

EVENING SITTING

COMMITTEE OF THE WHOLE

Hon. Mr. Hodgins: — Thank you very much, Mr. Chairman. I move that we rise, report progress, and ask for leave to sit again.

The committee reported progress.

ADJOURNED DEBATES

SECOND READINGS

Bill No. 69

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that **Bill No. 69 — An Act respecting Referendums and Plebiscites** be now read a second time.

Mr. Kowalsky: — We're prepared to move ahead with this Bill at this time, Mr. Speaker, and our understanding is that after this is done, we'll be going to committee on Bill 70 first and then to committee on this Bill.

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

COMMITTEE OF THE WHOLE

Bill No. 70 — An Act respecting a right of access to documents of the Government of Saskatchewan and a right of privacy with respect to personal information held by the Government of Saskatchewan

Clause 1

Mr. Pringle: — Thank you very much, Mr. Chairman. It won't take too long. I would like to welcome the minister's officials this evening and thank you in advance for your co-operation.

I've spoken at some length about this Bill, but I would just like to make a few brief comments, and first of all to make the point that at long last, after many, many years, we do finally have this freedom of information Bill. And there are a couple of positive features about it that I would like to start off with, one being the establishment of the information and privacy officer. I think that's an important step and I commend the minister on that. And the second aspect is that the onus is on the government and I think that's another proper onus.

I will also give some credit. The fact that this is a small step towards legitimate freedom of information in the province, and to that degree, I say this is a positive step. Upon examining the Bill, though, I have to say, Mr. Minister, that's it a very, very small step — but not insignificant — but a very small step because I think that overall the Bill has many, many faults. There are many weaknesses and loopholes and the Bill is relative to some other freedom of information Bills that I've seen; certainly relative to the one that I introduced last June in this

Assembly.

This Bill is very complex, involving some 40 pages and I think that it dwells too much on the exemptions to information that will not be available relative to the focus of sharing more information which, I think, is the concern that the public has about the way in which this government has been closed and secretive.

And so I'm . . . what I will say, Mr. Minister, is if we're elected in a matter of days or weeks or months, that we will . . . (inaudible interjection) . . . I'm glad you agree with me — that we will likely have no option but to reintroduce a Bill that really focuses on providing more public information about how the public's government does business.

And so for the time being, I will point out some of the areas that I think the Bill is weak in, and I've raised those already. And I don't suppose I would have your support on the kind of amendments that I'm looking for. But we'll shift the focus from the exemptions to legitimate government information, to providing more information to the public. But as I said, I've started off in a positive vein. There are some positive features to the Bill and to that degree, I'm pleased.

I find it a little bit ironic that in the day that we stand here discussing this Bill and the details of this Bill, once again for this fourth, well, fifth, sixth, or seventh day, we've been unable to get real true answers and vital information regarding the legitimate questions to the costs of decentralization, the Fair Share, that is, your Fair Share scheme. And so I find it kind of ironic as we're talking about freedom of information that we can't seem to get verification of what appears to be in some cases legitimate internal documents that give quite a different picture than what the Deputy Premier's prepared to say.

I also find it interesting we're discussing this Bill at a time when we're not able to get any answers, either last Thursday or today, about what led to the decision to close Myers House, the residential facility for people with drug and alcohol addictions. Nor are the Myers House people or the friends of Myers House able to get information from the minister's office about why their funding is being cut.

And I guess my point here is that there has also got to be a will to share information. And I don't see this Bill changing very much unless the government takes on a will to be more open, which has not been the case in the last nine years. So I'm not very optimistic that that's going to occur.

So I see this Bill . . . While it's one wee, wee, small step in the right direction, it's . . . given the actions of the government this very day, it's somewhat hypocritical. This Bill will not change the style of a government that's been very closed and secretive. That's not me speaking. I think that's the view of the vast majority of Saskatchewan people. And I know . . . I feel pretty sure that you would agree with that perception. You may not agree that that perception is correct. But I am sure you would agree that that's a perception that a large number — or a large percentage — of the public has about this Premier's

government.

So I see this Bill as window-dressing and I see it as badly flawed. And I see it as being more geared to accessing personal information about myself in government records than it is geared to providing government information about public business, that I would say citizens have a right to know.

I find this Bill is very complex and I've got a number of questions regarding how to interpret some of the sections, at least in your best judgement, how you and your officials see that some of these sections should be interpreted. And I will refer you in advance for example to section 18(1)(f) and (g) on page 12 and I'll come back to that.

But I discussed this section with a number of groups and they're kind of worried about those two sections. And I can't help them out because I don't know what they mean. And I wouldn't be so concerned about that if the government and the cabinet and the Premier didn't have the kind of authority to challenge and to restrict information that they appear to under this Bill. I think that this Bill will provide or allow cabinet to continue operating in a way where the Premier and the cabinet make the decisions as to what information will not be shared. And I think that's one of the worries that many people have about this particular Bill.

Some of the information you are suggesting that would be available in your release, that under this freedom of information Bill I would say that the public has had a right to all along, Mr. Minister, for example, salaries of employees of government institutions. Those are public employees. The public should have a right to know what those salaries are already and those benefits. Details of personal service contracts, that should already be available, in the public domain. Costs relating to travel at government expense — that should already be available; it shouldn't take this Bill. Results of polling and so on — this should already be available to the public. And these are the examples that you've chosen to use to highlight the progressiveness of this Bill . . . I find quite staggering. This is information we should already have.

And so, as I said, there has got to be a will to be open and honest with the public. As we've seen through some of the auditor's statements, even where there are laws and rules, they're not complied with, where the auditor had to write a special report to say that he can't access certain information. And so even when laws are in place, you are not meeting the requirements. And I think that is something that worries the Saskatchewan people. And there appear to be no consequences to that.

So the credibility of the government is at stake and that's why it was more vital for you to come in with a true, progressive, meaningful, freedom of information Bill, and that is very much lacking. And I don't think the government is going to change its behaviour, because this Bill is really not going to force you to do that.

Mr. Minister, I have several questions then that I would like to ask about the Bill. I guess initially . . . And I may have missed it; it may be here but this is a long Bill. Is it the

intention of the government, or of each department, to publish once a year, say, the information that it has available, that is, the public information that it has available? Or how would people know, particularly as we keep reorganizing departments — which is a bit of a side issue but it's another thing that your government has continued to do since 1986, without coming into the legislature — how will people know where to go to, what department to go to for information that they want available? And I'm not referring to something that's obvious, like the Department of Health. But will there be something published each year that tells the public where they can go for information?

(1915)

Hon. Mr. Lane: — Let me respond to several points and the argument that the hon. member makes that this can be simplistic information that an individual can basically get whatever they want, subject to certain exemptions. And I'll go through the private members' Bill just to show some rather noticeable weaknesses.

For example, the way it is written, does it mean that the information has to be given out except in certain cases, for example, information involving cabinet confidences? Now how broad is that? It's not defined. Whereas, in the Bill before the Assembly we start getting into a lot of the details.

Information regarding draft legislation or regulations. That again, how broad is that information? Is that statistical information? Is it, as I say, statistical information leading to a policy decision? All those policy inputs, are they all privileged? In which case, you're drawing some very, very . . . you're giving a very broad mandate to an exemption right there.

Information involving trade secrets — that's obvious. But what about information that is prejudicial to a third party, for example, a SEDCO (Saskatchewan Economic Development Corporation) loan? Are you saying you give out the information on the SEDCO loan even though it could impair the commercial position of the company receiving the loan? That again is an obvious one.

Let's talk about budgetary information. I mean is that cabinet confidences? How wide does that go? Let me go back, and you say you had some problems and maybe I can answer some of them right now as we're going through your general remarks, I think it was section 18:

information, the disclosure of which could reasonably be expected to prejudice the economic interest . . .

Or (g):

information . . . which could reasonably be expected to be injurious to the ability of . . . Saskatchewan to manage the economy of Saskatchewan.

Let me give you an example that can fit into both those categories. Surely you would agree with me that it is not wise for the Government of Saskatchewan to have to give

out information as to what its borrowing requirements are. In other words, what date are you going to go to the market to borrow? I insist on knowing. And someone would be quite happy to have that information. Someone would be quite happy to want to know the amounts to be borrowed at a specific time.

Those are very, very fundamental questions which, if the information was out in advance, could cost the taxpayers of this province literally millions and millions of dollars. So that's generally a prime example of the type of information that I don't think anyone believes should be disclosed. Obviously it can be after. It's usually public information after the fact anyway because it's usually announced in most of the financial papers — treasury bills and that sort of thing.

So having said that, that's a prime example — borrowing, fundamental budgetary decisions in terms of management of the economy. Some of that information, I think you would agree, would have to be kept confidential and is not information that should be disclosed. I think I've tried to answer some obvious examples of (f) and (g) as to the type of information that I think we would all agree should not be disclosed.

You ask about the type of annual requirements. Let me refer you to section 64. Section 64:

The minister (responsible) shall cause to be produced, and updated as reasonably required, a directory . . .

And the directory will list the government institutions:

a general description of the categories of records in the possession . . . (and) control of each government institution; and

the title and address of the appropriate officer for each government institution to whom applications for access to records should be sent.

And there shall be a copy of the directory:

. . . be made available to any government offices, public libraries and municipal offices . . .

So that there will be a reasonably wide distribution of that directory. So people will have the focus of where to look when they want to access the appropriate information.

The difficulty with all of this . . . And I might add on the economic and other interests, that provision or similar provisions are in every other freedom of information Bill in all the other provinces. Obviously freedom of information legislation is difficult legislation to draft because you are trying to walk the balance between an individual's right to know and what information either is of a personal nature, which should not be disclosed, or information that governments need for the operation of government and the protection of the province. So in general terms, it is a balance and always a difficult one.

If over time . . . I suggest to the hon. member, if over time the legislation and the comfort level of everyone has

improved once it's up and operating, I can envisage that from time to time there will be amendments. But certainly I believe it is more than a modest first step. I've never made the argument that it is perfection or the ultimate in freedom of information legislation. But I do say it's a very strong first step for the province of Saskatchewan. And I think once it is up and operating with the commissioner, that the public will be reasonably satisfied as to their ability to access information that they believe they should have.

