

The Assembly met at 2 p.m.

INTRODUCTION OF GUESTS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Neudorf: — Thank you, Mr. Speaker. I have a single kind of petition with about a thousand names attached to it. And it is:

That in the 1991 general election, the voters of the province voted 62.62% to prevent the Government of Saskatchewan from paying for abortion procedures;

and that this margin far exceeds the support of any political party represented in the Legislature . . .

And then I'll just read the prayer itself:

Wherefore your petitioners humbly pray that your Honourable Assembly may be pleased to stop the funding of abortions in Saskatchewan.

It gives me pleasure at this time, Mr. Speaker, to table these on behalf of the citizens across the province.

READING AND RECEIVING PETITIONS

Deputy Clerk: — According to order, the following petitions have been reviewed, and pursuant to rule 11(7), they are hereby read and received:

Of citizens of the province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the government to restore the FeedGAP program.

Of citizens of the province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the government to restore the livestock cash advance program.

Of citizens of the province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the government to reverse its decision to eliminate the farm fuel rebate program.

Of farmers and citizens of the province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to allow the 1991 GRIP program to stand for this year.

Of citizens of the province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to stop the funding of abortions in Saskatchewan.

Of citizens of the province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the government to reverse its decision to eliminate full coverage and universal access to chiropractic treatment.

Mr. Renaud: — Mr. Speaker, I would like to introduce to you and through you to the Assembly, some leaders of the Saskatchewan Young New Democrats from Kelsey-Tisdale constituency who are visiting the legislature today: Crystal Maslin of Archerwill, and Karri Hoffus of Bjorkdale, and I would ask that you all join with me in welcoming them here today — grade 11 students who are indeed very keen in community, provincial, national, international affairs, Mr. Speaker. Thank you.

Hon. Members: Hear, hear!

ORAL QUESTIONS

Changes to GRIP

Mr. Martens: — Thank you, Mr. Speaker. Mr. Minister, after today . . . I have a question, Mr. Speaker, to the Minister of Agriculture. Mr. Minister, after today we will have a new law in Saskatchewan, a law written and forced onto the people by you.

The Queen's Bench ruled farmers had a prima facie case of breach of contract against the government. You appealed this decision. You were opposed to farmers being heard in court back in May, and you are effectively extinguishing that right with this new law. Mr. Minister, we have a new law in Saskatchewan, but where is the justice?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the provisions that have been addressed in the Act that will be voted on hopefully later on today, will provide for the implementation of the 1992 GRIP (gross revenue insurance program) program and the clarification of program detail that was not clarified earlier, and some other provisions that void the requirement for notice because of the design that was there before. And the legal provisions of the court still are accessible by farmers and people that want to address the matter through the courts.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, Mr. Minister, the government asked the court to have the farmers put up over \$700,000 as a bond in case they lost. You knew 700,000 was more than the farmers could afford. You knew, but you asked that the farmers be forced to put it up. Mr. Minister, you got your way. We have a new law. And my question to you: where is the justice?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the member opposite talks about a \$700,000 requirement. There is no such provision. It is common in applications for injunctions that it is asked that money be set aside in the event that expenses are incurred in the process of the injunction being in place should the court case find out differently than the results of the injunction.

That was requested of the court and it was not provided and it was never asked for in any particular amount. The example of another case where \$700,000 was given was used in example of a parallel case for the provision in the injunction.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, Mr. Minister, justice is not being served. You are not allowing it to the court therefore justice is not being served in the courts and it certainly is not being served in this legislature.

Mr. Minister, your government has used closure four times in an effort to ram through Bill 87, through the Assembly, to make it a law. Four times you have restricted and limited the opposition's right to speak out against this Bill.

Mr. Minister, we have a new law, and again I ask you the question, where the is the justice?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the justice system continues to be available to people wishing to address this matter through the courts. The . . .

The Speaker: — Order.

Hon. Mr. Wiens: — There is, within the Act as provided, a restriction on legal actions resulting from matters with respect to the notice. The requirement for notice is voided with respect to changes in the program because there's an inconsistency between the provisions of the federal-provincial agreement and the requirement for a specific notice.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, and Mr. Minister, your government imposed time allocation on this Assembly in order to ram this legislation through. The opposition faced time allocation and closure a total of four times, Mr. Minister. The member from Moose Jaw Wakamow said he would not stand in a House as a back-bencher and . . . Mr. Minister, I don't believe he's ever voted on that allocation on time closure.

Mr. Minister, you muzzled the government to get your mistake through this Assembly. I ask you again, Mr. Minister, you have a new law but where is the justice?

Hon. Mr. Wiens: — Mr. Speaker, the provisions for dealing with matters in the House are matters of procedure which have properly been followed as far as I understand. We attempted to introduce the Bill on June 10. We wanted to give the full opportunity for the discussion of that Bill. I think it would be accurate that in everybody's mind we've had an adequate time to discuss this Bill.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, and Mr. Minister, you asked this Assembly through rule changes to change the

rules so that you could run this Bill through this Assembly without any interference. And that, Mr. Minister, is a fact. Led on by the member from P.A. (Prince Albert) Carleton.

Mr. Minister, again you have a new law imposed on the province of Saskatchewan and again I ask you, where is the justice?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the procedures in the House are matters that are dealt with by House leaders. The member opposite I think is aware that those matters have been discussed as time has gone on. And I repeat that I attempted to introduce the Bill on June 10. There has been a substantial time both for public discussion and discussion of the House. And I think everyone believes that there has been adequate discussion of this Bill.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Minister, in our questions yesterday and today you have stood here as long as 35 minutes answering a question — 35 minutes answering a question. You're filibustering in our time allocation on this one, even. You have not even attempted to answer our questions on this Bill.

We ask you the question on why, why, why. You don't answer the question. You're attempting to run out the clock on this time allocation. You are talking out the clock and making our time irrelevant.

Mr. Minister, I repeat to you, you have a new law, sir, but where is the justice?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I gave an answer to a question twice this morning. I resisted giving it twice afterwards because it was asked again. And I was asked to give the answer a third time. I have been attempting to stay away from repeating answers, unless they've been repetitively asked. I think I have been asked the same question on a variety of different areas at least 10 times. And if the same questions are asked repeatedly, I believe that the answers are being sought, but I will attempt to restrict the length of my answers and maybe remind the members opposite when they are repeating a question that's been previously asked.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Minister, you used the rules of this Assembly; you changed the rules in the middle of the ball game, you changed it; you applied time allocation, closure; you used your overwhelming majority to deliver it. All of you have a new law now, Mr. Minister, and where is the justice in that?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I just want to remind the members opposite — without repeating the whole history of the process — that the review process through which the new program which is being implemented in this

legislation was recommended, was a review process that grew out of the legislation passed by the members opposite last year. It was brought forward by a committee for the most part established by the members opposite last year.

The process was followed and delivered their report to the minister on time lines determined in the legislation passed by the members opposite last year. And the legislation reflects closely the recommendations made by the committee, and I think it respects the result of the consultations that the committee had with the public. I think that's the kind of methodology that people want to see in the creation of government policy.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, and Mr. Minister, the member from Elphinstone said in a news comment that he believed that the incident that had occurred as to the lack of the time to deliver the message to the farmers of the province of Saskatchewan after March 15 when it was supposed to be delivered before March 15, Mr. Minister . . .

Your mistake forced a change in the law, infringing on the rights of individuals in the province of Saskatchewan. Your mistake of not notifying the farmers of changes to their contract before March 15, 1992 is the reason the law is being changed. Because of your mistake, we have a new law, Mr. Minister, a new law taking away the rights of individuals before the court. Where is the justice?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I have answered this question a number of times in the committee proceedings. The reality is that because of the fact that last year the program was not defined in legislation and because of the process by which information was distributed, there was an inability to determine what the relationship was between the government and farmers.

