

September 17, 1987

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

ORAL QUESTIONS

Hon. Mr. Blakeney: Mr. Speaker, my question is to the Minister of Consumer Affairs.

An Hon. Members: She left.

Hon. Mr. Blakeney: I'm sorry, Mr. Speaker, I saw her a moment ago. I must say that I'm taken aback, Mr. Speaker, and I will relinquish my place to somebody else.

Salary of Saskatchewan Housing Corporation Consultant

Mr. Solomon: Thanks, Mr. Speaker. My question this afternoon is to the minister responsible for the Saskatchewan Housing Corporation. Minister, since early this year when the Minister of Finance suddenly discovered a 200 per cent miscalculation in his budget deficit, your government has been increasing taxes to ordinary people, cutting services, and throwing thousands of people out of work, all in the name of restraint. But at the same time your government found the money to pay defeated PC cabinet minister, Sid Dutchak, nearly \$7,000 a month to act as a consultant to you at the housing corporation.

Can the minister confirm that was a higher rate of pay than the former president of SHC, Calder Hart, and the current president, Mr. Little, had received and is receiving. And also can he tell Saskatchewan taxpayers how he justifies this kind of political patronage and wasteful spending in a period of economic restraint?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: Mr. Speaker, we very thoroughly discussed Mr. Dutchak in Crown corporation hearings for the past couple of days. And as I said in those hearings, and as I say today, clearly I suppose it would appear that Mr. Dutchak's appointment was political. I suppose that if you wanted to cry patronage, and had we made a permanent president out of MR. Dutchak and given him some exorbitant salary, that claim might have been true. But you have to understand, Mr. Speaker, that Sask Housing Corporation at that particular . . .

Mr. Speaker: Order. Order, please. Order! Order.

Hon. Mr. Klein: Thank you, Mr. Speaker. I've explained it to them before, but every time I start explaining it, they don't seem to want to listen. But I think perhaps the people of the province would want to listen.

But as I was saying, the corporation was without a president, and we were entering one of the most exciting and dynamic programs in the history of any government of this province.

And the members again, opposite, Mr. Speaker, seem to find it humorous that as a result of the home improvement program that has put almost \$1 billion of economic activity into this province in the last 12 months, is responsible for creating or maintaining up to this present point about 14,000 jobs.

Mr. Speaker, we were embarking on one of the most successful programs of any government in history. Clearly the corporation needed some direction. Clearly Mr. Dutchak, who was the former minister, who knew the senior management . . . We did not have a president. He had the expertise of the program. I couldn't think of a better person for the corporation to have hired for a short period of time.

Some Hon. Members: Hear, hear!

Mr. Solomon: Mr. Speaker, the minister has just confirmed that this expenditure of nearly \$7,000 a month had little to do with public policy and everything to do with political patronage. And I think the taxpayers of this province are going to have a real important message to give to you next time they have an opportunity.

Minister, you confirmed at the Crown Corporations Committee this week that the \$7,000 a month was just Sid Dutchak's consulting fee. You admitted also that he was allowed to submit expenses. Can the minister tell this Assembly and the people of this province what those expenses were?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: Mr. Speaker, I have before me a piece of paper that indicates that one Mr. Alex Taylor, a defeated NDP MLA constituent and former NDP cabinet minister, conducted a study for the Saskatchewan Housing Corporation between January of 1981 and December of 1981. This Mr. Taylor was paid \$48,000 plus expenses of \$4,230. I can tell you that Mr. Dutchak's expenses were nowhere near that \$4,200.

Some Hon. Members: Hear, hear!

Mr. Solomon: Mr. Speaker, the minister didn't answer my question. But at least when Mr. Taylor was providing a report, he provided . . .

Mr. Speaker: Order, please. There is no room for a debate, so please give a short preamble to your next supplementary.

Mr. Solomon: Supplementary, Mr. Speaker, to the minister in charge of the housing corporation. Minister, when a government hires a consultant, that consultant usually provides a written report with recommendations, as Mr. Taylor did. Yet at the Crown Corporations Committee meeting earlier this week, you were unable to provide the taxpayers with Mr. Dutchak's report.

Do you now have that report, and can you table it today to show what taxpayers received for this large expenditure?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: Mr. Speaker, this same question in Crown Corporations sparked quite a controversy, unfortunately between myself and one of the members opposite. Because although Mr. Dutchak's contract with the corporation was now for the year under review, in a spirit of co-operation I was prepared, as I said, and I'll quote from Hansard, if I can just find it offhand:

. . . I am prepared to discuss Mr. Dutchak's situation because we have nothing to hide and nothing to fear.

Clearly in there. The following day, and I'll quote from Hansard now, I was asked by the member:

You have a report from them and recommendations. Is that not correct?

He was . . . I'll read the whole quote.

Uniformly when you retain outside consultants, at the conclusion of their consultancy period you have a report from them and recommendations. Is that not correct?

My response, Mr. Speaker.

Generally speaker, I could tell the hon. member that this is the case. But depending on the nature of work at any given time - depending on the nature of work - it might be such that a report wouldn't be required.

I made it very clear. Now then they went on and they . . .

Mr. Speaker: Order. Order. Order, please. Order, please. The member is answering a supplementary. Order. Order, please. Order, please. The member is answering a supplementary, and I know that there is a great deal he could perhaps say about the supplementary in his answer, but I think he should try to keep his answer reasonably short.

Hon. Mr. Klein: Mr. Speaker, I just want to make it very clear about . . . They asked me the question about the tabling of a document, and I explained that in all instances this report from a consultant is not always required and not always asked for. And I think that I made it very clear that in Mr. Dutchak's case that was not specifically the situation.

I did, however, make a statement that it is my understanding that he did provide me with a final report at the conclusion of his work. I have since checked with my officials to see if that is the case. There is no formal consultant report. As I explained in corporation hearings, it was not required, and therefore there was nothing to file. But I did discuss his appointment in great detail because, as I have said on many occasions, we have nothing to hide.

Some Hon. Members: Hear, hear!

Advertising of Saskatchewan Housing Corporation

Mr. Tchorzewski: Thank you, Mr. Speaker. I have a question for the minister in charge of Saskatchewan Housing Corporation. Mr. Minister, information which you tabled in the Crown Corporations Committee also shows that you spend one quarter of a million dollars in the month of September to advertise the home program, which was advertising for the Conservative Party, and you did it at taxpayers' expense.

On the one hand, Mr. Minister, you're preaching restraint; on the other hand you find lots of money for your political party advertising. And I say to you, that's bad management and that's unfair.

And in view of that, I ask you the question: if you can somehow find a quarter of a million dollars a month for this kind of thinly disguised political advertising, why can't your government find money to fix our roads, to provide adequate staff in our hospitals, and to do something about the huge waiting lists at our universities and our technical institutes?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: Mr. Speaker, it never ceases to amaze me how members of the opposition can play on words. Now it's a quarter of a million dollars per month to advertise that. Quite a statement. It wasn't a quarter of a million dollars per month. In one given month of a billing period it may have been that quarter of a million dollars, but by your own admittance it was only . . . It's not . . . To laugh at me and say that it is per month is . . .

Mr. Speaker: Order. Order, please. Order, please. Order, please. Please allow the member to answer the question.

Hon. Mr. Klein: Thank you, Mr. Speaker. As I say, every time I get up to respond it seems that they have a great deal of concern with my response.

We were embarking on one of the largest programs in the province's history, as I said. And when you consider that the total advertising cost of that program which has presently done \$600 million worth of direct activity, and in terms of percentage the advertising portion of it is one-tenth of one-half of 1 per cent. I can't even transform that into the digits, but it's one-tenth of one-half of 1 per cent. And you've got a new program.

There was so much excitement about that program when it started, Mr. Speaker, our telephone system couldn't handle it; we had to put in a new telephone system; we had 250,000 phone calls. I think we were obligated to the people of this province to advertise a new, exciting program.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: A supplementary to the minister, Mr. Speaker. The fact remains, and the minister has confirmed it in his report to the committee, that he spent a quarter of a million dollars in the month of September to advertise this program. That, Mr. Speaker, is restraint for the families of Saskatchewan, but it's patronage to the PC Party and the friends of this government.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: Mr. Minister, in view of this, I ask you: will you do the right thing? Will you take this quarter of a million dollar bill and send it to the Progressive Conservative Party of Saskatchewan where it belongs, because it was spent on their behalf?

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: Mr. Speaker, I think about the only thing that I can say in response to a ridiculous statement like that, because it's not a question, and to even begin to say that that was a PC election advertising, borders on the ridiculous.

Clearly the advertising indicated the context of the program. Some 200,000 people that have already applied for this program - several of which, I might add, are members opposite that enjoy the result of

that program.

Some Hon. Members: Hear, hear!

Hon. Mr. Klein: Surely any government of the day would be entitled to spend advertising dollars.

Some Hon. Members: Hear, hear!

Renewal of Licenses of Investment Companies

Hon. Mr. Blakeney: Mr. Speaker, I direct a question to the Minister of Consumer Affairs. On July 13 in this House I asked you a question, Madam Minister, as follows:

According to my information, in 1985 the Alberta Securities Commission rejected a prospectus filed by First Investors because they said too many mortgages were in arrears.

(And) I ask you: did your department have that information? If not, why not, and if so, why did they not investigate to see whether or not these companies (and in particular First Investors) were in difficulties .

..

You answered:

... I (will) have to take notice on the specific question . . .

Later on you said: I did take notice to the member and tell him "that I would get the information on the specific questions he has asked, and I shall do (so) forthwith".

It is now two months later. Have you done so, and will you advise the House?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: Mr. Speaker, the reason the department didn't have that knowledge is that the securities commission is not under the jurisdiction of the Department of Consumer and Commercial Affairs; it's under the Department of Justice.

Hon. Mr. Blakeney: Supplementary, Mr. Speaker. My question, Madam Minister, was: in 1985 did the Securities Commission have filed with it a prospectus from First Investors? Are you telling me that in 1985 the Securities Commission was not responsible to the Department of Consumer Affairs?

Hon. Mrs. Duncan: It was in 1985, Mr. Speaker, but the question should have been directed to the Minister of Justice.

Hon. Mr. Blakeney: Supplementary, Mr. Speaker. I asked the minister whether or not she, in 1985, had available to her the fact that a prospectus had been filed and rejected in Alberta. I am asking you again, Madam Minister: did you have that information available to your department, which at that time regulated both investment contracts and the Securities Commission?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: Mr. Speaker, in 1985 the Securities Commission of Alberta did not share that

information with the Securities Commission of Saskatchewan.

Hon. Mr. Blakeney: Supplementary, Mr. Speaker. Does the minister admit that the same prospectus was submitted in Saskatchewan to the Securities Commission of Saskatchewan, then under your jurisdiction? Do you admit that that was submitted; do you admit that that was submitted, and do you know whether or not it was accepted?

Hon. Mrs. Duncan: I believe, Mr. Speaker, that the prospectus was withdrawn and was not dealt with.

Hon. Mr. Blakeney: Supplementary, Madam Minister. Did you or anybody in your department make any inquiries as to whether the prospectus was withdrawn, and if so, why?

Hon. Mrs. Duncan: Mr. Speaker, if an investor or a company wishes to withdraw a prospectus that they have filed, that's within their jurisdiction, and it happens fairly regularly that they will withdraw a prospectus, fix it up and resubmit it for perusal. There's nothing unusual about that, Mr. Speaker.

I might also say, Mr. Speaker, that the Leader of the Opposition misled this House in his questioning earlier on when he stated that the Ontario Securities Commission had refused to grant a licence to the company when they filed a prospectus in Ontario. That is simply not true, Mr. Speaker. The Ontario Securities Commission asked for further information, at which point the companies withdrew their prospectus.

Hon. Mr. Blakeney: Well, Madam Minister, what I said is a matter of record. I now ask you . . .

Mr. Speaker: Order, please. Order, please. Order.

Hon. Mr. Blakeney: I ask you now this question. You advised on July 17 that your department received no notice of pending problems and therefore continued to licence the two firms, that is, First and Associated, to do business in the province - no notice prior to June 30 or thereabouts of this year. Do you say that that statement is true?

