

The Assembly met at 10 a.m.

Prayers

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**Mr. Goodale:** — Mr. Speaker, I have the pleasure to make an introduction to the legislature this morning. Members will notice that seated in your gallery, Mr. Speaker, indeed just above me here, is a member of the Legislative Guide Service, indeed, the supervisor of the guide service, Lorraine deMontigny, and seated with her is her mother Mrs. Alma L'Heureux from Gravelbourg, Saskatchewan, and joining them is a visitor from England, Mrs. Dorothy Finch.

Mr. Speaker, I think it's noteworthy that Mrs. L'Heureux and Mrs. Finch have been pen-pals together, across the Atlantic Ocean, for 46 years, and they met personally for the first time last evening when Mrs. Finch arrived from England for a visit here in Saskatchewan, and she will be spending the next three and a half weeks on a holiday in our province.

And I would invite all hon. members to join me in welcoming both Mrs. L'Heureux from Gravelbourg and Mrs. Finch from England to the Legislative Assembly today.

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

## ORAL QUESTIONS

### Grain Deficiency Payments

**Hon. Mr. Blakeney:** — Mr. Speaker, I have a question to the Acting Minister of Agriculture, or in the alternative, the Deputy Premier, and it deals specifically with the grain deficiency payments which the Mulroney government has promised for this current crop year, 1987-88. Yesterday the Premier's office issued a statement indicating that the Premier proposed to go to the premiers' conference and lobby for a deficiency payment — which I had understood the Prime Minister had already promised — which indicated a relatively safe position by the Premier. What I want to ask, Mr. Minister, is this: can the minister indicate the position of the government with respect to whether a specific level of deficiency payments has been asked for? Have you asked for a figure or a range? Has the federal government offered a figure or a range for the deficiency payment promised by the Prime Minister?

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

**Hon. Mr. Hepworth:** — Relative to the issue of a deficiency payment, Mr. Speaker, my understanding is, in terms of the chronology of a deficiency payment, is that when the Premier attended the ministers of Agriculture meeting there was unanimous support for a deficiency payment, and I'm sure the Prime Minister is aware of that. I suspect our Premier will be making that point again at the meeting of premiers from all across Canada.

In so far as the size of a deficiency payment, specifically, I can't say if there's a particular number. But I can say this, and I think this probably includes the view of all western premiers, that numbers that have been suggested in so far as what might make sense is a payment somewhere between 1.6 billion, I believe it is, and \$3 billion. The lower number represents and reflects the 20 per cent drop in initial prices this year and hence 20 per cent higher than last year, which was \$1 billion, would make sense in that standpoint if one uses that rationale.

On the other hand, if one uses the rationale that this deficiency payment should offset the effects of the subsidy wars and the marketing assistance programs that the U.S. has in place, and the deficiency programs that they have in place there to offset what that does to the world market, then the number becomes \$3 billion. So that is the range and the rationale that I'm aware of as it relates to a deficiency payment, Mr. Speaker.

**Hon. Mr. Blakeney:** — Thank you, Mr. Speaker. Part of your answer was a bit disturbing, and I want to ask, therefore: do you understand that the Government of Saskatchewan has a commitment from the federal government that a deficiency payment will be paid for this crop year, or do you understand that this is still in the negotiating stage?

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

**Hon. Mr. Hepworth:** — The most recent understanding I have, Mr. Speaker, is that the Premier received unanimous support at the ministers of Agriculture meeting for a deficiency payment. And of course at those meetings, Mr. Speaker, the Minister of Agriculture for Canada attends as well. So it seems to me that although I cannot stand here today and say definitively that the cheques are in the mail, that there's broad base support for that payment and I have every expectation that one will be forthcoming.

I think what a lot of this discussion revolves around is (a), as you've rightly pointed out, the size of the payment and how it should be paid. There was some concern as to how special . . .

**Mr. Speaker:** — Order, order. I think the minister has made his point.

**An Hon. Member:** — That's the worst speech I ever heard.

**Hon. Mr. Blakeney:** — Supplementary, Mr. Speaker. I have a sense of having heard that before, that comment.

Mr. Speaker, I direct a further supplementary to the minister. He referred to cheques being in the mail. Would the minister advise us whether it is the understanding of the Government of Saskatchewan that there will be one payment some time this fall, or is it your understanding that there will not be a payment this fall, but that the payment will be much later, perhaps a few months before an intended federal election?

**Hon. Mr. Hepworth:** — My answer here is no different

than my answer in this House on behalf of the Premier a couple of weeks ago when this question was raised before. I think much as that kind of detail — whether there's one payment or two, and the timing, etc. — is important, I think the concern and the important concern and the foremost concern of our Premier has been to ensure that there is a payment, Mr. Speaker.

Our Premier has a very successful track record in terms of negotiating and impressing upon the Mulroney government the need for a deficiency payment in the past, and I have every reason to believe that our Premier will deliver for Saskatchewan farmers again.

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

### Payments for Irrigated Land

**Mr. Tchorzewski:** — Thank you, Mr. Speaker. I have a question to the Acting Minister of Agriculture. Mr. Minister, the federal government announced, with the deficiency payments, that it would provide a supplementary payment to some of Saskatchewan's irrigated land farmers. But the unfortunate thing is that this payment will only include 20 per cent of the farmers who have irrigated land.

I ask you: can you explain, Mr. Minister, why 80 per cent of Saskatchewan's irrigated land was not included in this special payment?

**Hon. Mr. Hepworth:** — Mr. Speaker, I would take notice of that question.

**Mr. Tchorzewski:** — Mr. Speaker, this supplementary payment . . . I want to ask the minister another question, and provide him with some information. Mr. Minister, this supplementary payment will be made only to irrigation farmers registered in recognized irrigation districts. It so happens that all of those registered irrigation farms are included in the riding of the Minister of the Environment, and nowhere else.

Now, Mr. Minister, in view of the fact that 80 per cent of the irrigated land in Saskatchewan has been excluded from this supplementary deficiency payment, I ask you: is this just another example of you and your ministers playing politics with assistance that all qualifying farmers should have received?

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

**Hon. Mr. Hepworth:** — In so far as it relates to details of payments for land under irrigation, Mr. Speaker, I've already indicated to the hon. member that I do not have those details, and I will take notice on behalf of the Premier who can report back to the House later with those details.

**Mr. Tchorzewski:** — Mr. Speaker, while the minister is looking into that, I ask him to look into something else. Either there is politics being played here, Mr. Speaker, or the Premier, as the Minister of Agriculture, has failed to represent those farmers who are being excluded in this program.

I say to the Acting Minister of Agriculture: why can Alberta, which has 1,350 acres of irrigated land and has had 1,100 of those acres included — nearly 100 per cent — why can Alberta find a way to get all of its irrigated farmers covered by this special provision, but you cannot, and the Premier cannot?

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

**Hon. Mr. Hepworth:** — Well for the third time, Mr. Speaker, I can't reply in any detail. I already indicated that when it comes to the issue of a deficiency payment, after last year's experience there was some discussion by some farm and farm groups as to the method of payment. And I can appreciate the difficulty in designing a fair program, and that is everyone's objective, because they had to decide on, initially, things like: should you pay on seeded acreage versus cultivated acreage; do you include just those crops, for example, that have been impacted on by global subsidy wars; and as well, the issue of irrigated land.

I don't have the details and I'm not privy to the latest negotiations on this specific issue, Mr. Speaker, but I know it and other issues have been under constant review in so far as coming up with the fairest answer.

### Grain Deficiency Payments

**Mr. Goodale:** — I thank you, Mr. Speaker. Specifically on this point and because of the confusion that did exist last year with much of the arithmetic relating to the deficiency payment, can the acting minister indicate to us in the numbers that he has used in the House today, do those numbers relate to a deficiency payment for all of Canada; do they relate just to the Canadian Wheat Board region; or do they relate to just Saskatchewan? Specifically what do the numbers relate to?

And with reference to the method of payment, could the minister indicate — while that matter may not yet be solved — can he indicate to us: what is Saskatchewan's preferred recommendation for a method of payment for a deficiency payment should one be made this year?

**Hon. Mr. Hepworth:** — Well in so far as the first question, I would address there is, in terms of designing the deficiency payment and the model that was used for last year.

All members should recall, and not forget in fact, how that model was arrived at. It was arrived at with a great deal of consultation not only with the provincial premiers and the Minister of Agriculture and our Premier here but as well the farm groups from across western Canada, including groups like the wheat growers and the Saskatchewan Wheat Pool, the United Grain Growers. So it wasn't something that politicians dreamed up in isolation, Mr. Speaker, first point I would make.

And at the same time, I think everybody acknowledges that there never, ever is a perfect program. But one always strives for fairness and equity. And the important thing once again is that we got \$1 billion.

In so far as the numbers I used earlier, the 1.6 to \$3

billions, Mr. Speaker, I expect that the rationale behind those numbers, as I said earlier, and their application this year will be no different than last year, in so far as that national payment was concerned.

### Cuts to the Prescription Drug Plan

**Ms. Atkinson:** — Mr. Speaker, my question is to the Deputy Premier, and it deals with some rather incredible statements the Premier of Saskatchewan made a few days ago about your government's cuts to the prescription drug plan. He told a PC Party meeting in Redberry that he has always questioned the wisdom of, and I quote, "free drugs." That is the way the Premier of our province described the former prescription drug plan.

If that has always been your position, Mr. Deputy Premier, can you tell the people of Saskatchewan why you didn't have the courage to put forward that position in last October's election?

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

**Hon. Mr. Berntson:** — Mr. Speaker, I wasn't at the Tory meeting in Redberry and if the hon. member was . . . and so I don't know what the Premier said at that meeting.

I do know that as early as 1975 and 1976, when I was sitting in the very chair that the next leader of the New Democratic Party of Saskatchewan is sitting in now . . .

**An Hon. Member:** — You weren't here.

**Hon. Mr. Berntson:** — I was there, Mr. Speaker. He maybe wasn't here. And when he was here nobody noticed, Mr. Speaker. But having said that, Mr. Speaker, I can remember at that time that we were arguing for a plan modelled after the Manitoba plan.

**Ms. Atkinson:** — Mr. Deputy Premier, that's a very nice little speech, and we're not into story time here.

During last fall's election campaign, your party ran on a platform of expanding health care services and programs. There was no talk about cutting the prescription drug plan. If you were so opposed to the past prescription drug plan, why didn't you have the courage to tell people in October's election?

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

**Hon. Mr. Berntson:** — Mr. Speaker . . .

**An Hon. Member:** — No courage, no heart, and no brains.

**Mr. Speaker:** — Order, please. I don't think those kind of statements are statements we want to use in the House. Order! Order. I think I made my statement, and now I'll allow the Deputy Premier to make his.

**Hon. Mr. Berntson:** — Well those kind of statements, Mr. Speaker, I don't mind. I just consider the source.

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

**Hon. Mr. Berntson:** — Having said that, Mr. Speaker, I had quite a bit to do, Mr. Speaker, with the last campaign for our side.

And as I recall the issues, they were largely related to agriculture and diversification and leadership. And those are three issues, Mr. Speaker — well, two issues for sure that the opposition doesn't know very much about. We'll see whether they know much about the third or not in November when the coronation takes place, Mr. Speaker.

And so I don't recall that health care or drug plans or . . . except that we had committed, indeed, to protect the integrity of the best health care plan in Canada probably, and probably in the world. I don't recall that being a major issue in the last campaign.

**Ms. Atkinson:** — A new question to the Deputy Premier. In the same speech, the Premier made the following statement, and I quote: "There is no one in this province who is not protected, absolutely no one, by the coverage of the new prescription drug plan."

In light of this claim, can you explain to the people of this province why it is that senior citizens in Regina are going to Social Services and asking for food vouchers because they have spent their money on drugs instead of food? Explain that.

