

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, today I have petitions to present on behalf of Saskatchewan people. And because this is a brand-new petition to the Assembly, Mr. Speaker, I will read the entire petition, prayer first:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

The petition of the undersigned citizens of the province of Saskatchewan humbly sheweth:

That the NDP government of the province of Saskatchewan intends to table legislation that unilaterally changes the provisions of the agreement relating to the corporate governance of NewGrade Energy Inc. and the financing of cash flow deficiencies that NewGrade may experience;

And that the NDP government's intention to unilaterally change legally binding agreements regarding NewGrade Energy Inc. represents a threat to democracy in Saskatchewan.

As in duty bound, your petitioners will ever pray.

And today, Mr. Speaker, I present this on behalf of a number of people from the city of Saskatoon who take issue with the government's moves on FCL (Federated Co-operatives Ltd.). I so petition.

Mr. Martens: — Thank you, Mr. Speaker. My petition today, the prayer says:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements;

And that the NDP government of the province of Saskatchewan intends to table legislation that unilaterally changes the provisions of the agreements relating to the corporate governance of NewGrade Energy Inc. and the financing of cash flow deficiencies that NewGrade may experience;

And that the NDP government's intention to unilaterally change legally binding agreements regarding NewGrade Energy Inc. represents a threat to democracy in Saskatchewan.

And as in duty bound, your petitioners will ever pray.

These people are petitioning the government from Saskatoon today, Mr. Speaker.

Mr. Neudorf: — Thank you very much, Mr. Speaker. I, too, have petitions I would like to put on the Table today on behalf of the citizens of this province. I will read the prayer on this one, Mr. Speaker. And that simply says that:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, the names of these citizens are mostly from Saskatoon but also from Warman, Mr. Speaker. And it is my pleasure now to lay these upon the Table.

Mr. Goohsen: — Thank you, Mr. Speaker. I have petitions on behalf of people from the Saskatoon area.

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements;

That the NDP government of the province of Saskatchewan intends to table legislation that unilaterally changes the provisions of the agreement relating to the corporate governance of NewGrade Energy Inc. and the financing of cash flow deficiencies that NewGrade may experience;

And that the NDP government's intention to unilaterally change legally binding agreements regarding NewGrade Energy Inc. represents a threat to democracy in Saskatchewan.

And as in duty bound, your petitioners will ever pray.

Mr. D'Autremont: — Thank you, Mr. Speaker. I too have petitions to present today:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements;

That the NDP government of the province of Saskatchewan intends to table legislation that unilaterally changes the provisions of the agreement relating to the corporate governance of NewGrade Energy Inc. and the financing of cash flow deficiencies that

NewGrade may experience;

And that the NDP government's intention to unilaterally change legally binding agreements regarding NewGrade Energy Inc. represents a threat to democracy in Saskatchewan.

And as in duty bound your petitioners will ever pray.

Mr. Britton: — Thank you, Mr. Speaker. Mr. Speaker, I too have some petitions I'd like to lay on the Table. I'll read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements;

That the NDP government of the province of Saskatchewan intends to table legislation that unilaterally changes the provisions of the agreements relating to the corporate governance of the NewGrade Energy Inc. and the financing of cash flow deficiencies that NewGrade may experience;

And that the NDP government's intention to unilaterally change legally binding agreements regarding NewGrade Energy Inc. represents a threat to the democracy of Saskatchewan.

As in duty bound, your petitioners will ever pray.

I would like to table these, Mr. Speaker.

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, I have petitions here as well that I would like to present today:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

And in duty bound your petitioners humbly pray.

I present those petitions now, Mr. Speaker.

Mr. Martens: — Thank you, Mr. Speaker. I have a different petition that says:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to reverse the government's decision to close hospital facilities with 10 beds or less which will reduce the emergency health care required in rural Saskatchewan;

And that the government plans to close hospital facilities with 10 beds or less average daily census;

And that the government has already contradicted other promises made to seniors by raising several taxes and cancelling the senior heritage fund, increasing the prescription drug plan, and has made many other harmful decisions that have caused undue hardship to Saskatchewan senior citizens;

And that the decision to close these hospital facilities is being made without consultation with boards, families, and communities.

And as in duty bound, your petitioners will ever pray.

