

EVENING SITTING

ADJOURNED DEBATES

MOTIONS

Amendments to Rules and Procedures of the Legislative Assembly

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

Mr. Koenker: — Thank you, Mr. Speaker. It's a nice evening tonight, as the member for Turtleford has just said. And many people might well ask themselves why the Saskatchewan legislature might be sitting; why they themselves might be sitting in front of a television set watching this particular debate, a debate to limit the ringing of bells in this legislature.

And as I was saying before supper, I think the simple explanation for our being here tonight is to struggle with some of the issues implicit in the democratic system, and what it means to have a parliamentary system of democracy. And those are some of the issues I'd like to speak to tonight, Mr. Speaker.

Earlier this evening, over the supper hour, members of the legislature had an opportunity to view displays here in the Legislative Building sponsored by the Saskatchewan Council for International Co-operation. And would . . . I would say this about this particular motion on bell-ringing: would that both the government and the opposition could sit down together and co-operate with one another to effect some sort of, if not reconciliation, at least some sort of communication on this issue so that we can get beyond it to deal with the public's business.

The Saskatchewan Council for International Co-operation represents many different organizations, many of them church organizations and public service organizations dealing with the betterment of the human condition. And I think that they — knowing the work of some of the organizations myself such as World Vision — they work in countries where there is no democratic tradition. In many of those countries where relief and development efforts take place, there are military regimes, and decisions are made at gunpoint and not in a legislative way.

An Hon. Member: — But we don't have a military regime here.

Mr. Koenker: — Now many people in Saskatchewan could well count their blessings if they stopped to remember that we don't have, as the member from Regina Victoria says, a military regime here in Saskatchewan.

Some people might say that the present regime is oppressive. It certainly isn't a military regime, and I think that one of the reasons it isn't a military regime, and one of the reasons many people would argue that this government isn't an oppressive regime — unduly oppressive at least — is that there are rules spelled out for

the governing, not only of the province . . . That's what this Assembly obviously does, is to review legislation proposed by the government. There are rules and legislation proposed not only for the province in this Chamber but rules proposed for the governance of this Chamber itself; rules that you, Mr. Speaker, are called on to enforce.

But as people will know, before you can enforce any given rule it has to be in the *Rules and Procedures* book of the Legislative Assembly of Saskatchewan. And we now, fortunately, have this in a bilingual edition such that people of both tongues, both founding tongues in this country, can see the rules and regulations in their own tongue.

And so that means, it's not in English and Ukrainian; it's in English and French. And when it comes to an examination of, let me see, Mr. Speaker, which rule is this we're . . . When it comes to a discussion of rule 33(2) and a substitution for the existing rule in this book which allows for full and free debate, the government, the public will know, has proposed a limitation on such full and free debate.

And that is the issue that this side of the House says is really uncalled for and is a unilateral action, an action which bespeaks a government that is insensitive to, not only the parliamentary tradition, but the democratic tradition as well. And it's then with some dismay that the opposition finds itself in a position where we have to address an issue that is really in some respects bogus.

The present situation is such that in the rule book for many years there has been a rule regarding the calling of members to a vote. It indicates that when members are voting:

. . . preparatory to a division, no further debate is . . . permitted (once the call for division for the vote has been issued).

And that rule 33(1) indicates that:

Upon a division, the Yeas and the Nays shall not be entered upon the minutes unless demanded by two Members.

That's not unreasonable. That rule is there, rule 33(1), to indicate that if and when two members want a recorded vote, a recorded division of the Assembly, they can ask for that by any two members getting up. And it's then when we come to rule 33(2) where the government wants to limit debate by virtue of invoking an end to the ringing of the bells. We say that doesn't fly.

If it flies, it flies in the face of democracy, and we know how important that is that the Saskatchewan municipalities be given the opportunity to express their opinion on such a major piece of legislation as the privatization of SaskPower.

And we feel, on this side of the House, that that's precisely what was affected by the existing rule on bell-ringing — that the public was given ample opportunity because,

expressly because, of the existing rule of this Assembly, that the public was given ample opportunity to judge for themselves the propriety of the bells ringing; and if that was deemed to be irresponsible or nonsensical, then by virtue of public opinion to punish the opposition by withdrawing their support for it, and eventually forcing the opposition back into this Assembly.

Contrariwise, if the public felt that such expression on an issue of such public importance as the privatization of SaskPower were in need of being amplified and extended across the province, there would be an opportunity for that to take place by virtue of the existing provisions in the rule book.

The issues surrounding the privatization of SaskPower are such that they aren't simple and they aren't one-dimensional, and far be it for me to get into the multitude of these issues, particularly since they aren't simple. But I will say this, Mr. Speaker, that it is this whole social, political situation that we have in the province of Saskatchewan at this present time regarding the privatization of SaskPower that occasions this debate on the rules of the Assembly.

And the two are inextricably bound together, not simply by us as parliamentarians, as elected members of the legislature who have to address a rule change such as this, but inextricably bound in the minds of the public because the public knows that if this rule change goes through, limiting debate, that the democratic process itself is curtailed when it comes to the consideration of SaskPower.

And when you have some 75 per cent of the public opposed to such a government measure, then in the minds of the public it becomes terribly important to have a vehicle to address the issue of consequence such as we have before us now. And if privatization of SaskPower is such an issue of consequence, then it's of consequence to address this bell-ringing rule . . . motion, as tangential as that may seem to some people. I think it's well understood that the two are linked by virtue of the debate that we've experienced this spring.

Now the democratic process and the democratic notion itself, Mr. Speaker, is not an easy thing to define. Throughout the course of history, political philosophers have reflected on what the meaning of the democratic process or the democratic ideal really is all about. At some points has had a very simple definition, that of direct participatory government; at other times it has been much more vague, and debated as to what the democratic process really is all about. And I think that that is part of the issue that we face here tonight.

There is a question of what, what is the democratic ideal. What is fundamental to the operation of a democratic system? I think there's a consensus among political philosophers that democracy at root consists of government by the people. And if the democratic ideal or the democratic principle is rooted and grounded in government by the people, then we have to reflect on what it means for us as legislators to be representative or reflective of popular opinion and popular wisdom.

(1915)

And it's one thing for us to make that assumption and to say that in fact I, as the member for Saskatoon Sutherland, do in fact reflect the opinions and viewpoints of the people living in the constituency of Saskatoon Sutherland — by no means claim to reflect them all; it's another thing for us to examine the degree to which we do that and how we do that.

And I say that it is precisely in relationship to a rule such as this where, if I, as a member . . . elected member of the Legislative Assembly of Saskatchewan for Saskatoon Sutherland, come in here and, faced with a particular piece of legislation such as that legislation to privatize SaskPower; and I have only one hour in which to leave this Legislative Assembly and reflect on the propriety of voting for or against that legislation, or I have the option as presently exists by the rule 33(2) in the book of *Rules and Procedures of the Legislative Assembly*; if I had the option of unlimited opportunity to consult . . . I think that few members wouldn't take the option at a critical juncture, where there's critical legislation such as the privatization of SaskPower, to go out and consult at length with their constituents. And that's precisely what the existing rule allows for — free and full access to the democratic process, to government by the people.

Well certainly there's a sense in which, during the course of the proposed change where there would be only one hour for the ringing of the bells, I could leave this Chamber and make phone calls to individual constituents and consult them in terms of their thoughts and feelings about a particular piece of legislation before us. I have to ask myself how many constituents I could contact during that course of time by phone. If I were to do one a minute, I couldn't even contact 60 people. I dare say I could contact 30 people — probably not. That would be two a minute. If we were to adopt this proposed rule change and I were to have only 60 minutes, I wonder whether I could even contact 15 people. That would be four people, one person every four minutes — hardly possible.

And so what you have then is a situation under the proposed change in this rule where not only myself but any elected member would be powerfully constrained in his or her ability to consult with their constituents and to apply that basic democratic principle of government by the people. And 90 per cent of the time — I would dare say 99 per cent of the time, Mr. Speaker — this isn't an issue. There is no need to consult with constituents at the drop of a hat. Most issues aren't that galvanizing or commanding of the public's attention.

But there are points in time, and I think we've just lived through one of these rare times here in Saskatchewan this spring, when there are issues such as the privatization of SaskPower where the public is so consumed by the consequences of the proposed legislation that they demand of their representatives that they have an opportunity to address the political process directly themselves. And this is a direct step in the democratic process that is allowed by virtue of the existing rule that we have presently governing this Assembly.

Now, Mr. Speaker, I know you have an appreciation for

this very issue and I know that because I have looked just recently at the 19th annual report of the Commonwealth Parliamentary Association, Saskatchewan Branch, from 1987. And on page 2 you give your report as president. And I think it's a very good report and I commend you for the thoughtfulness with which it is written. Because in it, you might recall, you address some of these very issues about the nature of the democratic process. And you quote — or you don't quote, you state — that it has been in your first year of tenure as president of the Saskatchewan Branch of the Commonwealth Parliamentary Association, you quote from a pamphlet entitled, *The Commonwealth Parliamentary Association*. And the quote that you give reads as follows.

The Speaker: — Order. Order. I appreciate the member's remarks but I would also appreciate if the hon. member did not draw the Chair into his comments, as you could understand where that might lead to.

Some Hon. Members: Hear, hear!

Mr. Koenker: — I take that as a good piece of advice, and I apologize, Mr. Speaker, for that oversight.

I'll just say that there is a report in this 19th annual booklet from the Commonwealth Parliamentary Association that quotes from the pamphlet, *The Commonwealth Parliamentary Association*, and reads:

“The C.P.A. (Commonwealth Parliamentary Association) is an association of Commonwealth Parliamentarians who, irrespective of race, religion or culture, are united by community of interest, respect for the rule of law and individual rights and freedoms and by pursuit of the positive ideals of parliamentary democracy.”