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

**Hon. Mr. Berntson:** — I obviously don't accept that as fact, Mr. Speaker, and if the hon. member has that kind of information, I'd like to have it. I would like to also point out, Mr. Speaker, that today, this very day, we in Saskatchewan are spending more money on health care than ever before in our history by a very significant margin. We have the best drug plan in Canada by a very significant margin and, Mr. Speaker, we will continue to have the best health care delivery systems any place, any time.

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

**Ms. Atkinson:** — I would ask the Deputy Premier to check with his Minister of Social Services, check to see if the facts that I am giving you are correct. I say to you that people, including senior citizens, are being forced to apply for emergency assistance at Social Services because of your changes to the prescription drug plan, and I would defy you to check any case-load of all Saskatchewan social workers and come back to this Assembly with an answer as to whether senior citizens are applying for food vouchers because of your government's changes to the prescription drug plan.

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

**Hon. Mr. Berntson:** — She has asked me, Mr. Speaker, to check with my colleague, the Minister of Social Services, as to fact. That tells me that she hasn't verified as to fact, and it's here in her vary alarmist mode, one more time, Mr. Speaker. But I will — I'll do that; I'll check with the minister to see if in fact any of those types of cases exist.

## Introduction of Legislation Promised in Throne Speech

**Mr. Van Mulligen:** — My question is to the government House Leader. We're now at day 60 of the current session, yet we have yet to see any of the major legislation which was promised in your throne speech last December or by various ministers since that time. And I'm wondering whether the government House Leader can tell the Assembly whether he still plans to introduce a new electoral boundaries Act, an agricultural equity financing plan, legislation to cap all mortgages at nine and three-quarters per cent for 10 years, and conflict of interest guide-lines for elected representatives during this legislative session.

And if those promises still stand, why won't you introduce legislation in the next few days, that major legislation, so that the public will have an opportunity to review that legislation prior to debate taking place in this Assembly.

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

**Hon. Mr. Berntson:** — Mr. Speaker, it is our intention to deal with all legislation that was alluded to in the Speech from the Throne. And if I have the slightest concern that we were going to run out of work here in the next day or two, I would have our officials just rushing it forward. But I don't think we're going to run out of work here in the next day or two. And so, Mr. Speaker, we will just go through the normal course of having it go through all of the normal channels to avoid to the extent that we can, any glitches in the legislation. As we know, in the past from time to time when legislation is rushed forward, it has to come back for repair, and we want to avoid that to the extent that we can.

**Mr. Van Mulligen:** — Supplementary, Mr. Speaker. Words like intention and normal channel may have some vague meaning, but when it comes to your government, the public interprets that as last resort. And I want to get it clear. I want you to tell the public — are you saying that the legislation still hasn't been drafted, or are you saying that the legislation has been drafted but that you're waiting until the very last minute to hide it from public view and to only have debate at the very last minute. Is that what you're saying? Which is it?

**Hon. Mr. Berntson:** — I don't know if it was that member or not, Mr. Speaker, but one of the members from that side of the House some time ago said to the media that we're going to be here till March, and if we are going to be here till March, I think that will give us ample time to review all of this legislation.

Having said that, there are certain checks and decision points and approvals that are necessary to get legislation to the floor of this Chamber, and we don't intend to jump over any of those. We're going to bring it forward in the normal way.

And I remember again, Mr. Speaker, when I was sitting in the very chair, the very chair that the member for Riversdale is sitting in now, I used to raise . . .

**Mr. Speaker:** — Order. Order, please. Order, please. Order, please. Order. We can't have a question period if

we're going to have constant interruptions, and we'll move to the next question.

**Mr. Van Mulligen:** — Mr. Speaker, compared to previous sessions of this Assembly, when it comes to introducing legislation, you're the one that's moving with all the speed of a water buffalo stuck in a mud hole.

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

**Mr. Van Mulligen:** — Let's quit beating around the bush. Will you introduce that legislation so that the public will have a chance to review it, to study it before debate takes place in this legislature?

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

**Hon. Mr. Berntson:** — Mr. Speaker, he had so many cheer-leaders over there that I didn't hear the question, but what I assume the question was, is: would I, with all due haste, table that legislation or the legislation that he's alluded to in this House.

And I can say, Mr. Speaker, that as soon as the legislation is prepared and has gone through all the hurdles, including drafting instructions, and approval by cabinet, and review by the Legislative review committee, and the lawyers to take a look at it to see that it's accurate in detail, and all of those things have been checked . . .

**Mr. Speaker:** — Order. Order, please. Order. Order, please. Now we have constant interruptions, and one or two members realize that they have been taking up the bulk of the time with these constant interruptions. And without naming who they are, which constituency or anything like that . . . Order! I would ask for their co-operation.

**Hon. Mr. Berntson:** — Mr. Speaker, these pieces of legislation are at various stages along the path, and they will be here in due course. But I say once again, when I was sitting in the very seat that the member for Riversdale is sitting in now, we used to have the same kinds of discussions, and he used to have the same kinds of answers. And, Mr. Speaker, if nothing else, I am a very good student.

## Filing of Grain Reports to Saskatchewan Crop Insurance Corporation

**Mr. Anguish:** — Thank you, Mr. Speaker. My question is to the minister responsible for the crop insurance corporation, and it deals with what I think is the inability to serve the farming population of Saskatchewan.

On July 28, Mr. Minister, you issued a news release reminding farmers enrolled in the Saskatchewan crop insurance plan that they had until August 15 to send in their stored grain reports. Well I think that's great that you gave them notice that they had to be filed, but I think the problem arises in . . .

**Mr. Speaker:** — Order, please. Order, please. Order, please. I think the admonition which I just gave to members a few minutes ago applies to both sides of the House.

**Mr. Anguish:** — Thank you, Mr. Speaker. It's very hard to put your question when the members across are heckling all the time.

The problem, Mr. Speaker, is that the crop insurance corporation did not mail these forms out until August 12, three days before the deadline, and this happens to be in the middle of harvest, basically, for many farmers in different areas of Saskatchewan. And I want the minister to confirm today that, in fact, the August 15 deadline will be extended to give all farmers the opportunity to make sure they get in their stored grain reports.

**Hon. Mr. Hardy:** — Thank you, Mr. Speaker. I appreciate the first question I've had in the House in 60 days in regards to farming. In answer to the hon. member's question, if he had been listening to the radio or watching the newspaper reports, if was extended to August 22 because in North Battleford area there had been a couple of the staff sick and some of the reports hadn't got out. So we extended the date all over the province and then we announced it on the radio, and it was in the papers as well.

**Mr. Anguish:** — Supplementary, Mr. Speaker. Well a couple of sick staff can hardly be blamed for all of the reports being sent out so late. I think it's a very, very poor excuse. It has nothing to do with moving of offices or sick staff, and we want you to assure us that you've taken corrective action so that the other deadlines concerning the crop insurance deadlines in the province for Saskatchewan farmers will be met, and they can be served well by the Saskatchewan Crop Insurance Corporation.

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

**Hon. Mr. Hardy:** — Thank you, Mr. Speaker. Again, in answer to the member's question, we have in fact monitored very closely all the different deadlines that are out there. In some cases — there will always be some cases; we have 32 offices around the province — in some cases there will be at times a delay in getting a form out or in getting forms back in by some farmers. In many cases the farmers themselves forgot to return them in time.

We acknowledge that if they're a little late, if the farmer doesn't pick it up or it's not sent out to him, we've extended the deadline to August 22 for the storage grain reports. If there is a case again where it comes up where something is late or a farmer doesn't make it, we'll deal with it accordingly and appropriately.

## MOTIONS

### House Adjournment

**Hon. Mr. Berntson:** — Mr. Speaker, I wonder if I might have . . .

**Mr. Speaker:** — Order, please. Order, please. The Deputy Premier is attempting to get the attention of the House but isn't being very successful. So I ask the hon. members to please give him the opportunity to make the point he wants to make.

**Hon. Mr. Berntson:** — I wonder if I might have leave of the Assembly before orders of the day to deal with a motion to adjourn the House to accommodate us on Labour Day weekend.

Leave granted.

**Hon. Mr. Berntson:** — The motion is as follows:

That when this Assembly adjourns on Friday, September 4, 1987, it do stand adjourned until Tuesday, September 8, 1987.

Motion agreed to.

## MOTION UNDER RULE 39

### Imposition of Duty on Potash Exports to U.S.

**Mr. Goodale:** — Mr. Speaker, before orders of the day I rise under rule 39 to present a motion of urgent and pressing necessity, Mr. Speaker. We have just received the news, and it may not yet be known to all members of the Assembly, that a decision has been forthcoming this morning from the United States commerce department with respect to potash exports from Saskatchewan to the United States. And it would appear that the commerce department is recommending the imposition of duties ranging from 9.14 per cent to 85.2 per cent on Saskatchewan exports of potash to the United States.

In view of that very serious news, Mr. Speaker, having just arrived in the last few minutes, if there is leave of the Assembly, I would move:

That this Assembly receives with great alarm the news that the United States commerce department has today imposed duties upon our potash exports to the United States, ranging from 9.14 per cent to 85.2 per cent, and this Assembly calls upon the Government of Saskatchewan to produce a comprehensive agenda of potential actions to be taken to defend Saskatchewan's vital potash industry.

Leave not granted.

## ORDERS OF THE DAY

## GOVERNMENT ORDERS

## ADJOURNED DEBATES

## MOTIONS

### Appointment of Ombudsman

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Berntson:

That an humble address be presented to His Honour the Lieutenant Governor recommending that Gerald Peter McLellan of the city of Regina, in the province of Saskatchewan, be appointed Ombudsman, pursuant to Section 3 of The

Ombudsman Act;

and the proposed amendment thereto moved by Ms. Simard:

That all the words after the word "That" in the first line be deleted, and the following substituted therefor:

this Assembly refer the matter of the appointment of an Ombudsman, pursuant to section 3 of The Ombudsman Act, and the method of recruitment and selection, to a select committee of the legislature.

**Mr. Mitchell:** — What we've been trying to do in this debate which began last night and continued for some three hours, Mr. Speaker, is to somehow get the attention of members opposite on the questions that arise with respect to this resolution, and to try and get across to the consciousness of government members as to the significance of what they're doing and the important implications of this resolution and some of its very unfortunate aspects and some of its very unfortunate outcomes.

I was present during much of the debate last night and heard quite a large number of speakers from this side of the House who tried in various ways to get across to the government just what was at stake here and just how serious the situation was. I got the impression, in watching the debate, that we weren't succeeding; somehow we weren't getting across to the members of the House just how serious this resolution is.

I thought before getting into the substance of my remarks, Mr. Speaker, I would just review some of the main objections to the procedure that's been followed by the government with respect to the appointment of the Ombudsman.

It was pointed out in terms far more eloquent than I could put myself, the fact that the Ombudsman is a servant of this legislature; the Ombudsman is not simply an employee of the government; the Ombudsman is not a deputy minister; the Ombudsman is not any kind of a permanent head; the Ombudsman is not any sort of junior official that has to answer to the Deputy Premier or the Premier, or anybody like that.

The Ombudsman answers right here to all of us — to me as much as to the Deputy Premier. And I have a right, I have a right which has been respected in all other jurisdictions in Canada, to have a say in the recruitment of that person, in the selection of that person, and in the approval of that person's appointment. And that hasn't happened. And I don't think that's right.

What's happened is that the government has made its own selection without any consultation with us, and has brought before this House this resolution, backed by its majority, and it doesn't care what we say about the subject. It just doesn't care what we say at all. It's not interested whether we approve or whether we disapprove; it intends to put its own man in this position,

come what may. And I don't think that's right, and I don't think hon. members on that side of the House think it's right either.

