

AFTERNOON SITTING

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Hon. Mr. Klein: — Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and to all members of this Assembly some people in your gallery, sir, and in particular a man that certainly is no stranger to this place. Indeed *Hansard* is filled with many quotable quotes that can be attributed to him. Some may indeed say that he is a legend in his own time. He has enjoyed many rousing, sometimes humorous debates in this legislature, and as a distinguished former MLA and minister of the Crown. He is known to some of his golfing syndicate that are called the “raunchy rebels” as: “Landslide Dave”.

He was first elected in a by-election in 1962 and then thereafter won in general elections of 1964 and '67 and again in '71 and 1975. He has served the people of Saskatchewan as the deputy premier of this province and also as the leader of His Majesty's Loyal Opposition. Presently he sits in the Canadian Senate. I refer of course to a person that I have had the pleasure of knowing for a long, long time and that I proudly call a close friend, and I refer to the Hon. D.G. (Davey) Steuart, and I will introduce the balance of his guests in a moment. But if Senator Steuart would stand and be recognized.

Hon. Members: Hear, hear!

Hon. Mr. Klein: — And he is accompanied today by a group of visitors from the United Kingdom. Now these people have enjoyed brighter prospects under the new privatization themes of Prime Minister Margaret Thatcher in their native homeland and they are presently visiting Saskatchewan . . . who of course is leading our country with new public participation initiatives and probably with plans of perhaps searching new opportunities in bringing them into Saskatchewan. I would like to introduce at this time from Leeds, England, the Webb family, Les Webb, Jenny Webb, Peter Webb, and Becky Webb. If they would stand please.

Hon. Members: Hear, hear!

Hon. Mr. Klein: — And the final person in the group is Senator Steuart's daughter-in-law, Barbara.

Hon. Members: Hear, hear!

Hon. Mr. Klein: — I sincerely hope that the senator pays particular attention to the approved situation that exists during question period.

Mr. Romanow: — Mr. Speaker, I want to join with my colleague, the minister of municipal affairs, in welcoming the Hon. Senator Dave Steuart to this legislature. I too know Senator Steuart, perhaps not quite as intimately and as well as the minister from Regina, but certainly as a colleague of this legislature.

When I first entered the House in opposition and sat over in the back row somewhere, I was very quickly educated to the legislative process by Senator Steuart. In fact, I still have an autographed book of the rules and proceedings and practices of this Assembly, Mr. Speaker, because I always had difficulty in knowing when to adjourn and when to call it 5 o'clock, and on a Friday I think I called it 5 o'clock and we dragged everybody back at 7 p.m. to do work when we should be adjourning. That prompted the note from Senator Steuart.

Dave Steuart, of course, was and is a politician and a statesman of really unmatched skill. I was both the recipient and beneficiary, if one can use that word, of his many barbs and debates in this Assembly. I think his contribution to this province and this country has been great. We're all happy to see him in what looks like good health, and I'm sure that his contribution will continue.

Hon. Members: Hear, hear!

Mr. Lautermilch: — Thank you, Mr. Speaker. I too would like to welcome the hon. Senator to this house. I have the privilege of representing the riding, Prince Albert-Duck Lake, that he represented for many years, so I have some idea of the work that he has done over the years and the recognition that the people of Prince Albert afford him. He has been not only a provincial politician, he's got a park along the river bank named appropriately after him.

I recall one of the first times I met the senator. I was a young upstart from southern Saskatchewan. He was in the furniture business at the time, and I'm not sure if the senator will recall, but I recall a good friend of his, Mr. Sammy Tadman, who I worked for at the time, sending me over to his operation to service a few televisions for him. And that was, I guess, our first encounter.

So anyway I would like to wish you a very warm welcome back, Senator, and hope you enjoy your stay back here in Saskatchewan for as long as you're around, and I pass on greetings from the good folks in Prince Albert.

Hon. Members: Hear, hear!

Hon. Mr. Meiklejohn: — Mr. Speaker, it gives me a great deal of pleasure to introduce to you, and through you to other members of the Assembly, some guests that we have in your gallery, sir, Mr. and Mrs. Alf Healey from Saskatoon, and their children, Blair and Adrian. Alf and Jean operated a very successful business in my constituency for many years, and are visiting with us today. And they're accompanied by Jean's brother, Harold, his wife Margie Fast, and their children Cameron and Stewart from Spiritwood.

I know that the children are all looking forward to getting back to school in the next few days, and we want to wish them well with their school year. And, Mr. Speaker, I would ask you and all members here to bid a warm welcome to our guests who are visiting with us today.

Hon. Members: Hear, hear!

ORAL QUESTIONS

Bankruptcy of High R Doors, North Battleford

Mr. Anguish: — Thank you, Mr. Speaker. My question is to the minister in charge of SEDCO and it concerns High R Doors in North Battleford. Earlier this month SEDCO appointed a receiver/manager to determine whether or not the business should go into bankruptcy and have the assets liquidated, or whether they could turn the business around.

And there's approximately about \$2.3 million owing to SEDCO, as registered on the certificate of title, and the receiver, Gordon Ward-Carney, said it would take about a week to make an evaluation of the company and what the disposition of the company should be at the end of that time.

I'm wondering if the minister could tell us today: have you received a copy of that evaluation, and if so, can you tell us whether or not High R Doors will be liquidated, Madam Minister?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, I am not aware that SEDCO has yet received the receiver's proposals.

Mr. Anguish: — Well I'm wondering if maybe you could check that out, Madam Minister. The people in North Battleford are very interested in what's happening to the firm.

Now, Madam Minister, after SEDCO has given this firm in excess of \$2 million, and then there were several builders' liens filed on the certificate of title, there are dozens of small-business people owed money by High R Doors. And then we find that after this, on January 16 of this year, you give the company another \$400,000. There's no commercial lending institution in the world that would lend another \$400,000 to a company that doesn't pay its bills to local suppliers and has builders' liens filed against the certificate of title.

Can you tell us, Madam Minister, what you are going to do to protect the small businesses that have been taken advantage of by this company that you support?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, with regards to the member's comments, he can now stand in the House and very sanctimoniously say, oh gosh, no, really, what we you going to do?

This is the very same member who has been critical of every economic initiative that has taken place in his riding in the city of North Battleford. Mr. Speaker, the economic development officer in the city of North Battleford was the envy of all the other officers in Saskatchewan in that in one year they had attracted three major businesses to the city.

We are concerned, Mr. Speaker, and as SEDCO being very, very responsible, we did put a receiver in there. The

company is a good company. From a technological point of view, they have a very good product, Mr. Speaker, and it is our hope that the company will be restructured and sold and will be able to carry on businesses in the city of North Battleford, employing those 20 or 30 people.

Some Hon. Members: Hear, hear!

Mr. Anguish: — Well that answer rings an echo in this House of the same thing you said about GigaText in the beginning, Madam Minister.

My question to you was not about whether or not I support High R Doors. I support all business ventures in the Battlefords that are good businesses that supply jobs and income to people in the area of the Battlefords. I asked you, not about your corporate friends from Edmonton, BTU Panels; I asked you whether or not you would protect the small-business people that are owed money by High R Doors, which is owned by BTU Panels out of Edmonton. You given the company \$2.3 million. They have outstanding bills to small businesses in the Battlefords and area. What are you going to do to protect those small businesses that are the backbone of our economy?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, here we are. As soon as a company gets into trouble, it's just close the doors, throw the people out of work, close the doors. What the receiver is doing . . .

The Speaker: — Order, order.

Hon. Mrs. Duncan: — Mr. Speaker, what the receiver is doing is making an assessment of the company, because the company does produce a very good product. Now I should mention, Mr. Speaker, that the company as also counting on the work that would be generated by the Alameda-Rafferty project which those people closed down, Mr. Speaker. The receiver will do his work. It is our hope that the company can be reorganized, sold, continue to operate in the city of North Battleford, continue to employ people in the city of North Battleford, and be a successful company.

Mr. Anguish: — Madam Minister, a new question. High R Doors has left small businesses in the Battlefords and area high and dry. When the receiver sent out notices to the businesses that were owed money on the books of High R Doors, they contacted the receiver and the receiver said, you have little chance of getting your money because the company owes SEDCO \$2.3 million.

I'm asking you, Madam Minister, since you supported High R Doors to the tune of \$2.3 million, what will you do to assure that the small businesses, the backbone of the economy in Saskatchewan, in particular in this case in the Battlefords, what protection will be given to them to see that the outstanding accounts are paid?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, what we hear are hollow words, a display of crocodile tears from the

member opposite, because that member, Mr. Speaker, does not care about the jobs that are created by this government. He has been against every project in the North Battleford area that not only the city of North Battleford initiated, but also the Government of Saskatchewan initiated. Mr. Speaker, it is our . . .

The Speaker: — The minister is answering the question. Unfortunately several other members are attempting to do so at the same time, and we're having difficulty hearing her. Let us give her the opportunity to finish her remarks.

Hon. Mrs. Duncan: — Mr. Speaker, it is our hope that the business will be able to continue in the city of North Battleford. I believe that the member is somewhat premature in writing off this particular company. The preliminary assessment that was done some time ago indicated that there was a good product being manufactured, and with the reorganization of the company it was felt that the company would be sold and continue to operate in the city of North Battleford.

SEDCO did put a receiver in, Mr. Speaker, and one of the reasons for that was to take care of the statutory priorities and wage claims. So the receiver is in there, we will get a report, and hopefully, as I said, the company will be sold and all obligations of the company will be met.

Mr. Anguish: — Madam Minister, I just heard you assure that all obligations of the company would be met. You're on record. I want to know when the small businesses can expect to get their money from High R Doors. We are not against economic development and jobs. We are against a government that is so incompetent and uncaring that they allow small-business people to be ripped off in the province of Saskatchewan.

What I want to ask you, Madam Minister, is: what evaluation did you do before you put in another \$400,000 into High R Doors? Did you do any evaluation at all of the companies that were owed money, the small-business people that were owed money in the Battlefords? And did you even bother to check out the builders' liens filed against the title before you lent another \$400,000 to this company?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, I find it amusing that the member would have to make sure he goes on record saying, we support small business, because there are not very many business people in the city of North Battleford that believe that.

Mr. Speaker, things are progressing as they should. Proper steps have been taken. I indicated to the member that it is our hope that with the reorganization of the company, it will be able to be sold, to continue on in the city of North Battleford.

I would also point out to the member, Mr. Speaker, that since 1982, manufacturing and processing in this province has gone up 600 per cent — 600 per cent, very, very significant — new manufacturing jobs of 4,000 spread throughout the province. I will say, Mr.

Speaker, that the receiver has indicated that he is hopeful that with the reorganization of the company, it will be sold and continue in the city of North Battleford.

Some Hon. Members: Hear, hear!

Performance Bond for SED Systems

Mr. Koenker: — Mr. Speaker, my question is to the minister responsible for SEDCO. Last month in this House, the opposition asked why SEDCO was called on to post a performance bond of \$1 million for SED Systems in Saskatoon since your government has assured us that this company isn't in any trouble. The Deputy Premier took notice of that question, ignored it, and we still don't have an answer. And I'm asking: will you answer that question here today?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, SED Systems in Saskatoon — very good company.

The Speaker: — Order, order. The hon. member hasn't had a chance to say about three words, and she's being interrupted. I think we should pay her the courtesy of allowing her to answer the question. Order.

Hon. Mrs. Duncan: — Mr. Speaker, I believe that the performance bond was part of a very major significant contract that SED is bidding on.

Mr. Koenker: — A new question, Mr. Speaker. Quite an answer, Madam Minister. Are you aware that a suit will be filed in the United States of America by the end of this month naming Fleet Aerospace and all of its subsidiaries, including SED Systems, for delivery of inadequate equipment to the United States Defence department, and that damages will be sought totalling \$400 million? And, Madam Minister, can you tell us what steps you have taken to protect Saskatchewan taxpayers' interest of \$11 million in this escapade should this judgement go against Fleet Aerospace?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, I believe that the inadequacies were addressed, and the member is not correct in his information.

Mr. Koenker: — New question, Mr. Speaker. Madam Minister, there are charges and counter-charges flying around concerning SED's performance with respect to its contracts with the frigate program. There now is a lawsuit that will be filed shortly in the United States because of bad product performance, and now you've given \$1 million more to SED Systems to guarantee its ability to meet contractual requirements.

If SED is performing so well under the ownership of Fleet Aerospace, why didn't the company produce the bond? And if the parent company wasn't willing to produce that \$1 million bond, what makes you think that the taxpayers of Saskatchewan should be any more willing than Fleet Aerospace?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, what we have here, the member from Sutherland, the preacher of fear. The inadequacies that he refers to in the frigate program were resolved quite a few number of weeks ago. With regard to the bond that was put up to enable SED System to bid on a major, major contract, I see nothing wrong with that, Mr. Speaker. SED Systems is a good company operating in the city of Saskatoon, and they're against that.

I just cannot fathom, Mr. Speaker, the negative nature of the member from Saskatoon Sutherland who would have us go in and shut SED Systems down when it is a very good company, doing good business, doing good work. And for him to come here and say that there is inadequacies and there's a pending lawsuit are simply amazing.

Mr. Koenker: — New question, Mr. Speaker. Madam Minister, why are you so willing to defend Fleet Aerospace and their interests, and why won't you for once defend the interests of Saskatchewan taxpayers when you're putting millions of dollars into SED Systems?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, the last question really points out the very major difference between the New Democratic Party and the Progressive Conservative Party.

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — The members opposite are locked in their Lenin-Marxist ideology of the early 1900s, the 1930s . . .

The Speaker: — Order, order. I think it might be appropriate that before the next question is put that I remind members to allow the hon. members to put their question and certainly to allow the ministers to answer. It's difficult for members to hear the answer, and certainly it's difficult for the individuals speaking if they're always being interrupted.

Error in SaskTel Bills

Mr. Trew: — Thank you, Mr. Chairman. My question was to be to the minister responsible for SaskTel, but in his absence and the absence of the Deputy Premier and the absence of the Premier, I'll direct my question to the acting minister responsible for SaskTel.

To whom this may concern: a number of recent SaskTel bills, because of a computer error, contain an unwarranted 5 per cent surcharge for late payment. And people who have called up SaskTel inquiring about it have been told, well, it's simply a computer error; forget about it. I'm wondering if anyone on the government benches is aware of that situation and what it is you're going to do to correct that?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker . . .

The Speaker: — Order, order. Minister of Justice.

Hon. Mr. Andrew: — Mr. Speaker, the hon. member raises a question about his power bill . . .

An Hon. Member: — His telephone bill.

Hon. Mr. Andrew: — . . . his telephone bill, sorry. His telephone bill mistakenly was charged 5 per cent because of some type of a mistake with regards to the billings, Mr. Speaker. I always understood that this question period was for urgent or pressing questions. Here we have the Minister of Energy and Mines, in the dying days of this session, has had two questions in the whole 120 days. The minister of rural affairs has had no questions. The Minister of Urban Affairs has had about two questions, and the hon. member stands up and says what about my telephone bill, Mr. Speaker?

I'll take notice of his telephone bill; I'll see if I can fix it up for him.

Some Hon. Members: Hear, hear!

Mr. Trew: — Nice of you to have such great concern about the senior citizens in Saskatchewan and people who pay their telephone bills on time and get charged 5 per cent extra by your administration.

Some Hon. Members: Hear, hear!

Mr. Trew: — Minister, I am certain there are a huge number of people in this province who pay their telephone bill, and if there's a 5 per cent surcharge, they won't question it, they will just assume they were in fact late. My question to you is: what are you doing to tell those people that there may have been an error so they can double-check their bills? And further, what are you doing, what is SaskTel and WESTBRIDGE doing to see that people who inadvertently pay that additional 5 per cent get that money refunded promptly?

Hon. Mr. Andrew: — The hon. member, Mr. Speaker, on the few times he's been allowed to rise in question period sometimes stands up and says how he defends the employees of the Crown corporation . . .

The Speaker: — Order, order.

Hon. Mr. Andrew: — Let be begin again, Mr. Speaker. The hon. member, when he does have the odd opportunity to ask a question in this question period, stands up and says how much he defends the employees of the Government of Saskatchewan or the employees of SaskTel. And what's the next thing he does when he stands up, Mr. Speaker? Brings an issue about a small mistake being made by perhaps the people in SaskTel. Now anybody is capable of making this mistake. I would think the hon. member would even, if he was honest with himself, acknowledge that perhaps he's even made a mistake himself.

If that has in fact been done, Mr. Speaker, and I have no knowledge that it was, but if it's in fact been done, I'm sure it will be corrected as it has been the case for

probably 50 years in that corporation, Mr. Speaker. And I would have thought the hon. member would have know better than to: (a) play a one side off against the other that he is always so quick to criticize others for doing, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Trew: — The minister may be correct that I ask very few questions, but boy, I get an awful lot fewer answers from that government.