The point being that those of us who are here addressing an issue such as a change in the rules of this Legislative Assembly for the governance of this parliamentary association that we're elected to are united, irrespective of our race, religion, or culture, by the pursuit of positive ideals of parliamentary democracy. And part of the point that I am attempting to make tonight is that this rule change proposed by the member for Kindersley, that debate be limited to only one hour . . . Not the debate be limited to only one hour. In a sense we're talking about debate being limited by virtue of the bells ringing for only one hour and public debate, which is the most important fundamental debate, being limited by one hour, by virtue of the bells ringing for one hour — is not in keeping with that democratic parliamentary ideal.

Further to this particular report, the point is made that it is a tribute to all friends of the Commonwealth Parliamentary Association who have gone before us and who have worked hard to build and enhance Saskatchewan's reputation in the Commonwealth Parliamentary Association circles. And it will be our responsibility to maintain Saskatchewan's place in the Commonwealth Parliamentary Association and indeed to enrich it.

Now I ask you, Mr. Speaker, and members opposite, as parliamentarians, do you think, do you really think that

this motion from the member from Kindersley, that the *Rules and the Procedures of the Legislative Assembly* be amended such that bell-ringing takes place for only one hour, do you think that that will build the reputation of Saskatchewan in Commonwealth Parliamentary Association circles?

I suspect not, as the member from Moose Jaw South indicates. It is not likely to enhance or to build the reputation of this Assembly, if we consider the democratic ideal of participatory democracy, of government by the people, that is facilitated and in fact predicated on the people having a voice by virtue of there being full and free ringing of the bells.

That will not build and enhance Saskatchewan's parliamentary reputation in parliamentary circles, to constrict that kind of democratic debate, and I dare say that it would be a mistake. It would not enrich Saskatchewan's place in the Commonwealth Parliamentary Association

An Hon. Member: — Democratic backwater.

Mr. Koenker: — As the member from Regina Victoria says, is much more likely to make Saskatchewan something of a democratic backwater.

Now there are some people who would argue — members opposite would argue — that that in fact is what we have right now here in Saskatchewan with the existing rule and procedure that allows for full and free amplified public debate. They would argue that we have a legislative and a parliamentary . . . a democratic backwater here in Saskatchewan by virtue of being only one of two jurisdictions in Canada with such a rule on the books, and that to go and to move to a change in this rule would be a move to enhance and to build Saskatchewan's reputation in Commonwealth Parliamentary Association circles; that this would be a move, as the writer of this report says, to enrich it.

And I think that it's important, for this reason, to consider that parliamentary, that democratic ideal and to weigh what we really are doing with this change in rules. It's the kind of question that really deserves some reflection. And I think it's in this regard that members on this side of the House feel very uncomfortable with the government proposing such a fundamental change to the rules of this Assembly, unilaterally, in very heavy-handed fashion, without consultation of members from this side of the Assembly. We balk and we chafe at that kind of government action, quite frankly. We say, that's not the way this Assembly has operated in the past, and it's not the way it should be operating now.

We know, as the people of Saskatchewan do, that the government upon occasion . . . well as one example, after the 1986 election, in the spring of 1987, that this government is not inclined to consult the opposition or the public when it's making changes; that it's very prone when it comes to major changes to simply dive in and start ramrodding and bulldozing changes through, such as many of the changes to the dental program were done.

And we say it's that kind of undemocratic process that

does not build and enhance the reputation of this Assembly, just as this proposed rule change does not build and enhance and enrich the reputation of this Assembly, not just in Commonwealth parliamentary circles, Mr. Speaker, but in the public ambit of Saskatchewan and the public circles of this country. When the people aren't consulted; when they aren't given a voice or a say or a part of the action; when the people aren't allowed to rule directly; then we lose a good measure of the democratic institutions that we have come to know and to cherish.

(1930)

There is another report in this 19th annual report from the Commonwealth Parliamentary Association, Mr. Speaker, that you may recognize. It comes from a member of the legislature who went to the 36th parliamentary seminar in Westminster on March 3 to March 20 of 1987. And the member of the legislature who took this trip to England and visited Westminster notes that:

During the afternoon we had our first opportunity to visit the British House of Commons. As you can imagine, this was again extremely interesting. We saw the similarities of our Parliamentary system, as well as the differences. I could write much about this, but let me just make one reference to Question Period as it affects the Prime Minister. Under the British system, the Prime Minister only answers questions twice each week (Tuesdays and Thursdays), each time precisely for fifteen minutes. This, of course, is in sharp contrast to the Canadian Parliamentary system.

Sounds very British in a way, to have the Prime Minister perhaps answering questions only twice a week for precisely 15 minutes. And of course we note that this is quite different from the rules that we've come to know in this parliamentary Assembly.

We know that the democratic process is a very fragile one and that there are wide varieties in the way in which the parliamentary systems of various countries run themselves. There are various substantial differences perhaps in the way in which the rules are interpreted, in the way in which rules are implemented.

But it was Pericles, in his funeral oration, who is often cited as the single most eloquent statement concelebrating the virtues of Athenian democracy — that democracy was the essence of the Greek political system — and he tells us that in a democracy, Athens doesn't choose to copy the laws of its neighbours, that it provides the pattern or the model that others follow. He notes that because Athens is a democracy, it is well and justly administered.

Pericles goes on to note, in this funeral oration, that the many and the few . . . the many and not the few are favoured because of the democratic system and the democratic model, and that capacity is the sole criterion for office holding, that personal relations are easy, that lawlessness is uncommon, that valour in the service of the state is habitual.

And it's those kinds of democratic ideals that Pericles notes in his funeral oration that we would hold to still today, that in our democratic system, the many and not the few would be favoured. And I think it needs to be said, Mr. Speaker, that under the proposed rule change, the few would likely be favoured or served and not the many, because in one hour it is very difficult to contact more than a handful of people. One hour does not allow for full flowering of the democratic ideal where the many are favoured.

And that's why, here in Saskatchewan in recent history, we had to take, as an opposition, 17 days to give flower to that democratic virtue that Pericles of ancient Athens holds up, that virtue of the many and not the few being served; that virtue of government by the people, of popular self-government that is enhanced by the kinds of provisions that presently govern this Legislative Assembly right here and now.

And while the government members might be inclined to view this as a certain measure of lawlessness, that was one of the concerns, as I indicated earlier, of the ancient Greeks, that too much democracy is a dangerous thing, that it leads to tyranny, that it leads inevitably to mob rule because the mob — the great masses of the unwashed — are unknowing and uncaring and you can't trust them.

And that's why we hear this government say, trust us; we know what's best; we wouldn't lead you down the garden path. The people know that that isn't true because when it came to the issue of the privatization of SaskPower, it was the Premier himself and the Deputy Premier who said that that would never take place. And that's precisely what's taken place, and that's why we have to find ourselves addressing this kind of issue here tonight.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Well it was eventually Athens that was humbled by Sparta in its pursuit of the democratic ideal. Athenian democracy did not flourish for ever. Although Pericles says that it was a model copied, it wasn't copied for ever. Other models of tyranny, of oligarchy, and monarchy, imperial rule, took over in the ancient world. But still there flourished throughout the ages that ideal of the democratic system, and of a basic accountability of the . . .

The Speaker: — Order. The member's comments are interesting; however, I believe he's somewhat off the resolution, and I ask him to more closely relate his remarks to the resolution and the discussion.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Thank you, Mr. Speaker. I'll endeavour to tighten this up and to relate my comments on democracy much more closely to the motion that we have before us. And perhaps I ought to really communicate to people what that motion is, and how it is built into the question of democratic accountability.

The motion before us, the public will be interested to know — it's in a little bit of a formal sense, and I really

haven't quoted it directly tonight — but the motion before us has to do with the process of rule change and the way in which this Assembly calls itself to a vote. And this motion was proposed by the member from Kindersley, and reads, quote:

When the Speaker or the chairman of Committee of the Whole or Committee of Finance has put the question on a motion and a recorded division is requested under 33(1) . . .

And I'll just interrupt here to say, basically translated, that means that when someone in a position of leadership in the Assembly calls for a vote, and then someone else calls for a recorded division, which means a standing vote, so that the public can literally see where each particular member stands on an issue and how they vote on an issue; when that sort of circumstance arises . . . I'll go on to quote the proposed rule change, quote:

. . . the bells to call in the members (parenthetically, I'll say, to call the members in to vote) shall be sounded for not more than one hour, provided that while the members are being called in, either the government or official opposition member serving as House Leader, Acting House Leader, chief whip or deputy whip may approach the Speaker or chairman to request that the division be deferred, in which case the Speaker or chairman shall announce that the said division has been deferred until a specified time, but in any case not later than before orders of the day on the second sitting day thereafter.

Now this is the rule change that we're addressing ourselves to, and the item under consideration is . . . not consideration, but only, but controversy as well, is that the bells call the members for not more than an hour.

It's in this context then, when I make my remarks about the democratic ideal. We're talking about the opportunity for people to voice their judgement on a particular piece of legislation so that democracy can in fact take place. And if this government didn't have privatization at the top of its agenda as a priority, if SaskPower weren't a priority, this bell-ringing wouldn't be a priority either.

And the members opposite will claim that the opposition would ring the bells on something else; that willy-nilly we would be ringing the bells on just about any old thing that would come along. And I think that that's a concern, and in some respects, in some fundamental respects, a legitimate concern for members opposite to articulate because if that were to be the case then clearly not only the province would become ungovernable but it would become undemocratic.

But that argument simply doesn't hold water, and I would ask the people of Saskatchewan to consider for a moment what would happen if it really were to be the case that whenever the opposition were to have an issue that they wanted to dilly-dally with, they would just walk out and let the bells ring. How long would the public tolerate that? Not very long, Mr. Speaker, not very long at all.

(1945)

I don't know whether the members opposite have much faith in the democratic process at all, but I want to say that I believe in the democratic process and that the people in their wisdom would not accept that kind of frivolous, capricious ringing of the bells by any opposition, be it New Democratic, Progressive Conservative, Liberal, Social Credit, Western Canada Concept, any opposition that would frivolously ring the bells, and maybe a Confederation of Regions Party — it wouldn't really matter what — that would frivolously and capriciously ring the bells for no justifiable reason, simply as an excuse to promote their own agenda, would not last very long as an opposition that had the confidence of the Saskatchewan public. And that's because, that's precisely because, Mr. Speaker, of this democratic ideal — that there is a built-in provision for accountability that sustains the democratic process even when the bells ring for frivolous or capricious reasons.