Obviously some of them do. Obviously some of the movers and shakers in the government side of the House have decided who the Ombudsman is going to be, and everybody is expected to salute and put up their hands or rise in their place at the appropriate time and vote in favour of it.

But some of those members on that side of the House, Mr. Speaker, are known to some of us, and are known to be men and women of conscience and principle. And they must know, as I know and my colleagues know, that this is wrong. This is a wrong process. It is inconsistent, as we have argued over and over last night, with the way in which this office has been handled in the past — the way in which two Ombudsmen have been recruited. It is entirely inconsistent with either of those situations.

And the government can't just say, well, we're sorry. They haven't said that yet. But it would not be an answer for them to say we're sorry, we got it wrong, we just slipped up, too much time passed, we meant to consult with you and we didn't — because that wasn't the case. The retiring Ombudsman, himself, warned the government that his term was coming to an end and that they ought to take certain steps in order to fill the position. I'm told that they were warned in that respect twice — one of my colleagues reminds me of that — and took no steps.

They were also alerted by us, that is, the opposition, that the former Ombudsman's appointment was coming to an end and it would be necessary to appoint a new one, and we wanted to be consulted about it as we, ourselves, when we were the government, consulted with the opposition in respect of the appoint of Judge Boychuk and Mr. Tickell. And we asked the government for a similar courtesy in this case, and it didn't happen.

And those are not accidents, Mr. Speaker. There's no other conclusion possible then that it was a deliberate policy not to consult the opposition with respect to the appointment of this person. And I put it to members opposite that you know — that many of you know — that that's just not right; that we ought not to be doing it this way; that we owe a higher duty of responsibility and care to the people who sent us here to ensure that these matters are proceeded with properly. And I appeal to your consciences, your principles, to somehow get a hold of this situation on that side of the House and back off and start over again here and see if we can't get it right.

The office of the Ombudsman, the concept of a public officer who stands between the people and the administration of government, is a very important concept in our democratic system. It is relatively new in Canada. It is not so new in other parts of the world. And our leader described, in some detail yesterday, how the office evolved and how it worked, and how Saskatchewan made the decision back in the early 1970s to introduce that office into Saskatchewan, and how it's been introduced in other provinces in Canada. And I'm sure members opposite realize the importance of it.

A public official, a servant of this House, to which the citizens of this province can go with complaints that they have concerning the administration of government programs. What a wonderful idea! What a noble concept! And it is one which the government opposite has apparently decided to perpetuate by deciding to fill the position. We had rumours last winter, last spring, that the office was being . . . that there was some consideration being given to abolishing the office. Obviously the government . . . these rumours were false, or the government decided to perpetuate the office, and I agree with that decision.

What I do not agree with, and what I suggest many members opposite cannot agree with, is that the office should be compromised; that the office should be made into some other kind of institution than what it has been previously in Saskatchewan; than what it has been in other provinces and in other countries.

And the difference, Mr. Speaker, the difference that is a necessary implication of this resolution is that the office becomes one that is the government's. The government decides who the Ombudsman's going to be. The government does all the selection, all of the hunt, all of the advertising — if there is any — all of the recruitment, all of the screening, all of the interviewing, all of the final selections, and comes here with a *fait accompli* and says to this House: this is your Ombudsman; this is your servant.

Now that's wrong. Members of this House must know it's wrong, and I think we should be large enough to back off. I think we should be generous enough to back off and come at the question again and get it right.

Now we know what the right way is, Mr. Speaker. I mean, we're not breaking fresh ground when we ask ourselves how this job of selecting an ombudsman ought to be done. We've done it before in this province. It's been done in other provinces, and been done recently in other provinces. And everybody here knows how it should be done. It ought to be advertised not only in Saskatchewan but across the country.

When applications are received, they ought to be screened. The opposition should be involved in that screening process. When a short list has been arrived at through the screening process, interviews should take place where the qualifications can be assessed in light of a personal interview with the potential appointee. And the opposition ought to be involved in that process. I'm not saying the opposition should dominate it, or that there's any requirement as to how the committee is made up in terms of numbers of government members and number of opposition members, but we ought to be involved.

And then finally the selection process should come to this House. And there ought to be no question — there ought to be no question raised as to whether the process has been followed, and there ought to be no question at all as to whether the appointee is suitable.

And that is, I think, the most important point, because the Ombudsman that is appointed by resolution of this House

ought to enjoy, unquestionably, the confidence of this House in order that he or she can do the job that we require, and do it with credibility, and do it without any kind of a shadow hanging over their head as to whether they're an appropriate person to do the job or not.

Now if anyone on that side of the House challenges that analysis, then I'd like them to stand up and say it.

(1045)

We've heard in the debate so far, Mr. Speaker, from the Deputy Premier and the Minister of Justice, who talked about the qualifications of Gerald Peter McLellan, the person who is being proposed for appointment. And so far in my remarks I haven't talked about Gerald Peter McLellan at all. I've been talking about the process — how the selection ought to have been made.

And it is on that point that I beg anyone on that side of the House who has a contrary view to get up and state it and tell me: what is it about their procedure that is better than the one that I've suggested — the one that we followed previously in Saskatchewan, the one that's been followed all across Canada?

And I think, Mr. Speaker, that we won't be hearing anything on that score. But there are men and there are women on that side of the House who must know that I am right — people with the highest kind of personal morals and principles who know that the resolution that's being brought before this House is wrong, and that the Ombudsman ought not to be appointed by this process.

Now, why? — why is the question that I want to talk about now. Why was this procedure followed? And we've heard a number of answers to that question suggested by this side of the House last night, and I won't repeat them. They're not flattering to the government. No matter which one you take, they're not flattering to the government. Not a word from that side of the House, Mr. Speaker, as to why traditional procedures were not followed, why the appointment was not made following procedures followed twice before in Saskatchewan, and followed elsewhere in Ontario, Alberta, and wherever else.

No explanation for that, because I suggest that there isn't one that the government would dare to utter — would dare to utter. The press would be all over them and tearing them apart for their motives because, try as I may, I can't conceive of an honourable motive for the government proceeding in the way that it has.

And what's at stake, Mr. Speaker, is the credibility of the office, the preservation of the office as a place where citizens of this province can go with their complaints — with their complaints about maladministration or misadministration on the part of the government. And they have to be able to go to that office with the confidence that the incumbent is prepared to listen to their complaint and to deal with it fairly.

And it is really regrettable that Mr. McLellan starts his term of office, as he probably will if the government carries on with this idea, with that kind of a shadow

hanging over his head. He doesn't deserve the handicap of starting his term of office in this important position with that kind of a shadow hanging over him, and I feel for him. If he were to resign tomorrow, we would certainly understand the reasons why, and it's not his fault.

In many respects, you know, it didn't come as a surprise, Mr. Speaker. And I say that because it has become all too familiar. Speakers have said this before me, but I want to repeat it because I feel it very deeply: it has become all too familiar.

For some reason, this government has, in a number of instances, failed to follow the traditions and the conventions which have governed Saskatchewan politics, Saskatchewan governments, for years and years and years. And we don't know why. We haven't, on this side of the House, been able to figure it out with any certainty at all. And the press hasn't figured it out either. Some day someone will know who is the guiding spirit over there that gets the government off the rail so often with respect to the traditional and conventional ways in which things are done in this province.

Who it is, for example, who decides that a budget won't be introduced until the month of June? Who is it that decides that the bad news in the budget will be leaked out by bits and pieces and chunks to the people of Saskatchewan over a long period of time? Who is it that decides that special warrants will be used in a way in which they've never been used in this province before? Who is it that decides that the legislature won't start until June 17, as was the case this year?

Now the starting of the legislature is no particular magic, but the bringing of the budget was tied to the beginning of the . . . or the recalling of the legislature. And that was a serious matter and a serious departure from the norms and the traditions and conventions of this province. And some day historians will uncover who it is over there or what group of people over there have decided that these conventions and these traditions can be flouted, and flouted at will, without regard for consequences at all.

It's not just a question of not being competent, although many, many people in this province have questioned the competence of the government. And it's not just a question of being bad managers or not just a question of not catching on as to how a government works. Those are possible explanations, but they're just not true.

Someone over there is deliberately making decisions to depart from established, rational norms and just carry on the Government of Saskatchewan in whatever way they please. They feel free, Mr. Speaker, to do whatever they want to do without regard to the fact that it may fly in the face of conventions, traditions, and established norms.

In reality, it seems to me that they look at government as their own personal little project, something that they can do with as they like, something that they can . . . a kind of trough to which they can invite their friends, and their friends can drink from it. They feel free to reward their friends in any way that they can find, and to reward the privileged.

And from the perspective of this side of the House, as well as outside the House, there's just no other conclusion that seems possible or rational, then that someone over there has decided that they can do whatever they like and that they don't have any public responsibility to govern in accordance with established conventions and established traditions. And that is a pity, Mr. Speaker.

I'm all too well aware that there's nothing I can say that will suddenly result in a magic transformation of this government into one which acts as a government should. I mean it's going to go on doing more or less what it's doing until the people arise up and throw them out of office.

I was referring to the trough idea and the friends coming to drink from the trough, and we raise in this House the example of George Hill over and over and over again. I'm sure that the members opposite would wish that we'd come up with another name so they could be hearing something different. We keep using Hill because he's the most outstanding example of patronage. I mean, there surely can't be one person in Saskatchewan, outside of the Hill family, and the immediate government circles who can understand what it was in George Hill's background that qualifies him to be the president of one of the largest corporations in Saskatchewan. Nobody can figure it out.

I mean, there's my old friend, George Hill, a practising lawyer in the small city of Estevan, absolutely no experience in the administration of anything beyond his little law office — his little law office — and suddenly he's catapulted into the chief executive officer position of one of the largest corporations in this province. Now no one, no one that I know of outside of that government can understand or approve of the appointment of George Hill.

Now that surely is a good example of what I've been saying, a good example of a government that is just determined to do whatever it pleases without any regard whatever to how things ought to be done. And I can't imagine a corporation in the private sector who would go to Estevan and pick out of a small law firm the head of that firm and catapult that person, without any previous experience, training, or background, into one of the most important positions in this province.

I'm sorry to keep belabouring the point of George Hill, but it all has to do with my point, Mr. Speaker, that this government does not act as a government should. It does not act according to the established conventions, traditions, and ways in which governments have operated all through the free world. This is in many respects a renegade and rogue government, determined not to act according to principle, but to act according to their own view of what is politically expedient and what they want to do themselves.

Now there are many other examples. We saw last December the government reorganization Act, and the way in which that bypassed traditional procedures in this legislature. It allowed the government to reorganize itself in ways that were not traditional, and which were a complete departure from what had been done previously in Saskatchewan and in other provinces in Canada,



and indeed in other democracies in the world.

We also saw the Public Accounts, which for years and years have been released when they are ready in the spring, so that when they came off the print, off the presses and were bound and ready, then they were distributed. Here we saw the Public Accounts of this government delayed and delayed and delayed until the last possible moment and finally, reluctantly, handed out late in the month of June. Any why? Well, the government didn't want to be criticized, didn't want the opposition to have this information and then start issuing press releases advising the public of misappropriations, misspendings, and that sort of thing on the part of the government.

We complained and we complained, and we pointed out that that's not the way things have been done; that's not the way a good government acts — but to no avail. And the only conclusion I can come to, Mr. Speaker, is that there is someone or some group, small group of people over there, who have decided that this is how this government is going to behave. But again I challenge some of my friends opposite — who I know do not share that view of government — and I challenge them to try and get hold of this situation and have this government act as a government should.

I want to come back now to the precise resolution that's in front of this House. Mr. Speaker, I've known Gerald Peter McLellan for 25 years — longer than that. And I have no particular axe to grind with McLellan; I like him — I like him personally. I must say, with respect to him, that I don't know what it is in his background that qualifies him for this particular job. I know that he is a lawyer, and I know that he has a commerce-educational background, and those are not insignificant qualifications.