Hon. Mrs. Duncan: That statement is completely true, Mr. Speaker.

Hon. Mr. Blakeney: Supplementary, Madam Minister. Did you receive a financial statement of First Investors for the calendar year 1985 early in 1986, and do you agree that the financial statement showed that the company was insolvent?

Hon. Mrs. Duncan: Mr. Speaker, we received their 1985 audited report, audited by Deloitte Haskins & Sells, in early 1986. There was a qualifier in there, but not unlike many qualifiers that are added to audited statements.

I think you must realize, Mr. Speaker, that all three firms are headquartered in Alberta. The Alberta economy did go through somewhat of a slump. There were many incidences of external auditors and companies not agreeing on the qualification of certain assets.

What the member did not indicate, Mr. Speaker, was that, yes, Deloitte Haskins did put a qualifier in the annual report stating that they were in disagreement with management over the value of certain assets listed, but they go on to say, Mr. Speaker, that except in the loss and value of certain properties, that the company audit was done under normal auditing principles.

Hon. Mr. Blakeney: Supplementary, Madam Minister. Do you agree that the financial statement you received is the same one, in the same form, as distributed to certificate holders in the plan of arrangement information circular recently distributed? And if so, do you agree that even on the company's figures, even on the most charitable interpretation of the value of their assets, the company was still insolvent?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: Mr. Speaker, with regards to the 1985 audited report: the primary regulator, which in this case is the Government of Alberta, did, in fact, in the normal course of his duties, did question the management of Associated Investors and First Investors over the qualifying statement in the . . . by the auditor. And as I understand it, more information was given to the primary regulator, and they continued to licence the company, as we did.

I think what the member should understand, and I'm sure he does understand, Mr. Speaker, that with regards to extra-provincially licensed companies operating in Saskatchewan, it is the practice, the accepted practice right across Canada, to rely on the primary jurisdiction to see that the regulations are enforced, that regulations are being met.

Here in Saskatchewan we have over 500 firms who do business in the province as extra-provincial corporations. And what the member is actually saying is that we should have an army of auditors and that every company in this province, or any other province for that matter, Mr. Speaker, should open their doors to as many as 13 audit teams to come in and audit their books. That's physically impossible, Mr. Speaker.

Hon. Mr. Blakeney: Supplementary, Mr. Speaker. Madam Minister, you say it's normal practice. You admit that there have been investment contract firms operating in this province since the mid-1950s, so licences had been renewed some 90 or 100 times.

Can you give me one instance, just one, in which the licence of an investment contract firm was renewed after you had, or the minister, had, in their possession a financial statement showing that the company was broke, on the rocks, insolvent - just one example?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: Mr. Speaker, I do not accept the member's premise that by virtue of losses, operating losses in one year, that the company or companies were insolvent. Clearly, the companies had listed assets, shareholder equity, that though they did suffer an operating loss in 1985, they certainly were not completely insolvent.

Hon. Mr. Blakeney: Supplementary, Madam Minister. I want you to tell this House whether you are saying that this company suffered losses in 1985, which we all know, and whether you are denying that at the end of that year the company owed more than it owned, that it was insolvent, that it was broke - are you denying that?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: What I am saying, Mr. Speaker, is in the eyes of the Government of Alberta, the primary jurisdiction in this case, the companies were not insolvent in 1985.

Hunting Rights of Treaty Indians

Mr. Thompson: Thank you, Mr. Speaker, and I direct my question to the Minister of Parks, Recreation and Culture. As you know, Indian people have the clear right under treaty to hunt at any time on unoccupied Crown land. Recently your government has been posting a wide corridor on either side of northern roads and highways, declaring this land to be off limits for anyone to hunt, including treaty Indians. A number of people have been charged for hunting within these new corridors.

This is being done without any consultation with Indian people in the North, and makes it much more difficult for treaty Indian people to hunt along northern roads and highways. Mr. Minister, will you now consult with the Indian banded affected by these corridors?

Some Hon. Members: Hear, hear!

Hon. Mr. Maxwell: Now, Mr. Speaker, I'm happy to point out to the hon. member, and I'm glad he raised this issue, that we in fact did put together a native conservation committee to discuss precisely the type of issue which he has raised, and we have had several discussions on that nature.

I would say that right now the issue is: what do we do with a diminishing resource in Saskatchewan, namely the moose and the elk, which are prevalent in our forest regions. And my responsibility, while it is to make sure that treaty Indians are not infringed upon in their hunting rights, my responsibility is to ensure that we have a viable resource for future generations in this province.

Some Hon. Members: Hear, hear!

Mr. Thompson: Supplementary, Mr. Speaker. The minister knows that treaty Indian people do have special hunting rights. Will you instruct the resource officers to stop charging Indian people who are hunting under their rights granted by treaty?

Hon. Mr. Maxwell: Mr. Speaker, when we're talking about snowmobiles, and we're talking about high-powered rifles, and we're talking about night hunting with spotlights, I have a responsibility not only to protect that resource but to protect the lives of everybody who may be out there hunting, including treaty Indians.

Some Hon. Members: Hear, hear!

MINISTERIAL STATEMENTS

Alternative Forms of Farm Financing in Saskatchewan

Hon. Mr. Devine: Thank you, Mr. Speaker. I wish to make a very brief statement with regard to the initiatives pertaining to alternative forms of farm financing in the province of Saskatchewan, that, I might add, may lead to alternative forms of farm financing across the country.

In the budget on June 17, 1987, the Minister of Finance outlined that this government would be proposing new initiatives regarding alternative forms of farm financing for public discussion. He indicated that these initiatives would require the co-operation and participation of the farming and the financial communities.

Mr. Speaker, all members of the House will know that our farmers have been caught in the middle of a

full-scale international grain war and its over-market share, and it's very serious. This war has followed a period of high interest rates and inflated land prices, plus difficulties created by drought, insect infestation in our province and throughout western Canada.

As a result, farmers' net incomes without such programs as the production loan program, the Canada special grains program, and the western grains stabilization program, would be substantially below zero. At the same time, farm debt has risen to a record high of over \$5 billion, and many farmers are experiencing extreme difficulty meeting their obligations.

In its first term, our government's approach to assist farmers as to provide substantial relief for such problems as high interest rates and drought, with short-term solutions for their pressing needs. Today, Mr. Speaker, our agricultural problems are international in scope, and our government alone cannot resolve low grain prices and the large farm debt that exists today.

Last year, Mr. Speaker, all governments of Canada agreed to specific principles in a national agricultural strategy. One of the corner-stones of that strategy is farm finance. We are committed to develop ideas to create better alternatives in that area. Exploring those alternatives is one of the strategy's priority issues, and several financing options have been identified as viable alternatives.

This government has elected to continue its agricultural leadership role to explore farm finance for the future. The idea requires in-depth study and analysis, plus considerable input from farmers, farm organizations, financial institutions, and from the public at large.

To ensure that we have maximum participation and contribution from the agriculture and financial community, the government will do two things, Mr. Speaker. First, we will organize a symposium to be held in Regina, October 29 and 30, 1987, on farm financing. Representatives of agriculture and financial organizations will meet with government officials to analyze, evaluate, and recommend a direction which may be undertaken to deal with the financial crisis here in agriculture. Local, national and international speaker, Mr. speaker, well-known for their farm finance expertise, will address the group on the history of Saskatchewan farm debt legislation, guaranteed individual mortgages, guaranteed operational loans, interest stabilization, and various forms of equity financing. All options - all options, Mr. Speaker - outlined by the finance committee for the national agriculture strategy will be discussed in depth.

Presentations, workshops, plenary sessions will allow for maximum participation.

Second, Mr. Speaker, the government will arrange a provincial tour of a five-member government committee who will host public meetings in a number of Saskatchewan communities November 16 through December 4 to ensure that individual producers have input into these discussions.

The committee will prepare a report on both segments for the government, which should be completed in the spring of 1988.

All Saskatchewan farmers, Mr. Speaker, and farm organizations will be advised of these meetings by mail immediately. Further details will be announced in the immediate future.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Upshall: Thank you, Mr. Speaker. I certainly welcome anything that will be of benefit to the farm families of this province. And a symposium, as you're suggesting, certainly can't hurt.

Unfortunately, again your timing is a little bad. Where was your government before? We need action now. You keep . . . I enjoy this initiative, but why are you starting to study . . . When did you discover this problem, Mr. Premier?

First of all, if you're serious about this, why not a non-partisan committee of government and opposition members? That would ensure that the farmers' interests, the best interests of the farmer would be adhered to. But no, we don't . . . So I would invite you, Mr. Minister, to think about having a bipartisan committee, or an all-party committee.

I have a couple of problems. I hope that the equity financing is studied very carefully. It's something that you and the federal government have been talking about. And I think that's another reason why we have to . . . it has to be scrutinized.

I'm afraid that although I will never speak against an initiative like this, I'm afraid, Mr. Minister, again you are showing that it's too late for your government to help farmers, and the right time for your government to play politics again with farmers.

Some Hon. Members: Hear, hear!

TABLING OF DOCUMENTS

Ms. Simard: - Mr. Speaker, I have here in my hand another document that has been signed by some 70 customers of Lorne St. and 14th Avenue drug store here in Regina, a petition that was not prepared formally in anticipation of tabling in the legislature, so I table it as a document.

It reads:

We, the undersigned, request the maintenance of Lorne and 14th Ave. Drugs as a collection agent for SaskPower.

And I'd like to add that to the other documents that have been tabled.

Some Hon. Members: Hear, hear!

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

MOTIONS

Constitution Amendment, 1987

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Devine, and the proposed amendment thereto moved by the Hon. Mr. Blakeney.

Mr. Koskie: Thank you very much, Mr. Speaker.

I spoke briefly the other day in respect to the proposed amendment raised by the Leader of the Opposition. And I want, for the purposes of continuing my remarks, to indicate that what the Leader of the Opposition, his amendment asked for. He asked, in essence, that before the Meech Lake accord be ratified by the Assembly here, that the people of Saskatchewan be given an opportunity to voice any concerns they may have; in other words, to have a public hearing which would be, in fact, under the control of the Executive Council. And I want to say, Mr. Speaker, that that seems to me to be a very reasonable approach by the opposition.

And I want this afternoon to be able to indicate that throughout Canada a number of people are asking exactly what we have been asking for here, is public hearings. And so I say . . . we want to ask ourselves here this afternoon why, in fact, don't we need a hearing? Well I'll tell you that articles have been written, numerous articles indicating that Meech Lake was put together behind closed doors and that they have virtually shut off any process of public hearings.

I have here the editorial from the Star-Phoenix of September 3, '87, and I want to refer to a portion of the comments made by Verne Clemence of the Star-Phoenix, forum editor. This is what he says in respect to the Meech Lake accord. He says:

The hearing process was mainly a facade, as was made clear at the outset by the government. It was never intended that the fundamental democratic principles would apply in the sense that public input might result in alteration of the accord. This whole issue had a different agenda. It was primarily a no-holds-barred battle for the hearts and minds of Quebec voters.

And he goes on to say:

It was an irony of sorts that the final pronouncement on the hearings was made by Senator Lowell Murray, a conspicuously non-elected member of the government's Meech Lake hit team.

Yes, this is the same government that has been making all that noise about the undemocratic antics of the unelected senators who dared to quibble about the drug Bill.

Those are the comments from The Leader-Post in the editorial indicating that the whole process of putting together the Meech Lake was done primarily on a political basis by 10 premiers and a Prime Minister, without consultation with the public and in fact demonstrating a sham in so far as public hearings. Because while they're having the joint House of Commons and Senate hearings which were completed last week, and indeed which report will be filed and made public on Monday, during all of those hearings - and there was hundreds of briefs and many, many people that went before the joint committee - it was clear from the outset by the Prime Minister, he indicated that none of the wording of the accord could, in fact, be changed.

And this is the situation that we have here in Saskatchewan. This article here, I want to read one more paragraph.

It is important of course to keep separate the concepts of what the people might think and feel and the aims and objectives of the various political players. There is nothing to suggest ordinary Quebec citizens demanded any of the things Meech Lake offers.

Those are the comments indicating Meech Lake hearings' repulsive abuse of power.