Some Hon. Members: Hear, hear!

Mr. Trew: — Minister, I simply repeat the question: what have you done, what has SaskTel or WESTBRIDGE done to inform SaskTel customers that they may have been charged 5 per cent extra, and what are you going to do to see they get that money refunded promptly?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, the matter was brought to the attention of the board of directors of SaskTel. They are taking corrective measures, and the corrections will be made in next month's statement, Mr. Speaker. And I would think that is proper and credible conduct by SaskTel boards by . . .

The Speaker: — Order, order. We're almost through question period. Perhaps the hon. members could just contain themselves for a few minutes so we're able to finish in a more orderly fashion that we have been. Next question.

High Interest Rates

Mr. Shillington: — My question will also be to the Minister of Justice who seems to loath to concern himself with the problem of ordinary citizens. My question also concerns a problem being borne by ordinary citizens, that of interest rates. It falls again to you, Mr. Minister, to try to make some sense out of the Premier's meanderings in Quebec City.

My question today is not with respect to his position on Meech Lake or the other issues which he has . . . or the general sales tax which he has been on all sides of. My question today is with respect to interest rates, upon which his position has also been equally inconsistent.

Last year, Mr. Minister, at this time, the premiers, the other premiers, delegated the member from Estevan to speak to the Prime Minister on their behalf. Since then the interest rates have gone steadily upward. The obvious question arises as to how much assistance the farmers and business people and the consumers in Saskatchewan can stand from this Premier. The question, Mr. Minister, is: what tangible results have followed from the Premier's efforts over the last year, and why should we expect the next year to bring anything any more?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, any fair-minded person that would stack up the record of our Premier and

our government on interest rates with the members opposite on interest rates when they were last in government, Mr. Speaker, — they were leaving government . . . in the late 1981 interest rates were 22 and 23 per cent. I remember the Leader of the Opposition standing up saying, nothing we can do, nothing we can do, can't help, Mr. Speaker.

We asked for a mandate from the people in 1982, Mr. Speaker, and obtained that mandate on primarily the issue of standing up for people and their interest rates and protecting their interest rates. Back in those days we promised and delivered thirteen and a quarter per cent interest rate to home owners to protect their homes so they could but a new house. They were against that, Mr. Speaker. Now we stand behind those same home owners, Mr. Speaker, at nine and three-quarters per cent, Mr. Speaker, so they can maintain their house, so they can buy a new house or a different house, Mr. Speaker. And we stand behind the farmers at 6 per cent interest, Mr. Speaker, and a variety of interest rates well below, Mr. Speaker, the current going rate, Mr. Speaker.

The hon. member would stand in his place and criticize this government as someone that would not stand up for interest rates and protecting people from interest rates. The man has been in the House too long, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Shillington: — Thank you. A new question. Mr. Speaker, I have indeed been in this House a fair while. I've been in this House 105 days. For most of those days I have seen the Government House Leader stand the first motion which would send a message to the federal government with respect to interest rates. For almost a hundred days you have stood that motion rather than deal with it. If there were any sincerity in the Premier's position, surely that motion would be moved.

Mr. Minister, will your government agree to move that motion today and to sent to the federal government the unanimous voice of this legislature that we think interest rates are too high. Will you do that before we adjourn?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, the procedure and the process of the House over the last week or so has been conducted by the House leaders, and I think it is appropriate for us to continue in that way, Mr. Speaker.

Now the non. member sits here and somehow talks about he is concerned to protect people with interest rates, Mr. Speaker, to protect the interest rates of the people, Mr. Speaker. He has no more interest in that than fly over the moon. All the time that they were in government, where this country faced the highest interest rates ever, Mr. Speaker, 22 and 23 per cent, what did they do? Led by the now Leader of the Opposition, they sat on their duffs, Mr. Speaker, they sat on their duffs and did nothing. And they said, that is the fault of Pierre Trudeau, there's nothing that we can do about that. We can't help that, Mr. Speaker, that's their fault; we can't do anything about that, Mr. Speaker. They could buy and build new high-rise buildings, they could buy new properties and

new businesses, but they could not help the folks, Mr. Speaker, in helping them with their interest rates.

Some Hon. Members: Hear, hear!

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

Bill No. 85 — An Act to amend The Mineral Taxation Act, 1983

Clause 1

Mr. Solomon: — Mr. Chairman, I had a number of questions on this Bill No. 85 and I jotted some of them down in a memo to the minister, and I wish to thank her for her response to the 10 questions that I had at that time.

I just want to have her go over a few of these answers that she's provided, namely, the first question that I'd raised with her dealt with whether or not the old system of raising taxes and royalties was similar to the new system in terms of total dollars and whether the 1988 example would have provided more or less in terms of revenue.

In your response, Madam Minister, you indicated that the revenue estimates for calendar year, 1989, under the two taxation systems, would be higher under the new system by about, oh, 12 or 15 per cent. But then you clarified that by saying because the revenue estimates for 1988 would require numerous and complex adjustments to tax models, they are not readily available, and the estimates for 1989 provide an adequate comparison of how the two systems would perform on a calendar year basis.

Madam Minister, I want to raise with you, in light of this response, how you justify your comments saying that it was the new tax system would be revenue neutral. And I want to just perhaps give you an opportunity to respond to that at this moment. Then I can ask you some follow-up questions on that.

Hon. Mrs. Smith: — Just a clarification on why we gave you the '89 instead of the '88. All the modelling that had taken place when we were looking at the taxation system was from '89 onward, and the department had not done any models previous to '89, and so it became a question of starting from square one if they were to do that. And so I made the decision that in fact we would do the '89. And I think you can get a fairly clear picture of what '88 would have been by looking at '89.

In terms of why we say overall it's revenue neutral, with the information that I had sent you, you see a substantial increase on the base payment. And in fact the 10 million that is expected to raise over and above what had been projected or 1990 is because of that base payment.

Now we've dropped a number of categories on the graduated profit tax, and you will see some of that drop at a certain dollar point. And because that drops, we make up for it on the increase of the base payment. So over the five-year projected period of time, it basically became revenue neutral, because one is put up and the other one adjusts or moves down slightly.

Mr. Solomon: — If it's revenue neutral, Madam Minister, why are you proposing these new changes today? Madam Minister, if it's revenue neutral, why are you proposing the changes in the formula, as you've put forward?

Hon. Mrs. Smith: — Well I had indicated to you some time ago that in consultation with the industry, they had raised some of the difficulties, problems that they saw with the present system through the PRPA (Potash Resource Payment Agreement) agreements. We agreed to have a look at that to see first of all if we could come up with a simpler system, one that was equitable. That means applies to all in the same equal manner, which means everyone falls under one set of rules as opposed to the system that has been in place since 1979, which was, each company sat down individually with the government and negotiated that agreement.

Now I don't know at that time if in fact the agreements varied from one company to another, but everybody wanted to be playing under the same rules. And I think that, within the tax system, is the fairest of all systems, and so we agreed to look at this and do the necessary adjustments if in fact our analysis found that it was needed.

Now you know we've been through the downs on the potash cycle. One of the issues that arose was in fact government revenues. When the cycle is on a downturn, government stands to have a substantial drop in revenues. On the other hand, when they are the upturn, and if you were taking a substantial amount, 50 per cent or 40 per cent of profits at a high price, one could say, well the government gets it back then. But it really doesn't give the government revenue a whole lot of protection on those down years. So in discussion with them we said, what if we raise this base payment, which in fact because it's based on sales and not production, does give the government that revenue protection on that side of it during those down years.

It also allowed, because we were able to move down slightly the graduated profit level, that in fact when the profit was there, government is still taking a substantial share of that over and above the base payment, but there is also some moneys being left to put into capital, whether it's environment protection within the industry, technology, or the modernization of their equipment.

Mr. Solomon: — Madam Minister, if your intention was to protect some of the government revenues and to ensure that all companies were being treated fairly, why would you not include much of the information that you've included in this Bill, saying you're going to put them in regulations; why would you, rather than put them in regulations, not incorporate them into the legislation which would then be accountable to this Assembly, which would then ensure that there is no under-the-table deals with regard to making these decisions with the various potash companies, and which would be consistent in terms of dealing with all of these in a fair and equitable fashion?

Why do you put so much emphasis into putting all the details in regulations and not in this Act? Why don't you

expose your policy to the public through the incorporation of it in legislation?

Hon. Mrs. Smith: — Mr. Chairman, the member knows regulations are open to scrutiny by you and by the public. It's not secret, it's not under the table. Cabinet passes regulations and a week to two weeks later you have access to that knowledge, as do the media and the public. So there's no secretiveness about that process . . . (inaudible interjection) . . . Let me finish, please. I listened to your question.

Some of the details on the taxation . . . the advantage in having it into regulations — and I think if you really think about it as it pertains to the potash industry, you would agree that that in fact allows the flexibility to make some necessary changes if the need arises. For example, transportation. When your government was in power and the agreements first went in, there was nothing, I believe, at that time on transportation. But there was a need for transportation to be recognized within it, and that in fact took place.

Now if it had of been in legislation in that detail, and the House wasn't sitting, for a period of time you would have had to have waited and you have had to come back to amend legislation. The regulations, it's simply to allow to be able to adapt and give that flexibility within a complex industry.

Mr. Solomon: — Well, Madam Minister, what you're saying is if you want to draw an analogy, is that the people of Canada and the people of this province who pay income tax, rather than having their income tax rate set through legislation, would prefer to have them set through regulations so that cabinet can manipulate at their own whim what the rates will be.

And I don't think, Madam Minister, the people of this province or the people of this country would accept having taxes increased or decreased through regulation. I would expect that they would want the governments of the day, including your government, even your government, to be accountable. I know that accountability is not a word in the dictionary of the Conservative government opposite, but indeed, Madam Minister, it's a word that's on everybody's tongue right now in this province because the government doesn't have any credibility left or accountability.

(1345)

So why would you not, Madam Minister, then put this information in the legislation. And if the analogy is, would taxpayers of this province want their income tax rates set by regulation, or as it is now through the Income Tax Act or through tax Bills coming through this House provincially? — obviously they prefer the legislation with regards to taxation to come through legislation so the opposition can scrutinize every detail that your government's involved with, and the federal government is involved with as well.

So I don't understand why you don't expose your policy. And you go through this Act, Madam Minister, but expose your policy and put it under the scrutiny of the public by

including it in the legislation. But you go through this Act and almost every clause — and I'll read a couple of clauses for you — says that, "Unless the Act or the regulations provide otherwise . . ." And you talk about the base payment and calculating that.

Or another section. You talk about "profits for that year, determined in accordance with the regulations . . ." which you can set privately and secretly and independently of this Assembly.

Another section says, "Unless the Act or the regulations provide . . ." regarding the reporting in the quarters of the year.

And you go through this Bill, another section says that:

No interest is payable by the minister with respect to an overpayment of taxes by a producer unless the regulations required interest to be paid.

Another section:

If the regulations require interest to be paid with respect to an overpayment of taxes, (etc., and it goes on and on).

And more importantly, you get to the section which determines the rate of tax these companies are going to pay, and everything that's included in here, and section 11 I refer to specifically, is:

For the purpose of carrying out this Schedule according to its intent, the Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word used in this Schedule . . . (or)

(b) for the purposes of calculating the base basement pursuant to section 5, prescribing and governing:

(i) a percentage of producers' profits to be used in determining the value of P as defined in clause 5(1)(a);

(ii) maximum and minimum rates of tax;

(iii) deductions, allowances or credits;

The regulations determine the entire formula, and you can go on page after page in this Bill, Madam Minister, that the regulations determine the tax rate. This Bill does not determine the tax rate.

And I maintain, Madam Minister, that it's a secretive decision of your government to make these rules and these tax laws in the purview of the cabinet only, to take the responsibility and the accountability out of this Assembly and put them into the cabinet room, and to ensure that there is less accountability to the people of this province.

So I'm at a loss, Madam Minister, with your response in explaining why you think the regulations are the way to

govern this province. In that's the case, why aren't tax Bills for income tax purposes or sales tax purposes seconded or focused in the cabinet as well through regulations?

Hon. Mrs. Smith: — Mr. Chairman, I'm not sure whether the member doesn't understand or he's going to choose to pick a fight on something that simply isn't true, nor is it reality on the issue that we're talking about.

You know, the breakthrough on this coming into this House is the fact that it's being put in for debate in a public forum — the first time ever in this province when it comes to potash royalties. The secretive agreements is what was agreements with each individual company. You never saw one of those agreements tabled in this House nor talked about nor in the blue book nor in anywhere else. Now that's under the table and behind closed doors. For the first time, this is in this public forum.

Now regulations, you say, this is a first. I want you to do some homework, do some checking, find out how the oil royalties are. Did you do that? The Crown Minerals Act, gas regulations, gas royalties. The legislation allows for the making of the regulations, and the formulas for the taxation are in the regulations — always have been. Doesn't matter if it's oil, gas, uranium, coal, and now potash — open publicly to been seen and debated for the first time. It is standard practice right across Canada and has been in Saskatchewan except for potash, for the past year. So there's nothing unusual about it, nothing at all.

Mr. Solomon: — Well, Madam Minister, I guess we're getting to the point of my position versus your position, and the point is that since 1982, according to your own statistics, the royalty and the mineral taxes taken from the Mineral Statistics Yearbook, published by the department of mineral resources and the Saskatchewan mineral resources and Saskatchewan Energy and Mines, shows that the revenues from potash in royalties are a fraction of what they were in the first six years of your government, as compared to the last six years of an NDP government.

And it seems to me that when you introduce a new Act, you want to make sure that all bases are covered. And if you're introducing a new Act, it seems to me you want to rectify the situation of the depressed royalties, or you want to enshrine in some kind of legislation and ensure that those royalties are not as high as they were in the past.

Now, Madam Minister, it's my view that if you're going to be changing the method by which potash royalties are collected, then why don't you make your policies as up front and as public as you possibly can. I'm aware of the way natural gas revenues and other oil revenues are achieved in this province; we all are. And when the figures point to the fact that your government has failed to collect \$2.469 billion in royalties from 1982 to the end of 1988 that you should have recovered and you should have collected on the basis of a taxation system that was in place which would serve the best interests of the people of this province — and you failed to do that.

And now we're seeing definite decline in the royalties, according to the stats that we have — significant decline from the first six years of your government as compared to the last six years of the New Democratic Party

government in this province.

So I'd like you to make a comment on that, and if you think it's appropriate to introduce a piece of legislation which is inferior, then that's what you're going to do. I mean, your government has done it in the past all too often, and you'll do it in the future.

My responsibility and our responsibility and obligation of this side of the House is to ensure that if you're going to be introducing an inferior piece of legislation, that perhaps we advise you on how to make it a little stronger. I think we want you to put your money where your mouth is and then put it in writing. It's not a big debate and a big arguing point, regulations over legislation, but it's important when you look at the way in which these taxes are collected.

Madam Minister, I want to refer now to a couple of other responses that you provided, and I want to know why, one of the questions I had asked, why . . . I'll just get the question here so you know what the question was and your officials would have some idea as to what the question was. And I asked: what are the deductions allowed for the profits tax?

And in your response you indicated: the deductions, in arriving at operating profit under the new taxation system, are identical to the old system except for using actual transportation costs instead of a transportation allowance; and secondly, capital depreciation which is calculated on a declining balance method rather than on a straight-line method. It's my sense that if you use that system, that you are going to be achieving a lower profits tax and therefore not obtaining for the people of this province a fairer share of revenues than under the old system.

And I'm going to ask you now, Madam Minister, why your officials and yourself have changed the straight-line method and have used the declining balance method which offers potash companies significantly larger deductions from the taxes payable on their profits at the beginning of the phase-in of this tax.

Hon. Mrs. Smith: — Well, Mr. Chairman, just to response to his last point first, on how we determine the revenue. We measure the revenue neutrality on the total amount. We don't pick out just one area. We look at the total, the bottom line, what you get at the end.

And as I said to you earlier, you may see a substantial increase the first year on your base payment. Obviously when it goes from \$6.60 K₂O tonne to \$11, that's going to be a substantial increase if you sold the same amount of tonnages the year after that. So you can't just isolate that, and you have to look at the other factors that work into the taxation system. So we use the total, as opposed to one area or two areas.

On your comments before that, I would agree that it in fact is important the way royalties are set, and you suggested that we keep that in mind and that we look at the other systems. And I will remind you once again, that is exactly what we did. Potash, the taxation of potash in Saskatchewan is coming into line with the taxation of all

other materials in this province, and for the first time in its history is being publicly done through legislation and then through regulations, as opposed to individual agreement between government and company.