And I think that's why, precisely why, this notion of government by the people is so integral to the consideration of this particular Bill, because if in fact there is a built-in provision for the public to exercise a veto over any legislative hanky-panky with respect to the ringing of the bells, then the opposition, any opposition, that plays hanky-panky and plays fast and loose with the rules of the Assembly, will pay the price. And I think that the public has seen with the SaskPower issue these last weeks, that the New Democratic opposition here in the province of Saskatchewan has walked a very fine line, a very sharp edge between responsibility and irresponsibility in its exercise of the rule that is now standing in the book of *Rules and Procedures of the Legislative Assembly*, rule 33(2), that allows for the bells to ring fully and freely, and that that has been quite a balancing act for the opposition.

And it's been said before that really — and this is quite the truth — the opposition members did not know for how long they would be staying out while the bells were ringing. None of us knew for how long we would be out and about gathering signatures because, Mr. Speaker, we didn't know what the exercise of that democratic franchise implicit in the existing rule, that public censorship or veto of our actions, what that would be, when it would fall. How could an opposition measure that?

Some people were saying when we walked out on the Friday morning that there was no question we would have to be back on Monday, because if we weren't back we would be cutting our own throats with the public; we would be violating the public trust; we would be abrogating our parliamentary responsibilities; and we would be playing fast and loose with the rules of the Assembly which are here, Mr. Speaker, to facilitate and foster the democratic ideal.

Some people said, well no, we don't have to go back on Monday. Perhaps this rule which we really haven't paid any attention to or looked at previously to this and it hasn't been invoked very often in this Saskatchewan Legislative Assembly . . . It's only been acted on very, very rare occasions.

And some members of our caucus took a look at it and said, well my goodness, we don't have to be back on Monday morning. Perhaps we should wait a few days and see how public opinion mobilizes and whether it begins to mount for us or against us.

And how would one know on an issue that volatile, that had been like some sort of sleeping giant across the province of Saskatchewan, when it was awakened in the Saskatchewan people, how would or could any political party — the government or the opposition — know ahead of time what the public judgement would be, what the democratic process would issue in when it came? How could the government or the opposition know what the end result would be when this wave of public opinion would wake up and land on one side or the other side of the privatization issue?

And so that is to say that when we looked at rule 33(2) and noted that there was, in fact, an open-ended provision for the bells to ring, we had to weigh where not only we stood — that was difficult enough — but to weigh where the public stood, which is even more difficult.

That is the kind of exercise that one has to approach with a great deal of care and respect, a great deal of listening carefully to public opinion and the measuring and testing public opinion, because if you go too far you'll pay a price far greater than that proposed by the rule change made by the member for Kindersley, who paid a far greater price than simply having debate curtailed to an hour. You'll have your political options curtailed or cut off entirely by virtue of public opinion.

I note further, Mr. Speaker, that in this same report from Westminster on March 3 to 20 of 1987, that the author, on March 20, compared parliamentary experience and problems. And certainly as the president of the Commonwealth Parliamentary Association and Speaker of this Assembly, you, if anyone, know what parliamentary problems are all about.

And I find it interesting that the individual who wrote this report notes that one of the problems discussed was, "the powers of the opposition to stop legislation."

Now that is an issue that is a real conundrum in some respects, and I just wish that we had a little, in retrospect, that the author of this report had explained a little bit more fully what some of those powers of the opposition to stop legislation were, what kind of discussions were held there in Westminster, and what kinds of judgements were made with respect to the curtailing of bell-ringing.

One wonders whether that was even discussed at all. I've heard some comment in this debate, and I haven't listened to all of the comment in this particular debate — it's gone on for quite some time — but I've heard some comment that apparently even in Westminster, if I'm correct, there are some strictures on the bell-ringing. And it would be quite interesting to know if that was viewed, bell-ringing is viewed in Westminster by other parliamentarians as a legitimate power of the opposition to stop bell-ringing.

Now it certainly is the case that in this legislature here in

Saskatchewan, the power . . . the ringing of the bells for an unspecified, unlimited amount of time is a legitimate use of the opposition's power to stop legislation. That's under debate right now, but unless and until the rule 33(2) is changed, the opposition presently has, as was demonstrated a few weeks ago, the power to, in effect, stop legislation by virtue of the ringing of bells.

And obviously this is the bone of contention. This is what outrages the government: that in proposing legislation, more specifically legislation to privatize SaskPower, that their agenda can be derailed — not only derailed but stopped — by virtue of an exercise allowed in the rules of the legislature as they presently exist; that built into the operation of this Assembly is the provision for unrestrained bell-ringing; that built into the parliamentary practice of this province, built right into the functioning of this elected legislature, is provision for the opposition to stop legislation. For how long? Well we don't know.

Certainly the ringing of bells, as we have seen, can stop the legislation temporarily, and this is a question that could occupy us for a long time, as to how effectively the ringing of bells can stop legislation cold.

We know that legislation to privatize SaskPower has now, at least temporarily, been suspended, or withdrawn, or withheld, as the government . . . well I was going to say reconsiders. I don't know whether that's quite the word. I was going to say while the government reconsiders the SaskPower legislation. I think that perhaps it's more accurate to say that the legislation has been stopped or stalled while the government reassesses, or maybe regroups, or maybe propagandizes the Saskatchewan public.

In any event, the mere fact that we have a rule that allows for the opposition to stop legislation, whether or not that exists in Westminster, that there exists here in Saskatchewan a measure or a tool for the opposition to stop legislation cold, at least temporarily — we can debate that — but that there is provision to stop legislation, points to the validity of bell-ringing.

And would that we had some of the insights gleaned from that gathering of parliamentarians in Westminster in 1987. It would be very interesting to see if there were any minutes kept of this particular meeting other than the report that we have in this booklet, that would give some kind of indication as to how the parliamentarians from Singapore perhaps, or from Trinidad or from Malaysia, or any other point, Australia, or India, would have viewed this question of powers of the opposition to stop legislation, and the attendant discussions, not just of the powers to do it, but the appropriateness of these various legislative or parliamentary measures that the opposition has at its disposal.

(2000)

I do have to admit, Mr. Speaker, that if I were to be a member of the government, if I were to look at this proposed motion of the member from Kindersley that the *Rules and Procedures of the Legislative Assembly* be amended to constrict the ringing of the bells, I would have

to say to myself yes, this would limit the powers of the opposition to stop legislation and therefore it would be a good thing.

I must confess, Mr. Speaker, that that would be my sort of knee-jerk reaction, if I were a member of the government. I think — no I won't say I think; I know, Mr. Speaker — while that would be my knee-jerk reaction, that upon reflection, that would not be my considered opinion. Because it would be a short-term, a short-sighted sort of view of the parliamentary process and the legislative process, a short-sighted view of the democratic process, that I would, as a member of the government, simply have a tool such as we have before us in the proposed motion from the member from Kindersley, the opportunity to limit the opposition's ability to stop legislation, to restrict the ringing of bells to one hour, to restrict the democratic process, and then to get on with one's agenda as government.

There would, I admit, be an initial attraction there, but upon reflection, the attraction of power, of power over the opposition, in my case at least, and I say this honestly, Mr. Speaker, would give way to a broader, deeper view of giving power to the people of the province, and that any legislation to be proposed by a government, even if I were part of it, ought to bear the scrutiny of public opinion.

And if it can't bear that kind of scrutiny, even if the opposition is allowed 17 hours, Mr. Speaker, then that legislation ought not to be passed. For better or for worse for the government, whether it's a Conservative government or New Democrat government or a Liberal government or Confederation of Regions government, whatever the ilk, whatever the strife; if a piece of legislation can't bear public scrutiny, can't stand up to the democratic process itself, can't stand up to 17 days, as is presently allowed by the rules of this Assembly, then it ought not to be promulgated across the province as the law of the land.

Some Hon. Members: Hear, hear!

Mr. Koenker: — And that, Mr. Speaker, is the situation that we have before us with this particular motion from the member from Kindersley, that the question implicit in all of this debate is whether the privatization of SaskPower can bear public scrutiny; whether the Bill to privatize SaskPower ought in fact to be promulgated without due parliamentary process.

While there are differences of opinion as to how this process ought to take place, how legitimate it is for the government . . . or rather, for the opposition to stop legislation, we know one thing, that with the proposed motion that, quote:

. . . the bells (are) to call in the Members (and that they) shall be sounded for (no) not more than one hour . . .

No piece of legislation need go through that crucible of public examination. There's no need for it, if there is only provision for one hour of public reflection. And that's why, because of that democratic ideal, that members on this side of the House are standing and speaking against

the rule to change the amount of time that the bells of the Assembly can ring, and the amount of time allocated to the democratic process.

We feel that there is no question of the importance of having ample opportunity for legislative scrutiny. It simply isn't good enough for . . . Just as it isn't good enough for members of the government to say, trust us — we've seen that they can't be trusted on some fundamental issues — it's not good enough either for the opposition to say, trust us. Members on this side of the House are saying, trust the democratic process; trust the democratic process.

There are going to be times and seasons and occasions in which one party or another party can't be trusted. We as New Democrats on this side of the legislature say, for sure, for certain, the one thing that can be trusted is the democratic process — that the people are always right.

Some Hon. Members: Hear, hear!

Mr. Koenker: — And I'd like to quote, Mr. Speaker, from another document that makes the same point about the importance of the opportunity for public scrutiny of legislation, for full flowering of the democratic process, and for ringing of the bells in full and free measure rather than in a constricted measure as proposed by this resolution. And the quote reads as follows, and it concerns parliamentary democracy:

Parliamentary democracy is a precious thing in a world where tyranny and government by unrestricted executive fiat are all too common. Our institutions of parliamentary democracy must not be allowed to wither from neglect, nor to be eroded by an undue increase in the power of the majority of the day or of the executive. Our democratic institutions must be protected and nourished so that they not only make possible democratic government today but make it possible for our children and their children as well.