This legislation provides that the legislation is . . . that last year's program is defined. Because of the difficulties that have arisen because of the inadequate definition in law last year, we have provided the voiding of the notice provision, and as well because it's inconsistent with the federal-provincial agreement.

And I could give a longer explanation, but I don't want to take up the valuable time of the members opposite.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Minister, you said, in questioning you yesterday, that there were three cases before the courts in determination and you were allowing them to go ahead in relation to the whole proceeding of GRIP '91.

And my question to you, Mr. Minister: why don't you allow it to challenge you to keep that program in place and allow the courts to decide? But today you sit in a legislature here controlled by 55 people and you say this is the law to the people of Saskatchewan. And I'm asking you, sir, where is the justice in that?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the members opposite have repeatedly made the contention that the March 15 deadline ought to be respected. Inasmuch as it was possible to make the announcement with respect to the program last spring, we made the announcements on March 13. The farmers have been given the information with respect to the program. And there is an inconsistency in the request by the members opposite to go back to another program design when the program design that is in place was announced prior to March 13 and has been the basis of farmers farming. So we can't have it both ways. We can't respect the March 15 deadline and at the same time suggest changes on August 20.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, all of Saskatchewan has . . . and, Mr. Minister, all of Saskatchewan has witnessed your government allow specific groups in the province to have a preliminary look at legislation. I refer to the labour . . . and the proposed legislation affecting unions. We can go to the environmental Bill. Saskatchewan farmers were refused this same right by your government and were denied a preliminary look at the GRIP legislation. Why, Mr. Minister? Because you'd have had a revolt. You'd have had a revolt because we have farmers all over the province contacting us and saying this is no good. This is no good. We have a new law, Mr. Minister, but we want to know where is the justice.

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I believe it's the tradition of the legislature that the rights of legislators are normally respected by having them be the first ones that see proposed legislation. We attempted to share the legislation with the members opposite on June 10. They didn't want to see it then, but it's here now and it's been fully discussed and I think everyone knows what's in the legislation.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Speaker, as I speak today, the Premier is in Ottawa negotiating a new constitution based on compromise and consensus. He is defending and protecting Saskatchewan's rights under the constitution and the charter. This is where the charter is. It says:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Mr. Minister, we have a question for you. You have a new law. Why don't you put it to a challenge before the court? Why don't you put it as a reference to the Appeal court and to the Supreme Court. Allow the people to have room to move. We have a new law, sir, but where is the justice in this?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the Attorney General is responsible for making references . . .

The Speaker: — Order, order. The member from Wilkie has been interrupting at least, I don't know, 10 or 12 times so far in question period this afternoon. I ask him please not to interrupt when the minister is speaking.

Hon. Mr. Wiens: — The Attorney General is responsible for making a judgement about the constitutionality of legislation. It's inappropriate for the Attorney General to refer matters to the courts in cases where there is no doubt about the constitutionality.

The Attorney General . . . We have an opinion from both a senior law firm and from the Department of Justice that says this Bill is constitutional, and it is in that that the rights in law of people in Canada are protected.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Thank you very much, Mr. Speaker. Mr. Speaker, I have but one question and it is to the Minister of Agriculture, and it's in response to the answer that he has just given.

I would like to quote a little bit . . . it may be a little bit lengthy. I only have one question. I just want to make this point, Mr. Minister of Agriculture. This quote that I'm going to be making comes from the Legislative Counsel and Law Clerk of this Assembly. And I'm going to quote a letter that Mr. Grant Devine — I'm quoting the Leader of the Opposition — got in our response to his interpretation to your legislation, Mr. Minister.

This is what he says:

. . . in my opinion, these provisions, specifically Clauses 8 . . . and 18 . . . are contrary to the guaranteed legal rights which Canadians are "not to be deprived of except in accordance with the principles of fundamental justice" . . .

Mine is but a single opinion (he says). Others (exist) . . .

All of these positions are reasonable. Which one is the right one, is subject to interpretation. I submit that the final authority making such an interpretation is the Supreme Court of Canada. Access to the Supreme Court of Canada is costly and time-consuming . . .

And then he goes:

There exists in Saskatchewan . . .

The Speaker: — Order, order. Order. Order. Next question, next question, next question.

Mr. Martens: — You won't take this Bill to the Court of Appeal, Mr. Minister, because you say you have a legal opinion that says the Bill is constitutional. Mr. Minister, I have another legal opinion. The legal counsel for this Legislative Assembly suggests that this Bill is not constitutional. And we asked for that opinion, and we got

it. And, Mr. Minister, will you now commit to this Assembly that you will not send this Bill to the Court of Appeal for the reference?

We have a new law in the province of Saskatchewan. My question to you is, do we have justice?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I'm not aware of the document the members opposite are reading. I am aware that in Canada all people have access to the courts for clarification of the law. And they should access it if they feel they have a concern in that regard.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Thank you very much, Mr. Speaker. I direct the question to the member from Rosetown, the Minister of Agriculture. I have here a short quote that says:

There exists in Saskatchewan a "Constitutional Questions Act" . . . which may be utilized by the Lieutenant Governor in Council to speedily take the issue "on reference" to the Court of Appeal of Saskatchewan, which, in turn, establishes direct access to the Supreme Court of Canada.

The quote concludes:

. . . I should think that this issue would be a proper one for such a reference.

That, sir, is a constitutional expert from the Legislative Assembly from the province of Saskatchewan making that recommendation to you, sir. Now I ask you: will you honour that kind of a commitment so that indeed there is justice in Saskatchewan for all people?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Chairman, we have an opinion from the Department of Justice and in an opinion from the firm of MacPherson Leslie & Tyerman that describes this as constitutional and under those circumstances the Attorney General would not be forwarding it to the courts.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Minister, Mr. Speaker:

Everyone has the right to life, liberty, and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

And, Mr. Minister, we have not had the principles of fundamental justice followed in this Assembly for the past six months. And it's based on the mistake that you have made, sir, in not having . . . As the member from Elphinstone said, it was your mistake, your blunder, sir. And we are asking you this question: are you above the law? And when are we going to have justice for the people of the province of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I would remind the members opposite that the provisions within the Act have substantially been necessitated by careless construction last year of a program, by non-definition of the relationship between farmers and the Government of Saskatchewan. While the crop insurance contract has repeatedly been defined in legislation, the revenue insurance contract was not. Farmers could have believed that the contractual obligation between them and the province was any number of things that could have been defined by a crop insurance agent speaking to them, by members of the cabinet of the previous government speaking to them. The description of the program, later called a contract, was not mailed out in pamphlet form until May 1. There is no definition of the program. The federal-provincial agreement on which the program was based was not passed until September . . .

The Speaker: — Next question.

Mr. Martens: — Mr. Speaker, I want to table the letter that we asked for from the Law Clerk of the Assembly, and I want to read into the record, equality of rights, Mr. Minister:

Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law.

It's in the charter of rights. You should maybe read it some day for yourself as a quiet time so you understand what's going on.

Mr. Minister, the Premier . . . I'm going to ask you again. The Premier in the province of Saskatchewan is today discussing constitutional rights as it relates to aboriginals, as it relates to other people in the province of Saskatchewan. That is based on consensus and compromise. We are asking you . . . You have a new law, and we are asking you, where is the justice for the farmers in the province of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the farmers and all other people in the province continue to have access to the courts, who will determine the legal matters before them, both with respect to this program and this law.

Some Hon. Members: Hear, hear!