Mr. Solomon: — Well you didn't answer my question, Madam Minister. I would like to know why you've changed the amortization method of deduction on the profit, because I can tell you, by looking at the numbers you're provided, that it affords a very significant break to the potash corporations in reducing the taxes and royalties payable. So I'd like you to answer that question, and I'd also like you to answer the questions regarding the base payments.

It's obvious, I mean, from what we can gather from some of your officials is that you have changed the formula because you've been negligent over the last number of years on the base payment. The base payment has not been sensitive to inflation, and you haven't taken that into account, and you've lost some revenues. And the statistics from your own department show that the potash companies got a break in terms of their royalties and taxes paid.

So it's my view — and you can try to perhaps debate that point — but it's my view that one of the reasons you're changing it is because you've let the base payment slip a bit because of inflation. You haven't corrected it over time, over the last seven years; you're now making a move on it.

I want to know . . . with two questions. What's your position on the base payment? Secondly, why have you changed the rate in which depreciation is deducted from the profits tax?

Hon. Mrs. Smith: — Mr. Chairman, for the record I want to make it very clear that this government has not been negligent in the collection of royalties on potash, including the base payment. In fact, if there was any negligence, it was accepting the agreements that the NDP, when in government, put into place. There was nothing in the original agreement, Mr. Chairman, that covered inflation, nothing at all. And so if there's any negligence, it's perhaps in not getting to the legislation and regulations in dealing with potash taxation to begin with.

In terms of your last question on capital depreciation, the analysis within the department, and I, believe, some Finance people, shows that over a period of time, that period of time being the life of an asset, that 20 per cent on a declining balance yields the same value as 10 per cent on a straight-line basis.

Mr. Solomon: — Well, if you had your regulations before the House and we could see the numbers, perhaps we would believe you. But we don't have the regulations, and I'd like you to respond to the question pertaining to regulations. When will these regulations be ready, and can we have a copy as soon as possible?

And secondly, Madam Minister, I want to point out that the PRPA was a five-year agreement signed in 1979 and expired in 1984, and you've been renewing it on a regular basis ever since. So I think you have to look at the

five-year lag. It's taken you five years to get around to change the taxation system and it's taken five years, over the last five years that the people of this province have not received, in my view, as fair a share of royalties from that resource as they could have received if you had tended to the business that you're responsible for as minister.

And I ask you, Madam Minister, when are these regulations going to be ready? Are they ready now; can we have a look at them, or when do you plan on gazetting them?

(1400)

Hon. Mrs. Smith: — Mr. Chairman, it is the intent that this legislation will in fact come into being January 1 of 1990. After this legislation is passed the regulations will be put together in consultation with the industry, with Finance and others, as necessary. The member will get an opportunity to have a look at the regulations when it has passed cabinet and made public.

Mr. Solomon: — Madam Minister, in the letter I sent to you, question 6, I asked: is the base payment deductible for the profits tax? And your response was: the gross base payment less 50 per cent of total royalties is a credit against the profits tax. Can you explain that in a little more detail?

Hon. Mrs. Smith: — The profit tax, as you know, is paid over and above the Crown royalty, and let me explain what this total royalty is. You have two types of royalties. You have your royalties that are paid on the Crown and your freehold, and I believe most companies have a mix of those two, and they have to be added together to give the total amount of royalties to be paid. That is used, the total royalties can then be used as a credit against their profits tax.

Mr. Solomon: — So what you're saying is if a company makes, let's say \$100 million profit, and they've paid these royalties which were deductions from their . . . which were used as deductions as expenditures of operating business, they are then provided as well a deduction against, or in this case a credit off that profit. So they actually get a 200 per cent deduction against operating. Is that what you're saying?

Hon. Mrs. Smith: — Perhaps some clarification. Under the PRPAs, the companies have not been able to use the deduction on the base payment not unlike what is in here. They could deduct the total amount on the base payment of 660. In the new system your gross base payment, and using the figure \$11, and for example if your total amount of royalties was 10, you would then be able to use half of that figure to subtract. Does that clarify it for you?

An Hon. Member: — Subtract from the base and then the other half goes to the profits.

Hon. Mrs. Smith: — Yes.

Mr. Solomon: — So what you're saying, Madam Minister, is the company will now be able to use 50 per cent, subtracting it from the base, and the other 50 per cent from the profits . . . from the profit . . . What are you saying

then?

Hon. Mrs. Smith: — Subtract it from the base payment.

Mr. Solomon: — Well in your answer you've indicated that there's a 50 per cent of total royalties as a credit against the profits tax. You're confusing us because this . . . I've asked you for a clarification on this and you've indicated that the Crown royalty and the freehold royalty in total were credited against the profits tax. That's what you told this House a few moments ago.

An Hon. Member: — One half.

Mr. Solomon: — One half, okay. And now you're saying the other half can be deducted from the base payment?

Hon. Mrs. Smith: — Mr. Chairman, I'm going to go over this again in the manner that I did before.

You have a gross base payment of 11, and just for round figure purposes, I have a total royalty of 10 made up of the Crown and the freehold, as I explained earlier. Half of that, or 50 per cent, is \$5. You deduct that \$5 from your gross payment of 11; it gives you \$6. That \$6 is then allowed as a credit against your profit taxes, that \$6.

An Hon. Member: — Why didn't you just say that in the first place?

Hon. Mrs. Smith: — Well, I believe that it is said on page two of answer number six in the letter that was sent back to you.

Mr. Solomon: — Well, Madam Minister, if you'd have been a little more clear at the outset, we would have resolved about 15 minutes of waiting.

Madam Minister, it's my sense and that of the opposition that without the regulations it's not possible to estimate the impact of the change in these taxes, and in particular it's not possible to have a handle on what kind of policy your government will be undertaking with regard to taxing the potash companies in this province.

And I don't have any other questions other than I think that if you would review the situation and look at exposing your policy through legislation, I would venture to say that the taxation system would at least be open for debate in this Assembly, and there would be a far better accountability system because we all know that your government likes to hide things, likes to make decisions with regard to royalties favouring the oil companies and favouring the mineral companies in some circumstances, that inevitably, Minister, end up costing the taxpayers of this province billions of dollars.

We've seen it through the oil. The oil taxation gift has cost the taxpayers of this province almost two and a half billion dollars, from 1982 to 1988. And with that comment, Madam Minister, we can't support this Bill as you proposed it, because it just is not forthcoming.

Hon. Mrs. Smith: — Just a brief comment, Mr. Chairman, before we get into clause by clause. I think if the member were to go back in and in fact read the potash backgrounder

that I indeed sent him to the questions that he raised by letter, he would find that in fact it does lay it out, the impact of the legislation.

I'm quite frankly surprised that this member who claims to know the stock market and various other businesses and industries, that he still sees that taxation should be in legislation. I've clearly pointed out him that is not the way it's done. It wasn't done in the past, and nor is it likely to be in the future. On the various minerals, I've given him the list and the history of it.

So with those few comments, Mr. Chairman, let's move through.

Clause 1 agreed to.

Clauses 2 to 12 inclusive agreed to.

Clause 13 agreed to on division.

The committee agreed to report the Bill.

Hon. Mrs. Smith: — I wonder if I could just take a moment and thank my hon. colleague, the member from Regina North West, and the officials with me. This concludes some very gruelling analysis and legislation on all minerals, and I want to thank them.

Mr. Solomon: — Mr. Chairman, thank you. I'd like to also extend my appreciation to the officials for briefing the minister. The information was far more crystal clear verbally than it was in writing. Thank you.

(1415)

Bill No. 75 — An Act to amend The Saskatchewan Evidence Act

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

Hon. Mr. Klein: — Thank you, Mr. Chairman. I have beside me Doug Moen, the co-ordinator of legislative services; Madeleine Robertson, the Crown solicitor of legislative services; and Susan Amrud, the Crown solicitor of legislative services behind me.

Clause 1

Ms. Simard: — Thank you very much, Mr. Chair. Mr. Minister, you may not have been in the House the other day. I'm not sure, perhaps you were, but the Minister of Health was dealing with this Bill when I put on the record some concerns that we had with respect to the section 35.1 of the Bill in particular, and subsection 2 in particular, which is a section that sets up a legislative privilege for medical review documentation. In other words, documentation that is filed and information given that a quality assurance program review, Mr. Minister, would be privileged inasmuch as it could not be used in further legal proceedings with the exception of some exceptions, Mr. Minister.

Now of the concern that we were expressing was the fact that, number one, this would have the effect of

enshrining this information in secrecy, Mr. Minister, whereas the public should have access to it, and also it would put the patient at a disadvantage when it came to litigation if, for example, a patient suffered damages and injuries as a result of some negligence in the hospital. This information that takes place in these hearings would not be at the disposal of the patient, Mr. Minister.

Now, Mr. Minister, I would ask for your comments on that, and I would ask you what measure you have taken to make sure that patients will not be precluded from receiving this information, and that public interest will be served by this information being provided to the public when required.

Hon. Mr. Andrew: — I apologize for coming in during the hon. member's question. I understand what the question to be was: what information would a patient or that patient's solicitor or lawyer be able to obtain, or what restrictions would be placed on what they could obtain now.

Available to the patient and available to the lawyer on behalf of the patient, obviously, is the patient's charge and patient's records, the endorsement or reports or memos or whatever put on those patients records. All the other things that are available to you now is a lawyer to obtain in a particular case, usually it would be a civil action for liability against a hospital or doctor.

The only thing this would exclude is what we have developing now across the country, across this province, is quality control, I believe, quality control committees of hospitals. And the only thing that would be excluded from that would be the proceedings in the committee, the actual minutes of what went on in the committee, and that's what would be excluded.

Ms. Simard: — Mr. Minister, are you aware that the trial lawyers' association in Saskatchewan has very adamantly spoken out against these provisions on the grounds that they currently would offend public policy? I'm sure you must have a copy of that legal analysis, but it is the position of the trial lawyers' association that public policy would require that these records that are compiled as a result of an investigation made under a quality assurance program, that these records should be subject to production where required for the due process of law. In other words, if a patient brings a case, Mr. Minister, to court, these documents, if they are relevant, should be available for production, Mr. Minister. Now are you saying this amendment prohibits that?

Hon. Mr. Andrew: — What I am saying, and I would agree with the hon. member that there are perhaps two groups that have lined up on either side of this particular question. I, I suppose, you and most all members of the Assembly, certainly members from our side of the House, received a letter a short time ago from Manny Sonnenschein, Q.C., on behalf of the trial lawyers of Saskatchewan requesting that we not proceed with this. I recognize the interests of Manny Sonnenschein's group.

Now on the other side of that I can report a letter to the Hon. Gary Lane, who was then attorney general 1985, from the office of the president of the Canadian Bar

Association, requesting that:

The Canadian Bar Association, at its Annual Meeting this past month in Halifax, debated the issue of privilege with respect to the compellability of witnesses and the admissibility of documentation dealing with peer review and quality assurance practices in Canadian hospitals.

It's quite a long letter. I could perhaps get a copy and send to the hon. member if she doesn't have it already. The long and the short of this letter from the president of the Canadian Bar Association was requesting that the Government of Saskatchewan in fact bring forward this type of legislation, legislation that is in place in the other three western province, Manitoba, Alberta, and British Columbia, those on the other side of the equation. So the lawyers appear to be split and the medical profession seems to be almost unanimous in favour of this particular amendment.

So I think the issue would boil down — and I would hope that the hon. member could accept this as the balance to be drawn between the two — one, on the one hand you have the medical people who are . . . and I think in your capacity as Health critic you can appreciate the need for improving the quality of health care. And if these quality assurance committees can do some of that, then that's well and good. On the other hand, are you restricting the rights of an individual, and obviously that's an offsetting balance in this equation.

The one area that I would look at that I think is worthy of discussion on this whole thing is the system that we have had in this country, and certainly in this province, of not getting into the American mentality of lawsuits against medical malpractice lawsuits. It's very, very commonplace in the United States, not commonplace in Canada, and, I think, for the betterment in Canada, quite frankly, of the health care industry.

Because if you continue to have these large, large awards, medical malpractice suits, we all know at the end of the day what that means. What that means is that the cost of health care goes up. Cut it any way you want, that's the long and the short of it.

Now on the other side of that, the individual perhaps is being denied in Canada, as they aren't in the United States, the right to medical malpractice suits in a bigger way. Now we're not restricting medical malpractice suits in this. They still have access to that information. What they don't have is the quality assurance committees that are being set up; those will be held *in camera*. And that's exactly what's happening. And if you don't allow them to be held *in camera*, perhaps they're not held at all, as people are somewhat sensitive to, well, if I say this, maybe I'll be sued, so I'm not going to say it. And if we get into that mentality, I think that's a wrong mentality to get into.

Ms. Simard: — Mr. Minister, of course the medical profession is going to be in favour of the amendments. They have been asking for amendments along this line because it protects them from litigation, as you pointed out. But what we have to do is balance the rights of

litigants, the rights of patients who have suffered, in some cases hundred of thousand of dollars worth of damage to their personal well-being as a result of medical malpractice or as a result of negligence within a hospital system, Mr. Minister. These people need protection.

We know how difficult it is, and you do as a lawyer, Mr. Minister, for a patient to prove a case of medical malpractice. It is very, very difficult. And what your government is doing is taking away rights that they may ordinarily have under the common law to access to that information. You're taking those rights away, Mr. Minister, from people who have suffered injuries.

This in turn will mean a much more substantial cost to the taxpayer, Mr. Minister, a much more substantial cost because the taxpayer will then have to pay the medical bills for this patient and perhaps welfare payments well on into the future depending on what the particular situation may have been, whereas if the person had had access to the documentation and may have been able to prove their case of negligence, the individual may have been covered through the doctor's insurance.

So with respect to public policy, Mr. Minister, and with respect to the quality assurance programs which we agree with, another concern that has been expressed very adamantly is the fact that what this also does is keep these reports totally confidential so that the public does not have access to it, and the public does not know what's going on in their hospitals, and the public cannot get the information with respect to procedures and standards in the hospital.

And the Saskatchewan Union of Nurses have made that point very strongly in a brief that they had prepared some time ago.

Just for example, they talk about medication errors, and the rate of medication error in acute care setting is estimated at approximately 10 per cent of all medications. So studies have demonstrated that the rate of error is affected by situational factors, such as the work-load of the nurse, such as the work-load.

And there are institutional responses to this situation which can be implemented, but they're not popular because it'll cost the government money, Mr. Minister. That's the bottom line on that. And what happens is when we do a quality assurance program on their medication distribution in a hospital and it says that the hospital staff is too few, that the nurses are overworked, and this is why there error is greater than 10 per cent, or whatever the accepted standard is, this becomes confidential and the public doesn't have access to it.

So what this amendment amounts to, Mr. Minister, is a cover-up, a cover-up of what's going on in our hospitals. That's what it amounts to, Mr. Minister. And I think that if we're talking about public policy and the need to improve our health care institutions, surely we're talking about making the public aware of what's going on in our health care institutions so they can put pressure on the government and the government can then correct those wrongs. But as long as these studies remain quiet, Mr. Minister, the public will not know. SUN (Saskatchewan

Union of Nurses) will probably not know, many people will not know, Mr. Minister, and then pressure cannot be put on the government to ensure top quality health care institutions in the province.

And what this government wants is to keep these difficulties that exist in such major quantities in our health care institutions in Saskatchewan; what the government wants is to keep this information quiet, Mr. Minister, and that's why we are objecting to these amendments.

(1430)

Hon. Mr. Andrew: — I'm going to take the opportunity to read into the record the letter from the president of the Canadian Bar Association. This is not health care people. This is the Canadian Bar Association representing lawyers from across Canada, and I'll read it:

The Canadian Bar Association, at its Annual Meeting this past month in Halifax, debated the issue of privilege with respect to the compellability of witnesses and the admissibility of documentation dealing with peer review and quality assurance practices in Canadian hospitals.

The resolution, copy of which is hereto enclosed, was submitted by the National Health Law Committee to the Canadian Bar Association and was actively debated and subsequently approved by our National Association. Lawyers in this country weighed the aspects of the rights of the individual against the general principle of the common good served by all Canadian citizens in the delivery of quality health care and were of the opinion that the amendments are needed to all Provincial Evidence Acts in this country providing for the protection of quality assurance records. Health care professionals who participate in the system of quality assurance and peer review must know they can speak candidly without fear of reprisal. The fact that a resolution involving the health care field has received the endorsement of the National Bar Association indicates the concern which our members have for the continued delivery of quality health care services in Canada.

Our studies indicate that the provinces of Manitoba, Alberta and British Columbia have recognized the difficulty in having health care professionals participate in the process and have amended their Evidence Acts accordingly. These amendments, from our investigation, do not appear to have restricted individuals' rights of action nor of the securing of expert witnesses by other means in pursuing medical negligence action.