That's the end of the quote, Mr. Speaker. The point made is that parliamentary democracy must not be allowed to wither from neglect. I don't think that that's the issue before us now, when we're looking at this change in the bell-ringing motion. It's not a question of the parliamentary tradition withering from neglect. In fact, far be it from neglect, this is a good scrutiny of the parliamentary democratic tradition in reviewing a proposed motion to change the rules of this Assembly. So parliamentary democracy isn't going to wither from neglect.

But the other concern mentioned, that parliamentary democracy be eroded by an undue increase in the power of the majority of the day — that is a direct concern when it comes to this proposed change in the ringing of the bells. How might parliamentary democracy be eroded by an increase in the power of the majority of the day, as this quote talks about? How might that happen?

Well I invite you to think about it for a moment, Mr. Speaker. How could it be, how could it be that

parliamentary democracy, with all of its checks and balances, this system of government so precious to us, that has worked so well, how could it be that parliamentary democracy might be eroded by an increase in the power of the majority of the day? If we have these parliamentary traditions and if we have these parliamentary institutions, how could it be that they would be eroded simply by an increase in the majority of the day, or of the executive branch of government?

I'll tell you, Mr. Speaker, how that might take place. That erosion of parliamentary democracy, by a majority of the day or by the executive, might take place precisely as we have the motion from the member from Kindersley before us tonight. That is how parliamentary democracy might be eroded by an undue increase in the majority.

Where a government who has a majority, as the present government has, unilaterally introduces a motion to change the rules of this Assembly, to change the parliamentary practice of this Assembly, to limit debate by limiting the ringing of the bells to one hour, that's how parliamentary democracy can be eroded by an undue increase in the power of the majority of the day. It would limit public debate and that would erode parliamentary democracy.

That's my point in talking about democracy, Mr. Speaker, that in eroding public debate the people, the *demos*, don't have the same opportunity to put forth their view, if the bells are only ringing for one hour. This is a terribly important issue then for us to be considering.

And I say to you, Mr. Speaker, that it's no accident. It's no accident, whatsoever, that New Democrats are speaking to this democratic concern — this parliamentary democratic concern before us tonight in the motion on rule 33(1), that it be changed. It's no accident that we're speaking against this rule change, because the comments that I just quoted to you are from our proposals for legislative reform that were tabled in April of 1987.

You'll recall, Mr. Speaker, that it was on December 19 of 1986 that this very Legislative Assembly of Saskatchewan approved a motion that a special committee be appointed to examine the matters with respect to rules and procedures and practices and powers of the Legislative Assembly, that this special committee was appointed to look into the operation and the organization and the facilities and the services provided to the Assembly.

And it's no accident that the Assembly approved the motion in December of '86 to examine the *Rules and Procedures*, because, Mr. Speaker, as you know, that has been the tradition of this Legislative Assembly from day one, that when it comes to rules and procedures and other such practices and powers of the Legislative Assembly, they historically have always been done by committee, by a committee comprised of members of both sides of the House.

(2015)

And what we have here tonight is a situation in which there is no committee to look at the rules of the Assembly, and that's why the Assembly itself is stuck and mired, as

some people might say, looking at rule 33(1) — precisely because there is no committee to do that kind of job as there was back in the winter of 1986-87. That was the proper way for the rules and the procedures of the House to be reviewed and examined by members of the Legislative Assembly.

And confirmation of that, Mr. Speaker, is found in fact in some of the very debate that took place in this Assembly when the member from Kindersley introduced his motion regarding rule 33(1), that the *Rules and Procedures of the Legislative Assembly* be amended to allow for only one hour of bell-ringing. These were some of the very considerations that were raised by the member for Kindersley at that time.

Indeed his remarks were divided, as you might recall, into three parts. He talked about the dealing with what the existing rules of the Assembly are and how they work, and what rules are in other jurisdictions. And he went on to talk, secondly, as to why these amendments to the rules are being proposed; and then, thirdly, as to why they're being proposed in the fashion that they were.

And I note, Mr. Speaker, that when the member from Kindersley first introduced the motion that we're discussing here tonight almost a month ago on May 11 at about . . . at about 2, must have been about 2:40 in the afternoon on the afternoon of May 11, I note that he explains in some detail that:

. . . bell-ringing has been used by both major political parties (here in Saskatchewan) while they have sat in the Assembly.

In fact, it's interesting to note, Mr. Speaker, that the member from Kindersley has experienced the issue of bell-ringing from both sides of the Legislative Assembly. And I suspect in that regard he's one of the few members here who really has had the opportunity to view the issue from both sides of the fence or both sides of the House, to put it more directly.

Now he goes on to observe, Mr. Speaker, in proposing this rule change, it's his submission "that these rules left unchanged and unchecked" spell trouble.

He goes and says very directly that, as he has seen from first-hand experience, and I take it he's referring to the 17-day bell-ringing episode over SaskPower and possibly some of his previous experience in opposition, it's his contention that:

. . . left unchanged and unchecked, as . . . (he has) seen, (these rules) can be used by the opposition as an (quote) unrestricted, obstructionist tactic.

He doesn't say, interestingly enough, that they have been used as an unrestricted, obstructionist tactic. He notes that they can be used, they can be used in this fashion, they may be used. And well might they be used in an obstructionist fashion. That certainly is a possibility, and a dangerous possibility to any government, that an opposition would exercise this rule as it exists now, with only one hour of bell-ringing, in an obstructionist fashion.

The member from Kindersley notes that that hasn't been the case thus far. He goes on to say that:

It can in fact shut down the legislature.

Again, while he notes that this existing rule provision can shut down the legislature, he doesn't say that it has shut down the legislature cold. He notes that this:

... can be forced ... (that the government may) prematurely prorogue the House, perhaps prior to the passage of a budget or the legislative agenda.

But this isn't necessarily a given; it isn't the inevitable consequence of having such a motion on the books.

He notes further that as we have come through the 17-day bell-ringing incident, he notes that he, as a member of the government, came up against the wall, as he puts it, as it related to the ability to make payments out, in other words to various institutions and individuals across the province, without passage of an interim supply measure.

But that's not entirely accurate either. The government may have been approaching the wall with respect to its ability to make payments to individuals and institutions in fulfilment of its elected responsibility. It may have come up against the wall, but it's important to note that that was not in fact the case; that it did not happen that funds were held back from individuals and institutions because of the existence of rule 33(2) as it presently stands. That simply wasn't the case, that because debate was unlimited — public debate, that is — because there was no cap on the ringing of the bells, it simply isn't true to say that any individual or institution went without government funding because of the lack of passage of an interim supply Bill.

The member from Kindersley notes, as is pertinent when we're considering the question of how long the bells can ring, which inevitably implies a question of government funding, and in the situation we found ourselves, the necessity of an interim supply measure so that payments can be made to those who need them.

The member from Kindersley goes on to note that when the legislature is in session the government is precluded from using what are referred to as special warrants to make payments that are not otherwise authorized. And for the public I would say, I'm sure you understand, but for those who might not understand, this means that while the legislature is in session the government, in its executive branch, namely the Premier and his cabinet, cannot simply sit upstairs around the table of some sort of boardroom and by executive decree, by special warrant, by special action of themselves as a law unto themselves, they cannot make allocations of money for government expenditures while the legislature is in session.

And in fact there was, as you probably yourself encountered, while the bells were ringing — because we had provision for that to happen under the existing rules — while the bells were ringing there was considerable confusion on this very question by members of the public while they were considering initially the question of the privatization of SaskPower and making their judgement

on that issue and signing petitions.

It wasn't long into the bell-ringing, maybe day 10 or 11 or so of the 17 days, that some people began to scratch their heads and say, how long can the government go without allocations of money to pay school boards and hospitals, not to mention individuals on social services. That was a question that was asked just as often, in many instances, as the question about the virtues associated with the sell-off of SaskPower and what that meant — the question of how long the government could go without an authorized expenditure.

And the government members were not remiss in this regard in raising that very question themselves, pointing to, as the Minister of Justice, the member from Kindersley, says in his remarks to this Bill, indicating that the government found itself up against the wall. And as I said, that's not exactly true.

The ability to pass special warrants was not an issue during this most recent bell-ringing episode because the legislature was in session, even though it wasn't in session for ... well it was in session — I've just said that. Even though members weren't sitting here for 17 days, it still was in session.

And in fact the Friday that we walked out and left the bells ringing initially, for all of those 17 days stayed, legislatively speaking, parliamentary speaking, that same day — all 17 days of it. And it was for that reason that the legislature was still regarded as being in session, that the government has no need to resort to special spending warrants, and in fact, had no need for it, but was, as the Minister of Justice says, was precluded from authorizing special warrants to make payments to people who are on social services.

And I note in this regard that the Leader of the Opposition had a member of the public come into his office during this bell-ringing episode, during the 17 days, and as an aside happened to ask this woman what she thought about the privatization of SaskPower and the ringing of the bells. And this was about day 12 or 13 or 14, as people were beginning to consider more and more the consequences of not getting social services cheques and institutions not being able to pay salaries. She said, keep up the fight; don't let them privatize SaskPower.

An Hon. Member: — Bless her soul.

Mr. Koenker: — Yes, yes. Bless her soul.

Some Hon. Members: Hear, hear!

Mr. Koenker: — And the Leader of the Opposition, being the kind of man that he is, said: even if that means you don't get a cheque from the company that you work for? Because she worked as a washer for a laundry company; she laundered hospital linens. She said, even if the hospital ... Leader of the Opposition said: even if they don't receive money from the government because the bells are ringing — even then we should stay out? And this particular woman, with tears in her eyes, said, yes, even then; even if I don't get my pay cheque.

(2030)

Now that's a commitment, Mr. Deputy Speaker, to the democratic process. And that's a rare kind of judgement, and the one that I think all of us are well advised to consider when we're looking at this issue of whether the rule should be changed or not. Because were we to change the rule and limit debate to one hour, then we would have precluded any necessity for that kind of discussion that I've just described to take place.