Mr. Martens: — Mr. Minister, you have Department of Justice pay for people to provide their defences in a program that's called legal aid. You have that across the province for those people that can't pay. And my question to you today is why do you not allow this to go to the Appeal court with a reference to the Supreme Court so that you can have the freedom to go around this province and defend the farmers for the first time? We have a new law, Mr. Minister, but where is the justice for the farmers in the province of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the concerns the member opposite raises have to do with the question of notice with respect to program delivery. Mr. Speaker, the purpose of such notice, the purpose of such notice is so that farmers can be given program information, have time to understand it, and have time to respond to program options. The program announcements were made as early as possible this year — on March 13. Further information was forwarded through other literature and through direct contact with agents of the Crop Insurance Corporation. And farmers have had full time to understand and respond to the program.

Some Hon. Members: Hear, hear!

MINISTERIAL STATEMENTS

New Funding Arrangement for Physician Services in Turtleford

Hon. Ms. Simard: — Mr. Speaker, I rise today to inform this Assembly of an exciting pilot project which is currently underway in the Turtleford area. This two-year pilot project will test a new funding arrangement for physician services.

Under the trial agreement, the province will provide Riverside Memorial Union Hospital Board with funding for physicians' services based on the number of residents in the area served by the board. The hospital board currently manages the special care home hospital and medical clinic. Over the next two years the board will use the money to pay the salaries of two full-time physicians to provide services in the community.

Mr. Speaker, I am pleased to report that Turtleford has already hired one physician and is in the process of completing negotiations with a second.

I believe the type of arrangement which is being tested in the Turtleford area may appeal to many physicians because reimbursement will not be tied to performing services identified on the fee-for-service payment schedule. Physicians will have more flexibility in their practices. This will allow them to spend more time with patients, providing counselling and health education information for example.

(1430)

The pilot arrangement also allows physicians to make life-style choices. They can reduce the number of long hours they're required to work while maintaining an attractive income. In addition to benefitting physicians, the Turtleford pilot project also has advantages for the Riverside Memorial Union Hospital Board.

The agreement is also expected to give the board greater flexibility in managing its budgets for the community's three health facilities, allowing it to allocate its resources to best meet the needs of Turtleford and area residents. If it results in any changes in utilization of physician services, any surplus funds could be used for new programs which support and promote wellness or for expanded community-based services.

Mr. Speaker, this initiative was taken by the Turtleford area. And both the College of Physician and Surgeons and the Saskatchewan Medical Association support studying alternatives to the traditional fee-for-service approach.

Thank you.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Thank you, Mr. Speaker. I'm not quite sure how to react to a statement like this at a time when I think that most people in Saskatchewan are very sceptical of the minister. And certainly any announcement made in this Assembly right now are going to be met with a great deal of scepticism from this side as you try to divert attention from one fiasco and another and another and another.

I am pleased to hear that you are saying here that the College of Physicians and Surgeons and the SMA (Saskatchewan Medical Association) support studying alternatives and so on and so forth. But even there, Madam Minister, I am sceptical. Because we have heard too many of your announcements where at the initial first blush it seems as if everyone is supporting you, and yet when the floodgates open and someone starts to question we find out that there are a whole host of questions with many of your initiatives that people would want to get answers to.

So I say, Madam Minister, although I would commend Turtleford for the kind of initiative as shown by them in this particular instance, I am not about to fall in line and give you too many accolades at this time until we've had a full opportunity to research this matter along with many other initiatives that you have taken.

ORDERS OF THE DAY

The Speaker: — Pursuant to a special order of the legislature, the legislature will now convene into a Committee of the Whole under Bill No. 87, An Act respecting amendments to Certain Farm Income Insurance Legislation. I therefore leave the Chair.

SPECIAL ORDER

COMMITTEE OF THE WHOLE

Bill No. 87 — An Act respecting amendments to Certain Farm Income Insurance Legislation

Clause 1

Mr. Boyd: — Thank you, Mr. Chairman. Mr. Chairman, Mr. Minister, from the outset of the last few days, we've been asking the minister to please consider on behalf of farmers of Saskatchewan, please consider the option that the farmers should have to take and have their day in court heard. Mr. Minister, you've said to us in questioning that you have legal opinion that suggests that, and the Minister of Justice suggests, that the legislation you've put forward, Bill No. 87, is constitutional.

Mr. Minister, that's exactly what it is — it's legal opinion.

And today, Mr. Minister, we sought — the opposition party sought — legal counsel from none other than the legal counsel to the legislature here, Mr. R.D. Cosman. Mr. Minister, you have legal opinion, we have legal opinion. There's all kinds of opinions around on this subject. And yet, Mr. Minister, you don't seem to want to recognize the fact there may be people in this province and indeed in this country that disagree with you.

Mr. Minister, I want to read this letter that we received from Mr. Cosman on the question of this Bill. We sought legal opinion from him and I think it's important that this letter be read into the record, and I'll do so now.

I have carefully reviewed the provisions of Bill 87 with respect to the extinguishment of causes of action and the institution or continuation of such actions before the courts, and, in my opinion, these provisions — specifically Clauses 8 ... and 18 ... are contrary to the legal rights which Canadians are "not to be deprived thereof except in accordance with the principles of fundamental justice" (s. 7 of the Canadian Charter of Rights and Freedoms) unless such rights are limited "by law as can be demonstrably justified in a free and democratic society" (s. 1 of the Canadian Charter of Rights and Freedoms).

Mine is but a single opinion. Others could be of the opinion that access to the courts is not specifically guaranteed by section 7 of the Charter (although there is case law to the contrary — *Pearlman v. Manitoba Law Society Judicial Committee* (1991) ... Still others would argue that, although a legal right has been "limited", it is "demonstrably justified" by the Preamble to the Bill ("Whereas" Clauses), and therefore is allowed by section 1 of the Charter.

All of these positions are reasonable. Which one is ... right ... is subject to interpretation. I submit that the final authority in making such an interpretation is the Supreme Court of Canada. Access to the Supreme Court is costly and time-consuming (1-2 years, optimistically — and then not "as of right") when taken on appeal from actions which are not yet before the courts or at currently at the trial ... (referring to the appeal) level. There exists in Saskatchewan a "Constitutional Questions Act" ... which may be utilized by the Lieutenant Governor in Council to speedily take the issue "on reference" to the Court of Appeal of Saskatchewan, which, in turn, establishes direct access to the Supreme Court of Canada.

As an element of doubt may exist in the legal community at large (although none exists in my mind), and as this is a matter begging early resolution — being a matter of concern to a significant number of crop insurance contractors as well as the Government of Saskatchewan — I should think that this issue would be a proper one for such a reference. Respectfully submitted, R.D. Cosman, Legislative Counsel and Law Clerk.

Mr. Minister, legal opinion from this very institution, legal opinion from this very institution says that this should go to . . . a reference to the Court of Appeal.

You have on your staff paid employees, and you have some of them with you today, that suggests maybe the government is right. And yet, Mr. Minister, legal opinion on the other side, not paid for by any one other than the Saskatchewan taxpayer, suggests that this is exactly the kind of case that should go before a Court of Appeal for a reference and on to the Supreme Court. And yet, Mr. Minister, you don't seem fit to do that. And one can only ask, but why? Why in Saskatchewan when there is one legal opinion that you have and there's another legal opinion that others have, none other than an independent Law Clerk from this very institution, from this very institution, Mr. Minister. And yet you won't allow the farmers of Saskatchewan to have their right to court.

Mr. Minister, it seems absolutely unbelievable in a free and democratic society that when we have legal opinions on one side and legal opinions on the other side on such a basic principle of law, the right to court action, that we all in Canada think we should have the right to, that you don't want to go ahead with that.