But the job of an ombudsman requires more than your law degree and your commerce degree — it doesn't even require that; but I mean it requires more than that, Mr. Speaker. It requires a proven ability with respect to some of the things that an ombudsman must do and supervise day after day after day. And I must say, with respect, that the Gerald Peter McLellan I know has not had the kind of life experience that would automatically lead you to conclude that he would be a top candidate for the Ombudsman. But we don't know that, you know.

We hear about this man's qualifications in very brief speeches made in this legislature last night. And all that information is just thrown at us across the aisle, and we've never seen it before. We've never seen his resume. We've never seen anything that he's written. We haven't been briefed on any particular cases that he has been involved with that would be relevant to this question of being an ombudsman. And that comes back to my central point: that consultation is of the utmost necessity in the appointment of an ombudsman.

And I wait in anticipation for a speech from that side of the House to tell us why traditional procedures were not followed, and why the government thinks that the procedure that they followed was acceptable for the appointment of an ombudsman.

Thank you, Mr. Speaker. I'll be supporting the

amendment and voting against the resolution.

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

(1100)

**Mr. Speaker:** — Order, please. I would like to ask at the outset that hon. members please remain quiet while the vote is being taken. It is very difficult for the Clerk to hear at times what the hon. member has actually said.

(1116)

Amendment negated on the following recorded division.

#### Yeas — 18

Blakeney	Atkinson
Shillington	Anguish
Romanow	Hagel
Tchorzewski	Lyons
Thompson	Calvert
Rolfes	Lautermilch
Mitchell	Trew
Simard	Van Mulligen
Kowalsky	Goodale

#### Nays — 27

Muller	Martin
Duncan	Toth
Andrew	Sauder
Berntson	Johnson
Taylor	McLaren
Smith	Swenson
Swan	Swenson
Muirhead	Baker
Schmidt	Gleim
Hodgins	Neudorf
Gerich	Gardner
Hepworth	Kopelchuk
Hardy	Britton
Klein	

**Mr. Kowalsky:** — Thank you, Mr. Speaker. The question before the House, Mr. Speaker, is a motion moved by the member from Souris-Cannington, the Deputy Premier, and it's a motion that recommends the appointment of one Gerald Peter McLellan to be appointed as Ombudsman.

I rise to speak in opposition to this motion, Mr. Speaker, and I bring to the attention of the viewing public and to this Assembly, that the motion that was just defeated by this government was a motion put by the opposition, by my colleague from Regina Lakeview, and the motion referred to the appointment of the Ombudsman, and that it be done using a procedure where the method of recruitment and selection be referred to a Select Committee of the Legislature. By defeating this amendment, Mr. Speaker, the government side has shown, once again, how they're prepared to railroad their own views through this Assembly without using the

procedures and the traditions that have ordinarily and regularly been used.

And, Mr. Speaker, what I would like to do is: I would like the members opposite to consider for a moment — just for a moment — what it would be like if the shoe was put on the other foot. I would like them to consider for a moment what would happen, say, two years from now, if they could imagine this scenario.

Two years from now, when that government will have fallen to pieces and we'd have had an election and we'd have been re-elected — the members on this side would've been elected as government, and we would have been faced with the situation, perhaps in the future, of coming up with an Ombudsman, and making an appointment to an Ombudsman.

Now we could . . . and what would happen, what would the members think if the new premier or the new deputy premier and that time said: well look, we're not going to bother consulting with the members opposite on this at all. We're going to go straight to the firm of Bekolay and company — Terry Bekolay happens to be a former president of the New Democratic Party — we're going to go straight to his firm, and we're going to appoint somebody from there.

But even prior to doing this, one of the members of his firm has already been appointed chairman of the Saskatchewan Power Corporation, and another member of his firm will have been appointed the chairman of the Labour Relations Board. What would the members think? What would the members opposite do? Would they just sit quietly by, or would they think: well, maybe there's room for questioning here? Would they consider that? How would they feel if they were in the opposite boots? Even if we put the situation that the member that was coming up was already a chairman of a hospital board, and he was maybe, possibly, a member of a school board. He might have been chairman of a community college. He might have been working with his church for a long time and had an excellent professional record.

But take that scenario. How would the members feel? Well I think that the people of Saskatchewan would expect them to bring up a protest, Mr. Deputy Speaker. I think they would expect that. And that's exactly what we are doing, Mr. Speaker, because in this particular case the parallels are exactly to the way I described them.

We have a situation where one Gerald McLellan has been appointed from the law firm of George Hill and Dennis Ball. And George Hill, we know, is a chairman of Saskatchewan Power Corporation at approximately \$200,000 a year, former PC president. Dennis Ball, from the same firm, has been named chairman of the Labour Relations Board three years ago when we got no consultation whatsoever.

Now Mr. McLellan may have all of the qualifications, or he may not have. That is beside the point at this stage, Mr. Speaker. That is completely beside the point. The question is the matter of process. How was this done? There was no courtesy and no common sense applied to it. It was done unilaterally without coming to this side and

going through the procedures of saying: we've got several people that we would like to put forward. We've advertised; we want to consult with you on this; who do you think would do this job fairly, coming to a mutual agreement? But that wasn't done, Mr. Speaker. It was not done.

And then I think of, Mr. Speaker, what is the result if somebody comes in there, into this situation, without having the confidence of both sides of the House — without having the confidence of both sides of the House?

In our democratic system, Mr. Speaker, there is a series of checks and balances that's put into place to protect our democratic system. In the legislature there is the government, and then there is the opposition — a check and a balance — a check so that the legislation is put forward; if there are things that the opposition, or there is a portion of the population that feels could be improved or is not done better, that is the job of the opposition to put it forward.

In industrial relations the checks and the balances are provided by management negotiating with unions. In schools the check and the balance between the administrators of the school and the students are done by the school board or sometimes a student council.

Now the Ombudsman has a very specific purpose here. His job is to serve as the counterweight. It's that one avenue of defence, one avenue that a citizen can go to in the event of some feeling that maybe the bureaucracy has treated that person unfairly. And I was trying to think of an example, and it isn't very difficult, Mr. Speaker, to think of an example where an ombudsman might need it. There were 3,600 complaints to the Ombudsman last year.

I'm thinking of a situation right now, Mr. Speaker, in my own home riding, where the government has made a decision to close North Park Centre. Now you'd think of a situation of a relative who may feel that if the government unilaterally takes his or her relative out of North Park Centre, against their wishes, that that person's human rights may be violated, and that person will already have gone to the minister and to the MLA and to the mayor and any other group. And if she'd gone to the minister, as I have — and I can give you a very concrete example — and would go to the minister with a sentence like this:

We were at a meeting in Prince Albert . . .

This is written by a lady from Clavet. This is an actual situation:

. . . on Monday the 27th, regarding the closure of North Park Centre, and we were very disappointed. Grant Schmidt and Mr. Muller (and it's a quotation) were there. They would only talk to 11 people, and we had to wait outside the room. In our opinion, they were not prepared to listen to what people want for the residents of North Park Centre. They seemed to think closing this home is the only answer.

Well, what if they've gone that far? What if they've gone to the minister and they got no response? And then what if

they write their MLA? And I have a letter here, which every MLA has got, and I could put into the record, but for the purpose of saving time I won't. And what if they've gone to every possible route, Mr. Speaker? They've gone every possible route, and they don't know what to do and they're very frustrated about the situation. Well possibly that is where they could go to the Ombudsman. I have a letter here from a relative from Regina, and I'd be glad to let the minister take a look at this letter because I think he needs to look at it. And it says again, about the same matter:

North Park Centre should not be closed. If closure is eventually achieved, it is recommended a charge be laid under the government for the disregard of human rights legislation.

Now it would be a very simple matter for somebody of good, strong, financial means to hire a lawyer and do that, independently. But this is an action brought on by the government, originated by the government. It's an action against a citizen of Saskatchewan — a place for an ombudsman, a real place for an ombudsman to act. So if there is an ombudsman who's perceived to be fair, it's only natural that I would feel comfortable to directing a citizen like this to seek the Ombudsman's advice and proceed with it in the event of such an action.

Now, Mr. Chairman, I've been a schoolteacher for some time, and whenever it comes down to setting up some type of appointment or an operation in schools, in order for it to work, it must at least be perceived to be dealt with in fairness. And I want to give you an example which is also parallel to the case of how an ombudsman should be appointed. Let's consider the example of a school-board chairman who might decide, and unilaterally decide, to appoint a guidance counsellor. Now you know that a guidance counsellor has several duties. Among them is consulting — students consult with them — and among them is, he has to give the student advice, and also has to have a good working relationship with the administration and with the teachers.

Now if the school-board unilaterally appointed somebody because he was part of a particular firm, or because he was a good buddy or a good friend of this particular chairman, you know that that school-board chairman would have lots to answer to at home in that school-board meeting if it went against the wishes of the rest of the board members, and particularly against the wishes of the parents. And this is a very similar parallel, Mr. Speaker, very similar parallel. In order for the Ombudsman to do his job, or her job properly, you should enjoy the full confidence of this House. And I would ask, Mr. Speaker, that the members opposite reconsider and defeat this motion.

(1130)

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

**Mr. Trew:** — Thank you, Mr. Speaker. Mr. Speaker, I ask today why we should believe the members opposite, why we should believe that the Conservative government has suddenly found an interest in the office of the

Ombudsman? It just flies in the face of everything that has been happening to date.

In 1982-83, Mr. Speaker, the provincial Ombudsman's office had 16.8 person-years of employment there, and yet in 1987-88 that has reduced to 13.4 person-years or a reduction of 3.4 person-years. That at a time, Mr. Speaker, when the case-load for the Ombudsman's office has moved from 2,565 people to 3,245 people in 1986, an increase of well over 15 per cent . . . (inaudible interjection) . . . and the member for Weyburn would be well advised to listen to some of the numbers so you would realize how devastating you are to the office of the Ombudsman — that office that was set up to protect some of your constituents as well as some of mine. And you would be well advised to do what you can to make that office work.

This process, Mr. Speaker, that is being used in the selection of the new Ombudsman is one that we really take offence with, and it is indeed a very, very far cry from the previous practice in the previous two appointments of ombudsmen. These appointments were done in full consultation with all opposition members, members from all parties spoke in favour of the appointments. And I ask you why, Mr. Speaker, why did they speak in favour of it? And the answer is simply this: the consultation process was a very, very real process. The members of all opposition parties were deeply involved in the advertising and the interviewing and the selection of the Ombudsman. So there was no question about the capabilities of the Ombudsman, or no question about whether that person would not be doing their job. Every party agreed that the choice of the previous two ombudsmen were excellent.

Mr. Speaker, the other members of the opposition have spoken very well in this matter. The process that the government is using is wrong, and part of why it is so wrong is that the Ombudsman answers to the legislature. Mr. Speaker, the Ombudsman answers to you as an individual member, and to me as an individual member, and the same to each member of the government.

No member of this legislature is more or less important in the appointment of the Ombudsman than any one else. The incoming Ombudsman has to have the faith and the trust and the good will of the opposition and, of course, the faith and the trust and the good will of the government. We want, Mr. Speaker, we want to support the Ombudsman's office. We want to support and, indeed, we want to be a part of the advertising and the selection and the choice of the incoming Ombudsman.

So I ask the government to try what many people that I have been talking to have suggested, and that is that all parties try to work together in matters such as the appointment of the Ombudsman. For many years now people have said, why is it that in the legislature we are always having an adversarial position where the government is saying one thing and the opposition is saying the other, and it's always a clash.

Mr. Speaker, we had a golden opportunity: the government squandered an opportunity that has twice previously been used — that opportunity to work in

consultation and directly with all members of the opposition in the selection of an ombudsman. The path was beaten for the government. All they had to do was follow past practice, and indeed we would have been working together.