Our Association urges your government to seriously consider amending your Evidence Act and other appropriate legislation to assist in the delivery of the highest quality health care we Canadians have learned to expect. Candid scrutiny by peers should ensure this.

We would urge that your Government give serious consideration to this issue. Also enclosed for your information is a copy of The Evidence Act of the Provinces of Alberta, British Columbia and Manitoba. Please acknowledge receipt and advise.

Now the hon. member says that this is some kind of a devious tactic by us. This was advanced first by the lawyers, the Canadian Bar Association, and sets out, I think, fairly clearly and succinctly the balance here. And the lawyers come down in favour of the general interest and the general good of the health care delivery system for all Canadians. And they say that weighs heavier and is more important than perhaps loss of some rights of the individual.

Now the review of that . . . that was in 1985. We reviewed that with the various provinces and with the Canadian Bar Association, and they advise that the concerns about impediments to the plaintiff's case . . . have advised that this has not occurred in the jurisdictions that have had this provision, many of them for five to six years. Other jurisdictions advise that no problems or complaints have been received. The plaintiff's lawyers have access to the same source of information respecting a patient's care as the committee does. Now they have the information. You can still get the information.

Let me add one more voice to this. There is a study presently going on across Canada, and it's called: The Federal-Provincial Territorial Review on Liability and Compensation Issues in Health Care. And it's a very much heralded national committee studying this. That report was submitted in draft form in June of 1989, and that committee dealt with a series of things, but one of the things they dealt with was this very issue. And the recommendation of that committee was to amend The (Saskatchewan) Evidence Act, as we're proposed.

So for the hon. member to somehow say that this is something that we pulled out of the hat for some weird and devious means, is not in fact the case at all. We have received substantial lobby from many of the people in the health care field. We have received support from and encouragement to do this from the Canadian Bar Association, and this last group that I referred to, chaired by J.R.S. Pritchard, who is the dean of law school at the University of Toronto.

So the dean of law school at perhaps one of the more prestigious university law schools in this country, University of Toronto, who clearly, I think the hon. member would acknowledge, has the rights of the individual at heart, as would any dean of any law school in this country, and that is his recommendation as well.

Mr. Koskie: — Well, Mr. Minister, I just want to make a few comments in respect to what you have said. And first of all, as you are aware the Saskatchewan Trial Lawyers Association, representing in excess of 150 lawyers across the province, have voiced their vigorous opposition to this move. As you know, the -Saskatchewan Union of Nurses, representing well over 6,500 professionals or nurses across the province have also filed a brief with the Minister of Justice opposing the step that you are

proposing here.

But the part that you put forward is that it's going to better for the public seems to reflect a necessity to have the internal review from any future negligence trial, and you said the purpose of that is to reduce and keep down the amount of the negligence trials similar to the United States. Really what you're saying is an admission, by saying that, by keeping secret the material within the review panel. What you're saying is that that automatically reduces the access to the patient who is seeking damages. And what you're alleging or stating, in effect, by changing The (Saskatchewan) Evidence Act in this manner, you are in fact excluding information which would ultimately lead to higher negligence claims. That's what you're saying.

And what you're saying, it's in the public interest to have secretiveness in respect to the internal reviews. And I don't know how you can stand as a Justice minister saying that you can have two standards, one where the allegations of negligence and there's limited information, and within the whole system, the internal review is not made available in order to ascertain that.

How can you, on one hand, in essence, almost condone negligence and the cover-up and withholding from the public as being in the public interest? That's the question that's being asked by the nurses and asked by the trial lawyers' association.

As was set out in the Manitoba case in the brief that was submitted to you by the trial layers in the Manitoba case is authority for the proposition that the statements made by the individual, in the contexts where confidentiality and frank disclosure are necessary, cannot be used against the person using the statements. Thus they could not be used as a basis for defamation action, nor could they be used by an employer to justify a dismissal of individual.

But certainly there was no confidentiality or privilege in so far as relating to the quality of care or in the question of negligence. And what I don't understand is why you think that it's going to be such a step forward for the public? It seems to me that as is indicated in the brief here, I just want to read you the first point in the Manny Sonnenschein's brief. He said:

Disclosure of such information does not jeopardize the conduct of further investigation of this nature. The suggestion that doctors or medical personnel would refuse to co-operate with such inquiries if they were aware that there was a possibility that their responses might be later be used in a court action, likewise her little or no merit. And in fact, the position of the medical profession reflects a lack of confidence in the integrity of the members of their own profession.

By merely saying that if you continue this and if this internal review information can be used that doctors won't comply with it, they won't be open. And as he points out in his brief, I think this is a reflection against the doctors that they have no integrity, and that it came to the case where it could be reviewed in a negligence case that

the doctors under this circumstances wouldn't be honest in their reflections.

I think, Mr. Minister, that not only do you have to . . . I guess what I want to ask you: did you have an opportunity of meeting with the trial lawyers association and did you meet with the SUN (Saskatchewan Union of Nurses) union representing 6,500 or more nurses? Have you canvassed them and determined . . . meet with them and determined whether their reasoning is valid? I mean, you can't just take a resolution passed down in eastern Canada by the Canadian Bar Association and then say that it reflects a total opinion in respect to it. We've had it available in the past. In the case in 1987 as indicted in the brief, Finlay case, there they used the Manitoba and British Columbia precedent at that time, and the information was made available.

I don't know how you can say that the public interest is going to be served by curtailing the amount of information in respect to the operation of the hospital or the potential negligence of the medical profession.

Hon. Mr. Andrew: — Well what I indicated to the hon. member about the American system versus the Canadian system is the, as we know, in the United States the rights of the individual are, at all costs, are pre-eminent to any of the other interests, including the general interests of the community very often. And that tends to be a trend in the United States much different than it is here. And with that trend tends to go medical malpractice suits in the United States; they are far, far higher and therefore additional costs added to the health care costs in this country. And so that's exactly the point I was making.

Now the hon. member say, have I talked to Manny Sonnenschein. I have talked to Manny Sonnenschein on this issue and . . . (inaudible interjection) . . . Well I thought Manny Sonnenschein; he's the one that wrote the letter. You quoted from his letter, so I said I met with him and talked to Manny Sonnenschein.

Now the request for the amendment comes from such organization as the Wascana Rehab Centre, the Saskatoon City Hospital, that Saskatchewan Registered Nurses' Association, the Saskatchewan Psychiatric Nurses' Association, the Saskatchewan Medical Association, the Saskatchewan Health Record Association, Saskatchewan Health-Care Association, Saskatchewan Association of Health-Service Executives, College of Physicians and Surgeons, Chiropractors' Association of Saskatchewan, the Canadian Medical Protective Association, the Canadian Long Term Care Association, the Canadian Hospital Association, the Canadian Council on Hospital Accreditation, the Canadian Bar Association, Canadian Association of Quality Assurance Professionals, the administrator of Preeceville Union Hospital, the administrator of Jubilee Home in Lloydminster.

Now we have in fact heard representations. I can advise the hon. member that the two groups that he says, and that is the trial lawyers' association certainly have been the most vocal against us. I don't deny that at all. And as we know, the Canadian trial association lawyers are perhaps the strongest defenders of the rights, and of

course that's the right of the individual as the be all and the end all as importance over the general good of society.

And all I simply say is the letter is advanced by The Canadian Bar Association that there is a balance here, and that we must come down in the balance of the general good of society in general, and health care in particular. Now if the hon. member wants to take the "but for the rights of the individual," or as some devious scheme by this government, I don't think he's being honest to the debate.

Mr. Koskie: — Well I want to make the point, Mr. Minister, that I don't believe that a cover-up of information from the public is in the public interest. I've never even thought of that. And that's the issue here. That's what you're saying — to keep down the negligence, quantum of damages, you say. Well I think what you have to do, Mr. Minister, is save United States by sending over this here piece of legislation. And what you're saying is that you wouldn't get into this mess of high litigation and negligence cases in the United States if they were smart like you and followed a cover-up of information.

Obviously if the information is covered up there won't be many negligence cases, because you can't get the full information. And that's what you're proposing here, is essentially a cover-up. You tell me how a non-disclosure in respect to the internal review is not in the public interest to get that information. You tell me why.

(1445)

Hon. Mr. Andrew: — The hon. member is saying that this is driven by a cover-up, and yet the dean of law school, University of Toronto, a prestigious dean of a law school of a very prestigious university in this country says that this legislation is proper legislation. Now the hon. member can simply say "cover-up" because it's stuck in his craw, quite frankly, and to be honest with him, and if he was honest with himself.

If there is medical malpractice, that action is actionable in our courts in this country. That evidence is available from the patients' charts from simply going and interviewing the nurse; go and interviewing the doctor; go and interviewing people there. The reality is, and what this is about, is that if there is situations where there's negligence in hospitals, the best way, people say, to get to the bottom of that is to have a quality assurance committee that can get in there and probe, not on behalf of the individual, on behalf of the general population of this country, to make for a better health care system. And that's what the issue is here.

If the hon. member wishes to fall back on the simplistic view that he's advancing, so be it. I don't think that's in the interests of the general population and the health care delivery system of this country.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

Clause 5 agreed to on division.

The committee agreed to report the Bill.

Bill No. 84 — An Act to amend The Builders' Lien Act

Clause 1

Mr. Shillington: — I put a question to the minister yesterday and gave him an opportunity to consider it. I would appreciate what I assume will be considered response.

Hon. Mr. Andrew: — I believe the hon. member's question, if I could advance it . . . I'll attempt to advance it as he advanced it, that there is a distinction between the providing of services on the one hand and providing goods on the other hand, and that the mechanics' lien should apply only to providing of goods, not to the providing of services — fairly stated?

An Hon. Member: — I'm not quite sure that is right.

Hon. Mr. Andrew: — But your concern was that the distinction between services on the one hand and the supplying of goods on the other hand — okay? And the way that we have approached this, and the way I'm advised that the law approaches it, is to not to make that distinction, and the distinction being or the principle being, was there improvement to the property.

Now if one goes back and says and electrician, for example, you can provide some goods to it, but he also provides the service, if you like, in the sense of the work that goes into it, etc. And so the distinction becomes the improvement, and was there improvement made to that property?

And so that's our response to the question raised by the hon. member; that therefore leads to the engineer and the architect — does the engineer and the architect in the building of a building, let's say, add some improvement? Are they part of the building of that building? And I would submit they are — perhaps in a different way that the electrical or the contractor supplying concrete or whatever, but they are still part of the whole of building that improvement or building that building or whatever.

Mr. Shillington: — Well that's true, except that they don't bring anything tangible to the property unless they happen to leave a set of plans on the property. Unlike the tradesmen, they bring nothing tangible to the property.

Mr. Minister, I actually asked, I thought — although perhaps not in a very coherent form — I thought I asked a more specific question than that. What happens with a contract which is aborted before the building is completed or perhaps even started? Clearly the tradesman cannot file a mechanic's lien — he's brought nothing to the property. However, the architect may have drawn the plans and may have performed services and may have a claim — does he get to file a mechanics' lien? Let's say the thing was never started; let's say there was an empty lot, building was never started; the building is aborted. Does he get to file a mechanics' lien against the property for his work — the tradesman clearly could not

— and the architect or engineer?

Hon. Mr. Andrew: — I think I would refer the hon. member to page 2, clause 3 subsection (4) whereby the amendment, one of the amendments is:

by adding “or intended to be constructed, erected, built, placed, altered, repaired, improved, added to, dug or drilled” after “drilled”;

So that “intended to” clause is not restricted to the architect or the engineer but covers all people involved in the project. So individuals other than architects or engineers, for example, if they are to provide services prior to going to that state, certainly they can lien the property. If an individual, you own a piece of property, you employ an engineer to draw you some plans for that property, you employ an architect to draw your plans for you, and then you decide, well I'm not going to do it, certainly they should have right, it seems to me, to have a charge against that property. You were the one that entered into the contract with them, you were the one that employed them, and you have an obligation to pay them it would seem to me.

Mr. Shillington: — Mr. Minister, I'll consider your response in light of the legislation; I don't pretend that is a matter which should consume a lot of time. It can in some individual cases result in some inequity, but I will consider the minister's questions and if the matter does not turn out . . . If my worst fears are realized, perhaps you could raise the matter another session, but I will consider the minister's comments.

With that, Mr. Chairman, I think the Bill can go.

Clause 1 agreed to.

Clauses 2 to 15 inclusive agreed to.

Mr. Chairman: — I'd like to ask the minister to report the Bill, and thank the minister and his officials.

Hon. Mr. Andrew: — I move the committee report the Bill. I would thank my officials; they have since left and a new group will be coming in. And I appreciate the comments and the legitimate questions of the member of Regina Centre.

The committee agreed to report the Bill.

Mr. Shillington: — It's perhaps indicative that the public service left without waiting to be thanked. That may tell the members of this Assembly something. I do however, as well, want to thank them for their attendance. They came at a reasonable hour, but some of these public servants have come at some God-awful hours, and we really do owe them a vote of thanks.

Bill No. 70 — An Act to amend The Education Act

Mr. Chairman: — I'd ask the minister to introduce his officials.

Hon. Mr. Hepworth: — Thank you, Mr. Chairman, members of the committee. Seated beside me I have Mike

Benson, executive director of finance and operations; behind Mike is Chris Gerrard, director of independent schools; and next to Chris is Michael Littlewood, director of board and teacher services.

Clause 1

Mr. Rolfes: — Mr. Chairman, there's really only one item that I wish to discuss in this Bill today, but it is, in my opinion, a very contentious item. I note in the Bill, Mr. Minister, as I've indicated in second reading, that there are some major changes that you are making, many of which we on this side agree with, and overall I would say that those items are in need of changes, and we support those.

But there is a particular issue in the Bill that we do not support, and I personally do not support, and that is the item on independent schools. Mr. Minister, in this province for a long, long time we have supported a public school system made up of a public school system and the Catholic school system, and some people have even thought that that was fragmenting our system too much.

But in this Bill, and in two Bills that were considered this morning, you have established that you are prepared to accept, I believe, private schools in this province more than the ones that we presently have. I want to make it very clear that we support the schools that presently exist, the private schools that presently exist, and we've made that very clear in second reading, and we've made that very clear in other statements that we have made. We are not opposed to that.

But, Mr. Minister, what I want to ask you today, and we are limited in our time, so I would appreciate some concise answers from you in the questions that I will be putting to you — Mr. Minister, in the Act that you have before you, in Act 70, am I given to understand that the only requirements that there will be for private schools are that they must meet the provincial curriculum and they must have certified teachers? Are those the only two criteria that you will demand of private schools?

(1500)

Hon. Mr. Hepworth: — I thank the hon. member. Mr. Chairman, first of all, I appreciate the fact that, as you've said in your opening remarks, that many of the changes in this Bill were needed and that you support them. I understand the one area that you have some questions on.

I too would like to say relative to education in this province, that I view as well, in my capacity as Minister of Education, our first, our government's first and foremost responsibility is to the public education system — unquestionably. So I think we're agreed on that.

Having said all of that, there's no question as well that private schools do have a legitimate role. And thirdly, I think in the face of charters and court rulings and parents' wishes, we have to accept our responsibility and put some regulation in because what we have today is a bit of a no man's land or a vacuum. And I say that based on ... for all the reasons I outlined earlier, including court cases.

So I think we have to accept our responsibility.

You mentioned that you support all the private, or to use maybe the new vernacular, independent schools that exists today. You see the difference there. I guess what I would lay on table for you is that we have some directors who feel like they're in a no man's land because there are some private schools, apparently, where there might be only two or three or six children in a basement somewhere in a house that they really don't know about.

So I don't know as I can say that I agree with all of those because there are some that we don't know. And one of the reasons why we felt we had to get into this issue and get some regulation in place was because of the directors' unease around truancy and some of those kinds of questions. So for all those reasons, that's why we're going to put this in place.

Now you say, what shape and form will this regulation take. I can't say concretely what shape and form it will take yet. I can tell you how I'm going to determine that. I have put in place an advisory group that will be working with Dr. Gerrard that includes a couple, I think, a couple representatives from the SSTA (Saskatchewan School Trustees Association), people from the STF (Saskatchewan Teachers' Federation), LEADS (League of Educational Administrators, Directors and Superintendents), obviously the independent schools' group, the department, to examine that very question and to frame out and to flesh out what the regulations should look like. And we're in the process of getting names and nominees back from those various organizations, so that is what we will determine.

And I think those kinds of people would raise the same kinds of concerns and questions you have about, you know, curriculum and teacher qualifications and those kinds of questions, and that is the group I'll be looking to for advice. So I see this largely in having to deal with this in The Education Act as spelling it out, a grey area, as spelling it out in more concise terms in everyone's best interest.