And so what we are asking here is with a very important document, a document which is going to in fact set the course of our country, and for years to come will dictate in no small way what our country will in fact . . . how it will develop.

And here we are going with a process which we have excluded the people of Canada to put forward their views. And I say that what we're asking for here, Mr. Speaker, makes eminent sense. And I would think that the members opposite, the Premier, and other members of the cabinet, would indeed welcome such hearings so that the people of Saskatchewan could be heard.

Certainly it has been the case in some of the provinces. In fact, we were given a time frame of some three years in order to get a ratification of the Meech Lake accord in the legislatures. And Ontario and Manitoba and New Brunswick all have called for public hearings, some sort or the other, but not here in Saskatchewan. And I think that's regrettable that the people of Saskatchewan should be indeed bypassed. But this is not the only article that indicates that there's been Meech Lake hearings, a repulsive abuse of power. We have other experts also indicating . . . Here is one from the Star-Phoenix; it goes on to say in the headlines: Hearings Must Be Held On Constitutional Changes. And so our position about asking for hearings is supported by the Star-Phoenix in their editorial. And I want to read just a bit of what is stated in this article:

The Meech Lake accord is a sell-out of the concept of Canada. What is even worse is that the Premier has not only helped sell out Canada, but the people of Saskatchewan as well.

That's the article from the Star-Phoenix. It goes on:

When the deal was signed, every province had the opportunity, over three years, to conduct public hearings on the accord. Instead, the Premier has chosen to rush blindly into a deal that will in no uncertain terms spells disaster for the West and for Canada.

That's what they're saying. And we've been asking for public hearings in order that the people of Saskatchewan may have an opportunity. It says here:

The West does not need a weak federal government but needs to have more of a voice in a strong central government. In short, the Meech Lake accord is bad deal for Canada, an even worse deal for the West. Prime Minister Brian Mulroney, seeing how low the Conservatives are in the polls, decided to give away the entire country for the sake of a possible next election.

This is the analysis by our leading newspapers here in Saskatchewan, and it doesn't stop just with the editorial writers here in Saskatchewan, the Leader-Post or the Star-Phoenix. But we have the U. of S. law professor, Howard McConnell, who did three articles in very much detail in respect to the accord, and I want only to indicate a part of what he says. He says:

Experts and politicians disagree on Meech Lake deal.

And I want to read just a portion of the concern that we have and other Canadians have. It says in this article:

The secrecy and the speed with which the first ministers carried out their deliberations at Meech Lake and the sense of finality with which they presented their reformulated proposals to the Canadian people, are really unprecedented in the constitutional process of any democratic country. There was virtually no

public input before the government was crystallized, and the wording of the text will be hard to change.

Those are the words of a leading authority on constitutional law, Howard McConnell.

(1445)

And there was three basic articles in his analysis of it. I just want to read one other aspect of it, and all members here will know that some of the things that the Alberta government has been doing, and Premier Getty has been asking for, is an elected Senate. And out of the Meech Lake accord - and it's really amazing how the Premier of Alberta was able to sign the accord in light of the fact that he's looking for the Triple E Senate. The comment here by Professor Howard McConnell states:

It is truly amazing that as one of the leading proponents of a Triple E, (that's) (Effective, Elected and Equal) Senate, Premier Don Getty of Alberta could have agreed (with) Meech Lake proposals. While the accord does provide for annual meetings of the first ministers on the Senate reform, the recast section 41 requires unanimous provincial consent for any alterations in the new "provincial" mode of selecting senators.

In essence, the Triple E Senate will be almost impossible to attain because it now will require unanimous consent from all provinces, unlike what it was previously.

I want to say that in the House of Commons, as I indicated, there is the hearings going on. The joint committee of the parliament and Senate concluded their hearings. The report is to be made public on Monday, then it's submitted to the House of Commons and will be debated there.

And I may also say that there is no great rush. We have time here for hearings, for people to have the opportunity to have hearings, because as is indicated in one of the articles, that even after the joint committees have held their meetings in Ottawa and it's submitted to parliament, that the Senate itself now intends to set up a system of hearings under the auspices of the Senate. And they're saying that the earliest that . . . the Senate could deal with it for six months - there's a limitation. And the earliest that it could possibly be finalized is by some time April of next year . . .

And so what I'm saying, Mr. Speaker, is: what we're calling for here is an involvement of the public. And as I said before, if this is such a great accord, if it's so defensible, if it's the right thing for Canada, why exclude the public and the people from participating in any analysis.

Some Hon. Members: Hear, hear!

Mr. Koskie: And I say to you that that is what we're calling for. And the fear that I have is that what we have is desperate politicians clumping together in a hidden agenda, trying to approve an amendment to the constitution without the public having an opportunity to discuss it. And certainly that's the situation, and articles will also indicate that the Prime Minister is in need of scoring some kind of a headline - in desperate trouble in Quebec politically, as he is throughout the rest of Canada, by the way. And what he is attempting to do is to get something that will shore up his political fortunes without really thinking of the future of Canada, and that's the danger.

But the unfortunate thing that I see is that no matter what the Prime Minister has for a policy, whether it be free trade, in the bungling method that he went about it, or whether it's Meech Lake, we have a Premier here who, when the Prime Minister says: Join me on this mission, and he says: me too. So anything that the Prime Minister is doing, let us be sure that the Premier of this province is endorsing the

policies of the Prime Minister, Brian Mulroney.

Some Hon. Members: Hear, hear!

Mr. Koskie: He's doing it in free trade, and he's doing it in Meech Lake, and I say we need more leadership than that. I don't think that the Premier should be following all of the policies of the Prime Minister because the policies of the Prime Minister are not being either accepted or appreciated by the people of Canada.

I was interested to know how the Premier so lightly spoke in respect to the possibility of a hearing - the people of Saskatchewan being given an opportunity to discuss the contents of the Meech Lake accord. Do you know what he said? He says: I'm not going to put on a road show. And here is one of the most important documents that this nation has. And when we ask for public hearings and participation by the public the Premier dismisses it as he does so many serious, serious concerns with the glibness of, "I'm not going to establish a road show."

Well I'll tell you when the Prime Minister asked him to get on board with his free trade - and it was before the last election - what he did do was put on a little road show for free trade. And he sent them around, and it cost the people some \$300,000, and it wasn't even any recommendation nor an analysis of the impact of free trade. But when it comes to an important document like the constitution, or the amendments of the constitutions of this country, the Premier will not allow the people of this province to have a voice.

And the thing I guess you have to ask is: why is he so intent on getting it passed? The hearings in Ottawa are not dealt with. We don't have a copy of the recommendations from the joint committee from the parliament and the Senate. And wouldn't it be logical, if there's any meaning whatsoever in the hearings that they're holding in parliament - the committee from parliamentarians and Senate, if it had any meaning - then wouldn't it be wise that all of the provinces would wait until that report was tabled and dealt with by the federal government. Because by the very nature here . . . Let us assume that we were to pass this accord today or whenever, shortly; and then let us assume that the hearings in Ottawa changed some of the aspects of the accord; well, then we would have to come back to again approve the amended one.

Doesn't it make eminent sense, Mr. Speaker, that if there's any meaning whatsoever in the hearings that are going on, or have gone on, in Ottawa, that certainly we should be given the report. It should be tabled here by the Premier. We should consider some of the recommendations from the members of that committee, and surely we should have that report to see what analysis was given by members of the committee in Ottawa.

So I say to you, Mr. Speaker, it's difficult. We're dealing with a very, very important document, and I think the Minister of Justice indicated that. But as soon as the Premier has signed the accord and agreed to it, he came rushing back, and his comments were: Saskatchewan is much stronger because of this, he said; the increased power we have in western Canada is significant as a result of these changes.

Apparently no change can be made to the Senate without unanimous support, but he didn't take a look at that and say, well, sure we may have some input into the appointment of the senators. But if you want to get into the elected Senate, Saskatchewan indeed has lost power.

I want to indicate here further evidence, and here is by Carol Goar . . . Goar is a Toronto Star political columnist. And the headlines of the article, August 13, '87 in the Leader-Post. "The Constitution: are

Canadians seen, but not heard?"

And this is just an indication of such a sham that is going on; what a disrespect by the Tory government of Ottawa and the duplicity of this government here in Saskatchewan because in this article here she indicates: "So now it has fallen to Chris Speyer, co-chairman of the special parliamentary committee to give them their hearing." That is the parliamentary . . . he's the co-chairman. And it goes on to say: "The constitution . . ." he says, this here, and this is a fellow . . . the co-chairman of the special parliamentary committee is a Tory from Ontario. And he says:

The constitution is a very young institution in our lives and there's much unfinished business to be done. It is important that we find (this is the co-chairman of the committee saying, it is important that we find) some mechanism to ensure public input.

A Tory, a co-chairman of the committee, the parliamentary Senate committee in Ottawa. And this article concludes:

As a Progressive Conservative and a Canadian, Speyer hails the country's 11 first . . . (members) for pulling it off. But, as co-chairman of the parliamentary committee left to pick up the pieces, he is troubled by the process.

And the final paragraph:

But the legacy that would please him most would be to know that there will never be another committee like this.

So that is what we're being confronted with. It's a political deal made by the Prime Minister with many other of the Tory premiers. They have excluded the public from any participation, and what they're aiming for is short-term gain, and saying to heck with the future. And I say, Mr. Speaker, that's dangerous for this country.

And therefore, accordingly what we have done is, in a very serious way, approached and are offering here to this legislature a method of giving the people of this province an opportunity to have input. Because you see the terrible tragedy that we face if we adopt it - and they say we can't change it, can't modify it - that the terrible problem that we are confronting us, is we have to ask ourselves: what if those ten premiers and Prime Minister are wrong? What is they are wrong?

And the member from Wascana, who knows nothing about potash and less about this, laughs. I say to him, Mr. Speaker, that is what the people of Canada have to ask. They have to be sure that what goes into the Meech Lake accord, into the amendments of the constitution, is to build a stronger and more unified Canada, not a divided Canada.

And so I say, they have no supernatural powers. And I would say to you that the number of premiers that head up the list that march to Ottawa these days to change the constitution are less impressive than what was there in the past. I'll tell you, I had confidence when a Peter Lougheed walked and talked for Canadians. I don't have the same confidence with a Don Getty throwing the ball.

And I'll say here today that I don't have the same confidence that we have the expertise and the knowledge and the statesmanship that we had when the member from Elphinstone was the premier of this province, and when we had the member from Riversdale as the attorney general. I'll tell you, then we had expertise in the details of constitutional change.

But today we have a Premier who is glib, a Premier who has no expertise, or never I don't think, professed to have. But the other thing is that he's not concerned with details. He's glib. Generalities he deals in, not with the detail of how it may affect the future development of this country.

(1500)

And the other significant thing that we have to understand is that this Premier is inextricably tied to the policies of the Prime Minister, Brian Mulroney. And I'll tell you that is a dangerous situation for the province of Saskatchewan to continue to blindly support the policies of the Prime Minister, and that's what our Premier has been doing.

I have an article here in respect from the chairman of the Canadian Committee for the Triple E Senate, a gentleman by the name of Bert Brown, and he has worked hard in order to establish that principle of getting an elected representative Senate across Canada. And I just want to read a couple of comments in which he says - in respect to the process here. He says:

It must be admitted that the process by which the accord has developed leaves a good deal to be desired. The process had all the characteristics of a back room deal; secret agreements, secretly arrived at, and then announced as a *fait accompli*.

That's what Mr. Brown has to say in respect to the process. Let me just indicate a further comment from his article and he says:

To achieve economic and political equality, the smaller provinces, particularly those of the West, require fundamental changes in the federal system. This amendment virtually assures that they will never get those changes. The central province do not require change, the status quo favours them. Universal veto also favours them since it provides the means of preserving their favoured position.

He says:

Obviously the universal veto, particularly as it relates to the reforms in the Senate, should be opposed.