**An Hon. Member:** — It was too fair for them, though.

**Mr. Trew:** — My seat mate, the member for Duck Lake, indicates that that was too fair for them and indeed that seems to be the only possible reason for the ramming through of your choice of Ombudsman. And it's the process that we object to.

We have been asking repeatedly for people on that side, on the government side, to stand up, not to speak from their seat, as the member for Weyburn is, but to stand up and tell us why. How in the world can you defend this process, this changed process? How is it in any way more fair? How is it going to make the office of the Ombudsman work in a more fair manner for everyone's benefit? And when I say everyone's benefit, Mr. Speaker, I mean the benefit of all of the citizens of Saskatchewan; how is this process going to help it?

Mr. Speaker, because of the incorrigible lack of interest in this institution, in the interest of the legislature, I want to just point out to members on both sides of the House that because the government has a total disregard for the legislature and for, indeed, for the selection of the Ombudsman and the process that is used, because of their lack of interest in this matter, I will be voting against the amendment.

**An Hon. Member:** — Against the motion.

**Mr. Trew:** — Against the motion.

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

**Mr. Hagel:** — Thank you very much, Mr. Speaker. It is, I would think, a misnomer to say that it is a pleasure for me to enter this debate.

It would seem to me, Mr. Speaker, that given the history of the appointment of the Ombudsman in Saskatchewan to date, that is a sad day for Saskatchewan that we should be standing here today going through the kind of debate that we're going through now.

Today it seems to me, Mr. Speaker, if we are to believe that the expected will happen and that when this motion comes to a vote that the government members will stand in support of that vote, we can only conclude that on August 21, 1987, the Government of Saskatchewan officially decided to trample on the rights of the people of Saskatchewan.

It seems to me, Mr. Speaker, as I look at the history of the time that I've served in this legislature and the conduct and the decisions and the plans that have been put forth by this government, that there is a pattern. And sadly, Mr. Speaker, I am reminded today of Bill 5 — Bill 5 which passed at 1 in the morning on December 24, at a time in which the people of Saskatchewan, the large majority of those people of Saskatchewan, were asleep; a Bill that —

passed in the dark of night, and intended to be passed in the dark of night — gave the Government of Saskatchewan the ability, the legal authority to literally wipe out, create, and mix and match, and change the operating objectives of government departments without setting foot in the Legislative Assembly.

And I said in my speech in debate on Bill 5, Mr. Speaker, what I say again today: that I have been appalled by the fact that the Government of Saskatchewan would see fit that it is in the best interests of I don't know who — I don't believe the people of Saskatchewan — to conduct the affairs of the Government of Saskatchewan behind closed cabinet doors. And it seems to me that that desire to conduct the affairs of the Government of Saskatchewan without the ability for the public, for the people who are most affected by the conduct of this government, to understand and to question, through their elected representatives, through people who through . . . by whom, through the democratic process were sent here to represent their best interests.

It seems to me, Mr. Speaker, that there has been a denial of some very basic principles about the accountability of elected officials in the Government of Saskatchewan to the people of Saskatchewan. And I see that here again today, Mr. Speaker.

What an irony — what an irony that the Government of Saskatchewan is choosing to ram — and I use that word selectively — choosing to ram through the selection of the official advocate of the people of Saskatchewan. What an irony! — and an advocate that we all know, those of us who serve in this Legislative Assembly on both sides, an advocate who has the power to, in many cases, go beyond our abilities as MLAs to get answers to problems for constituents in dealing with the Government of Saskatchewan and its departments and Crown corporations.

We will all have had experiences, and we will continue to have experiences, where a constituent comes to us with a problem, and after doing our best to solve that problem, to get an answer, to get justice and fairness in the way that the government is dealing with them, that we end up by referring them to the Ombudsman. And why do we end up referring them to the Ombudsman after we've done our best, members on both sides of the House? Because we know the Ombudsman is the legal and official advocate for the people of Saskatchewan with the authority to require that official documents and papers will be made available, with the authority to call for witnesses that we don't have as members of this Legislative Assembly.

And so we see today, Mr. Speaker, we see today the government prepared . . . (inaudible interjection) . . . the member from Weyburn sitting opposite, offering comment after comment after comment in this debate without the courage to stand and say his point of view.

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

**Mr. Hagel:** — We have had debate, Mr. Speaker, on this Bill to appoint the official advocate of the people of Saskatchewan with 10 members now having stood from

the opposition expressing our regrets, expressing our second thoughts about the wisdom of the proposal of the government, and only two, only two from the government side having the courage, having the courage to stand and even speak. And when they did, what did they do? They gave some kind of weak-kneed, knee-jerk kind of reaction, limp-wristed kind of explanations as to why the citizen of Saskatchewan they are proposing to be the Ombudsman should be so.

Did they even have the courage, Mr. Speaker, when the Deputy Premier and the Minister of Justice stood to propose that Gerald McLellan would be the Ombudsman, did they even have the courtesy to send across a resume of that individual to allow the opposition to even explore or to even read the very basics of what they purport to be the qualifications of this individual? And what a sad day when the Minister of Justice stood last night and gave his limp-wristed defence of the appointment.

And what we're going to end up with if the government carries this motion, Mr. Speaker, is an Ombudsman who is tainted, an Ombudsman tainted not by his actions, not tainted by his reputation, but be tainted by the deplorable approach to this appointment that's been demonstrated by the members opposite.

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

(1145)

**Mr. Hagel:** — They have chosen to carry out this appointment of the official advocate of the people of Saskatchewan in a way that the press and the public and the opposition has described as tainted with patronage.

They have tainted the Ombudsman in his ability to act as the advocate for the people of Saskatchewan by conducting this whole appointment in what I call a secretive kind of way.

And it was with pride, Mr. Speaker, that I reflected last night on the amendment to this motion put forth by the member from Regina Lakeview. She put forth an amendment which was thoughtful, which was objective, and which, most of all, Mr. Speaker, was sensitive to the needs of the people of Saskatchewan.

She did not put forth an amendment to say Gerald McLellan shouldn't be the Ombudsman. She put forth simply an amendment which was defeated by the members opposite — every one of whom stood and voted against that amendment. She put forth an amendment which provided an opportunity to make the appointment of the Ombudsman of Saskatchewan an objective, legitimate decision not only in legal terms but in the eyes, most importantly, Mr. Speaker, of the people of Saskatchewan who will come, and will continue to rely on the Ombudsman to be their advocate in dealing with the government.

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

**Mr. Hagel:** — Voted down by every government member present in the Legislative Assembly today.

And I say, Mr. Speaker, it's never been done this way before — never been done this way before. And let me just take a quick review, Mr. Speaker, of *Hansard*, in the way that the Legislative Assembly conducted its affairs in the appointment of its two previous Ombudsmen.

And let me refer, Mr. Speaker, to *Hansard* of March 12, 1973, when the Hon. A.E. Blakeney, premier of Saskatchewan that day — in those days, Mr. Speaker, in which Saskatchewan people were proud of what they had and were optimistic of the future and came to trust and rely on the good judgement of their government — when the Hon. A.E. Blakeney, seconded by the hon. Roy Romanow, moved the first motion to appoint in the province of Saskatchewan the first Ombudsman.

And in that debate, Mr. Speaker, on the appointment on March 12, as debated on March 12, 1973, let me quote from the very first words entered into debate by the leader of the opposition, D.G. Steuart, who said . . . And let me quote, Mr. Speaker. He said, and I quote:

Mr. Speaker, first I would like to make it very clear that as far as the individual is concerned, Judge Boychuk who has been chosen for this position (and I underline these words), the Premier told me about this sometime ago and asked if we had any objection to the individual and I said no, he is a fine man and enjoys an excellent reputation.

The first Ombudsman in Saskatchewan. March 12, 1973. Let me read that sentence again:

. . . I would like to make it very clear that as far as the individual is concerned, Judge Boychuk who has been chosen for this position . . .

And underline these words for the members opposite, who will have to stand and be accountable to their constituents to vote on this motion. He said:

. . . The Premier told me about this sometime ago and asked if we had any objection to the individual and I said no, he is a fine man and enjoys an excellent reputation.

There were four speakers in that debate, Mr. Speaker, and they all spoke in favour of the appointment of an Ombudsman, and that Ombudsman. And the *Hansard* will show that the motion was agreed to without a contradiction, carried unanimously, the appointment of the first Ombudsman in the province of Saskatchewan.

Let me refer then, Mr. Speaker, to *Hansard* of March 11, 1977, in which this Assembly appointed the second Ombudsman in the province of Saskatchewan. A motion moved again, Mr. Speaker, by the Premier, the Hon. — and I use that word very selectively, not only officially but also with personal character as well — the Hon. Allan Blakeney, and again seconded by the Hon. Mr. Romanow. And in this motion, Mr. Speaker, the motion was to approve David Tickell as the second Ombudsman for the province of Saskatchewan. And let me quote from the Hon. Mr. Blakeney in speaking to the motion he put

before this House. And he said, and I quote again, Mr. Speaker, from March 11, 1977 of *Hansard*:

When Judge Boychuk resigned to assume the newly created post of Chief Judge of the Magistrates' Court we were faced with the task of finding a successor.

Now how did they do it? Let's listen, Mr. Speaker, to *Hansard* and the Premier of Saskatchewan.

We advertised across Canada and received many, many applications. After extensive correspondence and interviews we decided to recommend to the House the appointment of Mr. David A. Tickell.

And then he goes on about 60 seconds later, Mr. Speaker, to say:

I, some months ago, advised the then Leader of the Opposition (some months ago advised the then Leader of the Opposition) and the Leader of the Conservative Party of the proposed appointment.

Debate shows from *Hansard* again, Mr. Speaker, that subsequently S.J. Cameron stands in the Legislative Assembly and says, and I quote again:

Mr. Speaker, If I may address one or two comments to this matter. As members know this is an appointment which is made by Members of the Legislature as distinct from the Government, and we were, as the Premier indicated, consulted in advance of this appointment. We indicated to the Premier that we would be supporting the move to have Mr. Tickell appointed as the Ombudsman.

And then stood the member from Qu'Appelle, a Mr. J.G. Lane. He had by that time, Mr. Speaker, he had by that time crossed the floor and he was no longer a Liberal. He was a born-again Tory. And is there a difference? But he stood as a Tory in this Assembly, and he said:

Mr. Speaker, I would like to join with other members of the House on behalf of the Progressive Conservative Party in extending best wishes to the new Ombudsman.

And he then went on to say:

I would hope that the argument for Mr. Tickell, that was given by the Premier, would indicate that the Government and the Assembly intends to increase the areas of jurisdiction for the Ombudsman.

And *Hansard* shows again, Mr. Speaker, that motion was agreed to. And I'm told by those who were there it was agreed to without opposition. Mr. Speaker, today, August 21, 1987, *Hansard* will show that this motion to appoint the third Ombudsman in the history of Saskatchewan will not, will not carry unanimously.

I know it will not carry unanimously, Mr. Speaker,

because I for one will be opposing the appointment — opposing the appointment, not because I have any personal vendetta against Mr. McLellan, but simply because the appointment has been tainted with the biased, secretive, patronage-oriented kind of history and performance in this very act by the government opposite.

And, Mr. Speaker, in concluding and noting that 10 members from this side have stood to speak to express their concerns loudly and clearly about this appointment, and only two from the government side have bothered to even utter a word, I conclude, Mr. Speaker, by asking members opposite, including the member from Weyburn who has abundant observations to make, to stand and make their positions known to the public of Saskatchewan. And I invite the members opposite, Mr. Speaker, to defeat this motion, to provide the opportunity to go back and do it over and do it right this time round so as to arrive at a third Ombudsman in Saskatchewan who is not tainted by the partisan conduct of the government opposite. Mr. Speaker, I am sad to say that I feel obliged to vote against the motion before us.

