal with those sorts of provisions. It should come back to the House; it should come to the Legislative Assembly for scrutiny and for review by all members of the Legislative Assembly.

There are a number of other problems, of course, with the Bill, but our major problem is with section 12. There are other problems. When you look at section 5 with section 12, it seems to imply that powers can be bestowed under section 12. When you review other sections like section 15 and 16, I believe, it also refers to "... powers ... conferred or imposed by or pursuant to this Act or any other law ..." Any other law in effect could be a regulation for example. So when you review all the other sections of the Act in conjunction with the section 12, one legitimately asks oneself the question whether or not section 12 isn't an enabling section, a section that allows the government by regulation to pass primary law, whether or not it's a primary lawmaking section.

And the members opposite can say that it's not, but I suggest that's open to debate. And if it's open to debate, then the Bill goes too far, and that should either be amended or these regulations should be brought back to the House. And it's the latter point that I am putting forward — that is that they should be bringing it back to the Legislative Assembly because this is where it should be dealt with.

The point was made that this body of law is standing out there and we're going to have to do something with it. But I want to say once more: where is the obligation to do that, other than the fact that it's standing out there? Where is the obligation? Thank you.

Hon. Mr. Berntson: — I guess the answer is that I can't imagine or conceive of anything else happening in such a firmly established convention and practice, particularly in Saskatchewan, that when legislation is passed, it is assigned to a minister.

And you know, if for instance the legislation relative to, well, the Labour Act or The Labour Standards Act or whatever, is assigned to the Minister of Labour, now if the Minister of Labour no longer exists because we now have the minister of human resources and labour, or whatever it's called, that legislation will then be assigned to that minister, or it could be assigned to some other minister, you know.

But the short answer is that the long-standing and well-established convention and practice of Canada and Saskatchewan and probably the Commonwealth is that it is inconceivable that anything else would happen.

Ms. Simard: — Except, Mr. Chairman, the law now, with respect to a departmental Act, says there shall be a department and there shall be a minister. If you disestablish the department and reassign that minister's duties with no corresponding obligation to assign a minister to those sections, powers, function, whatever it is in the Act, where is the obligation? The obligation isn't based on tradition now. It's not based on custom. It's based on legislation.

Hon. Mr. Berntson: — You see, I guess that's the point. You can disestablish the department but you don't disestablish that Act. That statute exists. Right? And the only way — the only way that it can be changed, amended, or repealed, or whatever, is to come back to this House with amendments or a Bill to repeal it. And so the provisions of that Act will still stand. I mean, it's precisely as it is now.

Ms. Simard: — I beg to differ. It isn't precisely as it is now.

First of all . . . There's two points I want to make with respect to the comments from the member from Souris-Cannington. Perhaps by permitting you to disestablish a department and establish a new one with very similar powers you have been given implicitly the power to repeal the original department. Perhaps that's the case. That's arguable under this legislation.

An Hon. Member: — We don't accept that.

Ms. Simard: — Well you may not accept it, but I'm suggesting to you it's arguable. And if it's arguable, then the legislation goes too far.

Number two, that the case now is that you are required by legislation — there shall be a Department of Labour, and a minister shall be in charge of that department and its functions and powers and duties and responsibilities. But you are giving yourself the power to say: there shall not be a Department of Labour. There shall not be a Minister of Labour. We're going to put him over here. And you haven't said who or what body is going to take responsibility for those things in that legislation? There's no corresponding obligation on your part. Would you not agree there's no legal corresponding obligation on your part to ensure that those functions and duties and powers and sections in The Labour Act — if we're using that as an example — would you agree that there's no corresponding obligation on the statute books for you to make sure that those provision are followed through upon?

Hon. Mr. Berntson: — Mr. Speaker, the provision in the Bill before us as it relates to assigning . . . prescribing those duties from time to time is no different than it is in the current Legislative Assembly and Executive Council Act. And that answers your second question; I'm not sure that it answers it satisfactorily. Your first question; we just don't accept the argument, and that answers both your questions.

Ms. Simard: — If I might just comment on that, Mr. Chairman. This section is a permissive section. It's not a mandatory section to assign duties or powers — section 5. And it is very similar or identical to the section in the Legislative Assembly Act, but we still go back to the fact that we have over here an Act that says there shall be a department, there shall be a minister responsible for that department, and these are the minister's duties and powers. Okay?

So we have that Act there. You are not retaining the permissive section saying that the LG in C may assign duties, but you are deleting the mandatory aspect of the departmental Act. You're taking away. You're

disestablishing the department. What you're leaving hanging are the other provisions coming out of that department. Therefore, to say that the Legislative Assembly Act section, which is incorporated in section 5 of this Bill, requires that you assign the duties, is not accurate.

Hon. Mr. Berntson: — Obviously, you know, we're not going to agree. There is no requirement now statutorily to assign Acts to ministers, as I understand it. It's long-standing practice and convention. And we have under section 71 of the old Legislative and Executive Council Act, the one that's sitting on the books right now, a permissive section 71. That's no different than I think our section 5 is in this Bill that we've got before the House today.

So we obviously have some disagreement here. I take counsel from people who have been advising governments on this for some time, and that's the position that we take, Mr. Chairman.

Mr. Chairman: — It being 5 o'clock I now leave the Chair until 7 p.m.

The Assembly recessed until 7 p.m.