And there's a lot more details in respect to this. But it's not only Mr. Brown who has indicated his concern, and primarily in respect to the limitations of a reformed Senate, as a result of Meech Lake, but there are others who are concerned that there has been no proper process. There is a Canadian coalition on the constitution which challenges the premiers to commit themselves to improving the accord. And they had a press conference, and I just want to read a part of that, Mr. Speaker. And they indicate:

London, a professor of law at the University of Manitoba, stressed the coalition's debate to see Quebec as a full participant in the constitution. However, he cautioned, in its present form the accord is little more than a back-room deal hatched up by 11 politicians playing dangerous power games with our future.

And there's representatives here of concerned groups and citizens all across Canada. Supporting groups and associations as of June 30, '87 was: the Assembly of First Nations, the Canadian Day Care Advocacy Association, the Canadian Institute of Child Health, Canadian Mental Health Association, the National Anti-Poverty Organization, the National Union of Provincial Government Employees, the Native Council of Canada, Social Planning Council of Metropolitan Toronto, Women's Legal and Education Action Fund, and the list goes on.

The coalition on the constitution is not there to destroy what has been achieved in getting Quebec entered into the . . . a partner in Confederation. But the coalition wants the process to be improved and by improving the process they indicate that we should in fact have meaningful hearings.

The coalition believes that the decision making process, leading up to the accord has been alarmingly undemocratic because it has precluded the necessary public debate and participation, and it sets a dangerous precedent for the future.

Canadians must, therefore, be meaningfully involved in the process of constitutional reform, and not frozen out as we were at Meech Lake. We insist that the first ministers slow down and allow us to participate in directing the future of our country. We do not want irreversible decisions presented to us as a fact accomplished, or a fait accompli.

Those are the concerns of a coalition of Canadians across the country, representing every province and every area of this country, asking indeed to have meaningful public hearings.

And there are other headlines which I don't intend to go into in great detail, but it says: The Meech Lake accord threatens equality, Quebec expert says. Wording of the accord said dangerous. Yukon, who has been left out in the accord, it says: Yukon gets court approval to fight Meech Lake accord. Meech Lake endangers rights, experts say.

And the headlines are all indicative that there's a considerable amount of concern in respect to the process. And what we have been doing here, Mr. Speaker, is moving a resolution which would provide for public hearings. And I don't think that any government . . . When any government says that I'm above the people, then I'll tell you, that's the time to pull a halt.

Some Hon. Members: Hear, hear!

Mr. Koskie: When any government comes with a document so important as this, and says: trust me, I'll tell the people of Saskatchewan and Canada, that's the time not to trust.

Mr. Speaker, this, as I said, is an important document, and we don't have to rush it in. There is time for a hearing. And certainly, even if the Premier who is so intent upon getting the accord passed even before it's attended to in Ottawa, without any hearings; even if he would, himself, as the person that is master-minding this through and wanting it passed; if he would have the intestinal fortitude to offer himself to a full, intensive questioning of his understanding of the impact of this accord, then we might have more confidence.

But I'll tell you, the Premier will not come into this legislature and even allow the opposition to question him as to whether he knows the details or the implicit impact of the passing of the accord. And my understanding is, in Quebec, in the legislature there, the Premier at least allowed the opposition members to question him in respect to the Meech Lake accord. But here we get the little cheer-leader, our Premier, making positive statements without any depth of analysis or any expertise on which to base his hype.

And so I say, and I say to the back-benchers over there, those that are so excluded from the power base of that front bench, I ask you to consider what you're doing here. What we are asking is for a simple, for a very simple and democratic process, and that is for public hearings. And I want to encourage each and every one of you to think: how can politicians - 10 of them - get together in a back room and change the

constitution which will affect this country for years to come, and not allow the public to participate?

And I say, that's where this government has deteriorated. It indicated that, oh, it was going to consult with the public. Well it's sure consulting. It won't consult into the impact of free trade, and it won't consult, nor will it put its arguments forward, as to why we should support Meech Lake.

And all I can say to the people of Saskatchewan, that our policies are totally tied to whatever the Prime Minister's policies are. This Premier is walking in the tracks of Brian Mulroney. And I'll tell you that this is not the tracks that the people of Saskatchewan want to walk.

And so I say in conclusion that this is indeed a very, very serious matter that we're dealing with, changing the constitution of this country. And I'll tell you, it would not be in the best interests of the people of Saskatchewan for us not to fight to allow them to participate. And accordingly I ask other members to support this reasonable amendment asking that public hearings be held before we launch into the acceptance of the accord. Thank you.

Some Hon. Members: Hear, hear!

Mr. Anguish: Thank you, Mr. Speaker. It is with some mixed feelings that I rise in the debate today. While I welcome Quebec as an official signatory to the constitution of Canada, the Meech Lake accord has some other aspects which cause me a great deal of concern, and I sometimes wonder how much we're willing to pay to have Quebec as an official signatory to the constitution. I don't see Quebec pulling out of Canada. I think that we have a bit of a red herring sometimes in using Quebec as the only reason to push through the Meech Lake accord.

I think it deserves going back into a little bit of history to look at what constitutional process means. And constitutions, Mr. Speaker, are evolving processes in which documents are set down to tell people what the main law of their land actually is and how that law affects them and the governments that represent them.

The first important constitutional process that happened in terms of our legislative and parliamentary process, Mr. Speaker, happened back, of course, in 1867, where the British North America Act came into place and the birth of a nation started to take place. There were other changes, Mr. Speaker, to constitutional change within our country. I think of the Rupert's Land Act of 1868 which brought into Canada more territory than what had been there previous to the Rupert's Land Act. And of course the Westminster Act, which in fact made constitutional change in passage of laws within Canada much easier, in that we didn't always have to go and get the permission of the British parliamentary system for laws which we wanted to enact within our own country.

And then when Canada really matured as a country, Mr. Speaker, I felt was in the year 1982 when the constitutional Act passed. And I had the honour of representing The Battleford-Meadow Lake constituency as a member of parliament at the time and during the debates of the constitutional Act of 1982.

And at that time, Prime Minister Trudeau tried to unilaterally put into place the constitutional Act of 1982. He did that throughout the years 1980, 1981, and there was a great outcry from provincial legislatures, from members of parliament, from people right across this great country of ours, because they wanted more involvement. They didn't want to see constitutional change where the greatest pinnacle of maturity of the country would be done unilaterally by one government in the isolation of parliament. And therefore there was a much different process, and it caused a great deal of anxiety for

many, many Canadians and many, many politicians, legislators and parliamentarians across the country.

And we all know that eventually the constitutional Act did pass, and what we're dealing with here today is what's commonly become known as the Meech Lake accord, and the Meech Lake accord is the first major change, in fact the first change, to the constitutional Act of 1982. And what we see happening here is a very unilateral process again, and we do not wish that to happen.

(1515)

The Hon. Leader of the Opposition, the member from Regina Elphinstone, has introduced an amendment which we, of course, support on this side of the House. As New Democrats we feel that that amendment brings in a broader spectrum of people who have input and information seeking the constitutional process.

And what we're calling for in the amendment is something that's very reasonable, and I think members on the government side should consider that, that we want to have public hearings, because constitution is even more important, Mr. Speaker, than being the governing law of this great country of ours. The main law, which all other laws and all other rights flow from, is the people's document - at least it should be a people's document. It's people that make up this great country, and not 11 men sitting around a table some place in central Canada, deciding what should happen in constitutional change.

Even the constitution of our great neighbour, the United States of America, starts out by: "We, the people . . ." That's the constitution. The constitution is the people's document. And what we see happening by 11 men sitting around the table making these changes, saying, we're not accepting any amendments by this government, and the Premier - with all due respect for the Premier of this province - are putting something unilaterally on the people of Canada, in this case the people of Saskatchewan, because we're being asked as legislators in this province to pass the constitutional amendment which has become known as the Meech Lake accord.

And it's being all done under the cover of getting Quebec in as part of Canada. Well Quebec has always been part of Canada. I maintain Quebec will likely always be part of Canada. And I welcome them, through this type of a constitutional process, as being a great and important part of our nation.

But we're wrought with all kinds of fault, all kinds of items. There are five major items, I understand, in the Meech Lake accord, and they cause me, as an individual member of this legislature, a great amount of concern.

And some of them, just to talk about a few briefly - and I want to stay more on the amendment - but just a few of the real concerns I have, Mr. Speaker, about the Meech Lake accord is allowing provinces to opt out of cost-shared programs, where you can virtually have the effect of having a checker-board Canada, where we should, if we want to be a cohesive and a co-operative country whereby people can move freely from province to province, our programs that are cost-shared should remain basically the same type of program. There may be changes in the way the program is administered or changes in the way the program is delivered to people, but basically people should have the security of programs that are comparable, whether they live in British Columbia or Saskatchewan or Ontario or Quebec or Newfoundland or Prince Edward Island, Mr. Speaker.

The second thing that I think bothers me a great deal about this constitutional accord, the Meech Lake accord, is the enshrining of the Senate. I've always viewed the Senate as being a patronage place where members who have given dedicated service to the Progressive Conservatives and to the Liberals have

been appointed. And it's an upper chamber; it's supposed to give us regional representation, which is a good concept because we have representation by population from the members of parliament who sit in the House of Commons. And we have representation, in theory at least, by region for those members who sit in the upper House, which is the Senate, and those two Houses combined make up our Parliament of Canada.

But the people who go there, to the Senate, Mr. Speaker, have no responsibility for reporting back to people in the regions that they represent. And I think that that system of the Senate has to be changed, and by the passage of the Meech Lake accord it makes Senate change virtually impossible because it means that it's there for ever in the way that it is now, and it will remain a patronage position.

And many people question why someone can be appointed to the Senate and remain there until age 75, I believe the compulsory retirement age is now. It used to be that they were appointed for life; now at least there's a retirement age set on those people who are appointed to the Senate, but that has to have some structural change so that people in the Senate are accountable to people within the area that they represent.

Another thing that concerns me is the change of the amending formula in that future constitutional change will virtually become impossible. It'll become impossible to change because every legislature in the country and the federal government are going to have to agree on most changes to the constitution of our country. And I don't see why one province would be able, if they had a government who was opposed to what the rest of Canada was doing, could hold up constitutional change for an infinite amount of time. And I think that that's a fault of the Meech Lake accord as well as the enshrining of what we have now.

But mind you, I would want to acknowledge, Mr. Speaker, that constitutions, since they are the main law of a country and they preserve the rights of people; they inform people what their main rights are, they tell legislatures what their laws have to flow from; they should be hard to change or it should be hard to change the constitution, but it should not be impossible, Mr. Speaker. And what happens here is that we find an impossible situation of having future constitutional change within the country.

Something that's not in the constitutional accord, the Meech Lake accord, is the total disregard for Canada's native people. And that's a subject that other members of our caucus will be addressing, and I think it is a sad state of affairs that Canada's native people are not dealt with in a more involved and democratic way, flowing from treaties and the agreements that were made between the early settlers and the people that were living in this country before the white population arrived.

The other thing that troubles me deeply is the whole thing about the appointment of judges that is part of the Meech Lake accord and the exclusion of the territories. As I mentioned earlier, the Rupert's Land Act of 1868 brought in more territory into the country. Well at some time I would think we might want to look at including the Northwest Territories and the Yukon as new provinces to our country - a further stage in our constitutional development in having an even larger family that has provincial status within our country. And by the way the Meech Lake accord is set up, I'm very fearful that those areas may not ever be able to come into confederation and share full relationships as a provincial body with other provinces within our country.

Mr. Speaker, as I said, I welcome Quebec but I wonder what the price is. Do we pay all of that for bringing Quebec in, and I wonder if not Quebec isn't in the constitution, Mr. Speaker. In all reality, Quebec has been there since the beginning of Canada and I think that Quebec will always be there as a very important part of our country.

Mr. Speaker, going back to the process, what we're calling for is for people to become involved in the constitutional process in this country, and it happened during the constitutional Act of 1982 where people from coast to coast were able to make presentations. Legislatures, and members of parliament, and legislators that sit within our provincial assemblies were all able to make that input into the very important aspect of a maturing country - the evolution of the constitution, something that should continue to evolve but should not be held to a very selective group of people.