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

**Ms. Atkinson:** — Mr. Speaker, I rise to oppose the motion put forward by the Deputy Premier of our province, the member for Souris-Cannington.

And, Mr. Speaker, before I begin I want to read into the record a section of The Ombudsman Act that's very clear in terms of the process that should have been followed by the members opposite, and I want to read into the record, section 3(1) and (2) from The Ombudsman Act. Subsection (1):

There shall be appointed, as an officer of the Legislature, a commissioner for investigation to be called an Ombudsman.

Subsection (2):

The person appointed as Ombudsman shall be a Canadian citizen and, subject to section 5, he shall be appointed by the Lieutenant Governor in Council on the recommendation of the Legislative Assembly.

Mr. Speaker, my question is simply this: how does the appointment of Gerald McLellan by the Premier of this province constitute a recommendation of the Legislative Assembly of Saskatchewan? How does it constitute a recommendation of this Legislative Assembly of which we are all members? We have all been elected by our constituents, and we all have the right to sit in this House, and we are all members of the Legislative Assembly.

I'd advise the member from Estevan, who may be the Premier of this province, he may be the Premier of this province, but he is not yet . . . he does not yet constitute the Legislative Assembly of Saskatchewan. Not yet.

Mr. Premier, and Mr. Deputy Premier, the member from Souris-Cannington, I think you people have violated the very traditions of this House, and you should be ashamed, and we are appalled.

And I want to talk about the traditions of this House when it comes to the appointment of the Ombudsman. On March 12, 1973, Ernest Carl Boychuk was appointed by this legislature with the unanimous consent of the House. And I want to talk about what Dave Steuart, the then leader of the Liberal opposition, had to say about this appointment, and I quote:

Mr. Speaker, first I would like to make it very clear that as far as the individual is concerned, Judge Boychuk who has been chosen for this position, the Premier told me about this sometime ago and asked if we had any objection to the individual and I said No, he is a fine man and enjoys an excellent reputation. I certainly wish him well in this undertaking that he has agreed to do on behalf of the people of Saskatchewan. Again, I want to say very clearly that we will co-operate with Mr. Boychuk in every way that we can to allow him to make a success of this particular position.

How interesting. We had a recommendation by the Legislative Assembly agreed to by all persons in this Legislative Assembly; the consent was unanimous. That was the appointment of our first Ombudsman in the history of Saskatchewan.

And here is what the Minister of Finance, the present minister of Finance, who was then a member of the Conservative opposition, said on March 11, 1977, about the appointment of the present . . . or the past Ombudsman. And he said this:

Mr. Speaker, I would like to join with other members of the House on behalf of the Progressive Conservative Party in extending best wishes to the new Ombudsman. He has big shoes to fill, I think the Members would agree. I would like to also on behalf of the Conservative Opposition, thank Judge Boychuk for the manner in which he served as Ombudsman of the Province of Saskatchewan.

And he went on:

Surely if we have an individual with the capability of Mr. Tickell it is time to increase the levels of government which would be subject to investigation by the Ombudsman.

And he was talking about extending the jurisdiction of the Ombudsman to investigate deputy minister and cabinet minister decisions. In the end he said, of his speech:

On behalf of the Conservative Party, I would like to extend a thank you to Judge Boychuk for the admirable way in which he carried out his duties as Ombudsman and wish Mr. Tickell best wishes in his new position.

Very interesting. The member, the Finance minister of this Government of Saskatchewan, agreed with the recommendation of the Legislative Assembly that Mr. Tickell should be appointed. He agreed.

And what do we have today? We have a situation where

our Leader of the Opposition wrote to the Premier on several occasions, talking about the need to appoint a new Ombudsman. He talked about a group of people from both sides of the House getting together to start the process for the selection of our Ombudsman.

And what happened? In that time frame, the Ombudsman, David Tickell, who had once been in good favour with the members opposite, brought forward a report on the situation in the Department of Social Services as it pertains to foster parents and foster children.

And what did the members opposite do? The Premier of our province, and the Minister of Social Services in our province, plus numerous other Conservative members across this province started to question the need for an Ombudsman's office. They were putting forth the argument that it was an extended opposition on this side of the House, that it was now the job of the MLA to do some of the functions of the Ombudsman.

Of course, that was not acceptable to the people of this province; it was not acceptable to the people on this side of the House, and a great hue and cry went out, telling the members opposite that this was totally unacceptable, that we still wanted an Ombudsman in this province who could deal in a non-partisan way with concerns raised by various citizens in our province of Saskatchewan when it came to their dealing with government.

(1200)

So instead of going against . . . instead of eliminating the office of the Ombudsman, what they decided to do was appoint a person of their choice. They decided not to consult with the NDP opposition or the independent member for Assiniboia-Gravelbourg. They decided to appoint one Gerald McLellan. And as a result of that appointment they have clouded the very Office of the Ombudsman. They have put into jeopardy the integrity of that office, and they have done that because they did not have the consent of this side of the legislature.

And, Mr. Speaker, I think that goes against all traditions of this House. I referred to, earlier, the tradition when we first brought forward an Ombudsman in this province in 1973, when all members agreed. I talked about what happened in 1977, when all members agreed. And for the first time in the history of our province we have a situation where we do not have an agreement of this House because of the very process that the members opposite chose to use. I think that what they're worried about is that somehow if they have an independent, non-partisan Ombudsman who they can't control, that various government decisions will come to light. And they don't want that to happen.

On occasion after occasion after occasion they have tried to muzzle the citizens of our province. And you may ask how they tried to do that. They have cut funding to the Saskatchewan Human Rights Commission, a watch-dog agency that defends the human rights of our citizens. They have cut funding to the Saskatchewan Human Rights Association which lobbies for better rights for our citizens and improvements to our Human Rights Code.

They have cut the John Howard Society which does a lot of good work with people in trouble with the law. And it's interesting that the very person, David Tickell, who they had some difficulty with in terms of his report on foster children, after he left the position of Ombudsman, went over to the John Howard Society. And what do we see? We see that the John Howard Society under his directorship has had its funding cut severely.

Muzzlement. They have cut money to the auditor's office. The auditor scrutinizes the financial decisions of this government and sees whether or not they are living up to acceptable accounting practices and sees whether or not they are spending the people's money in an appropriate manner. And what they've done is cut that office as well.

And the cuts go on and on and on. The Voice of the Handicapped, who criticized the government, has had their funding cut. Self Help Council in Saskatoon, which is an advocacy group for people on social assistance, had their funding cut. They've cut and they've cut and they've cut. They want to muzzle people, Mr. Speaker.

That's really what this appoint's all about. They have placed Gerald McLellan in a terrible position, because it doesn't matter what he does as Ombudsman, he will never have the complete support of this side of the House because of the manner in which he was appointed. And I think that that's a terrible situation for Mr. McLellan, and it's a terrible situation for the traditions of this House, which have historically been to consult both sides.

Mr. Speaker, I will be opposing the motion put forward by the Deputy Premier of our province. I would advise him to listen carefully to what we have said. I would urge members opposite to vote against the motion put forward by the member from Souris-Cannington. They have put Mr. McLellan in a terrible position. We think that they could alleviate that situation by appointing a committee of this legislature that represents both sides of the House and then we could effectively and collectively appoint an Ombudsman that would really have the best interests of our citizens and the support of our citizens at heart. Thank you.

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

**Mr. Goodale:** — Thank you, Mr. Speaker. As I rise to participate in this debate, Mr. Speaker, I am very much saddened by what has transpired both inside and outside this House with respect to the appointment of a new Ombudsman for Saskatchewan.

Mr. Speaker, I know the government's nominee. Gerry McLellan was first introduced to me some years ago by a former member of this Assembly, and a person who went on to be a former member of parliament, Dr. Cliff McIsaac. As far as I know, Mr. Speaker, Mr. McLellan is a fine person. He might well make a very good Ombudsman for Saskatchewan.

Under proper circumstances, Mr. Speaker, I would probably be inclined to support his nomination. But because of the government's handling of this appointment — not because of Mr. McLellan, but because of the government — I am in a very difficult and

troubling position. While I might want very much, Mr. Speaker, to endorse Mr. McLellan, to do so would be to endorse the methods chosen by the government to bring his nomination forward. And in all good conscience, Mr. Speaker, those methods cannot be approved. More than being troubling or difficult for me, the methods employed here by the government must be troubling and difficult for Mr. McLellan and for the institution of the Ombudsman itself.

Contrary to all the past practices and traditions of the legislature, the government has chosen not to consult on this matter. The government has chosen to act arbitrarily and unilaterally without even informing anyone of what they were proposing to do. They ignored the official opposition; they ignored myself as a single member in the opposition; they ignored all of their own members in the government caucus except for a select few in what might be called the inner cabinet. They ignored, Mr. Speaker, all of the established precedents. They ignored the spirit of the Ombudsman's Act and they ignored the very meaning of what the Ombudsman is supposed to be.

The Ombudsman, Mr. Speaker, is not an employee or an officer of the government. He is an officer of the legislature, responsible to the legislature, reporting not through a cabinet minister, but reporting directly to this House. He must be, Mr. Speaker, an independent advocate for the rights and the interests of Saskatchewan people. He must be above partisanship; he must be above favour; he must be above patronage; he must be above any possibility of question.

And that is why in the past there has been the practice and the tradition of advanced consultation to ensure before the fact, that all members of the House were in accord upon the person to be selected. Because of the government's chosen course of conduct in this case in making this nomination, the opposite has now turned out to be the case. Questions, Mr. Speaker, abound everywhere. And the government has demonstrated a kind of arrogance that is truly unbecoming generally, and certainly unbecoming in relation to the specific appointment of an Ombudsman.

While I might very much want to support the motion, Mr. Speaker, I cannot in all good conscience do so. And in casting that vote I do not want to be taken in any way, shape, or form, as expressing any kind of criticism about Mr. McLellan as an individual.

What I want to criticize, Mr. Speaker, what I think I am duty-bound to criticize, is the method the government has chosen in this case to try to proceed with this particular appointment. Unfortunately it compromises their nominee and it has serious implications for the office and for the institution of the Ombudsman in the future. I suspect, Mr. Speaker, when the vote is finally taken, that the government's political will will prevail, and the nomination will be confirmed.

That being the case, Mr. Speaker, I certainly wish their nominee, Mr. McLellan, every success in the very difficult task upon which he is about to embark, because it will be an especially challenging task for him. The job of Ombudsman is never easy. It is a tough, delicate, and



difficult role for any citizen of our province to undertake.

Unfortunately now, in this case and into the future, the job is going to be that much tougher, that much more difficult, because the government, instead of pursuing the normal and proper methods established in the past, has chosen a much different course — in my judgement, an improper course that places an incredible burden upon the individual who is about to assume these responsibilities.

Mr. Speaker, I certainly hope that that crushing burden does not prevent him discharging his obligations and his duties to the people of Saskatchewan, and to this legislature, in a proper way. He is going to have a very tough job to do.

**Mr. Rolfes:** — Mr. Speaker, I too want to voice my opposition to the motion that is before us today. And, Mr. Speaker, before I do so, I want to tell the members of this House that when I was a minister of the Crown, and the Ombudsman at that time made some criticism related to my department, there were many times where I wished that there hadn't been an Ombudsman. But on reflecting on the criticisms that were made, and in taking it back to my department and looking at those criticisms, I was thankful that there was an Ombudsman who could draw those things to my attention as a minister of the Crown in order that I would be more cognizant of the fact that there were individuals out there who had to be protected against a bureaucracy. And, Mr. Speaker, since I have been out of the government for four years, from 1982 to 1986, I have become even more aware of the importance of an Ombudsman that can act independently of the government.