Mr. Pringle: — Thank you, Mr. Minister. When talking about section 18 — and I respect your interpretation on that — I wasn't suggesting that advance information should be made available that would put, you know, put some government project at risk or anything like that. But I think that it's fair to say that there is some anxiety about this section as to how it could be interpreted.

For example, I am aware that the Saskatchewan association of taxpayers has some concerns about these particular two sections that I've pointed out, because where you said that information will be available after the fact, and . . . (inaudible interjection) . . . Yes. Generally though, I think one of the concerns that not only the association of taxpayers but many other groups have is that some information never does come out. And that's been one of the concerns related to the secrecy of this government, and I think that it's that section, particularly section 18(1)(g), that could mean anything. It could literally mean anything. And you don't agree with that, but that is another interpretation. That section could mean anything, and given, with all due respect, given your record of secretiveness, you may hide behind some of these sections, interpreting them as you see fit.

Mr. Minister, regarding the commissioner's office, I realize if this Bill received Royal Assent tomorrow that you couldn't have the office in place on Monday. But how do you see this office being established? When do you see it being established? Do you . . . given as I understand it, this office, this individual would be accountable to the Legislative Assembly, that there would be some form of all-party input into the selection process.

Now I know that . . . and I've read this fairly carefully and I think I know what the duties are. I'm not sure — I may have missed this — but I'm not sure I know just how you intend on proceeding to establish the office and to select the commissioner for this five-year term.

And I'd be very concerned, Mr. Minister, if, as was the case when the Ombudsman was appointed, or the Chief Commissioner, or for that matter, the Provincial Auditor, and I'm not making any comment on the work of those people. I think they've done a fine job, but those people were appointed without consultation with the opposition, and I hope that that isn't the intention with the commissioner. I wonder if you wouldn't mind responding to that.

(1930)

Hon. Mr. Lane: — First of all, I have a couple of matters to respond to. When you talked about section 16 and the two points on that section — or I'm sorry, 18 —

understand that it's not a discretion to this extent, that there must be a degree of reasonableness, if you look in 18. So it's just not a wide-open discretion. And then secondly, ultimately anyone dissatisfied can appeal, one, to the commissioner, and ultimately to the courts.

So that's put in there that if that . . . I find it interesting when I advised the taxpayers of that and said, look if you're not satisfied with that, you've got the point of going to the court; that's why it's there. That that seemed very fair to them; that that's ultimately where the test should be. You would have a legitimate concern, or if there wasn't that right of review by the courts. But as long as that's there, I suspect that's where a lot of the questions are ultimately going to be decided. But that's why the provision is there. So it's taken out of the hands of government and given to the courts.

The final point was . . . oh, the commissioner . . . we would like to get it up and going as soon as reasonably possible. We have no one in mind and we are a long way away in terms of getting the processes established. And obviously when the legislature is not sitting it would be Lieutenant Governor in Council to make the appointment. I don't know how formal the consultation process is.

I would expect that . . . At least let me put my personal views that I would believe the first one should have probably some legal background. And I would tend to lean to a lawyer, but I'm not committing to that. And secondly then, someone who has an understanding of the processes of government. And I would look . . . understanding of the processes of government and it's a given that the individual must be one that . . . I'm not so concerned as to frankly whether the opposition agrees or the government agrees. It's whether the public sees the individual as being credible, because we may have our differences. You may have people; we may have people. But I do view the appointment as one that if the Act is to have credibility, then certainly the Information and Privacy Commissioner must have personal credibility.

So I can give the hon. member that assurance. Again, we're not at the stage where we have — or I have, because I have the responsibility for it — but as to anywhere near looking at individuals for this.

Mr. Pringle: — I'm not looking to toss out names tonight and agree to names. But when you say that the important thing is not whether the government feels good about the person, or the opposition, because we may agree to disagree, what I'm asking for is a commitment from you — as a minister of the government of the day bringing this Bill in — that unlike with the appointment of the Provincial Auditor and unlike with the appointment of the Human Rights Commission or the Chief Commissioner, you will consult with the opposition in some fashion about the qualities — about the duties. And ideally as a gesture of good faith, and as a gesture of good faith in terms of co-operation, that the opposition — given that this person is a servant of the Assembly — that the opposition would be part of, in some way, a party to the selection process — the application selection process.

And related to that . . . I may just ask you another question

because you and I talked about this a year ago, and I talked about this with the previous deputy premier two years ago, and that is the notion of who this person would report to. In my discussions with the Ombudsman, with the Chief Commissioner, and with the Provincial Auditor . . . The Provincial Auditor for example, like the Clerk, the Provincial Auditor has the Board of Internal Economy to interface with and relate to regarding the resource needs of his office; the Clerk, of her office; and whereas the Chief Commissioner and the Ombudsman, their only interaction with the legislature is the report that they file once a year.

Now the Provincial Auditor tells me that the forum of the Board of Internal Economy where he can sit down and discuss with members of government and opposition, the needs, the human resource needs and the financial requirements of his office and some of the issues that all members should be aware of, both government and opposition, that he has to deal with, he's got some forums, some committee that he can talk to and finds that very valuable, plus then he's also got the Public Accounts process. So he's got a way to relate to the legislature that the Chief Commissioner nor the Ombudsman have, and, as you would know, in their reports they're requesting that an all-party committee be established for that purpose.

And I was wondering . . . this is my second question, the first one being a commitment today that the opposition will be consulted on the appointment, the selection and appointment of the Privacy Commissioner. The second question being: would you be willing to meet and discuss the possibility of this individual having the Board of Internal Economy on an ongoing basis to work with, rather than setting up a special legislative committee. The Clerk and the Provincial Auditor already relate to the Board of Internal Economy, and the auditor and the Privacy Commissioner would have that opportunity as well. And that may very well be the committee that those two watch-dog agencies or those two servants of the Assembly could have access to.

Hon. Mr. Lane: — I would be happy to give a commitment of consultation to this extent. I mean we will obviously look for individuals and run the name by you. I think that's the way it happened with the Ombudsman in the past. But again we're very conscious of the fact that the individual must have public credibility.

Secondly I'm not, frankly, persuaded by either the Provincial Auditor or others that want to avoid the normal budgetary review process and have their budgets set by others that are outside the budgetary process. I say that for another reason: that the public acceptance of these individuals and their office depends on their credibility.

Their power of public suasion is the greatest power that they have, and they have it in their power to persuade the public that they should be better funded than, say, other government departments. Some have been successful doing that, others haven't been as successful. But they all fully understand that their power of public suasion is a fairly significant power. And to let them avoid the normal routine processes of budget, like I say I just, frankly, don't buy into the argument.

I have seen situations where provincial auditors, Auditor General of Canada, over time persuading the public that they needed more resources to do their job; did it in a way that was not seen to be criticizing any particular government or anything else but the benefits of doing this. And government responded because of the public recognition that that individual in the office needed more resources.

So I just have never been persuaded of any — and I respond only to the ones you have mentioned — that they need to avoid the normal budgetary processes in order to convince the public — or they should be convincing the public — and using the powers of office of their needs for additional resources, whatever they may be.

So having said that, I've given the commitment. I know you're not at the other side saying, you know, we want to veto this, that and the other thing, and I'm not interpreting what you're saying. That process that I've indicated to you is exactly the one that was followed when the first Ombudsman, for example, was appointed. The name was run by the opposition, and there was no big objection to it or concerns, and so it was accepted. I suspect if there had of been an objection at the time, that the name probably would have been pulled, but I'm going to make that assumption.

Mr. Pringle: — Well, Mr. Minister . . . sorry . . .

Hon. Mr. Lane: — Oh and let me just respond on the Provincial Auditor. My understanding is that that name was in fact done . . . run by the chairman of Public Accounts, which it is required to be done, so that that process . . . there was some consultation on that.

Mr. Pringle: — Well you got to be careful with words, Mr. Minister, and I know you're very good at words and you're very selective. The chairman of Public Accounts was advised — not consulted — he was advised regarding the selection. I make the point about consultation because when you say the first Provincial Auditor was run by the opposition, I can buy that. That wasn't the case with the appointment of the current auditor. And having said that, let me say that I think the current auditor — current Ombudsman, sorry — has done a very good job.

But you did not consult with the opposition in that appointment. In fact you were probably part of the debates that were very heated during that period. You certainly did not consult with the opposition with regard to the appointment of the Chief Commissioner. And the, you know . . . I won't say any more about that. But you did not consult and we may or may not have had anything to say about those appointments. But you didn't consult. What I am saying is that we have made a commitment — and I guess I was asking you to do the same thing — we have made a commitment in our democratic reform paper that we would do that. And we've also made a commitment that we would establish an all-party committee so that the agents of the Assembly would have a committee of all parties to discuss not only their budget and human resource requirements, but also . . . (inaudible interjection) . . . Sorry?

Hon. Mr. Lane: — Let's assume that this legislature's not in session. You'll note that if the office of the commissioner is vacant, Lieutenant Governor in Council shall appoint an acting commissioner to hold office until that person is appointed pursuant to section 38. Okay? That's on the recommendation of the Assembly. So that the appointment is an interim one. A new legislature or a subsequent meeting of the legislature may reject it. So with respect, I think this one covers that off.

The government does not have the power to make an appointment for a term of five years of a commissioner when the legislature's not in session. It's only an interim until the legislature is in session, and then it must be approved by the legislature in any case.

(1945)

Mr. Pringle: — Well I understand that. But the way you've been operating, in a sense these appointments have been made by the government not the legislature. For all intents and purposes, it's been the government making these appointments. I know what you're saying in terms of formalities. But I was asking for a commitment that the opposition would be involved in and consulted in that process, unlike the appointment of the Ombudsman and the Chief Commissioner.

So section 40 doesn't cover off the concern, the point I'm trying to make. And I'm saying that the commitment we would make is that the opposition would be consulted, as had been our practice on those positions; all-party consultation, and to some degree even in a selection process in terms of acceptable names.