Because what happens in situations like that? And I don't at all dramatize the situation, but you look at countries such as the Soviet Union that had a great sounding constitution; they have an exemplary charter of rights. You look at countries like Chile, exemplary charter of rights, great constitution, but people are oppressed. Their rights are oppressed in those countries. They are abused in terms of their personal privileges. And I don't think anyone in this Assembly would want to live in either the Soviet Union or in Chile because of the oppressive regimes that govern those countries. But they have a constitution and a great charter of rights in both of those countries.

What seems to be the problem? The problem is, Mr. Speaker, that constitutions and the charter of rights that are contained in constitutions are no better than the political will of governments that are in place to enforce our constitutions and our charter of rights, which protect people and have a flow of what we can do within this country and feel assured that we can have freedom of voice and freedom of assembly. If the political will isn't there to enforce it, the constitutions and the charters of rights mean nothing.

And so I think that the government here today should look very closely, Mr. Speaker, at what they're doing in terms of unilaterally imposing upon the people of Saskatchewan which they're responsible for, as we are responsible for for our constituents, imposing constitutional change without consultation and without public input. There's no forum set up, and that's the forum that we're asking for in the amendment, so that people across Saskatchewan regardless of whether they come from an Indian band, or whether they represent a municipal government, or whether they're a constitutional expert from a university, or an ordinary Saskatchewan citizen off the street that wants to, first, know what this change means to them, and secondly, make a contribution in terms of their views, in a very important part of the evolution of constitutions.

And I would like in our country - I don't want to follow too closely the United States, Mr. Speaker, but I would like our constitution as well to be we, the people; because we, the people, is what is all important in a constitution. Without the people within the country you don't have the kinds of rights and the kinds of privileges. Those people have to have a close involvement in the process.

And the counter argument I suppose to that could be, Mr. Speaker, that all members of this Legislative Assembly have the right to speak. But I think that constitution is something that's so important to the development of our country that those people should have the right to speak not through our mouths in this Assembly through you, Mr. Speaker, but should have the right to have that input themselves. Whether it's one person or 100,000 or 1 million people who want to have input into the constitutional process, they should have every right to do that.

And I know that many people here today, members of this Legislative Assembly, don't view the constitution as a bread and butter issue, just as most of the people who would be watching on television today or read about this issue in the papers do not view the constitution as a bread and butter issue. And it's not. I admit that it's not a bread and butter issue that affects people very deeply and moves them on a day to day basis, with the possible exception of those involved in the legal profession, Mr. Speaker. They have a keen interest in what happens in constitutional developments because it's a professional

angle for them.

But the long-term effects certainly do affect people. And if we don't protect people's rights under constitutional change through having public input, Mr. Speaker, we can very easily go the way - and I would never accuse the government that we have today, or if we were to become government after next election, of abusing people's rights. But constitutions, as I mentioned, are long-standing documents, Mr. Speaker. They last for hundreds and hopefully thousands of years to protect people, to flow laws into the country that people live under.

And who's to say what kind of a government would be in power in the province of Saskatchewan a thousand years from now. And so constitutions take place over a long period of time, and I think that we do not want to start setting the precedent where a very small and confined group of people make constitutional change without broad public input.

And I do have other things I want to say on the debate, Mr. Speaker. I don't think that I will go into them at this point in time because there will be other opportunities for the members to debate. There are other amendments. There's the main resolution itself, and I will be taking pleasure in entering into this debate again.

And I would like to close off by just saying that please, members on the government side, observe what your constituents say, and look at the public hearing process. If it is such a good accord, the Meech Lake accord, what's the rush? Thousands of years, hundreds of years, constitutions develop over. If it is a good package it will stand the test of public hearings. It will also then stand the test of time because it is a people's document. And I urge you to look very closely at holding public hearings so we can have a true people's document for Canada. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Speaker: This is something I wish to resolve before we go to the next speaker.

I just ask the hon. minister and Madam Minister if she would just not speak for a minute or two. There's something I'm trying to resolve regarding this resolution, so if she would just co-operate so that the whole House understands. I don't wish to refer to it now.

(1530)

The reason that I asked the co-operation of the members in the House to refrain from speaking for a few minutes - which the Minister of Commercial and Consumer Affairs so graciously did - was because of a comment made by the member for The Battlefords which drew to my attention the nature of the motion we are discussing. And I felt it imperative that all members understand the type of motion we are discussing, because it will make a difference as to their opportunities to speak to the motion.

So essentially, in short, the ruling is this: that the amendment to the main motion suggests an alternative. And since it suggests an alternative to the resolution, then the debate will be a concurrent debate. Which means the hon. member for The Battlefords said that he will have further opportunity to speak to further amendments and to the main motion, but it then means that he will not have further opportunity to speak to the main motion. This is the only opportunity he has. He may speak to further amendments, and those amendments of course will be restricted very narrowly to the amendment.

An Hon. Member: Only if they're in order.

Mr. Speaker: Well, of course if they're in order. But he will not have a further opportunity to speak to the main motion, which is why I bring this to your attention, that in the event that you wish to continue speaking to the main motion, I think that the House probably will be willing to continue . . . allow you to continue to do so. They may not.

But he didn't understand and therefore I'm raising it here.

Mr. Anguish: Thank you, Mr. Speaker. It depends on, I suppose, on the order of business of the House. If we knew a bit further ahead of time what the day-to-day business was of the House, I could make a judgement now as to whether or not I'd wish to make my other input into the debate on the Meech Lake accord and the amendments, and do that concurrently.

Unfortunately, I'm unable to be here tomorrow and if the Meech Lake accord . . . if this resolution is being debated again tomorrow and all the amendments are dealt with tomorrow that have been proposed and put forth at this time, I may not have an opportunity to speak on it again. So I don't know. Can I ask guidance of the House as to whether or not we have assurance that this item will be dealt with again tomorrow, or when it is coming up on the agenda, Mr. Speaker?

Mr. Speaker: Well I don't know if you could get that assurance, of course.

Hon. Mr. Berntson: Mr. Speaker, two things. I think that the member has in fact taken his place and that he has given up his right to speak on the main motion.

Secondly thing, in answer to his question specifically. The plan, as we have discussed with the Opposition Whip, was to bring the Meech Lake motion back in tomorrow. And whether or not it's concluded tomorrow, you know, is not in my hands; it's in the hands of the House. My guess is that it would not likely be concluded tomorrow. But it was the plan to bring it back tomorrow after having dealt with the potash Bill tonight in committee.

Mr. Anguish: Thank you, Mr. Speaker. I appreciate the opportunity you tried to afford me to continue by debate. The government House Leader obviously does not want that to happen. I think it would require unanimous consent. So I do appreciate your ruling, Mr. Speaker, and I guess I take my chances and hope that I'm back here for debate on some of the amendments, because there are some of the amendments which I would like to debate. And if I have that opportunity I will participate in the debate on the specific amendments. I do appreciate your ruling, Mr. Speaker. Thank you.

Mr. Speaker: I thank the hon. member, but I would just like to make this comment. I did not make a specific ruling whether or not you can continue to speak. That is not for me to do. What I was doing is drawing it to your attention and to the attention of any future speakers so that they know what the situation is.

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: Thank you, colleagues, especially the colleagues across the way.

Mr. Speaker, I'm pleased to have the opportunity to speak on this important resolution put forward by our Premier, and I would like to congratulate him, and of course the Prime Minister, and other premiers across the country for their historic accomplishment.

This constitutional amendment goes further, Mr. Speaker. It recognizes that yes, our confederation is evolving in response to changing times. It recognizes that federal and provincial governments no longer operate in rigidly separate areas. It recognizes, in fact, one overwhelmingly important fact that in today's world the actions of one order of government almost inevitably affect the other.

Mr. Speaker, this amendment put forward by the Premier leaves no room for doubt. In the years ahead there will be increased consultation between the federal and the provincial governments, and I'm sure we can all applaud that.

The amendment also goes further. It sees that institutions through which this consultation will take place are created. And I can cite some examples, Mr. Speaker. Immigration, for one; appointments to the Senate and to the Supreme Court; changes to the amending formula; shared-cost programs; first ministers' conferences to resolve federal-provincial issues, are just a few of them.

This is a historic agreement, Mr. Speaker, and all of us should stand a little taller today because it has been reached. Our constitution has shown once again that it is adaptable to the needs of our diverse and growing country.

Mr. Speaker, with this agreement our constitutional package of 1981 is complete. Our Canadian union is enormously strengthened. Now all of us in Canada can get on to the new and the vitally important challenge facing us in the future. It means that we can now focus our energies on such vital issues as free trade, western economic diversification, the challenges of today and tomorrow, Mr. Speaker.

Some critics, like some members opposite, have suggested that this amendment will lead to a weak central government. And I would suggest to them, Mr. Speaker, that they don't understand the dynamic country that we live in. No reasonable person can suggest it is realistic today for the federal government to unilaterally decide national issues. The need is for improved consultation and co-operation, Mr. Speaker, between the federal government and the provincial governments. Rather than diminishing Ottawa's power, this agreement greatly strengthens our confederation and our country.

Let us look at the benefits to a province such as ours. For the first time, we will have a say in naming senators to represent us. The same goes for the Supreme Court justices. We will negotiate agreements with Ottawa on immigration policies that will have a beneficial impact on Saskatchewan. We will have more input into shaping shared-cost programs. Like all provinces, we will have a veto over some amendments to the constitution.

And there are other gains as well that will enable us to have greater input into the way our country is run. Mr. Speaker, I'm glad to say that multicultural rights have not been affected by this agreement, nor have aboriginal rights.

The question has been raised: does the recognition of Quebec as a distinct society affect the constitutional powers of our own province? The answer is no, Mr. Speaker. That clause takes nothing away from any province's powers. The matter of Senate reform is of significance to all of us in the West. We can all applaud the fact that the Senate reform will be placed on the agenda on a first ministers' conference to be held no later than the end of 1988.

I am sure all of us agree that improving the role of the Senate must not be done at the expense of the provincial government. In providing for an annual first ministers' conference on the economy, as well as one on the constitution, the amendment gives the provinces a strong role in shaping national policy. And this is a first, Mr. Speaker. Never before have the provinces had this opportunity.

Mr. Speaker, in conclusion, let me say that the people of Saskatchewan will applaud this constitutional amendment. In bringing it before this legislature this government has marked a red letter day for this province, and I would congratulate the Premier for his role in reaching that agreement.

Mr. Speaker, by passing the resolution as proposed by the Premier, and defeating the amendment as proposed by the Hon. Leader of the Opposition, I believe that Saskatchewan will be stronger and we will see a stronger Canada emerging as a result of this historic agreement. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Ms. Simard: Thank you, Mr. Speaker. I rise to speak in favour of the amendment proposed by the Leader of the Opposition, and I enter this debate with due respect for the responsibility placed upon us as members of this Assembly. We are debating changes proposed to the fundamental framework of our nation - our constitution.

This is the law which lays the foundation of our parliamentary democracy. This is the law, Mr. Speaker, which defines our system of government and sets out the limits of government power and makes clear the rights of citizenship.

Our constitution defines us in our own eyes and in the eyes of the other nations of the world. It is the blueprint for Canadian society, and at the same time, it affects their rights and responsibilities, and shapes the many laws which define services and opportunities in every community. It states our fundamental values and determines the strength and power of our local government and our national government. It determines whether we have a centralized or a decentralized government, and our constitution has within it a charter of rights and this charter speaks to individual and collective rights we as Canadians possess.

(1545)

Some may argue that the fact I have said there are collective rights in the charter, but nevertheless I take that position today. These rights have continuous and daily impact on our lives, and their existence and enforcement help to mold our society and to instil values that are important to a society which is built on many cultures, and which entails accommodation and tolerance because of its diversity, Mr. Speaker - both regional and cultural diversities.

The process of constitution building in Canada has been consistent with our history and our traditions. Canada has attained its democratic traditions not by revolution, Mr. Speaker, but by evolution and the adoption of a Charter of Rights and Freedoms.

The statesmen of 1982 are to be congratulated, Mr. Speaker, for their vision and perseverance. They achieved an historic agreement and left the door open for future improvements, and the benefits of the evolutionary change are evident in this new accord. To the credit of the leaders of 1987, they've been able to achieve something that was not achieved in 1982 and that is an agreement with the province of Quebec.