Mr. Speaker, I want to join with all the members on this side of the House who have expressed so eloquently their opposition, not to the individual as such, but to the process which the government has adopted. In the first two appointments, Judge Ernie Boychuk and David Tickell, we had unanimous agreement in this House. And there was consultation that took place between the Premier and the Leader of the Opposition at that time. We didn't have this long, drawn-out debate on the process.

And I want to say to the Minister of Justice, in his speech last night on this issue, that he missed the point. He was trying to defend the individual that was appointed, and trying to say how he was qualified for that position. I don't know the individual, Mr. Speaker, but I can tell you that if an individual accepts a position like this under the conditions that he has accepted, it tells me something about that individual. I think he demeans himself. I think that he does not have the character and the outlook and the experience in life. And he does not understand the role of the Ombudsman if he accepts under those conditions.

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

**Mr. Rolfes:** — Mr. Speaker, I think he has compromised himself and he has compromised the position of the Ombudsman. I for one, as an MLA — and, Mr. Speaker, I want to make it very clear, the Ombudsman is an employee, he is a servant of every elected member in this

House — I for one will have doubts about whether or not this individual, under the circumstances under which he has to accept the position, will be able to independently make his investigations into the abuses that people find themselves under, under this government.

It would always be questioned: did he compromise his position? Even though he may not, his integrity, Mr. Speaker, has been attacked by the government opposite. And I ask the members opposite, it is not too late to withdraw this. Stand this motion today, go back and consult again, and then come to this House. Consult with the opposition on another individual.

(1215)

Mr. Speaker, I want to ask the people here today — we've had two people in this position, two men in Mr. Boychuk and Mr. Tickell; why would we not have considered a woman for this position at this time? Why did they not bring forward the name of a woman? Are they telling us that in Saskatchewan we don't have a woman that qualifies for this position, that could carry it out independently, that could do an excellent job? I say to the government opposite that you are wrong, and you should have considered it.

And had you accepted our amendment to refer this back to a select committee of the legislature, then we could have done that. And I think the whole process, Mr. Speaker, maybe should change. Maybe since the Ombudsman is a servant of the elected members, maybe the government should ask the members for names of individuals in their constituency, or in Saskatchewan, that they feel could meet all the criteria that are necessary for that individual to function as an effective Ombudsman.

These lists could be submitted to a select standing committee of the legislature. They could prioritize the list, and they could make then a suggestion of a list to the Premier, who then in consultation with the Leader of the Opposition would come up with a name of those individuals that we could select. After all, as I indicated, that individual is an employee, a servant to the elected members — all elected members. We all know that the ministers on that side really don't need another Ombudsman. But the back-benchers on that side and the members on this side certainly need that kind of an advocate to work for us on behalf of our constituent.

And I'll tell you, ladies and gentlemen opposite, that if you go out there and talk to the people, there is a lot of criticism of heavy-handed and secretive government. This is one more step that you are taking to consolidate that cynicism that is found out there in Saskatchewan. And I think that it is about time that we start being open with the people that have elected us here.

I have talked to a number of my constituents, and former employees of the government, who underwent a so-called early retirement process. I made this statement in the budget speech, Mr. Speaker, and I want to repeat it. One member said to me that it was safer for him to play Russian roulette and survive than it was to say no to the early retirement that the government had offered him,

because he said if he hadn't accepted it, a week later the job would have been abolished.

Now I'm saying to the members opposite, people like this, and there are hundreds of them, need the support and an advocate of an independent Ombudsman. And what you have done today in the individual that you have nominated or put forward, you've compromised that individual. And I'm saying to you that that is unacceptable to us here.

I ask the Deputy Premier, would he not reconsider, stand the motion today, bring it back to your caucus and to your cabinet, and then come back into the House? Bring that process back that's worked so effectively in the past, consult with the opposition, and let's get an individual in there, Mr. Speaker, that we can all support, that we all have confidence in, and that the citizens of Saskatchewan can say yes, we have an independent, effective Ombudsman.

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

**Mr. Rolfes:** — Mr. Speaker, I can't accept the present process, even though I do not know the individual. I am not opposed to the individual as such, but I do want to say that I cannot accept the process and therefore I will oppose the motion presented. Thank you very kindly.

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

**Mr. Romanow:** — Thank you very much, Mr. Speaker. I want to enter this debate very briefly to echo many of the sentiments — I don't think I can state them better than have been already stated by the members on this side of the House — but to echo the same sentiments about what kind of a sad day this really is for the province of Saskatchewan and the legislature of Saskatchewan.

Mr. Speaker, I think we agree that in political life there will always be ideological and political differences which divide us. Thank goodness that's the case. That's the essence of democracy — varying points of views, fought hard, debated hard, resolved, implemented; electorate accepts or rejects those decisions.

But I like to think that there's another category of activity in our political activity, Mr. Speaker, which activity is, in a sense, non-ideological, non-political. A sense of political activity which enhances the nature of Saskatchewan, the quality of life of Saskatchewan, which, if you will, even to put it to a higher or a different level, enhances the civilized state of our society and our province that we can all agree to whether we're Progressive Conservatives or New Democrats, or whatever.

If you think back on the evolution of democracy, it's been a hard struggle, as we all know in our history books. You, sir, occupy a venerable Chair. I candidly admit that some of us on all sides of the House in the heat of the battle here probably don't pay the kind of respect to the Chair that we should, but that is temporary and it passes by. But at the end of the day the chairmanship and the Speakership and the legislature is an institution which enhances what democracy is all about.

And that's exactly what the Ombudsman is. The Ombudsman is another little additional step in the parliamentary process, in the parliamentary democracy development of our countries. Those of us who believe in this great institution of parliamentary democracy, it's another important building block to divising that civilized, humane, caring, decent society.

There has been over the years a large amount of debate about whether or not the Ombudsman is in fact a clash, an ideological or if you will, a fundamental clash between the principle of parliamentary democracy. I recall well, Mr. Speaker, debates which said that we don't need an Ombudsman because it is the job of the MLA to carry forward the complaints of individuals with respect to the bureaucratic decisions or the actions of government.

And to some extent there is, in my judgement — not everybody agrees — a merit to that point of view. We do carry forward our complaints. Every one of us comes to our constituency office and we have worries of people who are affected by social service cut-backs, or worries with respect to Human Rights Commission, or unemployment insurance — it's a federal responsibility. It doesn't matter what it is. We all try to do our job in advancing the interests of our individual constituents and rectifying the errors of bureaucracy. So there is some merit to that point of view.

But at the end of the day, Mr. Speaker, in Europe, New Zealand, and elsewhere, and eventually in Canada, we came to the conclusion — we, meaning citizens of this province and of this country — in a non-partisan way, that there was no fundamental, basic conflict. That there was in fact, an addendum, a valuable addition to the role of the MLA by the establishment of the office of the Ombudsman. And we said that no matter how good a job an MLA does, there is only so much that he or she can do.

But what we need to have is a person with the resources, and the independence, and the willingness, and the determination, and the intelligence, and the principle to ferret out administrative abuse, whether it is purposeful or whether it's accidental, so that individual people in Saskatchewan or Canada or wherever an Ombudsman is located, will have a better chance to have a better say and a better day in court. And that supplements . . .

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

**Mr. Romanow:** — And so like — perhaps this may be a bit of a far-drawn analogy — as it was we developed the Speaker's chair with independence. And over the long years of struggle that that took place and certain other practices, so it was in recent years that we, as democrats and parliamentary democrats, evolved the institution of the Ombudsman.

A new facet, a new dimension which, I think personally — I even like to think that the government opposite still believes, although I'll make a comment about that — an institution which I think can only grace and enhance that ever illusive goal which we are always going to pursue, that we have pursued, that we are pursuing, and those

who will follow us will continue to pursue, and that is a finer, better democracy with greater equality and greater freedom for the individual people of this province and this country. That's what we did to set it up.

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

**Mr. Romanow:** — And in doing so, Mr. Speaker, you develop certain traditions by the way of the selection of this office. We developed a system which put aside those things which divide us on ideological basis between the Progressive Conservatives or the NDP or the Liberals. We said that if this is democracy, it is central to all of us, regardless of our ideology. We said that if Ombudsman is an additional adornment to democracy, it embraces all of us of all persuasions. And our mechanisms for selection, our support for the institution, our support for the person who occupies the office has to be in a non-partisan way. It has to be in that spirit of enhancement and growth.

I fully recall in 1973, the former premier of the province of Saskatchewan, the member from Regina Elphinstone, getting up in his chair as premier, introducing the first Ombudsman's Bill in the history in the province of Saskatchewan. I don't know how you feel, Mr. Speaker, about it, but I tell you, I feel . . . and almost everything that I've done on a first time, a special pride to be a part of the first. That day in 1973, I think it was, was a day for me, as an individual member of this House, was a day of pride and joy and happiness because I was a part in a small way, we all were — NDP, Liberal, Conservative — we were all a part of being a first, a first in improving the democratic processes of Saskatchewan. That's how we felt back in 1973.

It's all been well documented now to you, sir. The record is clear of the process of consultation. We've had very partisan debates in this Chamber before. Mr. Speaker, I have, if I may say so immodestly, even contributed to those I suppose from time to time, and we've held our feelings very hardened and sometimes very bitterly, but not outside this Chamber.

Nobody was more partisan and more eloquent in his attacks of our government than the current senator from Saskatchewan, Senator Davey Steuart, who at that time was the Liberal leader of the opposition and who also was the deputy premier in the former government of the late premier Ross Thatcher. Nobody was more partisan or more eloquent than Senator Steuart was, but he was able to put aside . . .

**An Hon. Member:** — He rose above it.

**Mr. Romanow:** — He rose above that kind of partisanship. He rose above his personal concerns when the Ombudsman's motion came, to realize that it was an enhancement to the process, that it was something which we all as Canadians could rejoice in. And he could do so, Mr. Speaker, in large measure because he had been fully, fairly, and properly consulted by his main adversary of the day, the premier of the day, the member from Regina Elphinstone. And we were able to rise above our political partisanship to appoint in a unanimous way, Judge Ernie Boychuk of the provincial court, to do that.

And this was repeated again in 1977 when Judge Boychuk moved on to other duties after an illustrious and distinguished career, and the appointment of Mr. Tickell. I won't bore you with the citations which the member from Battlefords very eloquently, and others, have advanced which verify the consultative process.

I may not agree with the current Premier's position on a number of things in this province's policies, the way he's directed it — and obviously I don't. Clearly, he doesn't agree with some of the solutions that we advance. But surely, Mr. Speaker, is it too much for me to hope, is it too much for us to dream of the fact that there are some areas in our lives in Saskatchewan which simply transcend the differences between the Premier and the Leader of the Opposition? Is it too much to dream that we might be able to continue to build upwards and onwards in our democratic struggle, and find that same kind of process of consultation as we did in the periods from 1973 to 1977? Is that too much? Have we so descended in this province to such bitterness and such anger in our political discourse now, that it is impossible for something as fundamental as the Ombudsman, that it's impossible for the leader of the province — my leader, my Premier, that's who he is — to come to the members of this opposition and to advance an argument why we should accept a person to the position of Ombudsman. I don't think it is.

(1230)

I think what this represents, Mr. Speaker, this whole process, is more than Mr. Gerald Peter McLellan. I, frankly, don't know the individual. I don't know what kind of a job he will do. I, frankly, don't know what kind of a job he can do in the light of an unprecedented debate in opposition to this. I don't know, but that's secondary.