So I'll leave that point now, Mr. Minister, but I would hope that you would be prepared to make the commitment that the opposition would be consulted because we're prepared to make that commitment to the Assembly here.

And I don't think I agree with you because I've been thinking of this for two or three years. I think I side with the Chief Commissioner and the Ombudsman on this point, that in some ways they're not like a line department who has the minister to go to bat for them. They have no way, really, except through Treasury Board, to do their lobbying. And in terms of the government of the day establishing their budgets, that's precisely one of the concerns. One of the concerns is the independence from the government of the day that these offices need to have.

So while you can throw up your hands . . . If you like, for example, in an all-party committee, you say the Provincial Auditor has got the power to do an independent audit of a Crown corporation if he's not satisfied with the private audit. But then the auditor says that he doesn't have the resources to do that. So that could be discussed with the committee, an all-party committee, and if the auditor doesn't have the resources to do that, obviously the government has not been very sensitive to the staffing and financial requirements of his office as it stands now.

Again, Mr. Minister, because . . . And I have sat down with

the association of taxpayers on this Bill specifically, and I can tell you as of today they have reaffirmed with me that they are leery of section 18, the two points I raised. But because the Bill is so complex, it's hard to know. People know what information that they're not able to access now that they want to be able to access. And so what I'd like to do is to find out, for example, with this Bill, would the tendering process, as an example, of the Saskatchewan Property Management Corporation, and a specific tendering project — for example, the relocation of the liquor store in Saskatoon recently — would one be able to access that kind of information — that is the tendering process, the tendering process in the Property Management Corporation and secondly, specific projects that we're tendering, that were tendered and what the bids were and whether the lowest bid was accepted and whether the taxpayer got a good deal. Would that kind of information be available under this freedom of information Bill and if so, under what section?

Hon. Mr. Lane: — Let me just respond to earlier questions. One of the weaknesses in the argument of those that say that they should be able to bypass the process and get budgets set independently by the legislature — let's assume the government of the day says that, all right, the Legislative Assembly is going to have a 2 per cent increase. And all of those then reporting, there would be a cap that way. So it's not an absolute that they can set their own budgets, frankly, as many of them would like to do.

I might remind the hon. member that it was the previous New Democratic Party government that took away the Provincial Auditor being a servant of the Legislative Assembly and making him responsible to the government of the day. And it was in, I think, 1983 that our government again made the Provincial Auditor . . . (inaudible interjection) . . . No, that's absolutely right. The hon. member from Rosemont, that is absolutely right. As a matter of fact I can even remember the debate when it went through. It was in the dying days of a particular session, as a matter of fact, where everybody was quite happy to go home when it was done. So it didn't engender any lengthy debate but it was heated for a short period of time.

With regard to the tendering — obviously some information will be available, such as tendering policies and procedures. Some third party information would be protected pursuant to section 19. For example, financial or commercial information supplied in confidence will be protected. Information, the disclosure of which could result in a financial loss to a third party or threatens competitive position interfere with this negotiations, will be protected.

And understand — and I refer the hon. member again to the court's ability to rule on any of this. Okay. And one should never lose sight of that ability to have the decisions reviewed by the court.

Because I can certainly see, if some of the United States' activities are an example, where competitors in a business will try and get information that may be supplied by a competitor, so there has to be the protections. But again you should not forget that if one is not satisfied with

the decision, that there are the review processes to be followed. And ultimately a court could say, yes that information must be supplied, or no that information was supplied in confidence, or it would prejudice the third party. So with that protection there, it again is not absolute for government. Ultimately it can always be reviewed.

Mr. Pringle: — Mr. Minister, I'll ask the question again. Maybe I didn't make myself clear. Would one be able to access — a citizen or a business person — what the tendering process in the Saskatchewan Property Management Corporation is?

And specific deals for example, and I'll use this as an example, the relocation of the liquor store in Saskatoon, because there's a lot of suspicion surrounding that particular deal. And there are many people who would like access to what that tendering process was all about; what the bids were, whether the specs were met or not, and whether the project in the end — which we assume was a long-term project but nobody really knows — whether that deal was in the best interest of Saskatchewan taxpayers. In that example, under this legislation, could one . . . could a citizen access that information?

Hon. Mr. Lane: — I've gone through the list of what information would be available, and I included tendering policies and procedures . . . (inaudible interjection) . . . Yes. Well I went through them.

Some third party information . . . We're going to assume that most events will arise because of specific deals as opposed to general broad policy statements. That's where challenges will come out . . . (inaudible interjection) . . . Yes, well what I'm saying is that the vast majority of requests for information will be on specific matters. Okay? But I did include the tendering policies and procedures.

I then went through what would be normal exceptions, based on the legislation — information, the disclosure of which could result in the financial loss to a third party or threaten its competitive position or interfere with its negotiations. That type of information would be protected. Commercial information supplied in confidence — those are provisions that, I believe, are in all Acts.

But let's assume you'd get a situation where the information is refused because someone says that the . . . could result in the financial loss to a third party, so it cannot be disclosed. The individual that would object to that then has the right to go to the, you know, the appropriate review process. The court may come back and say, no, that information has to be supplied.

So I just get concerned that that overriding right of review — which is not the government's; it is the court's — is being missed as we look at the exceptions and exemptions and the rights that are set out in the legislation. We should never forget that, because ultimately the decision as to whether the information should be released or not will be the court.

Mr. Pringle: — Well, Mr. Minister, that's precisely why,

in our Bill, we also have that appeal procedure, and you refer to that earlier as a safeguard. But it's a much more easily Bill to relate to. This Bill is so complex that I assume by what you said . . . I listened very carefully to that criteria, and that liquor store example, the relocation example in Saskatoon, then a citizen would be able to access the details of that decision because it didn't violate any of the provisions you've talked about.

Mr. Minister, given what you said about the exemptions, I assume that a citizen or even the opposition for that matter would be able to have access to the actual costs — the actual costs, the verified costs — of moving people under the Fair Share program. Given what you've said, I assume that the public would have the ability to access monthly revenue to the Government of Saskatchewan. Because what we don't want to do ever again is get into a situation like we did in 1986-87, when you were the Finance minister, where we wait to the end of the year and find out that we're \$800 million out. So I assume that an individual could access the revenues of the government on a monthly basis, if he wanted to or she wanted to, based on what you've said.

Based on what you said, I assume — correct me if I'm wrong in any of these — but I assume that as you would know, your government recently stopped publishing the population statistics in the Department of Health. I assume that's because you were concerned about the heavy flow of out-migration and you didn't want the people to know about that. But I assume, based on what you've said, that an individual would be able to access those population statistics like we used to be able to.

And you see that's where I was talking earlier about the . . . there's got to be a will to be open because there's all kinds and ways in which you people have shown and reinforced your secret, closed government. And this Bill, which is so complex, not just for me — and I'm not a lawyer — but many others have told me that they read this and they read ours and they can relate to ours. This thing is so complex. It's full of legal jargon and it's full of exemptions and at the end of it they don't know what they can access and what they can't. So I'm trying to get some clarification so I can talk to people about it in terms of what information would actually be available.

As you know one of the concerns about a number . . . from the point of view of a number of business people is the secret deals with regard to SEDCO and the funding of SEDCO. Now once . . . because that's taxpayers' money and I can see that you may not provide that information in advance where you're setting up a business venture, but once the venture's up and going and it's now operating well, would one be able . . . would a citizen be able to access how much public money is in a particular company in SEDCO and what the terms of that agreement are?

(2000)

Hon. Mr. Lane: — The intent is that the SEDCO accounts would be released. But then you get to the exceptions, "trade secrets of a third party" for example. And I'm talking about section 19. They're set out specifically:

financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to a government institution by a third party;

information, the disclosure of which could reasonably be expected to:

result in financial loss or gain to;

. . . a third party;

And I can go through all of these but . . . They're set out specifically. I mean start with the assumption the information's available and then go back and say all right, it sets out in here why it couldn't be. That's why the Act gets more complex.

Let's for example . . . And you keep talking about rental. Surely you're not expecting the government to put out, when it's looking for space, what it's prepared to pay. I mean that could be the dumbest thing a government ever did because that would then become the floor price of what people would be submitting proposals on, so . . .

An Hon. Member: — I think the deficit in '86 would be the dumbest thing.

Hon. Mr. Lane: — Oh no, no. No. The one in Ontario is much worse. And the one was quite sound, actually, in 1986 . . . (inaudible interjection) . . . Who? Soon to be again, I might add.

So you have to start . . . I can't answer you with saying that that information's available; that information is not available. What you have to do is start with the assumption that it is available and then go through the Act and see what exceptions. Start with the assumption the information is available and then go through what exceptions there are.

Now let's assume that a decision is made, no we cannot give you the details of that because it hurts the financial position of the corporation and gives information to competitors. Then someone can challenge that. It's very interesting that we're now seeing in the Ottawa freedom of information the same thing that's happened in the United States, which is the highest growth area in federal applications is industrial espionage — people wanting to know what their competitors are doing. And I mean, you quite frankly could not give a precise statement as to when you'd give out financial information. You simply could not do it.

What the Act does, it sets out that it's the assumption that the information should be made available. If it can't, here are the reasons why it can't. And if someone challenges those reasons, the decision will ultimately be made, assuming all the review process, by the courts — not by government itself. And that is fundamentally key, that it is not government that has the absolute prohibition here, that it may have to prove its case before the courts on occasions. Third parties may have to prove their case before the courts. So you've always got that ultimate review. You start with the . . . as I say, assuming that the information would be made available.

Now you can keep raising specific circumstances. I'm not able to say absolutely because one, I may not know the details, but secondly, there may be one of those legitimate exemptions which everybody would agree is a legitimate one, which says that the information should be refused. So I mean we're having a . . . I'm not trying to stonewall or be oblique on this but I'm just stating how the process would work.

But they're all going to arise, as I said — not all of them, but most of them — are going to arise on specific incidents, specific events. That's usually what triggers the operation of the Act. And again ultimately the review will be made by somebody independent of government.