And I do not in any way wish to diminish the importance of this achievement or the necessity for it, but I do wish to emphasize the flaws in this accord - flaws which I believe demand further consideration. Whereas the accord of 1982 left open the door for improvement, I fear that this agreement may close the door for too many Canadians. Before this accord becomes law, we must give Canadians the opportunity

to examine this accord and to express their views on its merits. Canadians need to decide: does this accord meet the test of our traditions? Does it allow us to grow and evolve as free people? Does this accord open doors for Canada, or does it close too many doors for the future?

No tradition is more precious to Canada than our rich heritage from immigrants from many lands, Mr. Speaker - no tradition is more precious. Yet the immigration provisions of this accord may close the door to Saskatchewan families whose relatives wish to come to Canada. The provisions in the accord pertaining to immigration, I'm thinking of section 2 in particular, may have a serious impact on Saskatchewan people. There is a possibility the immigration provisions may make it difficult for families in Saskatchewan to have relatives from their native country join them in Canada. And this could have very serious implications for many, many people in Saskatchewan, Mr. Speaker, for eastern European, such as Ukrainians and Poles, for Chinese Canadians, for East Indian Canadians, for Greek Canadians, and for many others.

So Saskatchewan people, because of this . . . just because of this possibility alone, Saskatchewan people should be accorded an opportunity to explore the ramifications of this accord, and an opportunity to debate it openly and be heard. When one understands the importance of this debate, the immediate importance and what will be the historical importance, Mr. Speaker, when one understands the fundamental nature of these discussions, one readily concludes that no decision should be made on this accord until there's been full dialogue with the public, until the public has been given an ample opportunity to respond, to have input, and to be involved in a meaningful way.

Constitutional reform is about the future of our country, and it concerns all Canadians. It concerns all people in Saskatchewan, and not merely, not merely a few politicians, Mr. Speaker. Of paramount importance in this debate is the recognition of the role of Quebec in Canadian society. Inasmuch as the accord symbolically, and in a more formal sense, brings Quebec into the constitution, it is an important step forward. Quebec is one of Canada's chief claims to distinction as a country and it has invaluable characterized Canada and we mustn't lose sight of that. We mustn't lose sight of that. But it is also our good fortune that we have other ethnic and linguistic groups in Canada, and I am proud to say that Saskatchewan plays home for several of such groups, and we are the richer for it.

And in the Canadian context Quebec is a distinct society. But it is also a very integral part of Canada and Canadian culture. And just as Saskatchewan thrives on its many cultures, Canada does benefit from the uniqueness of Quebec. And in this diversity, Mr. Speaker, we have still maintained a unity. And even though Canada is by no means homogeneous, we can and we do offer an example of how major linguistic and ethnic groups can live together.

And so it's of paramount importance that Quebec join the constitution. But in our eagerness to bring all partners into the constitution, we must not lose sight of the overall picture, and the long-term and short-term effect of the accord on other issues and matters as well.

And we must not under any circumstances, we must not close the door on future change, Mr. Speaker. And that is my biggest fear about the accord is that it's going to close the door on future change.

The Saskatchewan government should not dismiss the unresolved problems with the accord as unimportant. These problems should receive thorough scrutiny by the Saskatchewan public, and if it's necessary to make rational amendments to the accord then that's what we should do. That would be totally logical, totally reasonable, and totally fair, Mr. Speaker.

And although people realize that a society cannot exist without some means of exercising collective

authority, Mr. Speaker, they resent being shoved around, and they want government to be seen as acting for them. Therefore the constitution should meet the needs of all people to whom it applies, and it should not be rammed through provincial legislatures without due consideration of all the consequences - all the very intricate consequences flowing from the proposed amendments.

In this regard, let's look at the provision of the resolution respecting the entry of new provinces. It requires all provinces to agree on whether or not the Northwest Territories be established as provinces at some future date. And although our nation has grown through the development of new territories and provinces, this accord may close the door to new provinces in the future. By demanding unanimous consent for the establishment of new provinces, are we closing the door on the Yukon and the Northwest Territories, Mr. Speaker? Is it not mean-spirited to apply a test of unanimous consent - a test that was not the rule when Saskatchewan joined Canada; is it not mean-spirited, Mr. Speaker? And I understand the Yukon and the Northwest Territories have had lots to say about that particular clause in the accord.

Should Saskatchewan be voting on this motion I ask you, Mr. Speaker, before the report respecting federal hearings of the Senate and Commons committee has been released, which I understand is going to be happening sometime next week and perhaps in the early part of the week. Should Saskatchewan be voting on this motion before Saskatchewan men and women have had an opportunity to have their concerns fully considered and to make full representation? I think not, Mr. Speaker, I think not.

Another major concern to many groups in Canada is the conspicuous absence of any reference to section 15 and section 28 of the Charter of Rights and Freedoms. Section 15 is the equality provision, Mr. Speaker, which says in effect that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination. And section 28 is the provision which basically says that the rights and freedoms in the charter are guaranteed equally to male and female persons.

Some people argue, Mr. Speaker, that the accord leaves the status of the charter unclear, that section 15 and 28 rights are trammelled by the accord and will be subjected to the distinct society clause.

They argue that insomuch as the distinct society supersedes equality, then people can be discriminated against, and in that way the equality provisions, including education rights in the Charter of Rights and Freedoms, could be undermined as they pertain to Quebec.

And indeed it is argued that the addition of article 16 in the early hours of the morning on June 3, 1987 merely compounded the ambiguity and uncertainty by singling out the rights of aboriginal peoples and our commitment to multicultures as requiring special treatment.

And I'm not objecting to the addition of article 16. I'm not objecting to that, Mr. Speaker, but it is arguable that it does make the position of the charter more unclear, more ambiguous. But maybe this is what was intended. And if that's the case, then it should be made more explicit.

Some people feel very strongly, however, that the accord should not be left ambiguous in this regard, and therefore if the first ministers did intend that the accord supersede the charter with respect to equality rights, then this should be made explicit. And if they didn't intend that, then the . . . that the accord should supersede the charter, then that should be made explicit, so that the people of Canada can have an opportunity to debate the issue in a meaningful and democratic way.

On the other hand, some people do not wish to criticize or detract from the distinct society clause by amending the accord, while others feel the fears expressed about the distinct society are unfounded. And

in Saskatchewan, having regard to the controversy respecting the equality provision, and whether or not the accord should be amended in that regard, we should be mindful of this debate, and we should be mindful of the fact that the accord may still be amended to meet these concerns, as well as others.

And for this reason alone, Mr. Speaker, we should not hasten to approve the resolution until we know what lies ahead, and until we have given Saskatchewan men and women an opportunity to make their views known at public hearings here at home in Saskatchewan.

And equally controversial is the absence of any reference in the accord to advancing the concerns and aspirations of Canadians of native origin. There is a reference in section 16 of the accord to section 25 of the charter. Section 25 is the guarantee of aboriginal rights and freedoms, but the accord remains totally silent on the issue of native self-government.

And one would think that at the very least there would be some further guarantee of further constitutional talks pertaining to the aspirations of native Canadians - at least an open door, Mr. Speaker - at least an open door. But no such proposal was forthcoming in the accord. It remained silent on the issue. Surely for Saskatchewan, surely in Saskatchewan, this alone requires further consideration by our governments and the public.

And there are many other potential and real problems with the accord. The extension of the unanimity rule means that the chances for any meaningful change to our federal institutions, such as the Senate, is extremely remote. Can we afford to close the door to future change to our federal institutions, such as the Senate? I ask you, Mr. Speaker, can we afford to close the door?

(1600)

Another concern is the concern that the province-building, if you like, or the decentralizing aspect of the accord could accentuate the economic differences among provinces, and that it may make it extremely difficult to maintain and develop national social programs that apply with uniformity across Canada. And it's argued that this will lessen our unity and increase our diversity across Canada.

And one of the distinct achievements of our Canadian form of government has been a federal system which allows for strong provinces, while at the same time providing for a broad measure of equality in the benefits enjoyed by citizens of different provinces. Programs of social support, education, and medical care in Canada rest on this basis. Will the accord close the door on the development of new initiatives on a national scale? Does giving provinces the right to opt move us away from the principle of equal benefits and increase the disparities between parts of our nation?

These are a few of the questions that should be addressed, Mr. Speaker, and we believe that public hearings in Saskatchewan could address these and other points. We believe that the government could benefit from the wisdom of Saskatchewan people on these points, and if the need for changes to the accord is demonstrated by public hearings, then changes should be pursued. And this would demonstrate the statesmanship of those involved.

I have dealt only with a few of the problems that have come up in the last few weeks, or the last couple of months, and I've referred to them for the purpose of illustrating the point that the Meech Lake accord should not be an accord of a few politicians, but it should be an accord, Mr. Speaker, of the people of Canada. Because ultimately, the sovereignty of Canada lies with the people, and not just a few politicians.

It's the people's country we're talking about, Mr. Speaker, not the country of a few politicians hammering out an agreement in secret behind closed doors. And because Canadian society is culturally and regionally diverse, it is imperative that people from all parts of the country are given the opportunity to participate in a meaningful way in the drafting of our constitution. It is imperative that our constitution becomes truly legitimate, a truly legitimate constitution embodying the hopes and aspirations of all Canadians across this vast country. And Saskatchewan men and women, Mr. Speaker, should have an opportunity to participate fully in this process.

Some Hon. Members: Hear, hear!

Ms. Simard: By opening up the issues to public debate, members opposite can demonstrate their own commitment to democratic principles. If they have faith in this accord, and if they believe that what they are doing is right, they should be prepared to face the people and explain their actions to the people. The importance of this issue, Mr. Speaker, demands nothing less. And so I challenge the Premier, I challenge the Premier of the province of Saskatchewan to face the Saskatchewan people to consider the flaws of this agreement and take whatever action is necessary to make this accord speak well for our traditions and serve well all Canadians, including Saskatchewan people.

Thank you.

Some Hon. Members: Hear, hear!

Mr. Martin: Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, the Meech Lake debate is really about whether we want a stronger central government, that course being the federal government in Ottawa, or stronger provincial governments. It is my contention, and the majority of people in western Canada, that over the past decades the federal government has not served the West as well as we would like it to have. The most obvious example, of course, is the ill-conceived national energy program forced on western Canada by the previous federal government.

The program forced the oil producing provinces of Alberta and Saskatchewan to sell their oil at prices lower than the work market to those in eastern Canada, central Canada. This cost Saskatchewan about \$2 billion in revenue, important revenue, Mr. Deputy Speaker, that we could be using today, with world prices and the prices of other resources being substantially lower.

Mr. Speaker, in 1867 when Nova Scotia, New Brunswick and Canada formed the original federation, Canada being Quebec and Ontario in those days, we were then an agrarian society. But as technology took over in the western world, the central government became more and more powerful. We now in western Canada want to get some of that operations . . . have the ability to speak on behalf of our own provinces, get some of that strength back, as it were, Mr. Deputy Speaker, and to have control over those resources that are in our own territory.

Mr. Speaker, it is a great pleasure for me, on behalf of the constituents of Regina Wascana, to have the opportunity to speak in support of the Premier's resolution to adopt the change to Canada's constitution. That constitution of Canada defines our national dream of one Canada, one nation, from the Atlantic to the Pacific. The constitution of Canada is not a piece of legal paper work; the constitution is a living document that symbolizes our heritage, our history, and our values as a free nation.

All of us will recall our school days when we learned of Sir John A. Macdonald and the fathers of

confederation. We recall their vision of a new nation. We recall their dream of a new confederation to be called Canada. Now on the first day of July of every year we celebrate the birth of our nation. This year, 120 years after the birth of Canada, we can take pride. Because of the historic Meech Lake agreement, the dream of a united Canada is now a reality.

When the premiers of Canada's ten provinces met at Meech Lake with the Prime Minister, their purpose was to bring the province of Quebec into the Canadian constitution. At the historic meeting at Meech Lake, an agreement was reached to bring Quebec into Canada. All of us can proudly say that because of the constitutional accord, Canada is today truly a greater nation.

I wish to take a few moments to pay special tribute to the leadership of the Premier of Saskatchewan at the historic Meech Lake conference. Our Premier put the interests of all Canada ahead of other considerations.