What is your motive behind not allowing farmers their right in court? What makes you believe that you are so right in the face of so much evidence that points that you may be wrong. We are not saying you are guaranteed to be wrong. We are saying that there are others like Mr. Cosman that believes that maybe you are wrong; maybe, sir, your legal opinion is not correct. And that is why in Canada we have a Supreme Court to decide once and for all for everyone to see who is indeed correct.

And yet the minister steadfastly stands by his position that no, we're not going to take it to the Court of Appeal or not going to take it to the Supreme Court. And I think the only reason is because his counsel, legal counsel, has suggested to him that he's going to lose. He's going to lose.

(1445)

An Hon. Member: — Why doesn't he table those?

Mr. Boyd: — And my colleague makes a good point. It would be interesting, Mr. Minister, it would be interesting, and I think it's something that the opposition will demand and we demand now, that you table those legal opinions that you have.

You've told us all day long and all day yesterday that you have legal opinion that suggests that you're correct. Well, Mr. Minister, as of August 21 today, we have legal opinion that suggests you are not right. And we've tabled it. We've tabled it for all to see. And the media has copies of it, and everyone else in this province. And hopefully before very long, every farmer in this province will have a copy of this document that suggests you are incorrect.

Mr. Minister, the honourable thing, the honourable thing as I see it to do, would be for you to suggest that this . . . to the Minister of Justice that this action goes forward. That this action goes forward and we decide once and for all in

a court of law, the Supreme Court of Canada, if indeed your actions and your Bill are legitimate and legal.

Mr. Minister, it's surely a sorry state of affairs in a great country like Canada and a great province like Saskatchewan when one man, when one man surrounded by a few individuals, a few individuals, can decide for themselves, absolutely decide for themselves unilaterally that they are above the law. They are above the law.

They don't believe in the face of overwhelming evidence that they might not be correct. Beyond a shadow of a doubt they believe they are correct and everybody else out there, all the rest of legal opinion in Saskatchewan, is wrong. And yet Mr. Cosman suggests, as "an element of doubt may exist in the legal community at large, although none exists in my mind" — he suggests that everybody else is wrong and I'm right.

Well, Mr. Minister, why not take up the challenge? Why not put your case to the courts? Why not find out for all of us, prove to the people of Saskatchewan, your legal opinion and your actions to date have been correct?

Mr. Minister, it's little wonder the editorials are so harsh against your actions. They are suggesting as soon as this session is over that your political star will be extinguished along with the rights of the farmers of this province. That's what the collective editorials of the last little while have been.

The member from Rosetown-Elrose rose like a phoenix into the sky and shed light for all of us to see with. He was going to be the be-all and end-all and fix agriculture in this province for once and for all. But, Mr. Speaker, his star is diminishing. It's dropping like a falling star. We've all seen him shoot through the sky, and his star is diminishing just as rapidly as that light flickers out for the . . .

An Hon. Member: — That's too bad, one mistake.

Mr. Boyd: — Exactly. My colleague says and it's too bad. One mistake. That's all it took, Berny.

The Chair: — Order. The member should know better than to refer to other members by their name.

Mr. Boyd: — Mr. Chairman, you're indeed correct. I apologize for that slip of the tongue. All it took, Mr. Minister, Mr. Member from Rosetown-Elrose, was one mistake. That's all it took, and your career has been extinguished exactly the same way you've had to put legislation together to extinguish the rights of farmers — exactly the same way.

You've become, as all of the editorials are suggesting that we see now, a liability for the government. All of us in politics, all of us in politics knows what happens to a liability. You are dealt with and dealt with rather severely and quickly. I would suggest that rather quickly after this session ends, which probably isn't going to be too much longer, rather quickly after this session ends, it will be completely extinguished. If it isn't, Mr. Speaker, I think that the farmers of Saskatchewan will be sorely

disappointed.

Mr. Minister, in conclusion the only right and honourable thing to do is to take this Bill and put it to the courts, put it to the Appeal court of Saskatchewan and on to the Supreme Court. And you, sir, have the power to do that. You can push this through very, very quickly. Let's put it to the test. Let's put your legal opinion that you have . . . and we respect that. We respect the legal opinions that you have. We would like to see them tabled in this legislature. We most certainly respect the legal opinion that we sought from none other than the Legislative Law Clerk for this institution. We respect his opinion, just as we respect the opinion that you have. But we believe the final opinion, the final judgement, the final judgement has to come down to the Supreme Court of Canada . . . from the Supreme Court of Canada.

We have a law, we have a law before us . . . Mr. Minister, we appeal to you to give us justice. Thank you.

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Chairman, I'm not sure what the question here is. I have stated before and will state again, the Attorney General is the one who makes the judgement on the question of reference. The Attorney General has an analysis and an opinion from the Department of Justice and from a senior law firm in the city that says they do not doubt the constitutionality of the Bill, and that continues to be the basis on which the judgement of the Attorney General is made.

Mr. D'Autremont: — Thank you, Mr. Chairman. Mr. Minister, the Minister of Justice is helping to solidify the rights of individuals in this country with his participation in the constitutional affairs that are taking place. But what we have in this province is a situation where the Premier's own Agriculture minister and his cabinet are taking away the rights of individuals in this province — taking away the rights of individuals to go to court to seek redress for damage caused to them by the government and the government's legislation.

Mr. Minister, farmers signed a contract along with the crop insurance agents who were administering that contract, that paper. They both signed it in good faith that that was indeed a contract. You've stated in question period that because there was no legislation before this House, there was no contract. Are you telling us, Mr. Minister, that because there was no contract . . . no legislation, there was no contract? Because there still is no legislation passed in this House, that there is today still no contract? If that is the case, Mr. Minister, are farmers allowed today to withdraw from that supposedly non-contract without any penalties?

Hon. Mr. Wiens: — Mr. Speaker, I don't believe I said — and if I did, I would correct it — I don't believe I have said that there was no contract. What I have said is that there was no definition in law of what the contract was and therefore there could be 50,000 separate interpretations of what the contract is because the contractual obligation could have been seen to be a representation made by a cabinet minister at a meeting, a crop insurance agent meeting with the farmer, any number of communications

that the farmer would believe were official on the part of government. Because there was nothing in legislation that defines what that contract is, there could be as many interpretations of what that contract is as there are farmers in the province.

Mr. D'Autremont: — Well, Mr. Minister, we're still not getting any answers from you. We've gone on all morning, all day yesterday, with no real answers. We get a lot of gum-flapping but no answers. You talked for 35 minutes before noon hour and said nothing. Mr. Chairman, because we cannot get any answers from the minister, we're prepared to complete the reading of clause 1.

The division bells rang from 2:57 p.m. until 3:03 p.m.

Clause 1 agreed to on the following recorded division.

Yeas — 30

Thompson	Lautermilch
Wiens	Johnson
Simard	Serby
Lingenfelter	Sonntag
Teichrob	Cline
Shillington	Scott
Koskie	McPherson
Anguish	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Koenker	Renaud
Lorje	Langford

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

The division bells rang from 3:06 p.m. until 3:08 p.m.

Clause 2 agreed to on the following recorded division.

Yeas — 32

Thompson	Lautermilch
Wiens	Johnson
Lingenfelter	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	McPherson
Carson	Crofford
Penner	Stanger
Cunningham	Knezacek
Upshall	Harper
Hagel	Keeping
Bradley	Carlson
Koenker	Renaud
Lorje	Langford

Nays — 6

Muirhead	Britton
Neudorf	Toth
Martens	D'Autremont

The division bells rang from 3:18 p.m. until 3:19 p.m.

Clause 5 agreed to on the following recorded division.

The division bells rang from 3:10 p.m. until 3:12 p.m.

Clause 3 agreed to on the following recorded division.