Mr. Pringle: — Well, Mr. Minister, I'm not accusing you of stonewalling, but I think that this, your answer, reinforces my point that this is a very, very complex Bill, much more complex than it needs to be, because I asked you five examples, none of which related to information that would put any company at risk or put any competitor at an advantage. The Minister of the Family wants to ask you a question . . . (inaudible interjection) . . . But I've asked you these examples and you're telling me you can't really say that, you can't really say.

I asked you very specifically, for example, where you people stopped publishing the population stats from Health, would one be able to access — because you're concerned about the out-migration — would one be able to access that information through this Bill? Very specific question.

Secondly, would one be able to access who actually owns the land at the Silver Lake farm? I mean, those are answers we can't get here. Would one be able to access that information?

Hon. Mr. Lane: — I mean, first of all, deal with statistical information. And that information would be available under the Act — okay? — section 17. Who owns the Silver Lake farms? Nobody. I think several people think they do.

But having said that, I mean, you know I don't . . . I think is an inappropriate question this way, is that that matter, as to who does in fact own it, is a matter of some dispute. So it's now a dispute and the courts are going to decide who does own that land. Let's assume that the court makes a decision as to who owns the land. Then in fact that will show up in the Land Titles Office and be a matter of public record. But if someone's disputing over land in the meantime and it's before the courts, freedom of information is not going to be the one to tell you who owns it. I mean, that's not the place for that. But again in that specific example, freedom of information legislation couldn't give you that, but ultimately the courts will.

Mr. Pringle: — Mr. Minister, given that for some reason the government is not prepared to call a Crown Corporations Committee — when Crown corporations spend over 50 per cent of the taxpayers' dollar, and there's a Crown Corporations Committee — given that the government is not prepared to call that committee, could a citizen or a member of the opposition — since the

process doesn't seem to be working here, the legislative process — could a citizen access some information regarding last year's expenditures of the Crown corporations?

Hon. Mr. Lane: — Yes.

Mr. Pringle: — Well that's good. Well then maybe I'll give this Bill more credit than I initially did because we can't seem to get at this information through the legitimate legislative process. And it's absurd that we've got to . . . the legislative process here and we've got to go through the freedom of information Bill to access legitimate information, legitimate expenditures from the Crown corporation that we can't access now. I mean, I accept your point and I'm glad you said yes, but it's a sad commentary on the way this Premier conducts government business.

Mr. Minister, in section 7(2), as I understand it, the departmental head would have 30 days to respond with the information requested, if that is correct. And if the department head does not have the information in his or her department, that in fact but that the information may be in some other department, the citizen is required to be advised of that within 15 days, if that is correct. When the new department head receives the request — that is the redirected request — is it 30 days from that point that the new department head has to respond to the request?

Hon. Mr. Lane: — Thirty days from that transfer provision, which is up to 15 days. Okay? Then it's 30 days from that point.

Mr. Pringle: — Thank you. Now it mentions, I think it's section 9 — I could be wrong there; I'm just going from my notes here — it mentions a fee. And do you have any figures in mind? And I must confess I'm not familiar with the fees charged in other jurisdictions, but I'm just wanting to clarify what that fee normally is, and is it a standard fee no matter what the request is?

Hon. Mr. Lane: — We haven't set that fee schedule. I can forward to you a list of what the other provinces charge, for guidance, and I'm not committing to following their fee schedules or their amounts, but I can give you that information if it's of assistance to you. Do you need it tonight or can I give it to you tomorrow?

Mr. Pringle: — Mr. Minister, section 19(1)(d) . . . I guess really (d), (e), and (f). Could you just clarify for me what is meant by those three subsections.

Hon. Mr. Lane: — Let's take (d). That would include things like the corporate accounts of SaskTel customers or SaskPower customers, SaskEnergy, Trans Gas, that sort of thing. And the other one would be like farm corporate loans of Ag Credit Corporation, for example. And then (f) is the supporting information which can also be refused.

Mr. Pringle: — Okay, thank you. Section 20 as well, I'm not sure, I'm just not familiar with testing procedures, what that means.

Hon. Mr. Lane: — Well it . . . testing techniques could be school testing, for example; audit testing, for example;

Finance can be doing audit tests on corporations for revenue purposes. That would not be released, either.

(2015)

Mr. Pringle: — I think that that answers my questions, Mr. Minister. Just in summary, though, I would say that I've been trying to listen carefully and I know you've been trying to answer my questions. I still find this a very complex document and I have some faith, like you do, that over time a higher power than your government will in fact be able to open up your government and make it less secretive and less closed.

I wish I could feel convinced and satisfied that this freedom of information Bill was going to do that, but the exemptions are so complex and open to interpretation in a way that it makes it really difficult to know how this Bill is going to work. But I guess what we'll have to do is see how it works and press you for amendments if we find there are problems. Or better yet, maybe correct it ourselves in a matter of a few short months. I'd like to thank your officials for their patience and help tonight, Mr. Minister.

Hon. Mr. Lane: — Well thank you. I would just indicate, as I said at the outset, that obviously the legislation is complex, and I didn't deny that; that secondly, it is walking a balance between the public's right to information, an individual's right to information, and the need to protect privacy and the need to protect the information that it would be detrimental to the province from having it released, or detrimental to other individuals. That's difficult; that is difficult.

I did raise some of the points in the draft, or the private member's Bill that the hon. member introduced in 1990, about some of the uncertainties and vagueness — for example, cabinet confidences. That can be so broad that one could never get information if you took that. Would that include what is said to a cabinet minister? Who knows?

That would ultimately be decided by the courts, but you know, the difficulty of having it that broad — you're just going to have that many more challenges and it would be much less likely to get precision quickly, whereas, you know, the Bill is complex. Once rulings are made, I think we will very rapidly get precision for the public and for the public officials who are responsible for complying with it. So, over time, and I think a very short period of time, I believe that you'll find the legislation very workable, and I doubt that there will be many substantive changes.

Clause 1 agreed to.

Hon. Mr. Lane: — If the hon. member has no questions . . . and it is a lengthy Bill, we've been through several of the sections. If we can just go through it by page, if that's . . . And there are, I believe, four House amendments. We can just stop when they come up.

Clauses 2 to 15 inclusive agreed to.

Clause 16

Mr. Chairman: — Amendment to section 16. Is that agreed?

Amendment agreed to.

Clause 16 as amended agreed to.

Clause 17

Mr. Chairman: — Section 17 as amended agreed?

Amendment agreed to.

Clause 17 as amended agreed to.

Clauses 18 to 23 inclusive agreed to.

Clause 24

Mr. Chairman: — Amendment to section 24 agreed?

Amendment agreed to.

Clause 24 as amended agreed to.

Clauses 25 to 28 inclusive agreed to.

Clause 29

Mr. Chairman: — Amendment to section 29.

Amendment agreed to.

Clause 29 as amended agreed to.

Clauses 30 to 70 inclusive agreed to.

Hon. Mr. Lane: — I move the committee report the Bill with amendments. Before I do, again I would like to thank the officials. They spent a great deal of time on a very complex Bill and I very much appreciated their efforts.

Mr. Pringle: — I join the minister again, Mr. Chairman, and I certainly endorse the comments he's made and thank his officials.

The committee agreed to report the Bill as amended.

Bill No. 69 — An Act respecting Referendums and Plebiscites

Mr. Chairman: — We have new officials, Mr. Minister?

Hon. Mr. Lane: — Yes, Darcy McGovern, I believe, is joining us. He is Crown solicitor.

Clause 1

Mr. Pringle: — Mr. Chairman, just take a second here to switch gears, Mr. Minister, I have to reflect on this Bill now.

I spoke earlier today on this referendum plebiscite Bill and tried to make the point that while certainly everyone endorses — and we've released a major paper on

democratic reform which spells out some 25 reforms that would hopefully make the legislature more accountable and allow for more participation by the public in public policy decision-making which is a goal that we certainly endorse — I find it interesting that given the record of this government of ignoring public opinion on so many issues . . . and I think of the issue of the Free Trade Agreement where the vast majority of Saskatchewan people opposed it but it was strongly endorsed and supported by this government.

The GST (goods and services tax) which initially and I think it was obvious in the end as well that this government supported the GST. We sent our retired Deputy Premier down to Ottawa to the Senate to approve it — that same individual who is now the campaign manager for the Premier in the next election.

Of course the PST (provincial sales tax) — the high degree of opposition to the PST — and at the time you introduced initially this Bill on referendums and plebiscites you also introduced, I think the day after, a Bill which represented the biggest tax grab in the history of the province, with some 84 per cent of the Saskatchewan public opposed to it, and you weren't that concerned about public opinion and then chose to ignore some 123,000 petitioners. Not only ignore but in fact make fun of those people and I think show disdain for that form of democratic participation in a very legitimate way where people express their opposition to your tax in this Assembly.

In the same way, members were not allowed to come into the legislature here — into the building — during the demonstration last week. So your record with regard to a genuine concern about the public opinion of the people of Saskatchewan is very, very sorry to say the least.

And I think that this Bill . . . To give the appearance that you're going to increase the opportunities for the general public to participate in a meaningful way into government decision making by initiating plebiscites, by citizen-initiated plebiscites, is somewhat hypocritical to say the least.

And I think your Bill reflects that you're not really serious about the citizen-initiated plebiscites because there are many ways in which, by this Bill, you can delay those requests. And you can in fact challenge the wording and so on.

And so I think the other thing that the Bill does, which is very evident, is that you don't have to act, for example, on a citizen-initiated plebiscite for a full 12 months after you receive from the Chief Electoral Officer a verification that the 15 per cent of those voters which represent some hundred, hundred eight thousand members to initiate a plebiscite. You've got still a year to put that to the people after you receive a confirmation from the Chief Electoral Officer that that list is in order.

Now there's no requirements, there's no time lines, for the Chief Electoral Officer to verify that those are legitimate names on that plebiscite, which means that that process could take . . . I don't know whether it would take a week or a month or a year. So there are plenty of opportunities for you to basically ignore the

citizen-initiated plebiscite.