The Premier took the position that the future of Canada, as a nation, is more important than the parochial or political issues. Saskatchewan's Premier went to the conference table with constructive proposals to help build Canada. With the eyes of all of Canada on Meech Lake, our Premier stood out as a statesman, as he has on some many other occasions.

Our Premier took the position that Saskatchewan would only agree to a constitution that gave all of the provinces of Canada equal status and a veto on certain constitutional matters. That was the position of the Premier prior to going to the East to meet with the Prime Minister and the other premiers, and he held that position.

Every member of this legislature will remember that for years the province of Quebec demanded special veto powers over constitutional changes. The Premier of Saskatchewan took the position that this contravened that the fundamental principle that all provinces are equals. And when our Premier went to Meech Lake, he was determined to protect that principle. I commend with pride the leadership of the Premier of Saskatchewan in presenting a constructive and well thought out proposal for an equal status veto in the constitution.

The Meech Lake agreement and the signing of the constitutional accord in Ottawa on June 3, 1987, heralded a new day for Canada. The Prince Albert Daily Herald, in an editorial published on July 6, said, and I quote:

We agree with Premier Devine when he terms this constitutional accord a victory for all Canadians, and especially western Canadians.

I believe the Meech Lake agreement achieved a stronger role for the West in Canada.

Like all Canadians I, too, was pleased that Quebec joined the Canadian constitutional family. Premier Robert Bourassa of Quebec can take great satisfaction in leading his province into the Canadian constitution. At the same time, the Premier of Saskatchewan and that went to . . . and we, the people of western Canada, can take satisfaction that our part of Canada has been given equality in confederation.

I refer, of course, to the fact that each province in Canada will have a veto over constitutional changes to the central institutions of our nation. It will now participate in the appointment of senators and Supreme Court judges. This is a major and positive step for all of Canada, and especially for western Canada.

This historic decision presents a golden opportunity to help alleviate the feelings of frustration and

regional alienation that we in western Canada have felt for years gone by because of the clout of central Canada.

Shortly after the Meech Lake agreement, the Premier of Saskatchewan made the following statement, and I quote. The Premier said:

This agreement recognizes a political reality of a Canadian nation. I believe that as a result of the measures taken, westerners will be included in the central decision making structures of the government as they have never been before.

Well the Premier is right. Saskatchewan and the West became equal partners in confederation at Meech Lake.

Today before this legislature we have the results of Meech Lake before us in the form of a motion presented by the Premier. We as members of the Legislative Assembly of Saskatchewan have been asked to pass this motion which would in effect make our province the second one after Quebec to ratify the constitution amendment of 1987.

Today is not a day for partisan politician speeches. Today is a day for all members of this legislature to lay aside political affiliations and act in the words of Sir John A. Macdonald who said, "Before all else, let us be Canadians."

The motion before the legislature is one that will be enshrined in the history of Canada. The constitutional accord reaffirms our faith in confederation and is proof of the confidence that we have in the Canadian nation. Today is one of those rare days when we in public life, those of us in the political arena, today is one of those rare days when we can lay aside politics and act in the spirit of the fathers of confederation. We can say, with all the pride that we can muster, I am proud to be a Canadian.

The motion before the legislature asks us to ratify the constitutional accord. The constituency of Regina Wascana is only a small segment of this province and our great nation. Yet on behalf of all the people of Regina Wascana, I am proud to support the motion to ratify the constitutional accord, for in doing so, we make a commitment to the future of Canada as a nation. And in doing so we once again reaffirm the spirit of one Canada, one nation.

Thank you, Mr. Deputy Speaker. I will be supporting the motion put forth by the Premier. I will not be supporting the amendment. Thank you.

Some Hon. Members: Hear, hear!

(1622)

Amendment negatived on the following recorded division.

Yeas - 17

Brockelbank
Shillington
Koskie
Romanow
Tchorzewski

Rolfes
Mitchell
Upshall
Simard
Solomon
Kowalsky
Goulet
Hagel
Lyons
Calvert
Lautermilch
Goodale

Nays - 30

Muller
Duncan
Andrew
Berntson
Lane
Taylor
Smith
Muirhead
Maxwell
Schmidt
Gerich
Hepworth
Hardy
Meiklejohn
Pickering
Martin
Toth
Sauder
Johnson
McLaren
Petersen
Swenson
Martens
Baker
Gleim
Neudorf
Gardner
Kopelchuk
Saxinger
Britton

Mr. Mitchell: Mr. Speaker, I rise with some pleasure to speak to the motion. And at the end of my remarks, Mr. Speaker, I'll be proposing an amendment to the motion.

It's a particular pleasure for me, or at least a great interest of mine, to debate on this resolution, because

I have in one capacity or another had a long contact with the constitution of Canada and have been interested in the subject for many, many years.

I thought I just might trace, Mr. Speaker, as a prelude to some of the remarks I will be making, my own approach to constitutional matters over the years. I began life, as far as the constitution is concerned, during my university training, during my arts studies and my law studies. And at that time I was a centralist. I believed that the problems that were facing the province of Saskatchewan could best be resolved by a strong central government.

The study of constitutional law, at least at that time, Mr. Speaker, was largely a study of the distribution of powers between the federal and the provincial governments. It remains such, although of course it's become more complex as issues emerge and recede in Canada. At that time in the early part of my life, I believed that a strong central government was necessary in order that the problems of agriculture and transportation, and problems that were then major issues, could be adequately resolved.

That continued until the early 1970s when I went to work for the federal government as a civil servant, and I saw the way in which the Ottawa bureaucracy works from the inside. I stayed there for three years.

An Hon. Member: Terribly.

Mr. Mitchell: The Deputy Premier suggests it was terrible, and in many respects it was, because I then became a convert to the provincial rightist side of the debate. I became convinced that the federal government had quite enough powers, thank you very much. And indeed in light of the public agenda that existed in the '70s, and indeed in the '80s, it was extremely important that the provinces obtain certain powers which they then did not have. And my thinking went through this transformation and was confirmed in my subsequent years back in Saskatchewan when I worked for a spell with the provincial government, and subsequently in private life.

And so I remain today a person who believes that at least for our part of the country it is essential that we have a strong provincial government with rights that are appropriate to the responsibilities which we must discharge for the people of our province, and the people that we in this Assembly represent.

Now that continued without any qualification until the . . . in many respects, it continues. But what I'm going to convey to you, Mr. Speaker, is my reaction to the Meech Lake accord when I first read the newspaper articles reporting upon it, and then a few days later, read the substance of the accord itself.

And I found that I was uncomfortable. Meech Lake is to a large extent a recording of a transfer of certain powers from the federal to the provincial governments, which in a general sense, I favour.

I asked myself though on looking at the accord, why these powers? Why these powers? Since when did it become an issue in Saskatchewan that we have the major say in appointing the members of the Supreme Court of Canada? Since when did it become crucial to the interests of Saskatchewan that we in effect have the power to name the appointments to the Senate?

Now I can think of many areas in which we require greater powers. I think we should have a greater say in manpower policy, for example, in the whole broad range of manpower instruments - a subject, as far as I can tell, that was never even addressed during the Meech Lake discussions. I think that we require, at least at certain times, increased powers with respect to other matters, and none of those are included in the Meech Lake accord.

So I had this sense of disquiet on looking at the accord. While on the one hand it is desirable, for many reasons, to increase certain powers in the provinces, it does not seem to me that the Meech Lake accord addresses any of those subjects.

(1630)

Rather, the subjects that are addressed are not important to Saskatchewan. I want to qualify that. I mean, I'm not trying to dismiss Meech Lake as being an unimportant document, but what I'm trying to say, Mr. Speaker, is the subjects that I think are crucial so far as the province of Saskatchewan are concerned are not addressed in the Meech Lake accord. We are working Meech Lake from somebody else's agenda.

Now I welcomed the conferences that led up to Meech Lake, and indeed the news that an agreement had been reached, for one very important reason, and that is that it marked an agreement on the basis of which Quebec could be said to have fully entered the constitutional arrangements in Canada. And I think that is an important thing.

It is true, as my leader has observed, that Quebec always has been in the constitution, and indeed was in the constitution in a legal and constitutional sense, following the constitutional agreement of 1981-82. Quebec always has been in the constitution, including the Constitution Act and the Charter of Rights and Freedoms. But in a practical, philosophical, and spiritual sense, Quebec was not in, and would not be in, and would not be in until she could sign the constitutional instruments in Canada and take her place on the same basis as all of the other provinces. And in this respect, I welcomed and would have welcomed any agreement that would have accomplished that purpose, and indeed in that sense, welcomed the Meech Lake accord.

But the problem with Meech Lake is that I sense that the negotiators, the Prime Minister and the premiers who were present behind the closed doors at Meech Lake, made the wrong kind of a deal, Mr. Speaker. In the case of the Prime Minister I can't shed the feeling - no matter what I read and what I hear, I can't shed the feeling that the Prime Minister gave away far more than he had to in order to arrive at an accord. And I can't either, escape the feeling that the provinces took advantage of that situation and grabbed for powers that they did not consider important to them, and in so doing stripped the federal government of certain powers which I think are important for a central government to have in any, in any federation, in any federated states, in any federated state.

Now I'm not going to talk about that aspect of the matter, Mr. Speaker, because other speakers have already referred to it and I know they intend to refer to it in subsequent speeches in this House. What made me uncomfortable about the Meech Lake accord was the process that had been followed in arriving at it. And it's to that subject that I want to address my remarks this afternoon.

The question of constitutional change, as Canadians know better than practically anybody else, is a complex difficult process. You don't have to spend much time studying the subject of the Canadian constitution to understand the thousands, even millions of person-years of effort that have gone into the subject of amendments to that constitution.

It has always been a difficult process. It has always been a very complicated one. It has always been a very controversial one. It has always taken a great deal of time and care and study and discussion and debate. And the agreements that have been arrived at over the years have been arrived at with difficulty and at the end of a complex, time-consuming, and exhaustive process. And Meech Lake was none of those things, Mr. Speaker - Meech Lake was none of those things.

What is at stake here, as the member from Regina Wascana observed in his remarks earlier in this House, is the kind of a Canada we have - the distribution of powers in Canada. And there are two extreme views of that: on the one hand there is the view, there is the view that the federal government ought to have a large . . . the federal government ought to have a large number of powers, and on the other extreme that the provinces ought to have a large number of powers - it's the difference between the centrists on the one hand and the provincial rightists on the other. And in Canada we have never been at either of those extremes. We've been pulled they way and that by legal interpretations of our constitution over the years.

For example, in the first part of this century, the Privy Council in the United Kingdom interpreted the British North America Act in a way that favoured the provinces, and they continued to do that for some years. And then gradually that pendulum moved back towards the centre and, in some cases, in some decisions, towards a centrist view of our constitution.

So the member is perfectly correct in his approach to it, and that is precisely what is at stake here. The question that we as legislators in this Assembly and in all of the Assemblies of Canada have to grapple with is: where is that pendulum, at what point in that pendulum ought Canada to be? And I suspect that there re shared views in this House as to what is an appropriate point for the pendulum as between the rights of the central government and the rights of the provinces. And that's what has to be considered, I suggest, when we're looking at the Meech Lake accord. What does it do to the pendulum?

I think there's no doubt that it moves the pendulum significantly and sharply towards the provinces. I've said to you, Mr. Speaker, that in a general way I am comfortable with that, although I certainly don't intend to speak for all members of my caucus or my party on that point. But I personally am comfortable with that idea.

But also as I said earlier, I think the Meech Lake accord doesn't deal with the right subjects. In other words, the pendulum has moved toward the provinces on issues that are not crucial to our interests as a province. And indeed, if I were making a list of powers that ought to be redistributed under our constitution, I would not have included most of the matters that are touched upon in the Meech Lake accord. As I said earlier, we were clearly working from someone else's agenda and not from the agenda of the province of Saskatchewan.

But the point is: who in this House feels that they are so wise about this question of the proper position for the pendulum? Who among us is so learned as to say that this is the proper point? And that's a problem that is being expressed in one way or another right across Canada. And it comes back to the question of the process that was followed.