And not only would we have precluded that kind of discussion, but we would have cut short or precluded that kind of commitment to the democratic process . . . to form, to grow, to be strengthened . . . I can't seem to find the right word, Mr. Speaker.

If we didn't have more than the hour that's proposed in this legislation, we wouldn't allow that kind of . . . I want to say commitment to the democratic process; that kind of genuine democratic expression to arise internally — internally, that's a good way to put it — from within individual Saskatchewan people themselves; where individual Saskatchewan people took ownership of what initially was a legislative issue, what was clearly at the beginning of the bell-ringing episode, a very theoretical, legislative kind of issue restricted to the confines of this Assembly until that Friday when the New Democratic caucus walked out.

Then once that happened, and once the opposition stayed out for more than that first hour and for that second hour and then for the whole of that Friday morning, over the weekend, and then didn't come back on Monday or Tuesday or Wednesday or Thursday or Friday of that week, or Monday, Tuesday, Wednesday, Thursday, Friday of the next week, until Monday of the following week, then, Mr. Speaker, then individual men and women, young people across the province, had the opportunity to reflect on what kind of vision and commitment they held personally to some of the institutions and the . . . well the Crown corporations such as SaskPower, that had been built over the generations by their forbears.

One might well ask, Mr. Deputy Speaker, how this particular woman might have felt about the issue that we're addressing here tonight. One might well ask how would this woman who washes clothes in a laundromat, a large institutional laundry in Saskatoon, this woman who washes sheets and hospital linens, how would she feel if she had opportunity to get up in this Legislative Assembly, as I have, and to speak to a change in the rules which would limit the ringing of the bells to only one hour.

I think that it's quite clear, Mr. Deputy Speaker, that a person such as that would oppose a change in the rules of this Assembly; that she sees and would know that there is an inextricable link between a change in the rules to limit debate for one hour, that there is an inextricable link between that and the government's measures to privatize SaskPower.

And for someone who would be willing to even forego wages, low wages, probably minimum wage, for the sake

of an ideal . . . Well it's not just an ideal. I was going to say an ideal like having SaskPower as a utility owned by the government. For an individual who is willing to forsake even minimum wage for that kind of . . . not just ideal, but practical reality of a public utility that touched her directly in a positive way, she would strongly oppose this proposed motion to change the rules of this Assembly to limit bell-ringing to one hour, and so do most people in Saskatchewan.

Mr. Deputy Speaker, we would not have to speculate how this woman might feel. We know how she would feel, because when there is opportunity for only one hour of bell-ringing, there is no opportunity for ordinary men and women to partake of the democratic process in the way that it transpired here in Saskatchewan this past spring.

The use, as I said, of special warrants by the government during this period turned out to be totally unwarranted. And why? How could it be, Mr. Deputy Speaker, that when we have an existing rule . . . what is it again, 33(2)? When we have an existing rule in the rules and procedure book that allows for full bell-ringing without any limitation — just full, free, unrestrained bell-ringing — how is it that the public can participate?

Well we know how the public can participate in this democratic exercise. They have opportunity because there is full and free opportunity to examine any government legislation that might transpire.

And when the . . . If the member from Kindersley in his remarks on May 11 is thinking that the government was prevented from using special warrants, or precluded from using special warrants, as he says, that's simply not the case, because although the existing rules allowed for the bells to ring for those 17 days, it didn't result in the government's hands being tied financially. There was a built-in mechanism there, not only for democratic expression for people such as this woman who washed laundry, but there was a built-in provision for a check on any opposition that would dare withhold government expenditures.

And I might add that there wasn't an individual on this side of the House that wasn't aware of the risks associated with sustaining a bell-ringing episode beyond 17 days, as is allowed for presently by the rules. There wasn't a member of the Legislative Assembly in the official opposition who wasn't aware that that was a risk.

There was a definite risk that if we went beyond the dictates of the democratic process that are implicit in this existing rule, if we violated the checks and balances that are written into the existing rule 33(2), then we would have cut ourselves off from the people of the province; we would have cut our credibility not just in half, but to smithereens. There would have been nothing left.

And that's why I say then, Mr. Deputy Speaker, that there really is no need for this particular rule change as proposed by the member from Kindersley. Not only is it inappropriate in the way in which it is proposed, namely, unilaterally, without consultation of the opposition, but it's ill-considered in terms of its consequences for the

democratic process itself. That the member from Kindersley, in proposing this particular motion as he has, that would call for the bells to be sounded for not more than one hour, he has ill-considered the democratic process, and what it is that makes this Assembly tick, and what it is that sustains a government in power and will turf an opposition into oblivion if it violates that democratic standard implicit in the existing rule change.

And this is so fundamental, Mr. Deputy Speaker, to understand that when we have a rule change that disregards the democratic process, it ill-behoves or -bespeaks members of this Legislative Assembly to support it. I think that that ought to make sense; that if we have a rule change that violates not just the parliamentary process — because there are many people in Saskatchewan who can't relate to the parliamentary process itself — but if we have a rule change that violates not only the parliamentary process but the democratic process, then we have a rule change that is ill-considered and that ought not to be adopted.

Now I think of the woman who washes clothes commercially on a fixed wage, and I must say I doubt that were this proposed rule change simply a parliamentary measure, I doubt that she would have given it a second thought. I think it's fair to say, Mr. Deputy Speaker, that there are members on both sides of the House, that all of us at one time or another look at certain parliamentary rules and ourselves really give little or no consideration to them. I quite honestly have to ask myself how often I sit down with the *Rules and Procedures of the Legislative Assembly of Saskatchewan* and review them with any great detail. I simply don't do it. I don't scrutinize them. I don't keep this book of rules under my pillow at night to try to absorb them by osmosis.

I think most of us as parliamentarians are similar to the public in that regard, that whether it's rule 33(2) or — have I got the right rule? — whether it's rule 33(2) or rule 33(1) or 32, they all have to do with voting procedures. Ordinarily we don't need to scrutinize them or to review them or to memorize them to absorb them into our being and into our lives on a day-to-day basis.

(2045)

And I think that the same . . . If that's true of us as legislators, as parliamentarians, it's certainly true of the public at large, that rule changes will never preoccupy them. It doesn't really matter to most people; it's of no consequence, most of the rules of this Assembly, until, Mr. Deputy Speaker, until they see the connection to real-life issues.

And that's precisely what happened a month ago when the bells of this Assembly rang for 17 days. Then there was an issue of consequence that caused people to scratch their heads, and to talk to their relatives and friends, and to think, what's going on down there in Regina? And the people were told, well, there's a rule. There's a rule that allows the opposition to ring the bells. And people would ask, why are these bells ringing anyway? I think it's fair to say that just as people don't always reverence the *Rules and Regulations of the Legislative Assembly*, they don't even reverence the proceedings of the Legislative

Assembly, they don't even reverence newspapers, radio broadcasts, news broadcasts or television broadcasts, especially as the weather is getting nice.

And so people would only naturally say, well what's going on down there in Regina? Why are the bells ringing? And the answer, of course, was the bells are ringing because the government wants to privatize SaskPower. And the people will say, well why are they ringing? So what does that have to do with anything? Then over the next hours, that weekend, the media began to explain that the bells were ringing for a reason. The bells were calling the members of the Assembly to a vote. And people would naturally ask, well if the bells are calling the members of the Assembly to a vote, why aren't they voting?

The press began to explain that the members of the opposition weren't coming to answer the call of the bells because they opposed the privatization of SaskPower. And because the government had a majority, that legislation would be introduced without any possibility of stopping it unless the opposition decided to stay out. And that's precisely what happened. The opposition did stay out.

The press reported those events over the weekend, and over the course of the weekend it became apparent to us as members of the opposition that because of the bell-ringing provision, because of the existing rule of this Assembly, the public had an opportunity to review and reflect on the issue of the privatization of SaskPower.

The point is, Mr. Deputy Speaker, that that simply could not have taken place if there had been the rule 33 . . . Excuse me. That simply couldn't have taken place if the existing rule 33(2) had been replaced by the proposal from the member from Kindersley to allow the bells to ring only for one hour. There would not have been that public explanation of why the bells were ringing over the course of that first weekend, and the public would not have participated in the democratic process in the way in which they did.

So we see that, far from being anti-democratic, the ringing of the bells serves a democratic function. And it went on for a rather extraordinary period of time, for 17 days, to facilitate and serve that democratic function in a way that surprised, I think, every single person in the province who thought about it for more than a mere passing moment.

Because if you stop to think about it and consider the opportunity afforded, not only in opposition by virtue of the existing provisions for the bells to ring without limit, but if you stop to think, Mr. Deputy Speaker, about the opportunity afforded, not just the opposition but the public as a whole, to scrutinize and review the issues of consequence precisely because of the rules that we have with respect to the bells, then you have to say, this is the democratic ideal at work. This the democratic ideal that I talked about earlier of Athenian democracy where we have government by the people.

Now it's often associated . . . when we think about rule or governance, it's often just assumed that we're talking about those who rule and those who are ruled, those who

are governed and those who govern, as two separate entities.

But what we see implicit in this rule change is that in a democracy there is a contradiction of sorts of that notion that to rule automatically implies lording it over, governing, ruling someone else — that there's a dichotomy there. Because in a democracy we're talking about the rule being affected by the ones who are ruling. The ones who are ruling are ruling, not someone else, but they're ruling themselves — that in a democracy the people, the *demos*, are ruling themselves, the people.

And this is a bit of an unusual paradigm of governing, but this is precisely the democratic model that is implicit in allowing the bells to ring for an unspecified, unlimited amount of time here in the province of Saskatchewan.

And we see this in the government's concern itself. Government members have suggested that this rule change has to be effected, it simply has to come to pass because without it the government cannot rule. And there's a certain logic to that, that if the government is forced to wait while an opposition walks out of the legislature and leaves the bells ringing, then the government can't rule; it can't govern as it's been elected to do.