Now there are a number of other concerns I have about the Bill and I'll try to go through those as we go along. But one obvious concern would be that in order to be a valid petitioner on a citizen-initiated plebiscite, as I understand it from the Bill, you have to have been . . . to have your name on the previous voters list. Given that in this province we have not called an election for almost five years, that the last voters list is almost five years old, then anyone who has turned 18 since 1986, first of all, would not be on the last voters list, and would be ineligible to be on that list of names.

So in a sense you've disenfranchised from this process — I don't know — I would say tens of thousands of young people in Saskatchewan who would not be on the last voters list, and you've also disenfranchised any new residents to the province who may have come here in the last four and a half years and were not on the 1986 voters list. So they're still taxpayers of the province; they're still voters of the province, and I would say, Mr. Minister, that that is undemocratic.

So the Bill, in a general sense, the Bill disenfranchises from the process literally tens of thousands of Saskatchewan residents. The Bill allows you to delay the ability of citizens to initiate plebiscites, and only speeds up government-initiated referendums, which you could hold in as short a period as 29 days on issues that you consider to be of importance. Now the public would have considered the PST to be of importance and significant, and the decentralization plans — that is your Fair Share scheme — and the costs associated with that.

So you may have a different set of concerns than the public does, yet the process is unfair and it's tipped in favour of government continuing to act in a way in which you have, and that has been to have the Premier and cabinet continue to make decisions in a manner that you have, against the will of the people.

(2030)

This Bill, I would submit, Mr. Minister, is not quite as bad as the freedom of information Bill, but it's drafted with a number of flaws as well. It raises a lot of questions . . . a lot of flaws, I would say. It was drafted very quickly and it still gives cabinet and the Premier too much power, which raises the suspicion that it was . . . the provisions of this were conceived in secret and in the dead of night, in the late at night, and that you have accomplished your ability to continue functioning in the way you are now, but giving the appearance through this window-dressing Bill that in fact you're going to open up the process for the public of Saskatchewan.

It also does not speak to many, many areas. One small example — I'll raise others — but one small example is the actual administration of a vote on the actual voting day and who makes those decisions.

Now with regard to some specific sections, Mr. Minister, I refer you to section 3(1) regarding referendums offered. And as I say, this section speaks to the matters of public interest or concern. I would say the public today may be

concerned about, as I said, the PST or, a year ago, your privatization plans or they may be concerned that four constituencies have not had representation anywhere from a year to 18 months, which is undemocratic. They may have concerns about your health care and education cuts.

Yet the referendums, yet the referendum cuts in terms of real dollars . . . yet the referendums can only be ordered when the cabinet thinks that public opinion on a certain issue is desirable, not when the public thinks that's the case. So your focus here, as I read this section, is not on the public interest, Mr. Minister, but rather on your political interests. And I think that section very clearly makes that point.

And I would ask you, Mr. Minister . . . My question is: is it fair that the cabinet . . . that only the cabinet can choose binding decisions by issues that are binding on the government? Citizens can't do that. Why aren't plebiscites binding if referendums are going to be binding?

Hon. Mr. Lane: — I don't disagree with some of the points the hon. member has made. We are certainly going down a new road under the British parliamentary system with the legislation for referenda and plebiscites. It's not something that's endemic to the British parliamentary system. The American system, we use it for comparison, but it's not a fair comparison in my mind. And I don't know ultimately whether the public involvement and the take up of the public of their options under this legislation, whether the take up is going to be like California where in many cases you've got . . . government is basically unable to do much.

And I don't think that's an objective that anybody had in mind when we set out to draft the legislation or those that advocate the legislation, I don't think, want to go that far. So we are walking a balance as to the situation where there may be weighty matters, significant issues that should be determined by a referendum, that the government of the day may want the public to make the decision.

Plebiscites are certainly, as has been discussed, not binding. But I think they're very persuasive. It may well be that once we go through the process down the road that a future government will want to have binding public-initiated initiatives, if I can say that. But as a first walk down this new road, I think that we've gone a long way.

The question you asked about someone being eligible to vote if it . . . For example, if one was on tomorrow, whether someone turned 18 today, whether they could vote. With respect they could. Under our interpretation of the Act, they are eligible electors. Section 9:

. . . individuals who are electors when a referendum or a plebiscite is conducted are entitled to vote.

And if you then go to the definition of electors under The Elections Act, you will find that it applies to those who are — and I think we can . . . we know the rules: they're a

Canadian citizen, or in the interval, a Canadian citizen is a full age of 18 years, has ordinarily resided in Saskatchewan for at least 6 months. So those provisions would allow an individual who turns 18, to be able to vote.

Now you do make a fair comment on the question of signing the plebiscite, okay. Because that, as you say, does make reference to the previous voters list. The difficulty we had there was getting a list that the Chief Electoral Officer could in fact use for verification.

Now what we're going to look at, if it meets with your approval, is making a House amendment which will allow the Chief Electoral Officer to either use the last voters list from the provincial election, or if there's an intervening federal election, use that voters list.

Now if that doesn't take it right up to today, for the purposes of signing the plebiscite, but I think it updates it considerably and would give the Chief Electoral Officer the option of taking the most recent list. But I suggest that don't confuse the eligibility to sign the petition or the plebiscite with the eligibility to vote. Because as long as you're eligible to vote . . . you are eligible to vote if you are an eligible elector at the time it's held — the time that the vote is held, okay. But you do have a legitimate point with regard to the actual eligibility to sign a publicly initiated plebiscite. We chose the one, just again, to give the most recent list that the Chief Electoral Officer would have. But we're certainly prepared, if you wish, to look at giving the Chief Electoral Officer the option of taking the most recent list, either from the provincial election or if there's an intervening federal election to use that list.

Mr. Pringle: — Mr. Minister, would it be possible to use the SHSP (Saskatchewan Hospital Services Plan) number? Anyone who is of voting age . . . Or is that too complex in terms of the . . .

Hon. Mr. Lane: — You may not be a Canadian citizen to get an SHSP number. You could be a resident here, take it out, and may not be eligible to vote.

Mr. Pringle: — Yes, I get your point. I've been elected three years and I'm amazed — that was about the time of the last federal election — I'm amazed at the turnover in the riding in the last three years. So I'm not saying this is an easy solution but I wish there was some way that every citizen could have equality with each other in terms of signing the . . . initiating the plebiscite.

Hon. Mr. Lane: — You and I are not disagreeing on this, but it's not that we didn't look at some solution. Probably the ultimate solution in this case is a permanent voters list. But we're not at that stage yet and that's not always a perfect solution either, as the hon. member knows. But I am sympathetic to the point that if it's four years or five years from the last provincial election, and that's the latest list you can use, you do exclude a lot of people.

We have one or two solutions, if you are agreeable, to using the most recent voters list, federal or provincial. We can . . . Clause 7(1)(b) — and take out the words after the clause, or just leave the following clause: "is signed by not less than 15% of the electors" and take the rest out.

Okay? Delete that.

Or we could say, determined from the voters list as set out in the regulations. And then that would simply allow the Chief Electoral Officer to use the most recent voters' list. Does that . . . (inaudible interjection) . . . Do it by the regulations and let the Chief Electoral Officer choose the most recent . . . (inaudible interjection) . . . Well I think it would, yes. Is that acceptable? Then we'll work on an amendment to that effect.

Mr. Pringle: — Mr. Minister, I want to come back to one point you raised earlier. I didn't repeat the comments I made earlier today, but I'm not sure if you were here when I made those; I assume you were.

I would not want to get into a situation that California's into — I agree with you on that — where California's in pretty well a state of paralysis in terms of the ability of its government to operate. And as I indicated this afternoon, one of my major concerns about this whole — our major concerns — about this whole referendum Bill is that decisions would be made in isolation from other important considerations.

And in a society that's increasingly complex, where oral discussion is required and all perspectives are presented and you come to the best decision possible, referendums work against — in a major way — they work against that kind of decision making.

And I've heard you say that issues are becoming more complex for governments to deal with. And I think that the real danger with this Bill, with this approach, is that you've chosen — as I said earlier this afternoon in a number of quotes from various articles — you've chosen a procedure that's pretty well the same as the Reform Party's resolution on referendums.

But you've chosen a procedure that in fact is going to likely, if it's anything like the experience in the States, allow special-interest groups — powerful financial special-interest groups — to in fact determine, by expenditures of large amounts of money, what issues will be placed on the public agenda.

(2045)

In the States there are professional organizations that just do . . . that have developed just to do and advise a well-to-do interest on how to mobilize public opinion and force governments to make decisions which, in fact, mean that low income people and people who are less powerful do not have a government that looks after their interests in the same way as we've had, through history, in the British parliamentary system.

And as to the motivation, it's interesting you mention motivation because I'm not sure what your motivation was for this Bill, other than that you had a political problem that you don't listen to people. The best recent example being this PST where we had 123,000 petition names — and there are more going to be coming, Mr. Minister — where if you were really serious about public opinion, that's more than the number required to initiate a plebiscite. And you people didn't reconsider for one

moment this PST Bill in the face of massive, massive public opposition to that Bill, where people took the time and trouble to sign their names, to have those names presented in the legislature.

That would have been the real test of . . . Or another test would be as to whether you would be prepared to put the privatization of SaskEnergy, where you tried to privatize that through the back door. Would you have put that issue on the agenda in terms of a referendum? I suspect that you wouldn't have because you only would choose issues that you know you might win on.

And who knows? I think because of your political problem we're likely going to see, one of these days, a Bill regarding budget deficit legislation. After 10 deficits in a row by this Premier, he's talking about some wingy idea he has about budget deficit legislation when he's brought us, as a province, to a point where we've got the highest per capita debt in all of Canada, likely of any jurisdiction in the British Commonwealth.

Mr. Minister, with regard to section 7, number 5. As I read that, when you receive a citizen-initiated plebiscite, number 5 says:

Where the minister is of the opinion that:

a change in wording of the question set out in a petition would more clearly express the intent of the petitioners;

I'd like you to comment on that section, if you could, because it seems to me that that is somewhat arrogant on your part to assume that people who initiate a question on a plebiscite wouldn't know what they were intending, and that somehow the cabinet is in the best position to determine what those 110,000 people think they meant rather than what they said on the petition.