Traditionally, and historically in this province, as I said earlier, the process is a complex, complicated one. It involves all sorts of things - study, consultations, discussions, meetings, a debate, speeches, reports, papers, panels, research, seminars, federal/provincial meetings, provincial meetings, more study, more research, more discussion papers, on and on and on and on it goes. And the number of people who participate in this process have traditionally and historically been very large, and a broad spectrum of our society is normally involved. That was certainly the case during the 1981-82 constitutional discussions, which went coast to coast, which received extensive media coverage, and which involved the public in very, very important ways.

And that lack of process in this case is, without question, the cause of a lot of the unease that we hear expressed across this country today, and which you hear expressed in this House during the debate on

this resolution.

There is something about the prospect or the sight of our Prime Minister and our premiers going into a room and coming out many, many hours later, after a sleepless night, after long, long sessions in which they apparently weren't even allowed to consult with their experts and officials, but they emerged finally with a deal. There's something about the process that Canadians are finding disquieting.

It's not a partisan question you know; it's not a question of an opposition taking one position and the government another. It's a question of a process with integrity and a process that proceeds from wisdom. And it explains, I think, so much of the opposition that we hear, or that we read in our media concerning the Meech Lake accord.

Now the Premier introduced this resolution to the House and made a presentation to us. And I, and others on this side, listened carefully to that presentation and have studied it with some care since. And with respect, I did not find that presentation to be either assuring or persuasive.

Now it may be that it happened on a bad day, or that the presentation had not been as complex as . . . or as extensive as he would like to have made. But I got no sense from the Premier's remarks that he appreciated the important, the impact, of what Meech Lake was about. I mean, it is just not a good enough treatment of the subject to say that it's about time the provinces started to have a major role in the appointment of Supreme Court judges. What is it important? To whom is it important? What problem is it curing? I mean, what's wrong out here that it is going to be fixed by the technique of having the government of the day say who will be appointed to the Supreme Court of Canada?

And so I listened to the Premier's remarks, and at the end of it had no sense that he recognized the importance of a process which would be appropriate to the amendment of the Canadian constitution.

Now in my submission, that process was seriously flawed. It did not involve enough people. The country was barely aware of what the agenda was. Most of the country didn't even know there was an agenda. But even those that follow the constitutional process were only vaguely aware of what the agenda was.

We know that this meeting . . . We knew that this meeting was going to take place, and we knew that they were really going to try very hard to get an agreement. But we did not know that they were going to emerge from that room with a document which is as hard and fast as this one appears to be.

Since then we have had the Prime Minister of Canada, the prime minister of Quebec, and other premiers, make public statements to the effect that this accord is, in effect, cast in stone. As far as Ottawa is concerned, it will only be amended if an egregious error is uncovered.

We didn't know that was - and I speak here as we Canadians - did not know, when the first ministers went into that room, that they were going to emerge with a document that was, in effect, a piece of marble on which a final deal was etched, which was, in a practical sense, not subject to any amendment.

Indeed they emerged with a document which is not even subject to appropriate discussion. Now by appropriate discussion I mean discussion as it normally takes place when we Canadians talk about amending our constitution. Because that process historically is a much different process than the one that we are following here. Now we're suggesting a number of amendments to you; we've heard one. You're going to hear another one from me, and you may hear some more. And I've no doubt that looking back on this a week from now we will find that you will reject all of our amendments.

Now what's the purpose; what kind of a consultation is this. Our Premier and other premiers have said that it is enough consultation to have this matter debated by the elected politicians in this legislature. And yet I, Mr. Speaker, am making a speech that, as far as I can tell, only two people on the other side of the House are listening to. Now what kind of a consultation is that. The consultation that ought to have taken place was one suggested by the last amendment where the public can be involved.

(1645)

The format was wrong also, Mr. Speaker, because these 10 men, these first ministers, went into a room . . .

An Hon. Members: Eleven.

Mr. Mitchell: Eleven first ministers went into a room, and they stayed there; they were required to stay there practically around the clock, as I said earlier, without having the opportunity to consult any of their experts or officials, and they were not allowed to leave until they had made a deal.

Now that's appropriate in many situations, you know. Certainly our Prime Minister has been in many such rooms where he has been required to stay until he comes out with a deal. He's a labour lawyer from Montreal, and he's been in many situations where his mediator would not let him out of the room until he had concluded a collective agreement. And what he did was bring his techniques from his collective bargaining, labour relations background into that first ministers' meeting in Ottawa and applied that technique. Now it's a wonderful technique for settling a collective agreement - I've done it many times myself - but it's not a wonderful technique in setting the constitution of a country, and it has resulted in a situation where we are proposing to amend that constitution with significant elements of our country being very, very uncomfortable with the way in which the deal was made.

As I say, Mr. Speaker, it is a flawed process, and it is one that places a cloud over these amendments which just simply shouldn't be there. Now we've had opportunities in this country to clear that cloud away. We still have opportunities to do that. I mean, it's still not too late to do it, but it's going to be too late unless the governments of this country - the national government, this one, and the other provinces - elects to take the train off the track or to put it on a siding for a while, while we give this matter a proper airing among the elements in this country who are interested in these questions.

Now to some extent that's happened. And when I say some, I mean some small extent, because the federal government has struck a committee, a joint committee of the Senate and the House, who have held public hearings. You can quarrel with that process because it was short, it limited itself to the number of people that it would hear, and it operated under a mandate which was - well to be kind about it - which was certainly subject to criticism because a lot of very important people made it very clear that it didn't matter what that committee decided, the deal was not going to be changed in the absence of something that we now call an egregious error - after we had scrambled to our dictionaries and learned what that word meant. But that certainly hung as a pall of smoke over the deliberations of that committee.

But the committee did sit, and it did hear from some very important groups in Canadian society, and from some very important people. And that committee's report has apparently been drafted, and is apparently ready to be made public. It awaits only the completion of the French translation before that happens, but according to newspaper reports of yesterday, that report could be made public as early as next week.

And what I'm going to suggest, Mr. Speaker, is that this Assembly wait - at least wait in our deliberations until see that report. And what I'm going . . . I'm going to be suggesting an amendment in a moment which will say precisely that; that we all get a chance to take a look at the report. It can be tabled in this House, and then we can resume our consideration of the resolution.

I can't think of one reason why we wouldn't do that. At one time I thought that the government had a very good reason for getting this through quickly, because they introduced this resolution at an early date. The Premier presented the resolution with a speech to this House which indicated that the matter was fairly urgent to the government, but then that apparently has been by the boards because this matter has been allowed to languish on the order paper for approximately two months.

Now in light of that, why would it be important to complete our consideration of the matter this week? Why not wait until next week when we've had an opportunity of looking at the report from the joint committee of parliament and the Senate, and at least have the benefit of their views before we cast our own views in stone with our votes in this House. And so I wish to move the following motion, Mr. Speaker, seconded by my colleague from Saskatoon South. And I will read the motion:

That the paragraph commencing with the words "Now therefore" be deleted, and the following substituted therefor:

And whereas the people of Saskatchewan should have an opportunity to consider the findings of the special joint committee of the Senate and the House of Commons which has been established to consider the matter of constitutional reform;

Now therefore the Legislative Assembly of Saskatchewan urges the Government of Saskatchewan to table in this Assembly the findings and conclusions of the Special Joint Committee of the Senate and the House of Commons with respect to the matter of constitutional reform and the schedule hereto, with a view to later consideration by this Assembly.

I so move, seconded by the member from Saskatoon South. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Rolfes: Thank you, Mr. Deputy Speaker. Mr. Speaker, it is certainly my pleasure to have seconded the amendment moved by my colleague from Saskatoon Fairview and to say a few words on the main motion as presented by the Premier.

Mr. Deputy Speaker, the accord . . . the main motion and the amendments that are before us today, I think because they have been on the order paper for nearly two months, indicates to us and I think should indicate to the people of Saskatchewan, and consequently because the accord pertains to all of Canada, to all Canadians, that there is really no rush in passing this particular motion. And I know that the government, because it is a government that wishes to listen to the views of the opposition and to the people of Saskatchewan, will see fit to support this amendment and to postpone the resolution of this motion.

Mr. Speaker, the constitution and accord, when it will finally be adopted by the Government of Canada and the provinces, will be doubt profoundly affect the way we govern and live in Canada.

The changes that are proposed by the accord will positively affect some groups and individuals in this

country, but it certainly will negatively affect or have a negative impact on a lot of minority groups, and in a way that we will be able to implement cost-shared programs in the future in Canada.

The constitutional accord will most assuredly determine whether aboriginal peoples will ever fulfil their desire of having self-government. The accord will also adversely affect Northerners and their desire to become provinces in Canada.

I believe that we should retain the current constitutional requirement for the admission of new provinces. That requirement or that formula, Mr. Deputy Speaker, needs the approval of the federal government and at least two-thirds of the existing provinces, with at least 50 per cent of the population of Canada. Now that, Mr. Speaker, seems to me to be fairly reasonable. It has worked in the past, and it certainly will work in the future.

The new formula, Mr. Deputy Speaker, which requires the unanimous approval of all the provinces for the admission of new provinces is too rigid, in my opinion, and is unfair and inequitable to the people of the Yukon and the Northwest Territories.

The new accord also, Mr. Deputy Speaker, will probably prevent any changes to be made to the Senate. The unanimity clause requirement will mean that the Senate will continue to function as a costly and, in my opinion, generally a useless institution to be used at taxpayers' expense, mainly, Mr. Speaker, as patronage appointments for the Liberal and Conservative parties of this country.

As you probably have noticed, Mr. Deputy Speaker, I have some grave concerns about the constitutional accord. However, having said that, one must also recognize the positive aspects of Quebec becoming a full-fledged member of this country. This, in my opinion, must be the overriding factor which we cannot ignore.

Getting the province of Quebec to sign the constitutional accord was a significant accomplishment. But what about the price that had to be paid by our aboriginal peoples? What about the price that had to be paid by the people of the Yukon and the Northwest Territories? One must question, in my opinion, the negotiating capabilities of the Prime Minister when he has to sacrifice the rights of our native people, and the rights of the people of the Yukon and the Northwest Territories, in order to get the province of Quebec to sign the accord.

Mr. Deputy Speaker, I have already acknowledged the importance of having Quebec sign the accord. The significance of this should not be underestimated. However I am gravely concerned about the aspects of our society that the accord does not adequately address. And I have already expressed my regret that the accord will adversely affect many groups and individuals of Canada, particularly our native groups and northern people.

Because the accord, Mr. Deputy Speaker, fails to adequately address future changes to the Senate, because it fails to provide a process of discussion with native people on self-government, and because it adversely affects the people of the Yukon and the Northwest Territories in becoming provinces, I would hope that the government will agree to the amendment moved by my colleague, the member from Saskatoon Fairview.

I am, Mr. Deputy Speaker, disappointed however that the government could not agree to the amendment moved by the Leader of the Opposition, which would have given, which would have given the people of this province an input into the accord. It would have given the people an opportunity to participate; it would have given us an opportunity to question how the process has worked; and it would have given all

of us an opportunity to make suggestions in public hearings.

But, Mr. Deputy Speaker, the government opposite had an opportunity, or will have an opportunity now, to atone for their mistake by accepting the amendment being debated now. Why, Mr. Deputy Speaker, wouldn't the government wait one more week so that we can have a look at the findings of the joint committee of the Senate and the House of Commons to see what the people of the rest of Canada, and some people from Saskatchewan, what input they had and what suggestions they have made.

Mr. Speaker, fortunately time is on our side. We don't have to make a decision on this motion and on the accord for at least 18 months to two years. In that sense, Mr. Deputy Speaker, I am optimistic that as an open government and as a democratic government, as they claim to be, and as the Deputy Speaker has indicated that they will listen to the people, I am sure that they will graciously accept the amendment move and that they will not defeat the amendment.

Mr. Deputy Speaker, I have a number of other things that I would wish to say on this amendment. I therefore beg leave to adjourn debate.

COMMITTEE OF THE WHOLE

Mr. Chairman: It being 5 o'clock, I do now leave the chair until 7 p.m.

The Assembly recessed until 7 p.m.