But to me, Mr. Speaker, I rise with a heavy heart because I am seeing here, not progress, I am seeing here a retraction and a step backward. I am seeing here a minister of continuing education who relishes in this by his comments from his chair, taken during the course of my speech here, the member from Weyburn, who simply does not see the importance in this context. To him, presumably, by virtue of the comments that he makes to my colleagues on this side, he does not see this as a dark day, backwards to the democratic process of our province of Saskatchewan. Well I'm sorry to say for him that I disagree. And I'm sorry to say for him and for his colleagues that there will come a day soon in our Saskatchewan political life where that kind of callous approach will be rejected, and rejected firmly by the people of the province of Saskatchewan.

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

**Mr. Romanow:** — And may I say also, Mr. Speaker, two very other quick points that I make before I take my place to vote on this motion. I'm not going to, again, belabour the question of the process — I've made that, my colleagues have made it much better than I could — and how I believe it to be a fundamental attack on democracy in this province. But the record is clear about how we're . . . the only way to describe it is muzzling such things as the Human Rights Commission, such as the Ombudsman.

The statistics are clear. Fewer people in the Ombudsman's office doing more and more of the jobs of people who have nowhere else to turn.

And let's not kid ourselves. And I say to the member from Weyburn, we all know this is not an easy time economically for you, for any government. But let's not kid ourselves about the facts. There are hundreds of people who are desperate — I don't blame here in this speech, for the moment, your government or whatever; I have some thoughts about that on another occasion — hundreds of people who are desperate and have nowhere to turn.

I spent a good deal of yesterday in my constituency office in Saskatoon Riversdale, and the day before that time. And I don't want to overstate the case, but we have all experienced people who are in a tearful, desperate state of affairs. There is nowhere else that they can turn to. We can say to them, well, go get a job; or we can say that we'll do the best that we can do; or I can say, go to the Ombudsman.

And what we're doing by this act, Mr. Speaker, is we are slowly, painfully, nick by hurtful nick like a razor blade, cutting back on people's hopes that there is somebody somewhere who is going to be able to give them an effective and fair hearing about their problem, which may not be in the minds of many of us the greatest problem in the world, but is to those people the greatest problem that they face. And we're cutting off their hope in doing so.

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

**Mr. Romanow:** — Do we want to be thought of in that way? Do we want to be thought of as legislators, niggardly? Do we want to be thought of that, regardless of whether we agree or disagree on potash or uranium or farming policy, do we want to leave the legacy with our children and to leave the legacy with the people of Saskatchewan that we are so niggardly that we're cutting back on the expenditures of the Ombudsman? That we are so niggardly that we can't even take a five-minute consultation with the Leader of the Opposition as to who that person should be? Is that the legacy we want to leave?

I don't want to leave that legacy. I don't think that that is an important thing that this province of Saskatchewan is to be left this way. I don't believe it to be a question of humour. Others may; fine, that's their right to do it. I think that the legacy we ought to be doing and seeking to leave is an opportunity, a legacy of getting more access, more access by ordinary people to this government and to the legislature and the legislators of the province of Saskatchewan, and we're not doing it.

I want to close, Mr. Speaker, by saying, as I've said, that this saddens me very much. But I also want to say, in closing, that I think that this is a symptom, if not a symptom, perhaps a characteristic — I think it's perhaps a symptom — of a government that has lost the confidence of the people of Saskatchewan and is running scared from the ordinary people of the province of Saskatchewan; this motion is.

This Mr. Speaker, is not — this motion — the act of a

confident government. The actions of the member from Weyburn are the actions of a person who's whistling by his political graveyard, Mr. Speaker. This is not the actions of a Deputy Premier or of a Premier who believe that they are confident in themselves enough to understand what the democratic process is about to be able to approach the Leader of the Opposition. It is not a government which is confident in where it stands or what it intends to do for the province of Saskatchewan.

The only one thing that they're confident about is that there will be political defeat for them for little things or big things like this and for everything else that they've been doing since 1982. And as a result, what they have done, is they have retrenched themselves into a secret conclave where they make decisions in secrecy. They implement them on the people of Saskatchewan, whether it's a budget or an Ombudsman, and they do it without any respect for democracy. And I say they're going to pay a big price for this with the people of the province of Saskatchewan.

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

**Mr. Romanow:** — And more than that, and more than that, more than just a government that has lost touch, more than a government which is secret, this is a government which has become arrogant — this is a government which has become arrogant.

It would have cost this government nothing — and maybe the Deputy Premier still will do it — it would have cost this government nothing whatsoever to have taken up the suggestion of my colleague from Saskatoon South or any one of my colleagues. Even now it costs them nothing to say, we're going to suspend this motion and seek consultation, genuine consultation. What would have been the cost to that? Nothing, politically. It would have enhanced their stature. And more importantly, leaving the politics aside, it would have done justice and graced all of us of this Assembly, regardless of what political stripe we're on.

Mr. Speaker, unless the Deputy Premier does that, we have no other alternative, none whatsoever, but to vote against this motion because of the negligent, uncaring — putting it bluntly — arrogant way in which it's been foisted upon this Legislative Assembly to vote against it. And in doing so, Mr. Speaker, this will not be a step forward for democracy or for Saskatchewan; it'll be a step back.

But when we do vote against it, we do so with one promise to you, sir. That sooner or later — probably sooner than later — there will be a government in power in Saskatchewan which will work to restore and strengthen democracy, and which will restore the office of the Ombudsman for the ordinary person of Saskatchewan. Thank you, Mr. Speaker.

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

**Hon. Mr. Berntson:** — Mr. Speaker, I just wanted to say a few words in closing debate on this motion.

I agree with the member from Riversdale that this is a sad day. It is a sad day because, Mr. Speaker, they could not rise above their political partisan aspirations and deal with this matter in the objective way that other legislatures have.

And I've heard members opposite talk at length about how Davey Steuart, the former leader of the opposition and others had . . . and the member for Qu'Appelle, and I think the former member for Nipawin, and talk about the consultations that have taken place, Mr. Speaker. Well I know that I was a party to at least two of those consultations, and I don't recall any short list. I don't recall any screening. What I recall, Mr. Speaker, was a name that was presented to me. And we did say, yes, government, this is your candidate and this individual must enjoy the support of the legislature so that he can indeed carry out his duties without a cloud hanging over his head. And, Mr. Speaker, today is sad in that respect because members opposite have chosen to put this person in this position under that particular cloud.

Mr. Speaker, words often belie actions. And we talked a while ago about . . . I think it was the member for Fairview that was talking about people at the trough. And I want to talk about that for a minute, Mr. Speaker, because he talked about it at length. And let me tell you where the NDP come from when you talk about people at the trough. Here is a resolution that was dealt with at their last convention, and it says:

Whereas it is necessary to have civil servants and board members of provincial bodies who are dedicated to promoting the New Democratic program of democratic socialism, be it resolved when the New Democratic party is elected, a careful screening take place to ensure that such people are in place.

Mr. Speaker, that's where the New Democrats come from. That's where the New Democrats come from, Mr. Speaker . . .

**Mr. Speaker:** — Order, order. Order, please. Order, please. Order.

**Hon. Mr. Berntson:** — That's where New Democrats come from, Mr. Speaker. And in this case I don't think words do belie actions. Because I remember, Mr. Speaker, I remember not that many years ago when I was conducting what was called an exit interview with one Gerry Gartner, a very highly placed individual in the former administration. He was deputy minister of Agriculture, and at the same time, a bagman for the New Democratic Party.

I can remember, Mr. Speaker, their appointment of John Burton, who was a former NDP MP. And they talk about credentials. They had this person heading up the transportation agency, Mr. Speaker.

Let's talk about credentials for a while. Not once did anyone here criticize the credentials of one Gerald Peter McLellan. All they could criticize, Mr. Speaker, was the fact that he was a partner, a law partner of George Hill who was once the president of the Conservative Party of

Saskatchewan. Well, Mr. Speaker, he was also a law partner of Kim Thorson, who was once the NDP minister of Energy with that very . . . the member for Elphinstone as his premier.

So, you know, if there's guilt by association, Mr. McLellan must be a schizophrenic. I don't understand their arguments, Mr. Speaker. They haven't questioned his credentials. They haven't questioned his credentials. Not once have they questioned his credentials. They've put a cloud over his head, but they have not said that this man shouldn't be in that office for reasons of incompetence or inability to conduct the duties of that office.

(1245)

One other point, Mr. Speaker. One other point. While I would enjoy this, I don't have the heart for it right now, but I have nine pages, nine pages of what I call the NDP trough. I'll just deal with one of them here. It looks like the whole Koskie family was well looked after. There's a . . . I don't have the heart for it, Mr. Speaker.

Mr. Speaker, let me just say that from the time of the retirement or the stepping down, if you like, or the moving on to greater things, of Judge Boychuk as the Ombudsman to the appointment of the new Ombudsman, Mr. Tickell, I believe was 14 months. Now the Acting Ombudsman, as I recall, who served in that position for 14 months, there was no consultation as it relates to the person who served in that position for 14 months. Not any, as I recall. Nothing. Nothing.

Mr. Speaker, when they finally did select an Ombudsman . . . And he was supported unanimously by all members here. And he was selected by the, at that time, minister or attorney general — I think came out of his department, as a matter of fact — and was endorsed by all members here. But the process that he talks about didn't exist. There was no short list. There was no screening. There was no nothing. There was a name presented, and that was it.

**An Hon. Member:** — Was there advertising?

**Hon. Mr. Berntson:** — And you're going to have to make up your mind on advertising, the member for — is it Nutana?

**An Hon. Member:** — South.

**Hon. Mr. Berntson:** — South. The member for South says, surely to goodness we can find someone in Saskatchewan who is a woman that can take this job. I agree with him. I don't think we have to go to Toronto and Vancouver and Montreal to find talented people for this position or any other position, to serve the public in Saskatchewan.

Well the point I was trying to get before that little digression, Mr. Speaker, was this. As the Act clearly states, when the position has been vacated, an Acting Ombudsman must be appointed. That was done when Judge Boychuk vacated the position, and it was done when Ombudsman Tickell vacated the position. I believe, I believe that it was April 1, Mr. Speaker, that a letter was sent to the Leader of the Opposition from the Premier, saying that it was his intention to recommend

one Gerald Peter McLellan to the position of Acting Ombudsman.

**Bill No. 30 — An Act to Amend The Land Titles Act**

To my knowledge, Mr. Speaker, to date, five months later, there has not been one, not one, criticism or objection to that letter. Not one, to my knowledge. That is five months, Mr. Speaker, five months, and nobody has criticized the credentials of this man. Yet in their very partisan way, they choose to put a cloud over this person's head as he takes the office of Ombudsman in the province of Saskatchewan.

**Hon. Mr. Andrew:** — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

The Assembly adjourned at 12:58 p.m.

And I think that's shameful, Mr. Speaker. I think it is shameful. And they could not find it in their hearts or souls to rise above their partisan political debate as all other legislature have in this province.

Mr. Speaker, I think that Gerald Peter McLellan is eminently qualified for this position. I urge all members, Mr. Speaker, to support this motion so that this person can take up that position without the cloud that they have imposed on it.

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

(1252)

Motion agreed to on the following recorded division.

**Yeas — 27**

Muller	Martin
Duncan	Toth
Andrew	Sauder
Berntson	Johnson
Taylor	McLaren
Smith	Swenson
Swan	Martens
Muirhead	Baker
Schmidt	Gleim
Hodgins	Neudorf
Gerich	Gardner
Hepworth	Kopelchuck
Hardy	Britton
Klein	

**Nays — 17**

Blakeney	Atkinson
Shillington	Anguish
Romanow	Hagel
Tchorzewski	Lyons
Thompson	Calvert
Rolfes	Lautermilch
Mitchell	Trew
Simard	Van Mulligen
Kowalsky	

**COMMITTEE OF THE WHOLE**

**Bill No. 30 — An Act to amend The Land Titles Act**

Clauses 1 to 5 inclusive agreed to.

The committee agreed to report the Bill.

**THIRD READINGS**