Hon. Mr. Lane: — Let me respond to the several points. You talked about special interests. One can make a very strong argument that this legislation can in fact take away the powers of special interest groups in that right now special interest groups are aligning themselves with particular political parties, generally, and then they have a great deal of influence.

And I think we . . . there's a recent report in the paper about deep concerns in the province of Ontario, for example, of that very thing happening. This can offset that influence with either citizen-initiated plebiscites or the referendum which will cause both sides to be able to participate. So one can make that argument, I think, quite strongly. This may be a good defence against governments becoming hostage to special interest groups.

With regard to your point about the funding of third party special interest groups as a result of this, and the limiting of funding or the allocation of public moneys, we did look at that. The difficulty we run into, in our view, is the Charter and whether limiting that expenditures does not . . . be contrary to freedom of speech. And we're satisfied that it may well be and that was one of the difficulties that we came up with. I forgot to mention when I talked about

how this road is going to develop, this is, of course, not new in Saskatchewan; that in 1913 the government of the day introduced legislation in Saskatchewan, direct legislation Act. And when it went to the people of Saskatchewan it was defeated. And so when they did have a vote on whether there should be referendum or direct plebiscite the people of the province did in fact defeat it at their last opportunity.

Finally, the point you make with regard to where the minister is of the opinion that the change of the wording of a question set out in the petition would more clearly express the intent of the petitioners, I think you used the word arrogance. Obviously the hon. member is not from the city of Regina. And if the hon. member — as the member from Regina Rosemont will attest — was aware of the machinations, the interpretations, and the definitions of Sunday opening and closing and whatnot that we went through in plebiscites here in the city of Regina, one would not be so glib as to be critical of the need for precision on these.

And as a result this is not a matter of arrogance, but is taken from The Urban Municipality Act where in fact:

If a petition requesting the submission of a bylaw concerning a matter within the jurisdiction of the council signed by the greater of 5% (and I can go on technically) . . . the council shall introduce a bylaw in accordance with the request of petitioners within eight weeks (etc.) . . .

Where the council is of the opinion that a change in the wording of a petition received . . . would more clearly express the intent of the petitioners, the council (city council) may apply to the court, by notice of motion, for an order directing a change to the wording of the petition.

So it's not an original provision — but understand — and not an unfair one. People could design . . . word a petition which may be interpreted differently by different signatories, so that there should be clarification to reflect that intent. It's not something that the . . . as I say that's new. But it's one . . . And it's not an arbitrary decision of the minister. The minister has to go to the court to have that done. And as I say there is precedent for it in Saskatchewan: The Urban Municipality Act.

Mr. Lyons: — Thank you very much, Mr. Chairman. Mr. Minister, by way of introduction, let me say first of all that I support the concept of referendums and plebiscites. It's not, as you had suggested earlier, foreign to the British parliamentary system. In fact, within the British Commonwealth there are a number of jurisdictions that I'm sure you are well aware that utilize referendums and plebiscites. One can only look at, for example, Australia and New Zealand in which this is a commonly used form of finding the expression of the public will. And it's from that experience that I have some concerns as to this particular Bill.

Let me first of all begin by suggesting a few things that my colleague from Eastview, perhaps more polite than myself, alluded to. And that is that this Bill is, I think, a political document not only in the sense of trying to give

to your government a veneer of validity to the claim that you listen to people, because I think that that claim cannot be substantiated by your record, but more importantly it is a political document intended to be utilized at the next election for your government to take the public's mind away from your government's record of nine years of waste and mismanagement — one could characterize it in other terms but we'll leave it at that for now.

And that one could suggest that, as part of the political agenda of this government leading up to the next election, that we will see a series of referendums instituted. I would suggest that this is some of the thinking that's going on on your side of the House at this time.

A number of referendums, one of them dealing with the balanced budget legislation and some form of referendum initiated by your government, motivated no doubt out of your concern from political pressures by the Reform party, but more importantly by a right-wing organization such as the National Citizens' Coalition who have a great, great deal of money to put behind raising the question in the public's mind of a balanced budget legislation.

Now we all know that the National Citizens' Coalition has the support of the insurance industry and some other fairly wealthy right-wing individuals in this country, who would dearly love to be able to spend their millions of dollars in the province in an election campaign to prop up your government and to try to create a political climate which is more conducive to your re-election.

Which is the . . . The member from Eastview has raised the concern of the spending limits. And I guess in terms of this particular piece of legislation, this is my greatest concern. Again, for example, we can see the nuclear industry working hand-in-glove with your government, Atomic Energy of Canada Ltd. using the taxpayers' dollars through the Canadian Nuclear Association to try to promote the notion that nuclear power or nuclear reactors would be a good thing for the province of Saskatchewan. And I would not be at all surprised to see that around the time of the next election that your government would utilize this legislation to try to put a question on nuclear reactors on it, in order to divert public attention away from the record of your government.

So what I want to ask you, Mr. Minister, is this: would you be prepared, by way of House amendment, to concretely limit the spending of third parties in the referendum process, and to put a limit — as much as was placed on, for example, the referendum which was conducted in Quebec in which very strictly adhered to spending limits were instituted around that referendum on the question of sovereignty association — would you be prepared tonight to indicate to this House whether or not you would include directly in the language of the Bill, a restriction on spending limits by third parties?

Hon. Mr. Lane: — Well I will certainly take the hon. member's suggestions for questions for the plebiscite and pass them on to the appropriate officials in the government and the party. And I'm sure they can . . . they

will take your suggestions to heart and give active consideration to your recommendations as to questions.

Having said that, I did answer the hon. member earlier when I said that the difficulty we had with the matter of spending limits is the legal opinion that limiting that ability to spend moneys may well be contrary to the Charter of Rights in limiting freedom of speech. That's the difficulty. I don't necessarily share the concern of the hon. member that those with a great deal of money win these battles. As a matter of fact, there is some strong evidence in California that the expenditures of the money are backfiring, and we've had two examples: one was the insurance referendum which was fairly recent, that the insurance companies, I gather, lost that debate. Then we had one where there was a considerable amount of money spent on the side of the environmental side in California, and not that there wasn't on primarily the agriculture side. But that debate certainly was not won, I gather, by money.

(2100)

So the over-expenditure of money can be a serious political miscalculation in these types of debates. As I say I'm not as persuaded as the hon. member that money will determine the success of a plebiscite or a referendum.

So having said that, I've indicated the legal difficulty. You should keep in mind that the limitation on expenditures on the Quebec referendum took place prior to the implementation of the Charter. And so from the legal point of view it may not be relevant to discussion, given the Charter.

Mr. Lyons: — Well, Mr. Chairman, now with all due respect to the hon. member, who certainly is a well-known figure in legal circles in this province — maybe not judicial but certainly legal — that the hon. member knows that there is a provision in the Charter — it's called the notwithstanding provision — which would certainly get around any legal obstacle that may in fact deal with the question that you've raised.

As you are well aware, Mr. Minister, your government has used the notwithstanding clause of the Charter to implement legislation which may have very well been contrary to certain sections of the Charter in regards to individual and collective liberties in the past, and that there would absolutely be no difficulty in the use of that notwithstanding section to place before the place in this Bill a provision which would create a level playing-field.

I mean your government has been great in the past talking about level playing-fields. Well on issues such as may be put before the public of Saskatchewan on referendums, there is the absolute necessity to have a level playing-field in terms of the amount of money which can be spent on a particular issue.

In fact the member has alluded to several referendums that have taken place in California. It was precisely the spending, and it wasn't just by agricultural interests I may remind the member, in terms of the so-called green referendum in California which took place last year, that it was the spending by the other side which in the final

days tipped the scale of balance towards the defeat of that particular initiative.

We can point to the linkage between the Conservative Party, Decima Research, the national council on business issues, in the free trade debate in which millions of dollars were put into the free trade debate in the last few days of the last election campaign to try to tip the scales. And there's documented evidence, including by the chief honcho of Decima, Mr. Gregg himself, to indicate it was precisely the expenditures of those dollars in that referendum, if you like, on the free trade in that election, that tipped the scales towards the election of the Conservative government. And a great deal of that election success is credited to the fact that many large corporations in this country, in the last week of that election campaign, poured millions of dollars into a pro Free Trade Agreement, or pro free trade approach to the question.

So it seems to me that the legal impediments that you raise in terms of having a level playing-field built into this Bill are not in fact real arguments against it. It's precisely your refusal to consider putting spending limits on this ... to write those spending limits into this Bill, and putting spending limits on referendums, which causes me to suggest that it's precisely those issues that have already been discussed in the back rooms of the Conservative Party and the strategists. And Nancy McLean and Mr. Gregg and those people have already discussed this in terms of trying to do as I earlier suggested.

Given that, in fact, you can use the notwithstanding clause of the Charter to overcome those legal objections, I ask you again, will you put spending limits on ... to write spending limits into this Bill, to put spending limits on the use by special interest groups in the conduction of referendums?

Hon. Mr. Lane: — Well again I've given the legal opinion and you're correct that the notwithstanding could be used. I'm not sure it's an appropriate use of the notwithstanding clause in that ... you would probably need the notwithstanding clause in each situation. I happen to think that the appropriate course of action is to let's let it work and then see. I mean one can then make the next logical extension all right. If we're going to have limits then these should be publicly funded, and that the taxpayers of Saskatchewan should be forced to support both sides of an issue that obviously follows logically. And that's not something that the government is considering, but I did indicate that it is a first, rather long, step down this road.

Again I appreciate the suggestion from the hon. member as to possible questions. Obviously a lot of back-room strategists on the other side have been giving much thought to this and we will take them under advisement. But at this stage, in our view, it would not be appropriate to bring in the limitations. Again there could be a Charter challenge, and I appreciate the argument on the notwithstanding. But it always strikes me as a rather interesting argument from some in the opposition who argue most strongly.