Yeas — 33

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Lingenfelter	Serby
Teichrob	Sonntag
Shillington	Cline
Koskie	Scott
Anguish	McPherson
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 6

Muirhead	Britton
Neudorf	Toth
Martens	D'Autremont

The division bells rang from 3:14 p.m. to 3:15 p.m.

Clause 4 agreed to on the following recorded division.

Yeas — 33

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Lingenfelter	Serby
Teichrob	Sonntag
Shillington	Cline
Koskie	Scott
Anguish	McPherson
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

Yeas — 33

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Lingenfelter	Serby
Teichrob	Sonntag
Shillington	Cline
Koskie	Scott
Anguish	McPherson
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 6

Muirhead	Britton
Boyd	Toth
Martens	D'Autremont

The division bells rang from 3:21 p.m. until 3:22 p.m.

Clause 6 agreed to on the following recorded division.

Yeas — 33

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Lingenfelter	Serby
Teichrob	Sonntag
Shillington	Cline
Koskie	Scott
Anguish	McPherson
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 6

Muirhead	Britton
Boyd	Toth
Martens	D'Autremont

Clause 7

Mr. D'Autremont: — Thank you, Mr. Chairman. I have an amendment to make to this clause. It takes out some of

the deeming that is going on in this piece of legislation and it grandfathers the GRIP legislation or the GRIP contracts as they were before. I'd like to read the amendment:

Clause 7 of the printed Bill is amended by deleting section 5.1 as being enacted therein and substituting the following therefor:

“5.1 Every revenue insurance contract that was not terminated by the producer on or before March 31, 1992, is hereby continued, and the corporation shall honour all terms and conditions set out in that contract.”

I so move, Mr. Chairman.

Mr. Martens: — Mr. Chairman, the reason why we're bringing this amendment is to take out the items that the minister put in that voids the terms and conditions and sets it out so that he can make the regulations to do exactly as he says. And, Mr. Chairman, and to the members of this Assembly, those terms and conditions as prescribed in regulation, we want them, as set out in the original contract, to deal with the kinds of things that we know that the farmers of the province of Saskatchewan have grown accustomed to, and those terms and conditions under the contract as they are set out in relation to the forms that were sent out, in the information that was provided, we want the terms and conditions to be exactly as they have been set out.

We want them to be honoured. Because of the kinds of things that have been going on in this Assembly, we want that ensured in this Bill, that they will be honoured. The terms and conditions can be set out in this Bill, under regulations, to alter or expand or contract, do whatever the minister wants to have, or the executive branch of government.

And therefore we on this side of the House want to have that opportunity registered, that the contract that the farmers know is theirs, to be in fact the truth, and that the corporation shall honour all of those contracts. And we want the minister and this Assembly to deal with that on that basis.

The division bells rang from 3:30 p.m. until 3:35 p.m.

Amendment negated on the following recorded division.

Yeas — 5

Muirhead	Britton
Boyd	D'Autremont
Martens	

Nays — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Lingenfelter	Serby
Teichrob	Sonntag
Shillington	Cline
Koskie	McPherson

Anguish
Solomon
Carson
Penner
Upshall
Hagel
Bradley
Koenker
Lorje

Crofford
Stanger
Knezacek
Harper
Keeping
Carlson
Renaud
Langford

Mr. D'Autremont: — Mr. Chairman, I have another amendment dealing with clause 7. This one deals with the notifications of March 15. This part of the Act would void the part of the contract that says a notice has to be given by March 15. We don't accept that, Mr. Chairman, and we would like to remove that part of the Bill.

I move that we:

Amend clause 7 of the printed Bill by deleting section 5.4 as being enacted therein.

I so move, Mr. Chairman.

Mr. Martens: — Thank you, Mr. Chairman. The discussion in this Act has taken place around the involvement of March 15 of the contract, provision number . . . section 49, and we believe that this is what has seriously caused the problem for the minister. We want to note that. And for the people of the province of Saskatchewan we want them also to note that the minister is asking this Assembly to void all of the effects of the items that happened from January 1, 1991, until today so that the Minister of Agriculture can decide what happened on those days.

And we say that the minister is wrong. We think that he made the mistake. He should, I believe, apologize to the 50,000 contract holders in the province of Saskatchewan for the hassle he has put them through.

And I think that we on this side of the House believe that this is fully in keeping with the intent of what the contract was in the original contract the farmers signed. And therefore, Mr. Chairman, we will be supporting this amendment, to show the people of the province that the government and the province of Saskatchewan is overriding and overruling in a case when they should not, and allowing these incidents to be completely stricken from the record.

The division bells rang from 3:39 p.m. until 3:42 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

Nays — 33

Thompson	Lautermilch
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Wiens	Johnson
Simard	Trew
Lingenfelter	Serby
Teichrob	Sonntag
Shillington	Cline
Koskie	Scott
Anguish	McPherson
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

The division bells rang from 3:45 p.m. until 3:46 p.m.

Clause 7 agreed to on the following recorded division.

Yeas — 33

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Lingenfelter	Serby
Teichrob	Sonntag
Shillington	Cline
Koskie	Scott
Anguish	McPherson
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

Clause 8

Mr. D'Autremont: — Thank you, Mr. Chairman. I have an amendment to this clause. This amendment will strike out provisions barring farmers from the courts. This clause of the Bill extinguishes individual and group rights. It extinguishes actions already before the court, Mr. Chairman. This clause even prevents the courts from considering principles of law or equity.

The amendment I wish to present reads as follows:

Amend clause 8 of the printed Bill by striking out section 10.1 as being enacted therein.

I so move, Mr. Chairman.

Mr. Martens: — Mr. Chairman, I want to point out that this section says that:

No action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent based on any cause of action arising from, resulting from or incidental to . . .

And then it has a whole lot of conditions that exist under those . . . in that amendment:

any term, condition, warranty, contract, promise, inducement, enticement, representation or other understanding that is collateral to or modifies, varies, qualifies or amends in any way a revenue insurance contract or the combination of a revenue insurance contract and a contract of crop insurance . . .

This, Mr. Speaker, and to the members of the Assembly, in my view is the part of the Bill that says that the issue before this Assembly reduces the rights of individuals in the process of . . . of due process in a court of law.

I want to read into the record what I believe to be the fundamental right of a Canadian. The Canadian charter of rights, as established by the Government of Canada for the people of Canada, says these are the legal rights of individuals:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

That, I believe, is impaired by this part of the legislation.

I also want to point out in the equality of rights that individual has . . . have:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race . . . (nationality, creed,) colour, religion, sex, age or mental or physical disability.

And I would say, Mr. Minister, that in brackets we can put the farmers of the province of Saskatchewan. Equality of rights, legal:

Everyone has the right to life, liberty and security . . . except in accordance with the principles of fundamental justice.

And that, Mr. Minister, is being denied the people of the province of Saskatchewan. Under the charter I believe you're wrong.

We have had the representation made at our request by the Law Clerk in the Assembly. And he said:

I have carefully reviewed the provisions of Bill 87 with respect to the extinguishment of causes of action and the institution or continuation of such actions before the courts, and, in my opinion, these provisions — specifically Clauses 8 (enacting new sections 10.1 and 10.2 of The Agricultural Safety Net Act) and 18 (enacting new sections 13.1 and 13.2 of The Crop Insurance Act) — are contrary to the guaranteed legal rights which Canadians are “not to be deprived thereof except in accordance with the principles of fundamental justice” . . . unless such rights are limited “by law as can be demonstrably justified in a free and democratic society.”

And, Mr. Speaker, that’s our contention, that we have in this Assembly breached the charter of rights in order to have this minister pursue his decision to limit access to the court by individuals in the province of Saskatchewan.