Mr. Rolfes: — Mr. Minister, I probably wasn't definitive enough when I said that I support the private schools that are presently funded by the government. I did not want you to misinterpret that I support private schools that presently exist and are not regulated or funded by the provincial government. I believe that all private schools must at least meet two criteria. One is that they must follow the provincial curriculum, and number two, that they must have certified teachers. My question to you very specifically was, Mr. Minister, were those the only two criteria that you will use in allowing a private school to be established in Saskatchewan, and funded publicly?

Hon. Mr. Hepworth: — Relative to funding, as I said at the time of ... when we acted on the Dirks report, as I said then, we have no intention of funding, other than the private high schools we have now. And there was in that report a request for \$25. We fund only today, nine, and I guess now, eight high schools. We have no intention of broadening that to include elementary schools. So the funding issue is a non-issue. And in so far as teachers and courses and curricula and those standards and all that

kind of stuff, as I said earlier, that kind of detail, I'll be looking to the advisory body to give me some recommendations on.

Mr. Rolfes: — Mr. Minister, I'm not getting through to you. Presently your funding is based, I believe, on two things for those private schools: curriculum, they must follow provincial curriculum; and they must have certified teachers. All right? You are presently funding those eight private schools. The two main criteria are provincial curriculum and certified teachers. My question to you simply is this: if other private schools meet those two criteria, are you going to fund them? And does this Act then allow you to fund those schools if they meet those two criteria?

Hon. Mr. Hepworth: — What I can tell the hon. member is there is nothing in this legislation, nor do we intend to open up the floodgates to allow for government funding of elementary schools. The funding that is there now is there for those high schools that have met certain criteria. That doesn't mean to say, I suppose, that at the high school level, if you had a ninth one come along now — we're back down to eight — a ninth one come along that was in operation for five years, and whatever The Education Act says now, that they wouldn't be eligible for funding. But I can tell you unequivocally that we have no intention of changing the arrangement, nor does this legislation contemplate changing or providing funding at the elementary level.

Mr. Rolfes: — Mr. Minister, you have noted at least two or three times, at the elementary level. Are you saying therefore that you are anticipating that you may be funding other private schools other than the eight the presently exist? Why would you say to or three times, "at the elementary level?" Or are you simply saying we have no intentions of funding additional private schools other than the ones that we presently have?

Hon. Mr. Hepworth: — We have no intention at this moment of funding, for sure we're not calling anything at the K to 8 level. The funding today goes to nine, now eight. I can't rule out absolutely that down the road . . . I'm not contemplating any; I don't know of any that might not meet the criterion of The Education Act that is laid out at the high school level that could get funding. That's these things in the Act about five years in operation, etc., etc., but I'm not contemplating any, and I don't know of any.

Mr. Rolfes: — Mr. Minister, The Urban Municipality Act and The Northern Municipalities Act, I think it was called, now exempt after the passage of the Bills this morning, now exempt all private schools from property tax, I believe. I think that's the wording, if I'm correct, in what the Minister of Urban Affairs indicated to us this morning.

Can you tell me again, those private schools that will be exempt, what are the criteria that they must meet in order that they will be exempt from property tax. What criteria are you looking at and saying, all right, if you meet these criteria, then you will be exempt.

Hon. Mr. Hepworth: — I am presuming that we went through the debate early this morning in my absence and under the other minister's Act about why we're providing

for the exemption in a standardized fashion, because today we have some that are exempt by Act of the legislature, some by the good will of a municipality. And it was all over the water, so now it's standard. And I think that makes sense. The money should be on the Department of Education's back to determine what is a legitimate school as opposed to some city or hamlet or municipality determining. So I think that makes eminent good sense and we had all the scenarios.

The criterion will be, then, they will have to be registered with the department. And the criterion relative to the registration will be determined by this group I talked about earlier, that will cover some of those things that will look at some of those issues that you've raised. So they will have to be registered, and the criterion will be whatever I get from the advisory group.

Mr. Rolfes: — Mr. Minister, you must be more definitive than that. I mean, you brought the Act forward. Please tell me, are you going to require as a minimum that they must follow the provincial curriculum and they must at least have certified teachers before they will be exempt from property tax. Will that at least be the minima that you're going to require?

Surely we're not going to say that anybody who sets up a private school or an independent school is automatically going to be exempt from property tax. Surely that's not what you're telling me this afternoon. You must have at least some minimum criteria that you are going to say we must at least meet these . . . (inaudible interjection) . . . Pardon me? Well I thought maybe you could answer better than . . . You are an educator and therefore I would expect . . .

An Hon. Member: — Well I can, but I'm not going to do it today.

Mr. Rolfes: — Sure do it.

Hon. Mr. Hepworth: — The only schools that will be exempt from taxation after the passage of this legislation will be those that are registered. What makes up a registered school? I know that it would be nice if I could lay it out 1, 2, 3, 4, 5, 6, 7, 8, 10 for you. I cannot. The reason I cannot is that I don't think that's the preferred way to go about this because you would maybe just then accuse me of some unilateral Tory decision of making the rules. Our preference is to involve the experts.

The experts in this case are the trustees, the Saskatchewan Schools Trustees' Association and the Saskatchewan Teachers' Federation, the LEADS group, parents, the independent schools group. I would think the kinds of concerns you raise round the qualification of teachers, the STF representative on that committee would obviously be sensitive to that point, whether it would be the view that you've expressed, or a different view, but I know that they would be concerned about teacher quality.

Similarly the trustees, I think, would be concerned and bring a certain dimension to the table. I think that can be a very useful vehicle for us to flesh that out. I don't pretend to be the expert in . . . And in the typical fashion here, or

the traditional fashion in Saskatchewan has been to involve all the players in a consultative and collaborative method, and that's exactly what we're doing here. I would expect that in the next months that we would have those criterion fleshed out for you.

Mr. Rolfes: — Mr. Minister, I hate to be patronized, but you really are getting to me a little bit. I was trying to . . . you can't tell me, Mr. Minister . . . you've established, you're hired Chris Gerrard to do a study on private schools. I know Mr. Gerrard has made some recommendations to you. I also know that Mr. Dirks has made some recommendations to you. Both of those gentlemen come from the same philosophical viewpoint, and I'm not saying I object to that.

You must have in your discussions with other groups, the STF and the SSTA, must have determined in your mind and in the department what would be the minimum that you would ask for and demand before you would register a private school. And I'm asking you, is at least the minimum that they must follow the provincial curriculum and they must have certified teachers? Is that at least the minimum that you have established for yourself in your discussions?

You can't tell me that you have brought this Bill forward without any consultations at all with the STF and the SSTA and LEADS, and have just followed the direction of Mr. Gerrard and Mr. Dirks. I don't believe that, and I know you don't operate that way. Well, I hope you don't operate that way.

Well, Mr. Minister, is that the minimum at least that we're going to ask of independent schools before they are registered, that they must meet those two criteria? I'm not saying those are all the criteria they should meet, but at least those two. Will you demand at least that of the independent schools before they are registered?

(1515)

Hon. Mr. Hepworth: — I'm not going to place any caveats on . . . I'm not going to handcuff the committee. It would just make a mockery of the process. I've asked professionals. The SSTA already have their two nominees, high-quality people. The chairman is going to be Alex Postnikoff, I believe, a well-known individual in the educational circles across Saskatchewan, I think was viewed as a very sensible and a very highly regarded appointment.

I'm not going to handcuff this committee by suggesting — because I do not have them — that this is the rules that we're going to put in place: A, B, C, D, E. I'm looking to them. I'm looking to the teachers, to the parents, to the trustees, to the departmental officials that will sit on this committee to give me their best recommendations relative to the criterion for registering independent schools.

Mr. Rolfes: — Mr. Chairman, Mr. Minister, I didn't want to say this, but you've really made a farce out of it already by the strategy that you have taken upon yourself, and that is by hiring two people who had blinkers on when they did their study. Now I don't think that I am being too severe

on these individuals. They don't mind because they believe in that particular philosophy, and you knew exactly what kind of a report you would get from both Mr. Dirks and Mr. Gerrard, and I don't argue with that.

But don't tell me that you have not already made up your mind as to what the criteria will be, at least a minimum criteria. You have set up this committee, and I don't object to that, set up the committee to get further consultations, and that's great, but at least I would hope, Mr. Minister, that you would say to the people of Saskatchewan — and there are a lot of people who are concerned about independent schools and which ones will be exempt from taxation — that at least the minimum criteria shall be that they follow the provincial curriculum and have certified teachers.

Mr. Minister, I am obviously not going to convince you of that and my time is limited . . . (inaudible interjection) . . . Well I could go on a little bit further. Mr. Minister, are there going to be, and how many do you feel there will be, independent schools who are not registered? I note in the Act you say that there will be independent schools and then there will be registered independent schools. Are there also going to be non-registered independent schools?

Hon. Mr. Hepworth: — In answer to your question, the answer is no. To respond to your initial commentary, you know, attacking a couple of the individuals who've been involved in helping the House flesh out this legislative vacuum, the reality is the response to the Dirks report, the SSTA's response, and I could read it for you, relative to comments made by Jake Volk. He uses words like "pleased":

We have always indicated that we see a role for private schools. We have no concerns about that at all . . . (and he's referring to the Dirks' report).

I think . . . getting back to what I mentioned:

We feel that the public education must be the number one priority of the government. I think this announcement suggests that.

I mean, I don't think there was any sense that somehow we were fragmenting, or anything else, the public education system. I could make similar comments as a result of comments by Fred Herron, representing the STF in response to Dirks report.

This is not an ideological issue for us. It might be for you. It is not for us. We were in a legislative vacuum. Directors, parents, schools boards all recognize the need for putting some regulations in a legislative vacuum, and that's what we're going to do, Mr. Chairman.

Mr. Rolfes: — Mr. Minister, you are the one that put the bias in this whole discussion immediately when you appointed Gordon Dirks. Immediately everybody knew where Gordon Dirks stood. We knew his involvement in the Christian schools here in Regina. You also biased it further by appointing Mr. Chris Gerrard, who I well know and who I respect for his opinions and his abilities, with whose opinion I don't agree, but that's neither here nor

there.

All I'm saying to you is you already put a bias into this whole study by the way you've gone about studying the private schools in Saskatchewan. Surely you didn't expect Mr. Gerrard or Mr. Dirks to bring forth a report or a study or suggestions to you that private schools have no place in Saskatchewan. You didn't expect that, and I wouldn't expect that either from those two gentlemen. And so you have biased the situation on private schools when you hired those two gentlemen to, first of all, Mr. Dirks do a report and then hiring Mr. Gerrard in the department. So you biased it.

I am asking you, Mr. Minister, in Bill 70 it's my understanding, if you go to clause 4, you refer to independent schools and then you also referred to registered independent schools. Now if there are not going to be any non-registered independent school, why then in (q) do you have:

make provision for the registration of independent schools;

And then:

(r) make provision for the inspection of registered independent schools.

If they're all registered, then why are you referring to an independent school? Why not register it independent school?

Hon. Mr. Hepworth: — You have to define what it is you're going to register, is the short answer. And just to respond again, relative to what in your mind is biases, etc., etc., a brief that I received from the Saskatchewan Teachers' Federation of March 1988 in response to a review of private schooling in Saskatchewan, which is traditionally known as the Dirks report, here's what the opening paragraph has to say, hon. member:

The Saskatchewan Teachers' Federation is, on the whole, pleased with a review of private schooling in Saskatchewan prepared by Gordon Dirks. We believe it takes a constructive and conciliatory approach to balancing the wishes of parents who would choose private schooling for their children and the obligation of society to ensure that all children have access to an education that is of high quality.

I tend to share the STF's view.

Mr. Rolfes: — Mr. Minister, you didn't answer my question again. I asked you, Mr. Minister, if all independent schools are going to be registered, why then do you have to refer to in the Bill a number of times, independent school. You don't say a registered independent school. If there are not schools that are just independent — they're all registered — why in the Act then time and time again are we referring to independent school and then registered independent school?

Hon. Mr. Hepworth: — We're getting largely into semantics here now. I'll take another stab at explaining it

to you. An I or am I not an independent school? That would be a legitimate question that some schools and some parents might ask. So we have to define what it is that's an independent school. All independent schools will be regulated, and if you aren't regulated and operating as a regulated school, then you'll be without the bounds of the law.

Mr. Rolfes: — Mr. Minister, that's why I asked you from the beginning, what criteria are you going to use? And you said to me a little while ago, no, there will be no non-registered independent schools. That's what you said to me; we could check the record. There will be no non-registered schools.

If that is true, then what you're saying to me is that all independent schools will be registered and therefore will be exempt from property tax. What criteria are you going to use to register independent schools . . . (inaudible interjection) . . . But he said there will be only registered independent schools. That's what he told me. Is that correct?

Hon. Mr. Hepworth: — We have a bunch of independent schools now. They are not registered. They are in a no man's land, in a vacuum. Municipalities get requests for tax exemptions. Should it be the job of a municipality to determine which is a legitimate school and which is not? No. That's why we have the hodgepodge today. We've got some by the Act of the legislature, some we don't even know about, some that directors are ending up in court over, some where parents are taking the system to court.

We've got to bring some organization to the world of chaos. And if there are, after the legislation is passed and after we've had a chance to put it in place and implement it, if there are schools that are operating independently that aren't registered, they will be outside the law and the children will be truant, which is exactly one of the issues that the LEADS group is having trouble dealing with this very day.

Mr. Rolfes: — Why didn't you say that from the start? What you're simply saying . . . (inaudible interjection) . . . Mr. Chairman, will you ask the Minister of Urban Affairs to either go and have a cigarette or just be quiet? Because he had a difficult time explaining his own Act this morning.

An Hon. Member: — It wouldn't be good for his health. Don't say that.

Mr. Rolfes: — Well if it isn't good for his health, I would recommend it twice.

Mr. Minister, you made the statement just a few minutes ago that there would be no non-registered independent schools. You made that statement. And I asked you, what criteria are you going to use? You say you don't know. But you have already made up your mind that there will be no non-registered independent schools. Therefore it follows that all independent schools will have to meet the criteria or will no longer be in existence or will not be allowed. Is that correct?

Hon. Mr. Hepworth: — I think we're starting to agree.

You're right. If they are existing then (a) they are existing outside the law, and the children re truant.

Mr. Rolfes: — Now, Mr. Minister, if you had told me that 15 minute ago, I could have asked you my next question. Does that mean then, Mr. Minister, that many of the private schools that presently exist and that will not meet your criteria, will you then say that they will not be allowed to offer education in the province of Saskatchewan?

Hon. Mr. Hepworth: — As we get the legislation passed and implement this, and determine the criterion and do the inspections or whatever has to go along with it, if there is an independent school as we would know it today that cannot be registered, then that school . . . appropriate action will have to be taken, because it will be operating outside the law and the children will be truant.

Mr. Rolfes: — Mr. Minister, all right. We have established that then. Mr. Minister, after you have written your regulations, I assume . . . A couple of questions: how long do you think the advisory committee is going to do their study; secondly, when do you expect that these regulations . . . how long after the committee has reported will the regulations be ready; and thirdly, are you going to publish those regulations, before you implement them, to the various groups and individuals who may be interested in reviewing those regulations and making recommendations to you for further improvements?

Hon. Mr. Hepworth: — In so far as when we could see having some detail, I've written all the organizations that I've talked about earlier for their nominees to sit on the board. I have received some responses from some and we've already determined the chairman. Because virtually all of the interested parties are at the advisory board table, I think it would be a redundant and time-wasting step to sort of take what they flesh out and then put it back into all the group's hands. Unless the board itself determines that we need, as the SSTA rep might say, well I want to take this back to my full board. I think the mechanism exists within themselves to do that. So I wouldn't put an extra step in there if they didn't see fit.

(1530)

We're shooting to have their first meeting in late September. It would likely be a committee that would meet once a month, although maybe more often as they got that initial bolus of work to deal with, and then after that it might be more a fine-tuning nature. So that gives you a bit of an idea on time frames; that they'll be getting right at it as soon as we get all the names back in and the committee formulated . . . (inaudible interjection) . . . Well there is no . . . This isn't a committee that's been established just for six months. We're looking for them obviously for some fleshing out in a fairly substantive way in those first few weeks that they meet.

But after that, we might use them a once a month for a year, or once a month, or every other month for two or three years if there's issues that have to be dealt with. So it almost would become a standing committee in some ways.

Mr. Rolfes: — But that wasn't my question. I want to know approximately when you expect them to have their recommendations in to you, and when do you expect . . . You must have a target date as to when you would like to have your regulations ready. I don't want a definitive date of December 18, but approximately — or Christmas Day, as the Minister of Health has been suggesting.