And I just noticed the last national convention, the New

Democratic Party, that there was quite a heated argument about removing the notwithstanding clause from the constitution. And I don't know what the ultimate result of that debate was; perhaps the hon. member could inform the House. But at this time our view is, let's let this new process work. And I'm sure over time there will be amendments and changes, but there is the opportunity to involve the public and I think we should let it try and work.

Mr. Lyons: — I mean that's all very well, Mr. Minister, to say, except that we cannot — given your record of ignoring the will of the public, and given your response to particularly powerful and wealthy interest groups in this county, the oil industry, the nuclear lobby, and so on and so forth — one cannot expect that you and your government would allow a fair and even referendum to take place.

And your answers again tonight seem to me to deepen my suspicions, to put it mildly, of what the ulterior motive you have at this time to not include spending limits, and in fact to bring this Bill forward. Now you can attribute the use of referendums on nuclear power or budget legislation or whatever to the opposition.

The fact of the matter is that it's your government which is bringing this forward. It's your government which is floating these ideas. And it's your government which is refusing to place spending limits so that, quite frankly, people who are wealthy organizations which have a great deal of money behind them — Atomic Energy of Canada Ltd. for example has just been given an extra billion dollars by Mr. Epp in order to carry out a propaganda campaign or an information campaign to give through the Canadian Nuclear Association — one will expect that the great portion of that money, or certainly a portion of that money, will be spent here in Saskatchewan trying to promote the concept of a nuclear reactor.

Similarly, one can expect a right wing organization like the National Citizens' Coalition to pour a great deal of money into one of their pet projects, which is the balanced budget legislation which right wing organizations throughout this country have been promoting.

People who do not have that money, and people who are on the other side of that issue, will not have a level playing-field to be able to oppose that. And part of the reason they won't have that level playing-field is contained in section 12, in which political parties and political candidates themselves are limited in spending around the questions which are raised at the time of a general election.

And given that, Mr. Minister, that political parties and individual candidates will be restricted in their spending on these issues, will you then — and given your reluctance to include spending limits during the period by third parties, during the period of a referendum — will you entertain a House amendment then to forbid the use of referendums or plebiscites during the time of a general election here in Saskatchewan; during the period in which a general election is held?

Hon. Mr. Lane: — Well I mean, just because the hon. member has some modest political paranoia, I don't think that you want to make that an absolute prohibition, because there could be future elections where it's highly appropriate to have those and you're singling out this election as opposed to looking at the broader view of down the road. And so having said that, I don't think that would be particularly appropriate.

I do make the point again that there's ample evidence . . . And it was interesting in the free trade debate that not many of the wise political analysts attribute the win or loss on the free trade debate to the question of moneys being spent. And many wise analysts, as a matter of fact, say it was not ultimately the decisive voting issue. So I happen to have a view that if someone overspends, they tend very much to turn people off.

As well, to now exempt candidates and pull them out of it, section 12 is in there so that the existing voting limits can apply. They want to be part of the process, then it should be part of their election expenditures. But it may well be that the appropriate time — and the public may see it as the appropriate time — to deal with referendums is at a provincial election. It may be far more convenient to the public to choose that time. And I can see, and I think the hon. member can, obvious circumstances where the public would see it's far more convenient and far wiser to do it at that time rather than running separate campaigns.

Mr. Lyons: — Well, Mr. Minister, with all due respect, one may be . . . mentally be accused of having a moderate level of political paranoia when it comes to this particular Bill, but one has to also recognize the facts of life in this province, given the politics that's been conducted by your government over the last nine years. And one probably would have the support of the public in not accepting everything that is put forward by this government and by the members on the opposite side, at face value. And particularly given the great reputation for political wizardry by the member from Qu'Appelle-Lumsden, I think everybody in Saskatchewan is rightly paranoid over your ulterior motives in regard to this Bill. And your answers here tonight have just reinforced that paranoia among the populace precisely around those questions that have been raised.

You refuse to set spending limits for third parties which would then allow those wealthy and powerful interests, who have a particular cross to bear or a particular torch to bear, to bear aloft and get their way on a particular piece of referendum legislation or question put forward. And you refuse to back down from that stance.

You're limiting the ability of people who are involved in the political process — the candidates and registered political parties in the province — to express their view in a full manner before the public. You limit, in fact, you limit the field of legitimate political debate. You narrow it down.

This Bill ties the hands of those who do not have the financial resources. And whether or not you happen to believe overspending causes a reaction . . . I mean, that may be a convenient excuse for tonight. But the facts of

the matter is, the facts of life are, in this country that we all know — and Allan Gregg will confirm that — that as we saw in the free trade debate at the last election, the infusion of large amounts of funds in the dying days, and Mr. Gregg says it himself, did in fact affect the outcome of that particular debate.

(2115)

So you will excuse that moderate paranoia that you talk about if I have to raise these kind of political questions. Perhaps, Mr. Minister, you can put this paranoia to rest and maybe the question of motive to rest, if you'll inform the House whether it's not the intention of your government to use this legislation in the upcoming provincial election. Or perhaps let me put it the other way: will you give this House an undertaking that the government will not use the provisions of this legislation in the next provincial election? Will you tell the people of Saskatchewan that you will not use this legislation at the time of the next provincial election?

Hon. Mr. Lane: — Well I am a little surprised because the hon. member raised some, what I thought were some rather significant issues of public interest that should be considered under a referendum and a plebiscite. And I'd already undertaken to take the member's suggestions back to the government, to cabinet. And I thought he was being helpful with the suggestions and I know some of the issues are of particular interest to him. So I'd already made that undertaking to the hon. member, to take those issues forward for possible consideration.

Understand that during a provincial election, the candidates of all political parties do have an advantage. They can speak out. They don't have to spend moneys, obviously, on a referendum or plebiscite. They do have the advantage, the natural advantages of simply being able to speak out. But I'd already made the undertaking to the hon. member to take his suggestions and good ideas forward.

Mr. Lyons: — Well I appreciate the comments of the member. But, Mr. Minister, let's just say this. Don't do me any favours along this line, okay. I mean, we've already seen the former president of the Conservative Party and the present president of Saskatchewan Power agree with the statements I have made regarding SaskPower and printed widely in the newspapers. Now all of a sudden we have a prominent member of the Conservative cabinet taking my suggestions to the cabinet. You really know how to hurt a guy, right? I mean we are trying to ensure that there is a clearly delineated difference between the position of our party and the position of your party in the coming election. Let's not cloud the issues on that.

Having said that, and in a little more serious vein, Mr. Minister, are you saying here tonight that you, as a member of cabinet, and the cabinet and your caucus have not considered putting questions on the referendum or the use of the referendum in the next provincial election? I notice you side-stepped those issues rather adroitly. So let's put it directly: are you considering the use of the referendum at the time in the next provincial election — yes or no?

Hon. Mr. Lane: — I didn't for one minute — and let's be clear — suggest that I would take all of the hon. member's ideas to cabinet. And if I give him some comfort by saying that, I've also given a lot of comfort to my cabinet colleagues by stating that. I said I would take forward the ones you brought forward this evening for consideration. I did indicate at the second reading that certainly at this stage the government has no plans for questions. But no, I certainly wouldn't rule it out, but I did indicate at this stage the government has no plans for specific questions.

Mr. Pringle: — Thank you, Mr. Chairman. Mr. Minister, just three or four more questions here. Section 5, I want to go back there just for a minute. Section 5 it seems to me is a little bit, or has a potential to be . . . it's a little bit ambiguous. Where in practice it's not very binding, even where a referendum could be binding of course, is what the section speaks to.

It says as soon as practical the government would take steps, and while I see that as reasonable, I guess the question would be who defines practical. You know eight months ago the mayor of Kindersley would say that we've had a vacancy for a year, it's time for a by-election. This is 18 months now with a vacant seat and the government has not found it practical or whatever to have had a by-election in that riding. And there are many other examples of where the government has taken steps that it considers practical and the consequences have been severe for Saskatchewan families. That really isn't a question other than, I guess, a comment of a bit of concern that I have in terms of the problem with definition in some of the provision of this Bill.

Now 5(b) again indicates that the action would occur during the first session after the results. Again that would seem reasonable, except your administration has a habit of keeping the opposition out of the House for anywhere from eight to nine and a half months; therefore, another way of delaying action, which is a concern that's even on binding referendums. You could delay action by eight or nine and a half months, which has been the length of time we've been out of here over the last couple of sessions, or last couple of years.

Now with regard to section 10(2), it says that the minister would release the results of the decision, the public's decision, as soon as practical after the results are determined. And I guess a couple of questions there: what minister? Why not immediately rather than as soon as is practical? And what if the legislature isn't sitting? Would the results of a referendum be released?

Hon. Mr. Lane: — Well understand on the latter that after the results are in, the Chief Electoral Officer announces them. All that the minister does is file the report to the Assembly. So the results are announced by the Chief Electoral Officer under section 10.

The other one on the introducing of the Bill; understand in section 5 that you can't bind a future government. I mean all that the government can do is introduce it to the Assembly. You can't bind the Assembly. The government could be defeated on the Bill in the Assembly. So its obligation is to introduce it. Okay? Can't make the Assembly pass it.

You could certainly . . . could be into the similar-type question on the French language question. Are you doing it quickly enough or whatever? The courts may ultimately make some rulings, but there has to be some flexibility because it could be very complex questions on the plebiscite. It could well . . . for example, if it's a matter of balanced budget, do you then do it immediately, depending what the terms of plebiscite or referendum are? Could be major expenditure items which require fundamental program and policy changes, budgetary changes.

So the wording was chosen to allow the government, who will ultimately make that decision, the necessary flexibility to be able to comply with it.

Mr. Pringle: — Okay, thank you. Section 11, Mr. Minister . . . I must say I join my colleague from Regina Rosemont regarding, I guess, a related matter of government broadcasting. I recognize that the Bill says that there will be no advertising pertaining to the referendum or plebiscite question. Only routinely, “. . . routinely broadcast or published . . .” information.

That makes me a little nervous, Mr. Minister, because where we recently saw the agricultural program on provincial TV, at the expense of some 26, \$30,000, where the government deemed that to be an informational program. I think it was pretty well regarded by the majority of the population as blatant government propaganda. And so I don't take much comfort in the government having the ability to routinely broadcast or publish information because you people have gone over the line on many occasions, to spend taxpayers' money on blatant, political propaganda, for lack of a better phrase. And so I worry about that section.