I believe, Mr. Minister, that you will be recorded in history, that that is exactly what happened and that is exactly what the future references will be. And I trust or I hope that you will understand the volume of disenchantment that people in the province have about what you’re doing.

My only hope is that you would some day realize this and provide an opportunity for this challenge to be made through the Court of Appeal with a reference by you and the Minister of Justice to the Court of Appeal and also to the Supreme Court of Canada.

And I believe that we have in the province of Saskatchewan precedent established by that fact. And I want to point out that the people in this province, when they made representation to this Assembly on the basis of reference to the court, were given that opportunity, to the Appeal court in a very tight time frame, in a very significant Bill. And that was the one that dealt with the electoral boundaries a little over a year ago.

And the Supreme Court made the ruling, and it made the ruling on the basis of this very same charter, Mr. Speaker, on this very same charter. And it says here:

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

And, Mr. Chairman, the qualifications in this charter determine the constitutional validity of the electoral boundary changes that were made. And this constitution, the charter of rights, has the same implication, I believe, in this case, as it relates to this section.

And therefore, Mr. Minister, I urge all members of this Assembly to vote in favour of this amendment, to restore the opportunity of ordinary individuals to seek redress in a court of law.

The division bells rang from 3:55 p.m. until 3:56 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D’Autremont
Martens	

Nays — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	McPherson
Carson	Crofford
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

The division bells rang from 3:59 p.m. until 4 p.m.

Clause 8 agreed to on the following recorded division.

Yeas — 32

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	McPherson
Carson	Crofford
Penner	Stanger
Cunningham	Knezacek
Upshall	Harper
Hagel	Keeping
Bradley	Carlson
Koenker	Renaud
Lorje	Langford

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D’Autremont
Martens	

Clause 9

Mr. D’Autremont: — Thank you, Mr. Chairman. I have an amendment to make to this clause. The clause itself reads:

Section 11 is amended:

(a) by renumbering it as subsection (1);

Mr. Chairman, I believe there's an error in the drafting of this Bill. It's not being done properly. It's the second time I've found this kind of an error in the government's drafting. I would like to propose an amendment that says:

Amend clause 9 of the printed Bill by inserting the number "11" between the word "subsection" and the number "(1)" where they appear in subclause (a) thereof.

I believe that these kind of changes should be done properly by the drafting department for the government, Mr. Speaker, Mr. Chairman.

The Chair: — It's my understanding that discussions are taking place with respect to the amendment, and I would inquire at this point if it's agreed to by members whether we can move to any other amendments on clause 9. Is that agreed?

Hon. Mr. Wiens: — Yes, I'd like to move an amendment to correct a drafting error in clause 9 of the Bill. I move that we:

Amend clause 9 of the printed Bill by striking out the word "agreement" where it occurs in clause 11(e.6) as being enacted therein and substituting therefor the word "contract."

The drafting error is an error because the word agreement in this Act is a defined term in the Act, referring to the federal-provincial GRIP agreement. And the provision here needs to have a more general connotation. The clause being amended, we intend the definition to be broader than the federal-provincial agreement which is defined in the Act. Therefore we're using a synonym, the word contract, to signify the broader meaning.

The Chair: — Can I just inquire, are there any other amendments that are proposed which should be inserted prior to the consideration of this amendment, other than the one that's been stood.

(1615)

Mr. D'Autremont: — Yes there is, Mr. Chairman.

The Chair: — To be inserted prior to the consideration of this amendment?

Mr. D'Autremont: — That is correct. I believe the clause he is talking about is clause e. Yes, Mr. Chairman, I have an amendment to propose prior to that.

The Chair: — Then I would ask that that amendment be considered first, and we'll put the minister's amendment on hold and ask the member for Souris-Cannington to move his amendment at this point.

An Hon. Member: — Can we have a point of order, Mr. Speaker?

The Chair: — Point of order, yes.

Mr. Martens: — On (e.6) of . . . section 11(B) (e.6), is that what we're . . . section 11(B) (e.6). Our amendment is section (C) . . . (inaudible interjection) . . . Yes, yours has come first.

Hon. Mr. Wiens: — Excuse me, I'm sorry for that. Should I move it over again with that addition?

Mr. Chairman, I moved in error or made an error in the original amendment. The amendment I wish to move is to:

Amend clause 9 of the printed Bill by striking out the word "agreement" where it occurs in clause (B) (e.6) as being enacted therein and substituting therefor the word "contract".

Amendment agreed to.

Mr. D'Autremont: — Thank you, Mr. Chairman, I have another amendment to make to this clause 9. The section I wish to amend deals with the government making changes at a later date in the GRIP contract. Changes may be made at any time. But what happens under this section is that they are made retroactive to January 1, '91. I believe that is wrong, Mr. Chairman, to allow that to happen.

Farmers signed those contracts based on the information they had at the time of the signing, not something that the government may wish to stick in there at a later time.

I will read the amendment, Mr. Chairman:

Amend clause 9 of the printed Bill by striking out subclause (c).

I so move.

The division bells rang from 4:19 p.m. until 4:20 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

Nays — 32

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	McPherson
Carson	Crofford
Penner	Stanger
Cunningham	Knezacek

Upshall	Harper	Neudorf	Toth
Hagel	Keeping	Boyd	D'Autremont
Bradley	Carlson	Martens	
Koenker	Renaud		
Lorje	Langford		

Clause 12

The Chair: — There's still discussion taking place with respect to the amendment which was moved by the member for Souris-Cannington. Is the House agreed to move on to subsequent clauses, and then we'd come back to that? Agreed.

The division bells rang from 4:23 p.m. until 4:24 p.m.

Clause 10 agreed to on the following recorded division.

Yeas — 30

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	McPherson
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

The division bells rang from 4:25 p.m. until 4:26 p.m.

Clause 11 agreed to on the following recorded division.

Yeas — 30

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford

Nays — 7

Muirhead	Britton
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Mr. D'Autremont: — Thank you, Mr. Chairman. I have an amendment to propose on this clause. I would like to read the original clause as presented in the Bill:

This Act comes into force on the day of assent but is retroactive and is deemed to have been in force on and from January 1, 1991.

Mr. Chairman, because of closure and because of their arrogant majority of the government, this Bill will become law. But there will be no justice. The use of their massive majority to jam this through the legislature is arrogant, Mr. Chairman. You may have the right to put it through, but you have no moral right to make it retroactive to January 1, 1991.

I will read the amendment, Mr. Chairman:

Amend clause 12 of the printed Bill by deleting Section 15 as being enacted therein and substituting the following therefor:

“15 This Act comes into force on the day of assent.”

I so move, Mr. Chairman.

The division bells rang from 4:29 p.m. until 4:30 p.m.

Amendment negated on the following recorded division.

Yeas — 6

Muirhead	Britton
Boyd	Toth
Martens	D'Autremont

Nays — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

The division bells rang from 4:32 p.m. until 4:33 p.m.

Clause 12 agreed to on the following recorded division.

Yeas — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

The division bells rang from 4:34 p.m. until 4:35 p.m.

Clause 13 agreed to on the following recorded division.

Yeas — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

The division bells rang from 4:37 p.m. until 4:38 p.m.

Clause 14 agreed to on the following recorded division.

Yeas — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby

Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 6

Muirhead	Britton
Boyd	Toth
Martens	D'Autremont

The division bells rang from 4:39 p.m. to 4:40 p.m.

Clause 15 agreed to on the following recorded division.

Yeas — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Nays — 6

Muirhead	Britton
Boyd	Toth
Martens	D'Autremont

The division bells rang from 4:41 p.m. until 4:42 p.m.

Clause 16 agreed to on the following recorded division.