But what that view of governance and government misses is the notion of democratic rule whereby the people rule; where a government is by the people; where government is self-government in a democracy. And so it's in that sense that this paradigm of democracy as self-rule becomes very central to the kind of discussion that we're having here tonight on the rule change.

The question in some respects is: who will rule? Will the government rule by being able to control the ringing of bells to only one hour, or will the opposition rule by being allowed to walk out of the Assembly while the bells ring for an unlimited amount of time?

And the question then can be put in that context of who will rule, the government or the opposition, who will have their way, who will win the battle? In some respects, that's the question that people are wondering perhaps even tonight when we're discussing this very motion to limit the bell-ringing: who will rule?

But that ignores the question that's more fundamental — not who will rule, who will have their way, who will be the winner, who will be the loser? That ignores the question of: who should rule? And there, Mr. Deputy Speaker, I think we have to say, if we are true to our democratic forebears, that in a democratic parliamentary tradition the people should rule, that the people should always be the winners, even if it's with all the attendant risks that democracy comes with, even if we run the risk of tyranny. It was Senator Barry Goldwater in the United States, I believe, who said something to the effect of . . .

The Deputy Speaker: — Order. I've allowed the member a lot of latitude, but I don't think that the American political system really has a lot to do with Bill 33, so . . . Order. I'd ask the member to bring his remarks back to rule 33(1) being discussed here tonight.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Thank you, Mr. Deputy Speaker. I'll attempt to constrict my remarks more narrowly to rule 33(2) to . . .

An Hon. Member: — What does it say?

Mr. Koenker: — . . . that concerns . . . It's a rule . . .

An Hon. Member: — Read it.

Mr. Koenker: — Well I won't read it. It's rather long, Mr. Speaker, but I'll attempt to confine my remarks to the rule under discussion that limits the bell-ringing to only one hour.

I think it's important to say in that regard that it isn't true that tyranny can be used in the defence of liberty or democracy. That simply isn't the case. Some would say that. There might be some Americans who would say that, but no one here in this legislature would certainly allow for tyranny in the defence of democracy, even though the ancient Greeks, as I said, expressed that concern about the democratic process itself becoming tyrannical.

And government members, when they look at this Bill 33(2), express a concern at the democratic process being tyrannized by the opposition by virtue of unlimited bell-ringing. That may seem to be an excess; it may seem to be a dangerous excess to allow the public unlimited, shall we say, tyranny, to allow the public unlimited opportunity to scrutinize government actions — the great unwashed masses. And that's precisely what the present rule allows.

(2100)

In a sense, I think it has to be admitted that the present rule allows for a tyranny of sorts, not just by the opposition, but allows in a fundamental sense, in a democratic sense, for a tyranny of the people to have their way. And there's a sense then in which there's a very delicate balance for an opposition in terms of its legislative or parliamentary response when the people are pushing in tyrannical fashion for the opposition to stay out, to keep the bells ringing.

That can result in tyranny, and it's then that we have to ask ourselves: how long can this be allowed to continue? And that can be an academic question as to how long the bells can ring, how long we can tolerate democratic tyranny, unless and until we appreciate the sense in which, in a democracy, the people are always right, that the people always have their say.

Democracy is the least efficient form of government, according to Winston Churchill. But if the people have their way, if the people have their say, if the people have their day, even if it's one legislative day that turns into 17 real calendar days as a result of the existing rule that we have, then we haven't gone wrong.

Some Hon. Members: Hear, hear!

Mr. Koenker: — It's far better to have one legislative parliamentary day like that that lasts for 17 days, because we have the rule that we do existing in this House — it's far better to have that than to have one legislative day that only allows for one hour of bell-ringing. It's hard to imagine that hour that's proposed by the member for Kindersley as amounting to any real opportunity for exercise of the democratic option. With . . .

An Hon. Member: — Does that mean that all the other eight provinces . . . (inaudible) . . .

Mr. Koenker: — The member from Rosthern wonders if the other eight provinces or jurisdictions in Canada that have a limitation for one hour, whether that means that they're wrong. And I think that it's not a question of other provinces being right or wrong, it's a question of what is deemed appropriate for us here in Saskatchewan — what will enhance the reputation of this Legislative Assembly?

There's a temptation in life and in this Legislative Assembly to try to make decisions and judgements and exercise governance over things of which we have no control. Far be it from any one of us in this Legislative Assembly to control or to determine what happens to the people in Manitoba our neighbouring province, or British Columbia further from home, or Newfoundland, or the federal government, any of the provinces that have different bell-ringing motions.

And so I would simply say then to the member for Rosthern: I don't know that we need to be unduly concerned with other provinces. I think it behoves us to look at what they're doing and to consider whether they might have considered parliamentary procedure that we might benefit from. I don't know that we are in any position to judge whether they are right or wrong; that's not the issue. The issue is whether it's appropriate for us to change our own rules with respect to bell-ringing.

And I hope that the member from Rosthern will speak to this issue and will share his thoughts as to the appropriateness of this change in the *Rules and Procedures of the Legislative Assembly* as they have been proposed by the member from Kindersley.

There is a great propensity, there is a great temptation, in fact, Mr. Deputy Speaker, for government members to speak to this motion from their seats. And I admit it does take some effort to put together remarks such that you can stand up in the House and address a given subject. I spent a number of hours researching my remarks for tonight, and I've done some reading in historical sources; I've done some considerable reading of the previous debate on this issue.

And I've looked, as I say, even at some of the reflections of leadership from this province in the Saskatchewan Branch of the Commonwealth Parliamentary Association, because I think that we can't simply rely on our own narrow prejudices as to what is appropriate, or what is even right or wrong in the examination of this rule change question. We need to look at the more fundamental questions of appropriateness and what, in fact, is appropriate for us as legislators here in the

province of Saskatchewan.

And that's the simple task, as to what's appropriate for us as legislators, when we look at this legislation. That's relatively simple because then we can bring our own prejudices to bear on the debate. But when we ask the question of what serves the interests of the people of Saskatchewan, then we have to expand the debate beyond our own prejudices and beyond the parameters of our own opinion and delve into some of the larger questions that are pertinent to rule changes as they are proposed by the member for Kindersley. And I would say . . .

Some Hon. Members: Hear, hear!

Mr. Koenker: — To put it quite bluntly, Mr. Deputy Speaker, I look at this proposed motion by the hon. member from Kindersley, the Minister of Justice, that the rules and procedures of the Legislative Assembly be changed by adding to rule 33(1) a subsequent section that would call for the bells to be sounded for not more than an hour, to limit the ringing of bells; to put it quite bluntly, Mr. Speaker, I don't think that motion belongs on the order paper. I think that the member from Kindersley is certainly entitled to put it there, to move it; I wouldn't deny him that right; I think that's his right as a parliamentarian. But I must say that I don't think it belongs on the government's order paper. And I certainly must say that I don't think it belongs at the top of the government agenda when, as we saw today, there is environment legislation to limit the number of environmentally dangerous products, that when we have an issue like rule changes precluding other parliamentary business, then we have to look at the question of what the rule change is trying to affect.

This particular rule change is trying to effect a constriction of the democratic process, and it's for that reason that it doesn't belong on the government's order paper.

Some Hon. Members: Hear, hear!

Mr. Koenker: — And I say this motion doesn't belong on the government's order paper; it would restrict the democratic process. What else could it do, Mr. Deputy Speaker, by allocating only one hour to consideration of any legislative measure?

The limitation of public scrutiny or examination to only one hour flies not only in the face of parliamentary tradition, but it violates the public sensibility on the issue of SaskPower.

The people know that the government has an agenda to ram this privatization measure through. And if one hour is only to be allocated to a critical public issue like this, it ill serves the public interest that such privatization measures are blatant disregards of the public will, and that's why they've been rejected by the people of Saskatchewan.

There's no need then for us fundamentally to be addressing a rule change when there is more pressing legislation like protecting the ozone layer, and dealing with the real issues that are of consequence to men and women and families across this province. This limitation

of debate, Mr. Speaker, this limitation of the bell-ringing to one hour, would limit the effectiveness of this democratic parliamentary institution.

And I am not going to begin to attempt to recapitulate or examine the arguments made by my colleague, the member for Regina Centre, in commenting on the way in which the exercise of parliamentary democracy has always been a constraint or a curve against excesses in power of the executive branch. I think that the people might want to look at his own remarks on that subject in this particular debate. His remarks were made on Tuesday — no it was Monday afternoon and, I believe, Wednesday afternoon, talking about the fact that in a parliamentary democracy, the parliamentary dimension of an Assembly is always meant to curb executive excess.

I don't want to get into that too long, but I think it's really important, and I really grew in my understanding of this institution by listening to his comments in that regard, because when we have a motion to limit bell-ringing for only one hour, we fly in the face of that parliamentary principle that the parliament of Legislative Assembly is there expressly to provide a limit on executive power.

(2115)

We can easily see how this dimension of parliamentary democracy that puts a limit on executive privilege, on executive execution of power, is a very important check on executive excess and allows for public accountability. Fundamentally, without this legislature there would be no public accountability for a government of any stripe.

Woe be the day when the people of Saskatchewan have no public vehicle for scrutiny or examination of government actions. That would be the day that the public would be ill-served and that democracy would wither and die on the vine. And that's precisely what we don't want to happen here in Saskatchewan with the introduction of a Bill . . . not a Bill, excuse me, Mr. Speaker — that's precisely what we don't want to happen with the introduction of a motion to limit the ringing of bells to only one hour.

We want to keep the best of the parliamentary tradition that allows for a system of checks and balances on the executive office so we don't have an autocratic kind of rule; we don't have an oligarchical rule of a few; we don't have a presidential sort of system of government, but we have a parliamentary, democratic system of checks and balances on executive privilege and on executive power. And that's what we saw happen, Mr. Speaker, without a doubt, during the events of the last month and a half. There was, without any exaggeration, a check on executive privilege and executive power here in Saskatchewan.