Hon. Mr. Hepworth: — Well I'm reluctant to get tied down because then the committee will think I'm either pushing them or pulling them or foot-dragging or something. They're going to meet first in late September, given the task ahead of them, I would think, but I wouldn't expect a lot from them before three or four months, six months.

Mr. Rolfes: — Could you give me the names of the organizations that you have contacted and who will have representatives on the committee; could you send that to me? And if you also have the names of the individuals already from those groups, I would appreciate that.

Mr. Minister, one further question. Can you tell me, has your legal opinion . . . you must have sought legal opinion, I am sure. Once this Act is passed, have you got the authority then to fund any private school that meets the criteria that you will set down at that particular time — since you don't know what the criteria are? But have you sought legal opinion as to whether or not you would have the right then to fund any of those private schools that will be registered?

Hon. Mr. Hepworth: — This legislation does not change the relationship to funding at all, nor does it contemplate any changes.

Mr. Rolfes: — Have you received any legal opinion as to whether or not you can discriminate, once you register a private school? Can you discriminate, for example, and say, well we're only going to fund the present eight, but we won't fund any of the others, now that we've registered them and they meet all the same criteria as the present eight private schools are? Have you sought any legal opinion in that regard as to whether or not you will be obligated then to fund all those private schools, or whether you could still stay with the eight that you presently are funding?

Hon. Mr. Hepworth: — As I said earlier, this legislation doesn't change anything relevant to the funding, so then the question becomes one of does the existing Act . . . have we ever had the existing Act challenged relative to that issue? Because today we do fund some private high schools and one could argue that we already have categories, some of which we fund and some of which we do not. All I can say is that we've, at least in my knowledge since I've been here, that we've never had that challenged. And that's the present Act unamended.

Mr. Rolfes: — Minister, you missed the point again. If you legitimize the private schools, you're saying, look it, I've set up an advisory council; they're going to advise me what the criteria will be to register these private schools. I would assume then that those same criteria will apply to the present eight schools that you are funding.

Have you sought legal opinion as to whether or not you can say, we will only fund these eight but we will discriminate against all the others, even though they meet the same criteria now and we have registered them? Have you sought legal opinion on that? What's what I'm asking you.

Hon. Mr. Hepworth: — Well we, as is the normal course with any of our legislation, officials at Justice are involved in the process and have advised us that the position of this amended legislation is no different that it was in the unamended form.

Mr. Rolfes: — Mr. Minister, I just don't believe that. I just don't believe that, because now you are saying, after this legislation is passed, you are saying . . . (inaudible interjection) . . . No, he doesn't understand the question I'm asking. He is saying, now we have these eight schools; we are funding them; they meet these criteria. We are not going to register these other schools; they meet the same criteria, but we're not going to fund them; we're going to discriminate against them.

You have changed the circumstances. These schools now don't have to meet any criteria. These schools now aren't registered and therefore you don't have any obligation to fund those schools vis-a-vis the eight that you're presently funding.

And I'm asking you is: did the legal opinions that you sought address that specific issue as to whether or not you will be obligated to fund all those private schools, or whether you can still discriminate, as you say that you will be doing?

Hon. Mr. Hepworth: — Okay, let's . . . maybe I'll just go through this as quickly as I can. First, just to repeat what I earlier said, is that there will be no new operating grants for independent schools beyond the support that already exists — point number one.

Point number two: the proposed amendment to section 372 of the Act, section 24 of the Bill, permits the minister to make regulations classifying registered independent schools. My officials tell me as well that in B.C., it is, they currently have five categories of independent schools; three categories of accredited schools, two of which are funded; two categories of registered schools, one of which is funded. Alberta has one category of accredited schools which are funded, and one category of registered school which is not funded.

What I'm coming to is that there does not appear to be any constitutional problem with these systems so far, and we do not anticipate any such problem maintaining the present distinction between the nine independent high schools and the other independent schools in Saskatchewan.

That's our best advice, hon. member.

Mr. Rolfes: — Mr. Minister, I would certainly agree with you that presently that is true. We've sought legal opinion and our legal opinion states otherwise. And it simply states that you can't discriminate. If they meet the same criteria, you can't discriminate, and that if taken to court,

that you will have to then pay or fund those other schools on the same basis as you are presently funding the eight high schools that are in existence.

Mr. Minister, our time is up. I do not want to spend any more time on it. I do want to, Mr. Minister, state very categorically that I am opposed to the position that you are putting this province in in the future obligations of funding private schools. I think that you are mistaken in what you are doing, and you will put us in a position where all registered private schools will have to be funded. And I do not — I just do not believe — I do not believe that the legal opinion that you have received has addressed the issue that I have asked you about today.

But, Mr. Minister, obviously I'm not going to be able to change your mind on it, so therefore I will go on to the rest of the Bill and ask some specific questions when we get to various clauses.

Clause 1 agreed to.

Clause 2 agreed to.

Clauses 3 and 4 agreed to on division.

Clauses 5 to 14 inclusive agreed to.

Clause 15 agreed to on division.

Clauses 16 to 21 inclusive agreed to.

Clause 22

Mr. Rolfes: — Mr. Chairman, I have a question here. Mr. Minister, you had indicated before that there will only be, and please correct me if I'm wrong — maybe you didn't mean to say it — but you said there would only be registered independent schools What is meant by (b) then:

“361(1) The operator of:

(b) any educational institution which provides educational services to pupils in courses of instruction prescribed under this Act;

subject to the regulations, when required by the minister, shall furnish information . . .

What other institutions are you anticipating here — “educational institution” — is all of the private schools are going to be registered?

Hon. Mr. Hepworth: — An example of any educational institution, to try and clarify it for both yourself and myself, might be like a tutorial service that could be contracted by a school board to provide tutoring at one class or two class areas, something like that. I think it's there to cover off any loopholes that we might contemplate popping up.

Mr. Rolfes: — It was a very weak answer. I'm very suspect on that because you are . . . It says:

any educational institution which provides

educational services to pupils in courses of instruction prescribed under this Act;

Why would we have to . . . if they are contracted out by a school board, then the school board that is contracting out is responsible. Why would you have to have a special clause in here, or subsection in here on educational institution?

Hon. Mr. Hepworth: — Well I'll try and clarify it to the hon. member again. This is there more as a safety valve to make sure that if there is such an institution that we have some handle on it.

Now you and I may share in some embarrassment here in that I think this Act is amended, but that clause (b) is in the present Act and all that's being actually amended here is the phrase (a) which is the "registered independent school." So I guess I would be saying is . . . And I will just recheck that, but clause (b) already exists in the legislation.

(1545)

Hon. Mr. Hepworth: — Well, Mr. Minister, I just want to point out to you that if that is the case, then section 22 is misleading. "Section 361 is repealed and the following substituted." Mr. Minister, I'm not going to worry about that; we're running behind; I'm going to section 22 on division.

Clause 22 agreed to on division.

Clause 23 agreed to.

Clauses 24 and 25 agreed to on division.

Hon. Mr. Hepworth: — Mr. Chairman, I move the committee report the Bill, and I would like to thank my officials for their help in this legislation.

Mr. Chairman: — I would also like to thank the minister and his officials.

Mr. Rolfes: — Mr. Chairman, let me take the time to thank the officials and the minister.

The committee agreed to report the Bill.

Bill no. 53 — An Act to amend The Public Libraries Act, 1984

Mr. Chairman: — I would ask the minister to introduce his official.

Hon. Mr. Hepworth: — Mr. Chairman, all the members of the committee, I'd like to introduce Karen Adams, who is our Provincial Librarian.

Clause 1

Mr. Rolfes: — Mr. Minister, just a few comments on this Bill. Mr. Minister, in second reading you left the impression that there were no libraries in northern Saskatchewan of any significance, in second reading, and I was really sort of astounded at that particular

observation that you have made. It was my understanding that there have been libraries in northern Saskatchewan since 1964. There have been libraries at Ile-a-la-Crosse, Buffalo Narrows, Pelican Narrows, La Ronge, Beauval, and what we are doing, I guess, under this Act is to co-ordinate them more in the town of La Ronge.

The problem, Mr. Minister, of the libraries, not just in the North, but in Saskatchewan, has been that you have really underfunded them. And that started really in 1986-87 when there was a 12.7 per cent cut in the library budget, and today, Mr. Minister, the funding that you are providing for the libraries today, I believe, is less than what it was in 1986-87.

So that the real problem has been the funding, the lack of funding for libraries in Saskatchewan, and although I welcome the structure, the structure itself, Mr. Minister, is not going to add to the standard of libraries in Saskatchewan unless you are committed also to the funding of libraries.

And, Mr. Minister, with those few words, I will proceed with the Act.

Hon. Mr. Hepworth: — Well just quickly to get the record straight, relative to our record on northern libraries, we have taken a situation in '81-82 where we had six boards operating libraries at Creighton, Ile-a-la-Crosse, La Loche, La Ronge, Uranium City, Buffalo Narrows, and receiving less than \$20,000 to a situation in '88-89, where we now have 11 boards receiving \$141,144.50, or over 600 per cent increase.

Now you ask the Northerners which would they prefer — six centres with a measly 20,000, or 11 with 141,000-plus, and that doesn't include the half a million dollars, or nearly have a million dollars that we're going to spend on moving the northern library administrative side from downtown Regina into the North where it belonged.

Mr. Rolfes: — Well I wasn't going to respond, Mr. Chairman, but . . . Mr. Minister, you're very good at selecting things out that would benefit you, and I don't disagree with that. But when you look at the overall provincial funding of libraries since you've taken over, Mr. Minister, it has been a disaster. The funding that you have received from treasury board has simply been a disaster.

And if you look at the 1986-87 budget vis-a-vis today, you have received less from the provincial government . . . you are receiving less today than you were in 1986-87. And, Mr. Minister, if you don't agree with that, I've got the figures right in front of me here. In 1986-87, there was a budget of \$5,568,440. You then had a 12.7 per cent decrease and we went to \$4,861,600, a decrease, Mr. Minister, of \$700,000 — \$700,000 decrease in the provincial library budget.

So, Mr. Minister, yes, I think my accusations against you were accurate. There was no commitment from you to provincial libraries. Yes, very selectively you did increase the ones to northern Saskatchewan, and for that I give you credit. But overall, Mr. Minister, your problem has been

that there has been no commitment, real commitment of funding to the provincial libraries by your government. And that is the biggest problem, not really their restructuring, although I welcome that as well.

Clause 1 agreed to.

Clauses 2 to 10 inclusive agreed to.

Mr. Chairman: — I'd like to thank the minister and his official, and ask the minister to report the Bill.

Hon. Mr. Hepworth: — Mr. Chairman, I move the committee report the Bill. And I too would like to thank Karen for her excellent work in this legislation and in what she's done for library service in the North, and indeed throughout the entire province, Mr. Chairman.

Mr. Rolfes: — Mr. Chairman, I'd like to agree with the minister in congratulating our Provincial Librarian. I too find that she's working under very difficult situations but doing an excellent job.

The committee agreed to report the Bill.

THIRD READINGS

Bill No. 85 — An Act to amend The Mineral Taxation Act, 1983

Hon. Mr. Hodgins: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 75 — An Act to amend The Saskatchewan Evidence Act

Hon. Mr. Hodgins: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 84 — An Act to amend The Builders' Lien Act

Hon. Mr. Hodgins: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 70 — An Act to amend The Education Act

Hon. Mr. Hodgins: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 53 — An Act to amend the Public Libraries Act, 1984

Hon. Mr. Hodgins: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 7 — An Act respecting the Protection of Children and the Provision of Support Services to Families

Hon. Mr. Hodgins: — Mr. Speaker, I move third reading of Bill No. 7, An Act respecting the Protection of Children and the Provision of Support Services to families.

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

Bill No. 45 — An Act respecting Personal Care Homes

Hon. Mr. Hodgins: — Mr. Speaker, I move that Bill no. 45, An Act respecting Personal Care Homes be now read a third time and passed under its title.

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

SECOND READINGS

Bill No. 94 — An Act respecting Representation in the Legislative Assembly

Hon. Mr. Hodgins: — Thank you, Mr. Speaker. Mr. Speaker, it's my pleasure today to rise and move second reading of The Representation Act, 1989. And the representation Act before us, Mr. Speaker, simply gives effect to the motion that was passed by this House, I believe yesterday, and that motion accepted with amendments the final report of the Electoral Boundaries Commission, 1988, and is very much consistent with that.

(1600)

I want you to know, Mr. Speaker, that owing to a lack of time, it was not possible to have the Bill printed with the ... incorporating the amendment to the motion accepting the commission's report with regard to the change of name for the constituency of Regina Normanview to Regina North West, and accordingly I will be bringing in a House amendment that will be moved to incorporate the change and thus make The Representation Act, 1989, consistent with the motion as amended.

Mr. Speaker, once again I don't feel that there is a lot to say on this piece of legislation because once again the piece of legislation simply confirms, simply confirms that motion that was passed by this Assembly. And if I could for a few moments, Mr. Speaker, perhaps just reiterate some of the comments that I had previously on the motion itself. And I think you'll recall, Mr. Speaker, that in that motion there was strong arguments advanced by this side of the House that the three-panel commission did a very thorough and a very complete job that they were assigned to do. They did it with dignity. They did it with class. And, Mr. Speaker, I would think that most fair-minded people throughout this province would give all the credit that is due those three eminent gentlemen from all across Saskatchewan who worked long and hard in putting

together boundaries.

And I would just remind you, Mr. Speaker, of the players on that commission: the Hon. E.M. Culliton, retired chief justice of Saskatchewan; Judge Harvie Allan, judge of the provincial court; and Chief Electoral Officer for the province of Saskatchewan, Mr. Keith Lampard.

Mr. Speaker, I would say that whenever constituency boundaries have been changed, in the history of this province or other provinces, there will be and there has been arguments made by members opposite of a gerrymander, and that the government in power has chosen to change boundaries to suit themselves only and in fact to give preference or give advantage to the government. And I say, Mr. Speaker, whether or not those arguments have been accurate in the past, today is irrelevant. I speak specifically to the job that these three eminent gentlemen did, and I'd say, Mr. Speaker, those arguments, if they are advanced by members opposite, are not valid.

I say, Mr. Speaker, that overall, the motion and this Bill that accepts the motion does not make significant changes in rural Saskatchewan to many constituencies. There are literally a handful of constituencies that have been altered and not in a big or a major way. I would say, Mr. Speaker, that representations have been made by the members opposite. I can think of three or four members from the government who requested of the commission to make changes that would suit them as individuals. Some of the concerns brought by government members were incorporated into the report. Others were denied.

And I stress once again, Mr. Speaker, that this had to have been a very difficult task. Very difficult to be fair and be perceived to be fair to both government and opposition. Our government members did not, within this report, get everything that we wanted. But I say, Mr. Speaker, that our government members were satisfied that the commission did the best they could.

Members opposite as well made representations to the commission, and I believe were satisfied to a large extent on many of the interventions or representations that they themselves made at the commission. And I would, Mr. Speaker, in all fairness that members opposite should here today stand up and acknowledge, acknowledge the changes that were made that suited them and their representations.

I say, Mr. Speaker, that naturally there were some changes within the cities, primarily Saskatoon and Regina, and I would acknowledge, Mr. Speaker, that population trends certainly have been that Saskatoon and Regina have grown. I believe that this Act and in turn this report very much recognizes the population growth within the city of Saskatoon and Regina, very much recognizes in which areas of the city those population growths have taken place.

I use the example in the city of Saskatoon. I expect the Leader of the Opposition will be speaking on this Bill, and I stress very much, Mr. Speaker, the Leader of the Opposition's own example of his constituency. And I will compare that to a good friend and colleague of mine, the

Minister of Science and Technology. My figures are not precise, but in general terms, Mr. Speaker, and you may check the records on this, but I do believe that the member from Saskatoon Riversdale represents today approximately 10,000 people. I believe this very day, Mr. Speaker, the Minister of Science and Technology represents some 23,000 people or thereabouts.

And I would argue, Mr. Speaker, that this motion, that this Bill acknowledges and recognizes that difference. Saskatoon Riversdale, some 22 . . . or pardon me, some 10,000 voters, the member for Saskatoon Mayfair, some 23 or 22,000 voters, Mr. Speaker. And I would say that if anybody opposite says that these new boundaries are unfair, I would make the strong argument or I would ask the question, Mr. Speaker: is it fair that the Leader of the Opposition today represents 10,000 voters and the member for Saskatoon Mayfair represents some 22 or 23,000? And I think all people should bear that in mind when they are fairly assessing the merits of this Act.