Yeas — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping

Hagel
Bradley
Koenker
Lorje

Carlson
Renaud
Langford

contract of crop insurance;" where they occur in clause (1)(b) of newly renumbered section 13.1 as being enacted therein;

(d) by deleting, in newly renumbered section 13.1, clause (1)(c) as being enacted therein; and

(e) by relettering, in newly renumbered section 13.1, clause (1)(d) as clause (1)(c).

Nays — 6

Muirhead
Boyd
Martens

Britton
Toth
D'Autremont

The division bells rang from 4:43 p.m. until 4:44 p.m.

I so move, Mr. Chairman.

Clause 17 agreed to on the following recorded division.

(1645)

Yeas — 31

Thompson
Wiens
Simard
Teichrob
Shillington
Koskie
Anguish
Solomon
Carson
Penner
Cunningham
Upshall
Hagel
Bradley
Koenker
Lorje

Lautermilch
Johnson
Trew
Serby
Sonntag
Cline
Scott
Crofford
Stanger
Knezacek
Harper
Keeping
Carlson
Renaud
Langford

Mr. Martens: — Thank you, Mr. Chairman. I want to point out again in this section, as I did in the section earlier that dealt with extinguishing rights and notwithstanding and deeming, the word "deem" or "to deem" in legal terms is to consider it as legal fiction. That's the definition of the word "deem" — legal fiction.

And I want to point out that the word "deem" is used in this part — it's going to be deemed that nothing happened from January 1, 1991 to today. And the Minister of Agriculture is going to make what happened in his mind what happened in the province of Saskatchewan.

And I say that is really legal fiction, Mr. Minister. And I would also say that he's going to, before he deems this legal fiction on the province of Saskatchewan, he's going to void all of the circumstances and the conditions and the terms and the contracts of all of the things that happened.

And then in the second part of this section, he's going to extinguish the rights of individuals — extinguish the rights in:

any term (or) condition, warranty, contract, promise, inducement, enticement, representation or other understanding that is collateral to or modifies, varies, qualifies or amends in any way a contract of a crop insurance (contract);

That, Mr. Minister, is what you're going to do.

And again, Mr. Minister, we lay this before this Assembly to have everyone note that the issue is that you cannot take away from the individuals in the province of Saskatchewan anywhere, at any time, the right before redress before the court. That's what we're talking about.

The Charter of Rights and Freedoms in the province of Saskatchewan were put here by people who believed in the freedom of the individual and access to the court. And it says, about legal rights:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Fundamental justice is carried out in a court of law. And, Mr. Minister, you are extinguishing that right for individuals in the province of Saskatchewan.

Nays — 6

Muirhead
Boyd
Martens

Britton
Toth
D'Autremont

Clause 18

Mr. D'Autremont: — Thank you, Mr. Chairman. I have an amendment to make to this clause. This amendment will void the retroactivity of this Bill and maintain the date by which changes are to be made to any contracts.

The GRIP forms which were signed by both parties were contracts. When those parties signed it, they agreed that it was a contract. This clause in the Bill removes the March 15 deadline by claiming it never existed. They are deeming it out of existence, Mr. Chairman, denying history.

I would read the amendment, Mr. Chairman:

Amend clause 18 of the printed Bill:

- (a) by deleting section 13.1 as being enacted therein;
- (b) by renumbering section 13.2 as being enacted therein as section 13.1;
- (c) by adding the word "or" after the words "a

There are 50,000 contracts signed by individuals in the province of Saskatchewan, and you're going to deem legal fiction that they never were there. That's what you're deeming. You're voiding it first, cleaning the slate, and deeming they never were there.

That, Mr. Minister, is exactly what's happening. And the charter of rights says the only time you can do that is if you allow the court to determine whether in fact you have the right to do that. And, Mr. Minister, you are taking away that right to do that in this Assembly. You are taking the right away from individuals to make an appeal to the court with an independent person hearing the case.

You're taking that right away from the people of the province of Saskatchewan. And that, Mr. Minister, is wrong. It's wrong whether you do it here, whether you do it in Manitoba or Alberta — any place in Canada. And it's a fundamental right established by the Magna Carta in 1215. That's when it started, Mr. Minister, that you have equality before the law and equality in making the law. And that everybody has equality in making the law is being reduced here by this massive majority by the members opposite.

And then you take that massive majority and crunch the farming community contracts into one and put it in the garbage and you say it never existed; it's void; nobody made one.

And there are members sitting across as we view here, rural members who have their own contracts voided. They're voided. They signed them themselves and they're voided. And now, sir, you are taking the right for anyone who disagrees with you, you're taking the right to appear in a court of law to deal with that.

And you say that that's the fundamental right of a Canadian, that you have the right to dictate what that is. I say no, sir. You should take and allow it to go to the appeal as a reference to the Appeal court of Saskatchewan for constitutional reference.

And that, members of this Assembly, is what is needed in this instance. And I want to point that out again. It is necessary, as necessary yesterday in this Bill as it is today. And it will be tomorrow after you pass it too. And that's why we are standing here in our place and saying, no you can't take away the rights of individuals to access to the court.

You don't have the courage. You don't have the courage to stand in the court and testify to the things that you say in this House because you will have to swear with an oath that what you say is honest and truthful, and you don't have the courage to do that. That's number one. The Minister of Agriculture does not have the courage to do that.

Number two, he doesn't have the courage to be tried by his peers in reference to it. He doesn't have the courage to do that. And I say to this Assembly he is wrong yesterday about that, and he's wrong today.

And that, Mr. Minister, and Mr. Chairman, is exactly what we're talking about here. Everyone has the right to life,

liberty, and security of the person and the right not to be deprived of that, except in one instance, and that's when the justice system places the emphasis and says you have gone to court and the court has proven that you're wrong or that you're right. That's the only time you can take it away.

And now we stand in this Assembly and we hear it said over and over again. Every time you get up to vote, you say yes, I'm going to take it away from the people of the province of Saskatchewan. And that's what's wrong with what you're doing. And that's why we're voting no to this section. And we're hoping that somebody has the positive attitude and enough sense over there to at least submit to some rule of authority, even if you haven't got any conscience on your own. Thank you, Mr. Chairman.

The division bells rang from 4:53 p.m. until 4:54 p.m.

Amendment negated on the following recorded division.

Yeas — 6

Muirhead	Britton
Boyd	Toth
Martens	D'Autremont

Nays — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

The division bells rang from 4:57 p.m. until 4:58 p.m.

Clause 18 agreed to on the following recorded division.

Yeas — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud

Koenker Langford
Lorje

Nays — 7

Muirhead Britton
Neudorf Toth
Boyd D'Autremont
Martens

Clause 19

Hon. Mr. Wiens: — Mr. Chairman, I'd like to move a House amendment to clause 19. Another drafting error has occurred in the Bill. I'd like to:

Amend clause 22 of the printed Bill by striking out the word "agreement" where it occurs in clause 22(1)(e) as being enacted therein and substituting therefor the word "contract".

This is the same circumstance as happened in the previous amendment where the word agreement is a defined term in this Act, referring to the federal-provincial GRIP agreement. However in this clause being amended, we intend the definition to be broader than that. Therefore we're using a synonym, the word "contract" to signify the broader meaning.

Amendment agreed to.

(1700)

The division bells rang from 5:01 p.m. until 5:02 p.m.

Clause 19 as amended agreed to on the following recorded division.