And I guess what I am saying is that I don't trust your government in this regard. Who defines routinely? I think that there should be the opportunity for citizens or opposition or someone to make sure that some independent body would define that. In this regard would the court be able to do that?

Hon. Mr. Lane: — Well it's the intent that it would be an offence to not comply with this. It's basically taken from The Election Act as to what can be done. But given the fact that a plebiscite or referendum may not be during the general election, it wasn't as restrictive as it is under The Election Act.

Mr. Pringle: — I'm sorry, Mr. Minister, I was thinking about another matter. Could you just repeat what you said, if you don't mind? Sorry.

Hon. Mr. Lane: — I said, it's basically taken from The Election Act. It is the intention to put under the regulations that it is an offence to breach that. And if it is an offence to breach that, then ultimately the court would decide whether it's routinely broadcast. I mean seat-belt safety, that sort of thing; SaskTel, usual advertising. But the operate one, it's any information or particulars of the activities, etc. that pertain to the question or questions put to the electors. So that's the operative. If it has anything to do with that then it would be an offence.

(2130)

Mr. Pringle: — I'm not exactly sure how that would work. There could very well be advertising that would come very close to relating to the question. For example, we're bombarded right today with Fair Share ads, with SaskTel ads, with Power Corporation bond ads, with community bond ads, and with **Get Smart** ads. We're being bombarded with ads that are obviously have . . . I mean the taxpayers viewing this is a blatant waste of money, but I'm sure your attempt is to create an impression in the public mind that you're doing great and wonderful things. So I worry about the subtleness with which you're trying to influence public opinion — it isn't working.

But there's a potential in this Act to come very close to advertising related to questions on the referendum or plebiscite that may not be determined to be blatant violation of the Act. Section 11(2) worries me because this oath refers to two months after the referendum or plebiscite that would be submitted to the Chief Electoral Officer, and I guess that means there's no process leading up to the referendum or plebiscite whereby the Chief Electoral Officer could make the determination as to whether or not the ads were in violation of the Act.

Two months later, after the date of the referendum or plebiscite, I guess I wonder what would be the consequences if someone were found violating the Act in that case.

Hon. Mr. Lane: — I understand that this is the same as section 229 of The Elections Act, that two months after they must file their solemn declaration. So it's taken from section 229 of The Elections Act. And again it would be an offence and the offence penalties would be set out in the regulations.

Mr. Pringle: — Mr. Minister, with regard to this Bill, I just summarize a few concerns, I guess, that I have. You've answered some of the questions to my satisfaction. And others, while I accept your attempt to satisfy the questions of myself and my colleague from Rosemont, I'm not sure that I agree with your explanation in that it will force your government to change some of its behaviour.

The government can delay for up to one year, a citizen-initiated plebiscite — one year once it is considered in order from the Chief Electoral Officer. I don't know how long it would take the Chief Electoral Officer to determine that a list would be in order. As a matter of clarification, do you have any sense of that time frame, Mr. Minister?

Hon. Mr. Lane: — It was left that way because it's conceivable that you could have two or three petitions during the course of a year and it gives the government time to maybe do all three at the same time. And that's why that year provision was put in.

Mr. Pringle: — Well, sorry, Mr. Minister. I wondered if you had any time frame as to how long you think it would take the Chief Electoral Officer to verify. Do you have any expectation in this regard?

Hon. Mr. Lane: — I couldn't answer that. I could . . . we could all see circumstances where the Chief Electoral Officer may have other things — by-elections, everything else — going on. But . . .

An Hon. Member: — By-elections?

Hon. Mr. Lane: — Yes, by-elections. But the year was given just in case, as I say, there could be a situation where there could be two or three different plebiscites or referendums come up, and the government could then stage them all at the same time. And so this gives that flexibility.

Mr. Pringle: — Well, Mr. Minister, that concerns me a little bit because what you're really saying is that the Chief Electoral Officer . . . there's no expectations on that office to get the citizen-initiated plebiscite list verified.

Now your example of the Chief Electoral Officer being busy with by-elections was a poor example because you've only had two by-elections in the last five years out of six vacancies. But I realize that the Chief Electoral Officer may be busy redoing boundaries and this kind of thing.

But my point is that . . . my initial point was that you've tipped the balance in favour of government because you can hold a referendum initiated by government within 29 days, yet you can drag out for . . . you're not even prepared to say; maybe two years, an issue that the citizens consider important through this citizen-initiated plebiscite. In fact, you could draw it out two and a half or three years because if you keep the House not sitting for nine and a half months, you could really drag out a citizen concern for two and a half to three years. So obviously that's weighted in favour of the government determining what issues are important. I'm still uneasy about a number of citizens . . . While I accept your amendment as the best we can do at the time, I'm still concerned that a number of citizens, likely in the tens of thousands, would not be eligible to have their names on that . . . or to initiate the plebiscite. I'm concerned that plebiscites do not have the same binding effect as government-initiated referendums, another imbalance in favour of government.

I'm concerned that the government can — I realize the court is the final determination — but the government can decide, in its wisdom, that the wording of the citizens' plebiscite is not done properly, yet there's no way for the citizens to challenge whether or not they feel the government-initiated referendum is worded properly. And when you consider, in jurisdictions that have this legislation, that wording is the sticky point most of the time, that again weights this Bill too much in favour of the government in relation to the general public.

And obviously while I support increasing the opportunities for citizens at large to have direct input into government decision making, I guess I'm a little leery that that's the motivation for this Bill because you continue to ignore public opinion at the time we're discussing this. I guess this is why, in my view, very little will change, and I wouldn't be at all unhappy if you withdrew this Bill because I think that it's . . . I don't see how it's going to

serve the interests, other than a perception of the interests of the public, in terms of greater influence and greater participation in decisions of your government.

Fortunately we may not have to worry about that for very long, given that your government is very low in the polls. But I think we should do this correctly if we're going to do it at all.

And one final worry I have about this referendum legislation, Mr. Minister, is that I worry about the American context here, particularly as this Premier has looked so often to the U.S. for solutions to Saskatchewan issues — and often right wing solutions — and trying to transplant those ideas in Saskatchewan — which haven't worked, clearly haven't worked. And so the idea of referendum decisions made by powerful lobby and interest groups influencing public opinion in isolation of other issues, I would not want us to be put in a state of government paralysis like the state of California.

So those are some of the concerns I have, Mr. Minister. And I'm very concerned that this Bill will not force this PC government to change anything it's doing now. That in the final analysis, the Premier who has blatantly abused, in my view, his authority and mandate as Premier, it will allow the Premier and the cabinet to continue functioning in the arrogant way that it has over nine years. And therefore I don't have very many positive things to say about the Bill.

Before I take my place, I would like to thank your officials for their advising you and the responses that you've given to me. Thank you.

Hon. Mr. Lane: — I, in closing, would express some disappointment that the opposition are voting against the Bill, given the hon. member's comments tonight that he wished it was withdrawn and that he has a lot of concerns.

So as I say, I express some disappointment, but I do join with the hon. member in thanking the officials for all their work and help, again another issue of a very complex one. A great amount of research has gone into it and I appreciate the work that they've done.

Mr. Lyons: — Thank you very much. Mr. Minister, I want to express my support for the comments made by the member for Saskatoon Eastview in our concerns that have raised about this Bill. If you want to draw the conclusion that we're intent to vote against it, I guess that's up to you; you'll find out when the vote comes.

But, Mr. Minister, I want to refer you back to a statement that you made at the time that this Bill was being introduced — or the announcement that this Bill would be introduced I guess is probably the more correct way of putting it — in that you raised a number of other initiatives that you thought you might undertake. Now I know it's not within the Bill, but I wonder just as we conclude this portion of the passage of the Bill, whether you'd care to comment on why there is not reference to proportional representation, particularly given the political atmosphere of the province at this time.

It certainly would be something that I know that I'd be prepared to look at, and other members of our caucus would certainly want to look at. Are you perhaps going to follow along as the next step and move in that direction?

Hon. Mr. Lane: — What I indicated during the electoral boundaries matter, that these questions such as proportional representation, such as possibly reduced number of ridings, the possibility . . . and I've been an advocate for some time of special ridings for natives. I think that those are very much worthy of consideration and debate in this province.

I thought that I did make those comments in conjunction with the electoral boundaries matter in the context that, given the need for certainty after the Court of Appeal decision and the establishment of the Boundaries Commission, that we were going to keep their terms of reference as close as possible to the previous mandate, and that those broader questions would be best left for a review by a future legislature. And that's what I said. I happen to believe that to be the case.

I think they are worthy of the debate in the province. I'm not sure. Maybe ultimately the decision as to any or all of those will be done by a referendum. I can't answer that, but I didn't think . . . all I said was I didn't think they'd be appropriate as part of the mandate of the Archer Commission.

Clause 1 agreed to.

Clauses 2 to 6 inclusive agreed to.

(2145)

Clause 7

Mr. Chairman: — The amendment to section 7, is that agreed?

Amendment agreed to.

Clause 7 as amended agreed to.

Clauses 8 to 15 inclusive agreed to.

The committee agreed to report the Bill as amended.

THIRD READINGS

Bill No. 71 — An Act respecting a right of access to documents of local authorities and a right of privacy with respect to personal information held by local authorities

Hon. Mr. Lane: — I move first and second reading of the amendments, Mr. Speaker.

Motion agreed to.

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

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

Bill No. 70 — An Act respecting a right of access to documents of the Government of Saskatchewan and a right of privacy with respect to personal information held by the Government of Saskatchewan

Hon. Mr. Hodgins: — Mr. Speaker, I move that the amendments be now read a first and second time.

Motion agreed to.

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

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

Bill No. 69 — An Act respecting Referendums and Plebiscites

Hon. Mr. Hodgins: — Mr. Speaker, I move that the amendments be now read a first and second time.

Motion agreed to.

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

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

The Assembly adjourned at 9:52 p.m.