I could go on at length, Mr. Speaker, but I believe the motion that was debated a few days ago was debated at length. I believe that most arguments were advanced by this side of the House and by members opposite, and I would respectfully request of members opposite that they set aside for the moment, set aside their partisan political biases and differences and analyse this report, analyse this report in a fair manner; bearing in mind the eminence of the gentleman that proposed this report, that worked long and hard of this report, and presented this report not only to the public of Saskatchewan but to this legislature approximately one year ago.

I thank you, Mr. Speaker, and it is my pleasure to move second reading of The Representation Act, 1989.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Thank you very much, Mr. Speaker. It gives me no pleasure to enter this debate. I'm prompted to do so by a number of the comments made by the minister who is piloting this legislation through the House, and particularly prompted by his next to last statement imploring the opposition to abandon, as he describes it, our narrow, partisan political points of view.

An Hon. Member: — Just once, just once.

Mr. Romanow: — Just once he says. Well it would be nice if the minister in charge of this legislation and this government just once abandoned its narrow, partisan goal of re-election and recognized the fundamental principles of democracy, but if fails to do so and this Bill is proof positive of this, Mr. Speaker, proof positive.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Mr. Speaker, the minister's second reading speech was so barren of an understanding of what this legislation does that it's difficult to know exactly where to start and to rebut. To illustrate the point that I wish to make about how barren the argument was, I have to begin with his example about my constituency and about 10,000 voters versus that of my colleague, although he's a member of the PC Party from Saskatoon,

representing about 20,000 voters. He says that's a situation that begs for correction. I agree.

The issue is, however, how the correction is to be implemented and how it's done. And what I'm saying with respect to this legislation is that we did not see a commission which was given the flexibility and the freedom and the independence to make the corrections so that the principles of one vote, one person, the principles of equality are followed. We weren't seeing here in this Bill that kind of a policy adopted.

What we've seen here, Mr. Speaker, is a commission which was saddled by legislative dictate to a set of rules and conditions, the result of which is this particularly abhorrent piece of legislation, this attack, yet another attack on the democratic principles on democracy in the province of Saskatchewan. I'm going to say a few words about that in the course of my few comments this afternoon.

It's not a question of whether or not Riversdale should be at 11,000 voters and Mayfair at 20,000; of course, it shouldn't be. It's a question of whether or not there has been an independent commission given the flexibility and the freedom to make the decisions to equalize those opportunities or, whether as it the case in this instance, what we saw happening was a set of legislatively imposed guide-lines, which in effect tied the hands of the commissioners, resulting in what only can be described as one of the worse gerrymanders that I have seen in Saskatchewan political history. Certainly it rivals, if not supersedes, the gerrymander of the election in 1970, 1971, and I'm going to say a word about that as well.

Mr. Speaker, in a sort of perverse way, I say that it's probably a fitting way that we debate and end this particular session on this Bill, in a perverse way, I say that.

In a legislative session which has been marked by the introduction by this government of an attempt to privatize a Crown corporation public utility monopoly without a mandate from the electorate to do so, namely a popularly approved mandate, in a session where we've seen the fundamental office of the Provincial Auditor and its importance undermined undemocratically, in a session where we have seen for the first time ever — the first time ever, Mr. Speaker — the imposition of closure on the debate of a major piece of legislation in the province of Saskatchewan, another act of anti-democratic behaviour, it's a fitting — in a perverse way — fitting end to this session that we are now debating, a culmination of these aggressive acts against democracy by a government which is so desperate and so obviously out of touch with the public that it can do nothing but rely, as its last bastion of re-election, upon this horrendous gerrymandered Bill which we are now debating.

Mr. Speaker, this Bill is entitled a Bill with respect to constituency boundaries. Make no mistake about it, that it should be really properly renamed for what its real purpose is — not to rectify the discrepancies between Riversdale and Mayfair; no, that's not the objective — the objective is, pure and simple, its goal and sole purpose is the re-election of the PC Party opposite and the PC members opposite. Make no mistake about it. In doing so,

Mr. Speaker, this is a return to old-style politics by old-style politicians.

Back in 1970, 1971 — I said I refer to this and I want to at this stage in the game — Mr. Speaker, we saw a government which was obviously very unpopular and a government which had lost total touch with the farming people and the working people of that period. The government of that day in its attacks on medicare were about as severe as the attacks by this government today on medicare and hospitalization, and it was made unpopular at that time.

The government's sell-off of natural resources in the case of the Prince Albert and northern area forestries to a New York company, Parsons & Whittemore, raised the same issues with respect to who controls the economic development and who benefits from the economic activity in the province of Saskatchewan, the same kind of issues that we are arguing and have argued in this session in 1989. And that government, Mr. Speaker, proceeded to bulldoze ahead with those unpopular programs in that era, as this government is continuing to bulldoze ahead with its unpopular programs in this era.

(1615)

And as one of its next to last acts that government in 1970, Mr. Speaker, was the introduction of a gerrymander piece of legislation similar to this one. That act in 1970 resulted in wild discrepancies, and I'll have a word to say about that as a consequence of this gerrymander of 1989, but that act of 1970 had wild discrepancies between constituencies. The member referred to Riversdale. In 1970, Mr. Speaker, I had 16,000 voters approximately to represent. The candidate for Saskatoon University had something like 7,000, and there were many examples of this nature, that was the end result. The member from Nutana South, my colleague, the Education critic, had 4,500 to give you an example of the wild disparities.

The government introduced the Bill; the government decided that it was not going to change any of the principles of its Bill; it tried to justify it on the basis that it was trying to equalize the disparities, much like the Minister of Highways did today in his few opening remarks. The government introduced the Bill, got it passed by its majority, Mr. Speaker, won the battle and lost the war because it was the last act, the next to last act of a desperate government. The only remaining act left in that period of 1970-71 was for the government to screw up its courage and call a provincial election, and when it did, the people of the province in that era said, as the people in 1990 or 1991 will say, we are fed up, regardless of the ideology and in the face of the unpopular programs, we are fed up with an administration which is so out of touch and so arrogant and so headstrong that it's going to bulldoze over the basic fundamental principles of democracy, and that government in 1970 — as this government whenever it screws up its courage — was defeated by the people of the province of Saskatchewan, as this one will be too because of this last act of undemocratic activity.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Mr. Speaker, I think it was Santayana, one of the American philosophers — I stand to be corrected on that, just going by memory — who is attributed the phrase about, roughly paraphrased, those of us who don't learn from the lessons of history are doomed to repeat those lessons of history. It looks as though the Conservative government opposite, Mr. Speaker, has learned nothing from history and is doomed to repeat the lessons of history, unfortunately at the sacrifice of the principles of democracy by this boundaries Bill. I have no doubt about it that the inherent love and commitment for democracy that the people of this province have will, at the end of the day, prove to be successful.

I think there's another aspect that I wish to identify with respect to this legislation as well, Mr. Speaker, which is worthy of note. We are by all odds now in the dying hours of this legislature and this session. The minister by the way gets up and says that due to the lack of time, the government has not been able to make a little correction to one or two of the constituencies which are involved. Now I find that, Mr. Speaker, also symptomatic and symbolic of everything which is at the fault, at the cause of the faults of the government — we didn't have the time.

Can you imagine, Mr. Speaker? This process of gerrymander started back in 1967 when they launched the process for review of the boundaries . . . in '87, I'm sorry. We now had at least several weeks, if not three or four months of consideration of this particular motion on the Bill. And this government somehow didn't have the time. I say that's symbolic too, Mr. Speaker.

I admit the government probably didn't have the time. It didn't have the time because it was so busy in privatizing everything of the province of Saskatchewan's history and background. It was so preoccupied with this privatization mania that it didn't have the time for this Bill, as the minister's pointed out. And it didn't have the time for the farmers, and it didn't have the time for the working people, and it didn't have the time for those waiting for hospitals beds, and it didn't have time for those who couldn't into university, and it didn't have time for post-secondary education. Mr. Speaker, this government didn't have the time to do the things that people consider important in this province, including the importance of a respect for the democratic institutions of boundary representation.

Some Hon. Members: Hear, hear!

Mr. Romanow: — In that circumstance, when a government can't find the time to tend to and respect democracy, in those circumstances when a government can't find the time to tend to do the things that people want the government to do, there's only one solution: to find a government and a political party that has the time to respect democracy. And that will be this side, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Because what I'm saying in this part of my address, Mr. Speaker, is another, in a way, as I say in a kind of perverse way, a fitting description of what's gone

wrong with all of this session from the government's point of view and for the people of the province of Saskatchewan. It's in effect a cowardly way out, Mr. Speaker, the introduction of this Bill at this time. And it's been the pattern.

When you don't have the support of the public for what you're doing, you resort to what I can only describe as a cowardly act by an administration, so that when you do not have the power to impose in the face of no mandate and in the face of opposition of the public a SaskEnergy privatization, you don't have the strength to say, I'm sorry, we made a mistake and we're going to stop the privatization of SaskEnergy, you take another way out. You refer it to some commission, hand-picked, and they will then take the problem off your plate, supposedly.

When you have a problem with the potash privatization you can't convince the public of that, also, Mr. Speaker, you take a cowardly way out. You impost this other great assault of democracy, namely closure. You can't take the time — we don't have the time to fix the boundaries of the Bill. We don't have the time to hear the opposition out either. We are going to, in the first-ever unprecedented act in the province of Saskatchewan, take a cowardly way out: we're going to impose closure, another assault on the democratic system.

And here we are now, in what is obviously the dying hours of a long and intense session, true to form, this government taking the cowardly way out, introducing the Bill to gerrymander, the purpose of which is to have them re-elected, knowing that at this stage the lack of being able to rouse up public opinion, the inability of the journalists to analyse and expose what is being done here because of the complexities of the matter and the importance of the matter will probably mean that democracy will be sacrificed again on the altar of expediency and the altar of the quick-fix and of the easy words, and also, on the altar, as I say, of the political objective of getting re-elected.

It is, Mr. Speaker, representative — what we're doing this afternoon — of what has been the session and the government's cynical, sceptical, cruel interpretation of what public attitudes are. It is the government's belief that the public really will learn to love SaskEnergy's privatization. It's the government's belief that they will in effect bribe the voter with their own money when the potash is finally privatized, and it is the government's cynical, cruelly cynical belief that the majority of the public really don't care, and the majority of the journalists really don't care about this sacrifice of democracy by this boundaries Bill.

In fact, Mr. Speaker, there's an insidious thread to the justification of this Bill that the minister in second reading introduced. You notice when he introduced his remarks, he started off by saying something to the effect, well, you know all governments in power do this, Mr. Speaker. We all do this, and after all we're just doing what all the governments in power are doing.

It's not true. I'll say a word about that. It's definitely not true, but what's insidious about that is an attempt to level the aspirations and the hopes of all political powers to the

common, base, bottom-line sacrificing of democratic principles of this government and this political party by saying they're all the same. There is no difference.

And of course, it'll be accepted in some journalistic quarters, and it'll be accepted in some public quarters, no doubt. And it contributes to the cynicism of the public at large that all politicians are the same, that all politicians would sacrifice boundaries and the one-vote, one-person principle in the interest of political objectives, that all of us would do that. Cynical, cynical, Mr. Speaker, and absolutely false, Mr. Speaker, absolutely false.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Mr. Speaker, it is false because this province had probably one of the finest examples of an independent boundaries commission and drawing of boundaries proposal that any provincial government ever had. Certainly it's the finest that we've ever had, as a consequence of the defeat of the Thatcher government and their attempt to gerrymander in 1970 in the face of their political problems that I've already discussed, Mr. Speaker. And when we were elected to office, we established a truly independent boundaries commission.

There were few externally, statutorily imposed conditions on that boundaries commission, Mr. Speaker. That's the first point that I want to make. There were some, to be true. We said there were two to be constituencies in the North. There were to be 64 seats. We said, here's a base number of voters and you can vary it plus or minus 15 per cent per riding; after that, you're free to decide what to do.

And the commissioners were truly independent. Namely, they were individuals who were outside of direct connections of government. They were people who had no direct connection to cabinet and the political party in the power of the day. We never, for example, had, back in 1971, Mr. Speaker, sitting as a so-called independent commissioner reviewing boundaries, the Chief Electoral Officer of the province of Saskatchewan, which under some circumstances I could accept, if in this province we were like other provinces where the chief electoral officer was an officer of the Assembly appointed outside of the cabinet of the day, independent and impartial. That is not the case here.

Our electoral officer, Chief Electoral Officer, regrettably, during our period and during this current period is an officer and a creation and an appointment of the political party in power, pure and simple. That individual is beholden to the government that appoints him. That individual sits on the so-called independent boundaries commission.

It may very well be that Mr. Lampard has allied his intelligence and his integrity to the best of his ability in drawing these lines. I make no comment on that. But, Mr. Speaker, there's an old maxim in law, and it applies in politics too in many circumstances, that not only must justice be done, but it must be seen to be done. Not only must there be a correct result, but it must be done in such a way that the public at large can say it looks like it's being done correctly; that there is a confidence in the system,

no perverting itself or being perverted. That, Mr. Speaker, is the way that it was done in 1989, not the way that it was done in 1971.

And so when the members opposite get up and say, oh well, you did it the same way, it is false. The commissioners were independent of this administration, of any administration. They had few externally imposed statutory conditions for the writing of the constituency boundaries other than the ones I've alluded to, and it came up with a truly independent report, and it eliminated the kinds of difference of which the minister introducing the Bill in second reading talked about with respect to Riversdale and Mayfair constituency.

Mr. Speaker, this Bill that we're debating goes the other way around. This centre-piece of the PC gerrymander Bill 1989 objective should be in the preamble, to try to get this government elected, is done the other way around. It violated the principles of an independent boundaries Bill in at least four ways so far as I can see, Mr. Speaker.

First of all this government tied the hands of the so-called independent commission by imposing these constraints, numerous constraints in the Bill that have been identified by my colleagues along the line and will be in the balance of the debate.

Secondly, it arbitrarily fixed not only the number of seats, which I suppose could be justified, but the number of rural seats, the number of urban seats, and the number in each of the major cities, Mr. Speaker. Now that's like saying to the independent commissioners, you can decide how to play this game, but you can't use any of these major tools in deciding how the game or major rules as to how the rules of the game are to be written.

The variation has been increased from 15 per cent to 25 per cent, Mr. Speaker. That's a major and drastic variation now permitted from the base line of constituencies and the voters per constituency.

(1630)

And with the variation of that variable, Mr. Speaker, with the increase in that variable going up, what happens in that the principle of one person, one vote, gets altered and weakened with every increase, every percentage point increase, as has been the case here.

And finally, the Bill passed without the endorsement, generally speaking, of the opposition — not generally speaking, absolutely speaking, of the opposition in power.

Now the member from Melfort really should take a look at his history. This is another, if I may be permitted toward the end of the session, Mr. Speaker, to get a frustration off my chest. None of us can be perfect and knowledgeable in historical matters, but the ignorance on the history of some fundamental issues that comes forward to this legislature, and explained by the front-benchers of this government, is appalling.

Some Hon. Members: Hear, hear!

Mr. Romanow: — There are good and valid arguments to support the principles of privatization, Mr. Speaker. I don't happen to endorse them the way they're being conducted by the members opposite, but there are good, solid, intellectual and factual arguments upon which to base that. But to do this in the case of the potash industry, in the absolute ignorance of the facts — not interpretation but the facts of the province of Saskatchewan — is appalling.

In this case, Mr. Speaker, to come forward as the minister opposite says, and does say in his second reading speech, well, you know every time a government in power decides to monkey around with the boundaries, well, we expect the opposition to oppose; that's what they always do, shows the ignorance in a major area pertaining to democracy.

Because when we introduced the Bills on the principles that I talked about in 1971 — I don't say this in any personal sense to the minister, I say this is the government — it is factually wrong, Mr. Speaker. Everybody knew that in 1971-72 those kinds of . . . that's not to say there weren't critical voices heard. Of course there were critical voices heard, but there is this sense that somehow you can say anything and do anything and nobody will really spot it because the journalist's job is to print your four paragraphs of mistruths, and of course he'll print the four paragraphs of the opposition's mistruths — that's balanced journalism, that's as I understand it to be in the 1990s now. So that's why we make this statement. And who cares, in any event? This is just a bunch of politicians arguing about their own rules. That is the justification for this what can only be described appalling ignorance about the fundamentals of how this legislature and democracy has worked.

Now, Mr. Speaker, I want to set out my view as to what a good boundaries Bill should have by way of central features. I won't take too much time on this, but if you're going to truly reorganize the constituencies and the people that we represent in order to make the next election fair, it should be based on at least four or five key principles.

First, the fundamental democratic principle, one person one vote, rich or poor, male or female, urban or rural. That is the history of democracy.