Now that check on executive power and privilege that we have in the existing rule of the Assembly to allow for full debate is a definite inconvenience, if not a problem, for this government, and it's been a problem for other governments across the country. And maybe that's why other jurisdictions have deemed it judicious and important to change their legislation governing the ringing of the bells.

We owe it to the people of Saskatchewan to examine whether that kind of constriction on executive privilege is really appropriate for this place and this time, and not only for this place and this time but for future generations of Saskatchewan people.

And in this regard I must admit, Mr. Speaker, that I haven't looked into the record to see if a rule change to limit bell-ringing has ever been considered previous to this in this Legislative Assembly, maybe at some point in time that might approximate prehistory for many of us, maybe in a day and age 30 or 40 years ago in this Assembly. It would be interesting to note if there has ever been active consideration to such a rule change in the past. We don't really know for sure, but I think it's . . . So far no one in this debate has indicated that there has been such a proposal.

Certainly we know that it's been without precedent that such a rule change has been proposed unilaterally by the government. And it's for this reason that my colleague from . . .

The Speaker: — Why is the member from Regina Victoria on his feet?

Mr. Van Mulligen: — Mr. Speaker, I'm sitting next to the speaker, the member from Saskatoon Sutherland, who's trying to make some serious comments about the matter of . . . on the motion that's before us on changing the rules, and members from the government are laughing and carrying on in such a loud fashion that I'm having difficulty hearing him. And I wish you would, Mr. Speaker, on the point of order, call the members of the government side to order in this matter so that the member who is speaking to the motion might be heard and that his comments might carry the day. Thank you.

The Speaker: — There is a little talking and laughing. Unfortunately it happens on both sides of the House from time to time, and I just remind members not to interfere with the speaker.

Mr. Koenker: — Thank you, Mr. Speaker. I think there's a sense in which it doesn't matter whether people are laughing or not. The issue before us is a serious issue; it is an issue of parliamentary democracy, as I've said.

And as I've been trying to explain, if we adhere to that basic notion of government by the people, we can look at the parliamentary tradition and reflect on the events of Beijing these past days and say, would that there were a democratic tradition there. If only there were a democratic tradition in China these days things might be quite different. But where you have no rules to protect the minority, then it's very easy to have executive excess, and this is precisely what we've seen, in so many words, in China.

And I think that we have an opportunity to seriously reflect these days on our own struggle for democracy here in Saskatchewan. And the public will know that it was during the course of this winter and spring that there was a television series sponsored by Petro-Can on that very subject, the struggle for democracy. I didn't see all of the episodes, Mr. Speaker, so I can't tell you whether that

series touched on the issue of bell-ringing or not. I rather doubt it, but it would be interesting to speculate.

If that series were to be redone at some point in time, or someone were to look at Saskatchewan history as it's unfolding these weeks and these days and in fact even tonight, it would be interesting to consider whether they might view this piece of legislation to amend the rules and procedures of the Assembly to limit and constrict bell-ringing to only one hour. It would be interesting to consider whether that would be viewed as part of the struggle for democracy in this province at this particular time.

And those are the kinds of questions we really can only speculate on as we live through them. I think that that's a distinct possibility, and that's why I'm trying to talk about the importance of this particular legislation as it affects the democratic process itself.

The parliamentary tradition of the bell-ringing always sees the bells ringing when the government has gone too far. If the government is doing its job . . .

The Speaker: — Order.

Mr. Martin: — Point of order, Mr. Speaker. Well I wondered how long it was going to be until he tried to tie China's situation into what's going in this room here. I mean, it was so patently so absurd, Mr. Speaker, that I'd like to see you get him back on track. I mean, he's been straying all night long and he's not making any sense whatsoever, Mr. Speaker.

Mr. Van Mulligen: — Mr. Speaker, in speaking to the point of order raised by the member from Regina Wascana, it's my pleasure to speak to that. It seems to me that if considerable latitude is given by the Chair to a speaker to introduce material into debate, then it's only legitimate that ensuing speakers also be given that latitude to make reference to timely events.

Now I would point out to you, Mr. Speaker, that the Minister of Justice, when introducing this particular motion, the Minister of Justice dealt extensively with questions of what was happening in other jurisdictions — very extensively with what was happening in other jurisdictions.

Now he may not have dealt with the question of China at that time, Mr. Speaker, but nevertheless dealt very extensively with what was happening in other jurisdictions. He also dealt very extensively . . .

The Speaker: — Order, order. Order. I believe the member has had an opportunity to make his point. I think that the moot point to remember is that members when they are speaking must remain relevant regardless of which topic they bring up. And the topic they discuss must be very relevant to the issue under discussion which is rule 33(1). And the member from Saskatoon Sutherland, I'm sure, will want to do that.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Thank you, Mr. Speaker. Again I say I

will attempt in all honesty to constrict this to the subject of bell-ringing and the question of how that serves or ill serves the parliamentary and the democratic process here in Saskatchewan. And I don't think I need to say anything more about China. I think I had left that before the point of order, long before that point was made.

I was trying to make the point, however, that the parliamentary tradition always finds the bells ringing when the government has gone too far. If the government has not gone too far, the bells don't ring. It simply doesn't happen. The bells are silent. The legislature functions. There's the cut and there's the thrust of parliamentary debate as it should be. The bells are silent as they should be.

But when a government goes too far, as this government has gone with the privatization of SaskPower, then the bells ring, and rightly so.

Some Hon. Members: Hear, hear!

Mr. Koenker: — This then is the central issue before us with this legislation: should we have a change in the rules of this legislation that would ill serve the opposition's and the public's ability to serve notice on the government that it's gone too far? Rarely, Mr. Speaker, is it necessary for the bells to ring, but when those circumstances arise, when the government goes too far, then we say, it's necessary for the bells to ring. It's the essence of the parliamentary tradition that they ring, and that they ring as the public mandates the opposition to stay out of the Chamber as the bells are calling members in.

(2130)

The bells should have rung, I say . . . If wishes were horses, beggars would ride, there's a saying. But I would say, the bells should have been ringing in the spring of 1987 because there was a widespread feeling raging across the province of Saskatchewan that at that point the government had gone too far with its cut-backs to the drug program. But the bells couldn't ring, and many people are confused about this very question. They're asking, why was it that the bells didn't ring back then when the government changed the prescription drug program and eliminated services to the dental program for children and other things? Why weren't the bells ringing then?

And that's a very good question, and one that is related the matter at hand in that there was no calling of the members to a vote at that time. In the spring of 1987, the explanation is quite simple. There was no calling of members to vote on whether the drug program should be continued or the dental program should be cut because there was no Legislative Assembly in session.

Legislators were not sitting in their seats, or standing at their desk, as I am doing now, in the spring of 1987 because they were at home; there was no session. And would that there had been a session of the legislature at that time, because the bells likely would have rung then and there, and the people would have expressed their displeasure and their anger at what the government was doing in cutting and hacking and slashing social

programs valued by the people of Saskatchewan. And that's patently uncalled for.

We then look at the present circumstances that we find ourselves in, when the government is doing something similar to what it was doing back in 1987, only now there's an important difference. Then the legislature wasn't in session; that's why the bells weren't ringing. Now the legislature is in session, and so as is explained in the existing rules, any two members can rise and ask you, Mr. Speaker, for a division vote which will record where members on either side of the House stand with respect to a particular issue such as the privatization or the sell-off of SaskPower. And that's the important difference.

And we say then, thank God for the Legislative Assembly, thank God for the parliamentary tradition, thank God for the particular provisions of the rules that we find right now that have been in the book of rules for the Assembly for many a day, for many a year. Thank God for these provisions because they protect the public interest.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Now I'm sure that many members of the public might well wonder why have a recorded vote anyway. Why can't members of the legislature simply get on with their business and vote on various pieces of legislation, and that could be recorded that the government won a particular vote or the opposition won a particular vote, as the case may be? Of course, most votes, if not all votes, we could expect would be won by the government, inasmuch as the government is the government precisely because it has a majority and there is no need then to get into the particulars of a recorded vote — the government simply wins them all.

And there's a certain logic to that kind of thinking, particularly for people who aren't close to the proceedings of this Legislative Assembly. In a fundamental sense, it makes little difference as to having the vote recorded or not. The public for the most part is simply interested in the outcome of the vote — whether the government wins the vote or the opposition wins the vote.

But I might say, by way of explanation as to the logic for this particular rule concerning a recorded vote, a division vote, that there are times when the public wants to know more than simply who won and who lost a particular issue.

Some Hon. Members: Hear, hear!

Mr. Koenker: — There are times in which the public wants to know, and that's why we have this rule as it exists, wants to know whether their member is reflecting their particular concerns, whether their member is representing them in any given vote, and it's for that reason then that there are times and circumstances where one or more . . . excuse me, two or more members of either side of the legislature will get up and stand in their places, as I am standing now, simultaneously, and call for a recorded vote which is known otherwise as calling for a division.

At that point then, the legislative clerks will signal . . . The signal is given for the bells to ring, to call the members to a vote, so that any member who wants to make sure that his or her constituents know where they stand on a particular vote — they come into the Assembly and take their seat, after which the House leaders on either side will indicate to the Sergeant-at-Arms that they are ready for a vote to take place.

That vote doesn't take place unless and until both House leaders nod to the Sergeant-at-Arms that they are ready. They have all their members present from all parts of the building, maybe from outside the building even, at times, they're called to come in for the vote. And we can well understand why this might be a matter of some consequence, because it isn't simply a matter of winning and losing when a vote is called. It's also . . .

The Speaker: — Order, order. Order, order.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Thank you. Thank you, Mr. Speaker.

The Speaker: — Order.

Some Hon. Members: Hear, hear!

The Speaker: — Order, order.

Mr. Koenker: — Thank you, Mr. Speaker. Now I have to think of where I was.

An Hon. Member: — Better start over.

Mr. Koenker: — Some members are suggesting that I start over. I'm not prepared to do that.

As I reflect, I was talking about the reason or the rationale for a recorded vote or division. And I was talking about how government . . . the government House Leader and the opposition House Leader will signal to the Sergeant-at-Arms that the time has come for a vote to take place.