Yeas — 31

Thompson Lautermilch
Wiens Johnson
Simard Trew
Teichrob Serby
Shillington Sonntag
Koskie Cline
Anguish Scott
Solomon Crofford
Carson Stanger
Penner Knezacek
Cunningham Harper
Upshall Keeping
Hagel Carlson
Bradley Renaud
Koenker Langford
Lorje

Nays — 7

Muirhead Britton
Neudorf Toth
Boyd D'Autremont
Martens

Clause 20

Mr. D'Autremont: — Mr. Chairman, I have an amendment to make to this clause. This clause is another one of those that is bringing in retroactivity and my amendment will repeal that retroactivity so that any changes must be made from the date the Bill is agreed to, not back to January 1, 1991. This will remove the deeming part of the clause. I will read the amendment, Mr. Chairman.

Amend clause 20 of the printed Bill by deleting subclauses (1) through (3) thereof and substituting the following therefor:

"20(1) Subject to subsections (2) to (4):

(a) this Act or any provision of this Act; or

(b) any amendment to The Agricultural Safety Net Act or The Crop Insurance Act that is being enacted by this Act;

comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor

(2) Section 4 and clauses 5(1)(b) and (c) of this Act come into force on the day of assent.

(3) Clause 5(1)(a) of this Act comes into force on the day of assent."

I so move, Mr. Chairman.

Mr. Martens: — Mr. Chairman and Mr. Minister, we want to just say that you have a new law, but we want to know where justice is being served. We want to know where justice is being served on the basis of the principle of the Charter of Rights and Freedoms. And we want to say that we are opposed to this Bill on that basis.

The Supreme Court ruled in a case with the Pearlman and Manitoba Law Society Judicial Committee and says:

The principles of fundamental justice to which this section refers include, but are not limited to, the rules of natural justice and the duty to act fairly. (The duty to act fairly, Mr. Minister.) They therefore include the requirement of a procedurally fair hearing before an impartial decision-maker.

And, Mr. Speaker, Mr. Chairman, as we have viewed what we have done here today against all of the intensity that a group of 10 people can muster against an overwhelming majority, the options of closure that minister and the members opposite have foisted on the people of the province of Saskatchewan, the limitation in a democratic process as we have heard it over and over again by members opposite, and as we have learned and probably you have learned — for the first time many of you — that your responsibility is extended not only to the people of this Assembly but to the people of the province of Saskatchewan.

And it's your responsibility to maintain the viability of the rights of individuals in the actions you take, and you will

be for ever remembered in the decisions that you have made today and that you will conclude with on Monday when you seek the final reading of this Bill — that you have taken away, as you did in December, the rights of individuals to appear before a court of law to have their case heard.

And it is going to be remembered, ladies and gentlemen, and it will be put down in the judgements the Supreme Court will render some time in the future. It will be rendered and I believe on the basis of the constitution itself. Another precedent that has been established on the basis of common law — you cannot restrict individuals from a court of law. And you are doing that, ladies and gentlemen of this Assembly, by voting in favour of this.

I've said it right from the beginning, and I will say it again: you are wrong. You were wrong at the beginning, and you are wrong today. And every time you have voted in this Assembly today, you have been wrong because you have taken away the individual rights and freedoms of individuals who have no chance to stand in here and defend themselves. The only defence that people have in this Assembly to what you're doing is the defence that we have provided.

And, Mr. Chairman, ladies and gentlemen, you have today decided that you're above the law. You can live above the law and flaunt the law, but one day the court will tell you that you were wrong.

And I say to this Assembly, this Assembly is going to have to deal with a matter on a special warrant, that I believe that this Minister of Agriculture or someone responsible for that department or the Minister of Finance are going to have to some day say to the chairman and the board of directors of Crop Insurance, you're going to have to pay for the inequities and the taking away of the opportunities before a court. Because they're going to say, you owe the people of the province of Saskatchewan X amount of dollars.

And if the information provided to the court in Melville is accurate, on an average, for those who make a claim, it'll be pretty close to \$30 an acre. And this year in the north-east, those people are going to get caught on it, and in the north-west.

And you can count on it, Mr. Minister, that before your term is up, you're going to have to make a decision on what you have done here today, on whether you're going to pay those people that \$30 an acre. Some it's going to be more. And that, Mr. Minister, is what you're going to have to do. And that will be the legacy of this government right to the last day.

And I want to point out how very, very foolish politically this is, because it takes a while for the Supreme Court to rule on a matter, and by that time you may just be going into an election. And that's how really absolutely dumb it is. There is absolutely no point, in a political sense, in an economic sense, for what you did here today and what you've done for the past six months. That is the reason.

And so, Mr. Chairman, and, Mr. Minister, we are against the coming into force of this Bill as strenuous today as we

were the day we started. And we haven't backed down at all, nor will we.

However, you have the final authority. And I recognize that the people voted for that in the fall, and I will abide by that. However, you are wrong in a court of law and we will wait to see what happens.

Some Hon. Members: Hear, hear!

The division bells rang from 5:11 p.m. until 5:12 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

Nays — 31

Thompson	Lautermilch
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford
Lorje	

Mr. Toth: — Mr. Chairman, a point of clarification. I believe we still have an amendment on clause no. 9. Would that come before we give the order to go into force?

The Chair: — We can proceed back to clause 9 at this point, if that's agreed.

Clause 9

Hon. Mr. Wiens: — Yes, I appreciate the time to have our officials confer on the matter. I understand there is some difference of opinion on the procedure. It's a procedure that is . . . I have no investment in one way or the other. But the advice of our officials, after having conferred with the legislative drafting section, is that the practice as reflected in the Bill as written is the practice that should be continued.

I appreciate the amendment that the member opposite has offered. It represents the other side of the opinion on this question. But the advice I received from our officials conferring with legislative drafting is that we should leave the process as it's reflected in the Bill presently.

(1715)

Mr. D'Autremont: — Well, Mr. Chairman, I have to disagree. I believe this legislature is the place to make the changes and the amendments to any Bills that become law. These changes are not to be made in the back rooms by bureaucrats.

I asked the Law Clerk in his opinion what would happen if this kind of an amendment was voted down. His opinion was that this was the place those amendments should be made, those changes should be made; and that if this amendment is lost, that it tells the drafting department that they are not to insert those numbers into the Bill in those places. I have before me Bill No. 78. I would like to read out clause 9 of that amendment to those Acts.

Section 16 is amended:

(a) by renumbering it as subsection 16(1);

This comes from the same drafting department, legislative drafting department that the government's current Bill comes from. This is totally different to what's there. They have included that number, and I believe that this is the place where those changes should be made, Mr. Chairman, that they should not be made in the backrooms by some bureaucrat to correct an error made by the legislative drafting department.

Amendment negated on division.

The division bells rang from 5:18 p.m. until 5:19 p.m.

Clause 9 as amended agreed to on the following recorded division.

Yeas — 30

Thompson	Lorje
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

The division bells rang from 5:21 p.m. until 5:22 p.m.

Clause 20 agreed to on the following recorded division.

Yeas — 30

Thompson	Lorje
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

The division bells rang from 5:24 p.m. until 5:25 p.m.

Preamble adopted on the following recorded division.

Yeas — 30

Thompson	Lorje
Wiens	Johnson
Simard	Trew
Teichrob	Serby
Shillington	Sonntag
Koskie	Cline
Anguish	Scott
Solomon	Crofford
Carson	Stanger
Penner	Knezacek
Cunningham	Harper
Upshall	Keeping
Hagel	Carlson
Bradley	Renaud
Koenker	Langford

Nays — 7

Muirhead	Britton
Neudorf	Toth
Boyd	D'Autremont
Martens	

The committee agreed to report the Bill as amended.

THIRD READINGS

Bill No. 87 — An Act respecting amendments to Certain Farm Income Insurance Legislation

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

Motion agreed to on division.

The Speaker: — When shall the Bill be read the third time?

Hon. Mr. Wiens: — At the next sitting of the House, Mr. Speaker.

The Assembly adjourned at 5:29 p.m.