Second, we should try where possible to aim toward equality of constituencies, urban or rural. Maybe not necessarily mathematical equality — we knew that in 1971 with the 15 per cent variable — but that should be an objective.

Thirdly, where there are variables they should be on good and compelling grounds, like northern Saskatchewan, perhaps in rural Saskatchewan as well.

Fourth, the government of the day, or whatever party, should not impose in the law its own arbitrary legislative constraints, as was done in this case, setting 11 only for Saskatoon, 11 only for Regina.

Fifth, the boundaries commissions itself should be fully independent and have the necessary flexibility to make

effective and practical application of the law.

I want to make a point about the boundaries commission here. I have the highest of regard for former chief justice Culliton. That regard that I hold for him is undiminished. I do not blame him for what has taken place here. He was given a stacked deck, he and his commissioners, by which to draw the boundaries. And when I say that a principle should be a fifth principle, that the boundaries commission should be fully independent and have the necessary flexibility to make an effective and practical application of the law, in my judgement that was not done here.

And finally, the system of boundaries reform should receive as much popular support and opposition support as is possible. It may be that political parties in opposition for partisan reasons will object to it, but nevertheless there's got to be an attempt to have the government and the opposition agree to what is being achieved. Because if you don't do that, then the entire system, the cynicism of which I referred to, alluded to earlier, wears away, it eats away, it gnaws away like a cancer on the whole body politic. It just gnaws away until the whole system dies under the weight of cynicism and indifference. That's what has happened in the United States when 50 per cent or fewer vote for the major elections down there.

To me, Mr. Speaker, those are at least five or six key principles: fundamental democratic principle, one person, one vote; secondly, equality of constituencies where possible; thirdly, if variations, by compelling reasons; fourthly, there should be no imposition by statute of a strait-jacket on the commissioners, as was the case here; fifthly, true independence and freedom and flexibility by the commission to be practical and to get an effective application of the law; and sixth and finally, that should be public support for what is being done. Those are the criteria. Those are the principles of a fundamental matter like boundaries drawing ridings' constituency representations to which I subscribe and believe.

I say to you, Mr. Speaker, that the result, if you take a look at this Bill, is a violation of almost every one of those principles, and therefore this is yet another major aggressive attack on the principal of democracy that we've seen by a bankrupt government and a desperate government.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Let me make my point, to illustrate my point when I say that the tests have failed, by taking a look at this Bill. In this Bill, the variation from the base number of voters is increased from 15 to 25 per cent; that's well known now. According to my calculations, there will now be a variation possible from 12,600 voters at the top end to 7,600 voters at the bottom end, or a discrepancy of 5,000 voters. Remember the point that I made — you increase the variation under whatever guise, and you weaken the fundamental principles of one person, one vote.

That leads to inequity, basic inequity. More than three-quarters of the seats now held by our side, Mr.

Speaker, the New Democrats will have more than the average, but three-quarters of the PC seats now held by them based on the redistribution, will have fewer votes than the average, meaning easier to campaign, easier cost, easier constituency, but the basic principles if not maintained . . . (inaudible interjection) . . . All right, I'll take out the word easier. I certainly say that it's a different basis by campaigning, a different basis of campaigning which still violates the principle of one person, one vote.

Taking all . . . (inaudible interjection) . . . I'm sorry, what does the member from Rosetown say?

An Hon. Member: — You have the right to campaign with a candidate in every seat.

Mr. Romanow: — Well I must . . . The member from Rosetown-Elrose, for whom I also have the highest regard, and I say that quite sincerely, tells me that we have the right to have one candidate per seat in these areas, and, Mr. Member, I accept that. And I want to say, Mr. Speaker, the member from Rosetown, just in case he has any doubts in his mind about it, we'll show up and we'll have a candidate in each one of these gerrymandered seats and we'll still beat you — and we'll still beat you.

Some Hon. Members: Hear, hear!

Mr. Romanow: — So three-quarters of the seats, we're going to be over the average; three-quarters of the seats they hold, they're going to be under the average. Our average number of voters will be 11,116, if my mathematics is correct. Their average will be 9,701, or a disparity of 1,500 votes.

Now there are many examples of what the net result is of this so-called fair redistribution boundaries Bill. Take a look at this: Morse, a PC seat — is the member from Morse here? Yes, there he is. The member from Morse is here in his seat and he's a diligent member. He will have 7,000 voters, rural. The New Democratic Party member from Humboldt, rural, will have 11,700 seats. That's . . . (inaudible interjection) . . . and he's not here. He's not here, and he's got 4,000 votes difference on a rural-to-rural basis. How in the world is that explained? How is that explained?

I'll give you Regina examples and, by the way, it's not only isolated examples. Wascana Plains, that's held by a PC member — 8,200 voters; Elphinstone, the House Leader of our caucus, member of our caucus here, NDP seat — how many voters you think he's going to have? — over 12,000 voters, Mr. Speaker. City to city; same city.

Saskatoon — I'll give you an example in Saskatoon. Saskatoon Sutherland-University, which will have 7,700 seats, I'm not sure how that quite fits in to the configuration now; the adjacent Greystone constituency, largely held by the NDP, 12,500 voters — or 5,000 vote disparity.

Is so happens that not only three-quarters of our seats have more and three-quarters of their have less, with these wide swings, urban-to-urban match, rural-to-rural match, not only does it happen in that sense, but it also just happened by luck — or coincidence, Mr. Speaker — that

the major boundary redistributions are in Regina and Saskatoon, which of course is purely coincidental that the majority of the seats are held by the NDP in Regina and Saskatoon. But riding after riding in rural Saskatchewan, in a desperate attempt to retain power, remains unchanged with fewer voters and fewer people voting. And they would have us believe that that is a narrow partisan attack — a narrow partisan attack.

And again I don't blame the commissioners. The commissioners aren't the issue in this matter. They were given the law to interpret it this way. They did the best they could. Even with my concerns about Mr. Lampard, the PC nominee, this Chief Electoral Officer sitting on the commission, and former campaign manager in Turtleford for the Conservative member, all my reservations there, I put that aside. They were given those rules with this kind of a result.

Now, Mr. Speaker, it may be, in fact I predict — well I won't say I predict — I fervently hope for the people in the province of Saskatchewan that the voters will overcome that kind of a hurdle of disparity and vote a New Democratic Party government in the 1990-91 election, as they did in '70-71. I think that they'll do it. But I want to tell you, Mr. Speaker, that if that happens, it's still indefensible. Even if the NDP held all these seats, it is indefensible in democracy to so violate the basic principles to have that result. I don't care whether it's NDP or PC.

And where in the world is the outrage? Where is the outrage? I don't see the outrage at all. You see because it is cynicism, it is desperation, it is ignorance, it is malicious, it is one last attempt to save the political bacon. That's what it is. And of course they'd do it the dead of summer and move it on that basis.

Well, Mr. Speaker, maybe they're going to get away with the passage of this Bill. I guess they will because they've got the numbers on their side. But I want to tell you, sir, that I find this to be a violation — as I say a fitting, in a perverse say, closing to this session — violation upon basic principle of democracy upon violation upon violation, which has been the history of this government in this tenure as it pursues, in a headlong way, grossly unpopular programs. And I don't think it's going to work because I still have faith in the people of the province of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Now, Mr. Speaker, I want to make one last point before I take my place. And this is a brief point on the legalities of the legislation or perhaps the more accurate word to use is the constitutionalities of the legislation. In clause by clause, one of my colleagues I'm sure will ask what the constitutional legal opinion is about the constitutional validity of this Bill in the light of the fact that we now have a Canadian Charter of Rights and Freedoms which sets out basic democratic and individual freedoms in democracy which bind, fortunately, governments like this government, which tends to run amok and violates those basic democracy and democratic principles. I want to know, and we'll ask in clause by clause, what the constitutional legal opinions

say and we'd like to have that constitutional legal opinion of course tabled, because we're not — forgive me if I may say so, Mr. Speaker — so certain that the interpretation of that opinion by the minister is going to be adequate.

(1645)

The arguments that the government advances in defence of the legality of this Bill is a recent British Columbia decision. It says that that decision which allows a variation, a fairly substantial variation, is basis for doing so in the province of Saskatchewan. I want to say, Mr. Speaker, that what the government does not tell us and what is not widely reported or understood is that the British Columbia decision was rendered on the then existing B.C. electoral boundaries regime, which is held to be invalid, and made no judicial comment other than a side comment — or as the lawyers call it, *obiter* — on the proposed scheme that British Columbia is making. That is a very fundamental difference and point that I think the government should look at when it tries to defend the legalities of its legislation.

In the British Columbia decision, the court said that there is in the Charter of Rights and Freedoms — and, Mr. Speaker, this is an important matter which I know that you're interested in — section 3 which says the following in the Charter of Rights and Freedoms — and it's a very short section which I'm going to just read for you, sir. And for those who might be watching this debate on television, section 3 of the Charter of Rights and Freedoms says:

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Now that is a constitutionally guaranteed enshrinement of a democratic principle.

In the British Columbia court, the decision said there was that in the light of section 33, there is the constitutional guarantee that every citizen is entitled to an equal vote — that's what the court specifically said, my proposition — subject only to those rare exceptions which could be justified as providing better government. Those are the words used and carefully used by the judge in that case.

Mr. Speaker, if that is the legal test by which this legislation might be judged in some challenge before the courts in the next months ahead, if such a challenge should take place, I say that the government's reliance on the British Columbia decision is cold comfort indeed. Because the test that will be here is whether or not, with the disparities that I have outlined and the numerical numbers that I have outlined, the true purpose of this legislation is to improve government or to get the PC Party elected again. There can't be any other possible interpretation under that constitutional guarantee that except the objective politically is as I have stated it to be.

I say, Mr. Speaker, that this Bill stands a very good chance of being declared unconstitutional if it should be challenged by a voter or voters who share my concern for the democratic principle and those of my colleagues on

this side. I say that that's the likely result. One can never guarantee of course how the courts will interpret it. It takes much more time than I have this afternoon to elaborate the legal argument of it. But my simple proposition here is that the legal constitutional justification for this kind of transparent and futile effort is equally transparent — the legal justification — and the government has failed to mount the kind of argument which is indeed valid legally in this context, too.

So, Mr. Speaker, I close my remarks by the way that I began them, that it gives me no pleasure to enter into this debate, although it's interesting to think of that phrase that those who do not learn from the lessons of history are doomed to repeat those lessons of history. Standing as I do in my place here now 18, 19 years since the last gerrymander was attempted on the same grounds, with the same violation of principles, I can take comfort in at least the knowledge that the people of this province rebelled in '71 and booted out that government, as it will in 1990 for this government. But it gives me no pleasure, it gives me no pleasure.

Some Hon. Members: Hear, hear!

Mr. Romanow: — It gives me no pleasure and it gives me no pleasure to speak to an Assembly and to a government which really is unconcerned about its travesty on democracy, which is not only unconcerned but if cynical about is approaches in this aspect which is motivated by one, one key factor, and that is electoral success again. Have we learned nothing, Mr. Speaker? I don't think those people over there have learned very much. It will be left to the voters of the province of Saskatchewan to teach them the ultimate lesson, as I'm sure they will. I am opposing this very bad Bill.

Some Hon. Members: Hear, hear!

Mr. Martens: — Thank you, Mr. Speaker. I want to outline a few observations that I want to make in dealing with the issues of this Bill before the Assembly here today. I want to begin by saying that I want to put into place the reasons that I feel that the people who made the decisions about the redistribution were, in my opinion, reasonable; that they did a job that recognized some of the things that I'm going to outline.

And I want to, Mr. Speaker, outline these on the basis that I am representing those people in the northern part of Saskatchewan as well as those people in the rural part of Saskatchewan, because the observations made by the Leader of the Opposition today did not reflect in any way, and his remarks did not reflect in any way the two members that he has sitting in his caucus and the disparity that they have in relation to population. He did not reflect on that at all. And I want to say to him that those kinds of observations that deal with sparsity of population have just as much of an impact in his caucus as they do in ours, and I want the people of Saskatchewan to understand that.

And the people in the northern part of Saskatchewan have difficulty in communication and travel and access, and the members there . . . I can appreciate the volume of travel that they have to do to represent the people that

they have there, and I want to make that representation here as a rural member in this Assembly.

There are three basic reasons why I believe that there has to be a distinction made between a rural and an urban seat, and I want to take you to the fact and deal with it. The instance of the member from Elphinstone, who is a typical example of a person who would understand a rural riding, because he used to be a member of a rural riding, and now is a member from the constituency of Elphinstone, He, Mr. Speaker, has to just drive down the street and he can communicate with his constituents every day, each day of the year, and personally do that. And this member has to travel 150 miles just one way in order to communicate with his people. Think of the people in Lloydminster or Meadow Lake who have their member come twice as far as I do, who have no access to their constituents on a continual basis typical of what the people of Regina have.

And I want to make that very, very clear, because that is necessary for the people of Saskatchewan to understand that representation by an individual who is a member of this Assembly deals with a number of things that I want to point out. And some of those things are related to: do I have the time to deal with the 12 municipalities, different municipalities in my constituency. Others may have more; others may have less. But the time element is extremely important in that area.

Seven hospital boards and nursing home boards in my constituency. Mr. Speaker, I have six regional parks in my constituency. I have one provincial park, two resort villages and at least 18 towns and villages in my constituency, and I have to deal with each one of these individual entities on the merits of the individual group by themselves. They are identifiable by their town, their municipalities by the responsibilities they have. And I believe, Mr. Speaker, that that is absolutely necessary to consider that value.

The other thing that I want to point out is that in order for us to communicate the different things that we have to, to our constituents, in my opinion, is also a part of the thing that we have to talk about. In the city of Regina, for example, they have more than one radio station. I don't have a single radio station in my constituency. I have one newspaper in my constituency that deals with roughly a quarter of the people in my constituency.

How do I communicate with them? Do I go have coffee with them? — which takes me an hour and half to two hours to drive one way to talk to these people. I go down to their community halls. I have office days. I have three offices in my constituency. How many offices does the member from Elphinstone have in the constituency of Elphinstone?

And that's the kind of thing . . . and Mr. Speaker, they're pointing to the member of Humboldt, but I want to talk to them about the member from Athabasca or the member from Cumberland who have the same kinds of problems as I do in my constituency dealing with the kinds of travel distances that we have to deal with. And that, Mr. Speaker, is why I think that this Bill presently fairly and rationally the reasons why I believe their

recommendations were accurate.

I want to also say that I have been served in my constituency by two opposition members over the years — one was a member of the NDP and one was a member of the Liberal Party. And serving as a reeve and a councillor for six years, I only had one visit by one of those MLAs in all those six years that I was there. And why? I'm not going to criticize them for not doing it. Why, Mr. Speaker, is the point I want to make, because they did not have the time. And I recognize that they didn't have the time to do that. And that, Mr. Speaker, is exactly the reason why I believe that the kind of recommendations made by the three members of the commission were accurate and they were right.

I want to point out one other thing. I made a representation to the commission when they were in Swift Current. And as I made my presentation, I dealt with some of the same aspects that I have dealt with here, about the municipalities, the hospital boards, the towns and the villages, and at the conclusion . . . and I just want to say this too, that I have represented the people from that area since 1973 in one shape or another, one fashion or another. And I believe that this is right.

When I concluded my remarks to the commission, former chief justice Culliton was the commissioner who was there, he came down to speak to me afterwards and he said this. He said, Mr. Martens, I want to tell you this very important feature. When I was the member for Gravelbourg, I had the same problems you had and nobody seemed to understand. And that, Mr. Speaker, was the Liberal member for the constituency of Gravelbourg, not a Conservative member, who the Leader of the Opposition said had obvious ties to this party. He recognized, the former chief justice recognized the importance and the value of serving the people of his constituency in a way that dealt with the kinds of things that were to be dealt with.

Mr. Speaker, in my constituency I serve as an ombudsman, I serve as an ambassador for the constituency, I serve as a representative in every way, shape, or form for the kinds of things that those people want to have in those 12 municipalities, those seven regional care homes, the hospital boards, and I haven't even said anything about the home care districts that are represented there. That's the kind of thing that I believe represent fairly and accurately, and I need the time to do that.

And now, Mr. Speaker, the kinds of things I haven't even talked about, the farmers and the ranchers and the business people who live in that constituency, I haven't even dealt with that and I could spend a lot of time do that, too.

And I didn't even talk about the school boards. I have children in my constituency go to seven different school units — seven, Mr. Speaker. And I am supposed to be the person that is communicating with them on a weekly basis, on a monthly basis. I need the time, Mr. Speaker, and the chief justice, when he was in Swift Current, remarked on that point. He said, you need the time. And I, Mr. Speaker, am going to support this Bill before the

House today.

Some Hon. Members: Hear, hear!

The Assembly recessed until 7 p.m.