It's at that point then, after the bells have been ringing, as we presently have in this regulation — that this legislature has lived with quite nicely for years and years and years without any change at all — it's at that point then that the bells that are ringing, for whatever period of time, are shut off by the Sergeant-at-Arms, and the doors are closed by commissionaires so that no one else can come into the Assembly, and then a recorded vote takes place.

And a recorded vote transpires then with one of the Clerks of the Assembly rising to record the individual votes of individual members from both sides of the House, calling for those who are in favour of the particular motion at hand, and calling then for those who are against a particular motion at hand. And depending on the circumstances, the government might be for one motion or the opposition might be for another motion that goes one way or another, depending on the issue at hand, as I say.

And the vote is then taken with the Clerk going in order

starting with the Premier, if it's the government whose vote is being recorded — it always starts with the Premier as the head of government — recording, then, the individual position of each and every member of the government caucus and then going in turn to the opposition if the opposition is against a particular motion, and starting, correspondingly, with the Leader of the Opposition to record the particular stance of each and every member of the opposition who might be present and voting on a particular issue.

Now it's important in this regard to consider that it isn't simply a given or an automatic that on a particular vote every member of the government will vote for or against a particular motion as the Premier does. Or, correspondingly, on a particular vote, any given vote, that every single solitary member of the opposition will vote in concert with the Leader of the Opposition.

Some Hon. Members: Hear, hear!

Mr. Koenker: — That's, as one hon. member says, that's supposed to happen. But at least on this side of the House, we aren't simply parrots or puppets who inevitably and inexorably do what the leader does. We believe that we have a responsibility to scrutinize the issues as individual members, that certainly we act in concert as a caucus when we vote, when we're called to a vote, but that we don't necessarily have to vote with the Leader of the Opposition.

And the same is true, I would assume, for members of the government. It depends really what kind of discipline is interjected into the situation by the whip, or sometimes the deputy whip. The deputy whip has been known upon occasions to be even more severe than the whip in his enforcement of discipline on members of the opposition side.

(2145)

But, be that as it may, this raises the question of having a vote recorded. And this has been a rather long discourse, but I'm sure that people will want to understand why we want a vote recorded. There are issues of such considerable public importance, issues like Bill No. 21 that flew into this Assembly on April 21 of this year, on Friday, April 21 in the 10 o'clock sitting of the legislature that morning.

There are issues of such consuming importance that the public will want to know where their individual member stands on a particular issue as important as the privatization of a public utility. And that is why the bells rang on that Friday, April 21, calling the members to a recorded division so that each one of them could take their place if they wanted to, to vote on the government's privatization initiative with SaskPower.

And the public will know that while the bells rang that particular day, it's expressly because of the present rule that we have in the Assembly that they rang not only for that day, but for 17 days. And if the proposed motion by the hon. member from Kindersley, the Minister of Justice, had been the rule of the Assembly at that time, the bells would have rung for only one hour. And I must say, Mr.

Speaker, because I was in Saskatoon in my constituency on that particular Friday, I would not have been able to vote on first reading of Bill 21 — An Act to amend The Power Corporation Act.

Being that the member from Kindersley had not introduced his motion to amend the rules of this House, to limit bell-ringing to one hour, they rang, as we know, for 17 days. And it was then on May 8 that members of this Legislative Assembly came back into the House — the bells had been ringing all this time — to vote on Bill No. 21.

Now I must say parenthetically that some of the public will know that the government members, or certainly the majority of them, were here that period of time, those 17 days, sitting in their places from 2 o'clock in the afternoon, waiting to see if perhaps the proceedings of the Legislative Assembly would resume on any given day.

Being that the bells continued to ring, it simply meant that we, as members of the opposition, were continually being called to come for the recorded vote that I've been talking about.

And as I said, we didn't come back into the Legislative Assembly, in spite of the fact that many of the government members were ready for a vote long before that, and in spite of the fact that you yourself, Mr. Speaker, may have been sitting in the Chair, ready and waiting for a vote to transpire. It simply didn't happen because of the existing rule that we have which allowed for the bells to ring without end. And it's then that when we finally deemed it appropriate, based on the public sentiment and the expression of the democratic will allowed by the existing rule 33(2) that simply talks about the members being called in by the bells, and doesn't have any reference to any time limit.

It's a very simple, brief section of the rule, actually. It isn't very fancy. It just simply doesn't specify any limit to the bell-ringing. It's because that rule was in effect that the bell-ringing could go on for 17 days and that we could finally come into this Legislative Assembly then on May 8 to vote on Bill No. 21, An Act to amend The Power Corporation Act, an Act to privatize SaskPower.

Some Hon. Members: Hear, hear!

Mr. Koenker: — And I think it's quite interesting and informative at this point to refer to what actually took place there as the bells came to an end. And the bell-ringing came to an end, because this is very important to understand in terms of the circumstances as to whether the bells will end after one hour or 17 days.

Now the Deputy Premier at that point rose and said:

I move first reading of a Bill to amend The Power Corporation Act.

And it says here in *Hansard*, the official record of this Assembly, that:

The division bells rang from 10:33 a.m. until 1 p.m.

And then it goes on to say after that . . . The Speaker calls, and I quote:

Order. I have not been notified that the House is ready to proceed with the division currently under way. Therefore, in accordance with past practice, the bells will be turned off and this sitting is suspended until 9 o'clock a.m., Monday, April 24, 1989.

And then it continues with a note in *Hansard* that:

The division bells then continued to ring until 2:08 p.m., Monday, May 8, 1989.

And continues to read:

Motion agreed to on the following recorded division.

This is the important, pertinent point, Mr. Speaker, that the motion was agreed to on the following recorded division. That means that the vote finally took place, after all those 17 days, following a recorded listing of what each and every member voted.

And so now we know how . . . not only how each side of the House, government and opposition, voted — who were the winners and who were the losers, if that's the important thing — the people know that the government, having a majority, won that particular vote.

But it's very interesting to note, and this is the logic then for a recorded division, when the bells ring for a recorded division it's very important then to note — important and interesting — actually interesting to note too, and revealing too; it's not just interesting, it's revealing to see who does what in this Legislative Assembly, to see who votes to sell off the heritage of this province and to privatize SaskPower, and who stands up for the interests of working men and women when it comes to the privatization of SaskPower.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Mr. Speaker, I'm not quite sure at this juncture whether it's appropriate to read *Hansard* or to refer to the members otherwise. Perhaps to err on the side of discretion I will not read their names. People can find that out on page 973 in *Hansard* for the day April 21st, 1989. There were 31 yeas and 26 nays on the vote to privatize SaskPower. And that means that there were 31 people to vote yes, or yea, in favour of the motion moved by the Deputy Premier, the member from Souris-Cannington, to move first reading of a Bill to amend The Power Corporation Act, which is shorthand for privatizing SaskPower.

There were 31 members who voted for that, and there were 26 who voted nay — against it. And the 31 who voted to sell off SaskPower were, as you might suspect: the member from Biggar; the member from Souris-Cannington, who moved the motion, the Deputy Premier; the member from Wilkie; the member from Estevan — and people will remember that it's the member

from Estevan who had promised never again to . . . would anybody in his government even think of privatizing SaskPower. He said that it was a utility and that utilities such as SaskPower would not be privatized. So that was the member from Estevan, who is the Premier, who had made a promise, solemnly, not to privatize and had no mandate in fact to privatize SaskPower. He voted yes to the motion to amend The Power Corporation Act. The member from Maple Creek voted yes. The member from Redberry . . .

The Speaker: — Order. Order. Order, order. The power issue of the SaskPower . . . as I indicated earlier, members are being very repetitive in referring to it over and over. The hon. member has referred to that issue two or three or four times tonight, and I think he's made his point on that, and I ask him to move on to another topic.

Mr. Koenker: — I'll refrain, Mr. Speaker, from talking about that particular subject, and talk more directly about the matter at hand, which is the rule change to limit bell-ringing.

And I think this is very important because, as I indicated, had the bells not been allowed to ring for 17 days, I would not have taken part in this particular vote. And so, by virtue of having a full ringing of the bells for 17 days, I was allowed to participate in this historic vote. And there were . . . all of our members, in fact, on this side were able to vote against the motion.

And it's interesting . . . That still doesn't mean, simply because I was called to a vote, there were still . . . that doesn't mean necessarily that all members were here for that particular vote, or that all members are here for any particular vote. And the point I'm trying to make is that when it comes to the ringing of bells and to a recorded vote, you can never be sure who will be present or who will be absent in spite of a recorded vote.

A recorded vote is helpful, as I was trying to illustrate, in terms of letting you know what individual members did do or did not do on a particular issue. But I found it very interesting, in reviewing the record of *Hansard*, to note that there were a number, actually, a number of government members who weren't present for the particular vote that I was talking about — and good thing for them perhaps.

But there's still . . . something known as guilt by association, and there's complicity, so that even if a particular member is not present, is not called by the ringing of the bells — whether it's for one hour, as is proposed by the member from Kindersley, or 17 days — there is still a price to be paid, depending on the particular issue.

It's interesting to note that the member from Kindersley, the Minister of Justice, who introduced this motion, wasn't present for the attendant motion that would privatize.

Now some might say that it's important to have all government members present for a particular vote, but that's not necessarily the case. You don't have to have all members present for a vote, whether it's the government

or members of the opposition.

I'd like to continue some of these remarks, Mr. Speaker, but I wonder, that it being 10 o'clock, whether I could beg leave to adjourn debate.

The Speaker: — According to rule 283:

A motion "That the House do now adjourn" is always in order but no second motion to the same effect may be made until some intermediate proceeding has taken place.

No intermediate proceeding has taken place, therefore the motion to adjourn debate is out of order.

Mr. Koenker: — Thank you, Mr. Speaker, I find that motion very helpful, and . . .

The Speaker: — It being 10 o'clock, the House stands adjourned until tomorrow at 10 a.m.

The Assembly adjourned at 10 p.m.