READING AND RECEIVING PETITIONS

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 humbly praying that your Hon. Assembly may be pleased to cause the government to reverse its decision to single out diabetics in the drug plan;

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

INTRODUCTION OF GUESTS

Hon. Mr. Shillington: — Thank you very much, Mr. Speaker. I want to introduce to you and through you to all members of the Assembly, a number of members and representatives of the RWDSU (Retail Wholesale & Department Store Union) which are seated in the east gallery. They are here today to dramatize their concern about the difficulties they are having with Westfair Foods.

Hon. Members: Hear, hear!

Mrs. Teichrob: — Mr. Speaker, it's my privilege to introduce to you and through you to the other members of the Assembly, 36 grade 8 students from a school in my constituency in Saskatoon, Lawson Heights School. They are accompanied today by their teachers, Diane Selby and Don Bates; and chaperons, Susan Eva and Leslie Hudson. And I know all members will want to join me in welcoming them to the Assembly and wish them a good tour of Regina and a safe trip home.

Hon. Members: Hear, hear!

Ms. Hamilton: — Thank you. It's a great pleasure for me, Mr. Speaker, to introduce to you and through you to members of the Assembly, grade 5 students from Wilfrid Walker School, just around the corner from my constituency office in our constituency, Wascana Plains.

They're here today with their teacher Anca Toma, who now that Mosaic is coming up will also have double duties and be extra busy with some of the activities of the Romanian Pavilion; her whole family becomes involved.

Mr. Speaker, I'll be meeting with the group to have pictures and answer their questions after question period. And I would encourage all members to join with me and give a warm welcome to the members of the grade 5 class from Wilfrid Walker School.

Hon. Members: Hear, hear!

Mr. Solomon: — Thank you, Mr. Speaker. It's my pleasure today to introduce to you and to members of the Assembly, 28 grade 4 students seated in the Speaker's gallery from St. Angela Merici School in my constituency. Members may recall that we had some grade 8 students here just last Thursday.

I would like to introduce their teachers and chaperons: Laurianne Jacques, Marion Podborochynski, Michelle Payette, Joanne Fehr. I look forward to meeting with these students and their teachers and chaperons, Mr. Speaker, after the question period. And I would ask all members of the Assembly to join with me in welcoming this fine group of students from St. Angela School in north-west Regina.

Hon. Members: Hear, hear!

Mr. Johnson: — Mr. Speaker, I would like to introduce to the Assembly through you, 21 grade 8 students in the west gallery. They are visiting the city of Regina and are spending an hour and a half or so here in the Assembly and the Legislative Building. And I would like everyone to welcome them here this afternoon.

Hon. Members: Hear, hear!

The Speaker: — I would like to at this time introduce to you a special guest who is seated in the Speaker's gallery in the front row, the Clerk of the Legislative Assembly of Alberta, David McNeil.

Hon. Members: Hear, hear!

ORAL QUESTIONS

Bingo Licensing

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, I have a question for the Premier. Mr. Premier, I received some disturbing information over the weekend that I'm going to ask you to think very carefully about in answering my questions. Mr. Premier, at any time during the past few weeks have you personally intervened in the licensing of a bingo hall?

Hon. Mr. Romanow: — No. No.

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Premier, have you met with any officials of the

Gaming Commission over the last few weeks to discuss the licensing of a particular bingo hall?

Hon. Mr. Romanow: — No.

Mr. Swenson: — Mr. Speaker, I'll then ask the minister of the Gaming Commission. Mr. Minister, can you confirm that the Gaming Commission recently conducted an investigation into the operations of the Bingo Country bingo hall in Moose Jaw? And can you confirm that Bingo Country had its licence suspended by the Gaming Commission due to irregularities in its operations, questions about its accounting methods, and the amount of prize money paid out to individuals? Could you confirm that, Mr. Minister?

Hon. Mr. Lautermilch: — Thank you. Mr. Speaker, I can confirm that there have been some difficulties with respect to prize pay-outs in Moose Jaw. I can also confirm that the Gaming Commission has been trying to, with great diligence, have the bingo halls operate within the purview of the guidelines that are set out with respect to the prize pay-outs. As members opposite will know, it's our goal to achieve a maximum amount of bingo revenue for charities back into the communities, and that's the reason the guidelines were set out. And I am aware that there were some concerns with respect to the operation of a bingo hall in Moose Jaw.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Minister, would you confirm that the licence for that particular hall was lifted?

Hon. Mr. Lautermilch: — Mr. Speaker, I can confirm that the Gaming Commission had some difficulty over the past months with respect to that particular hall. And I am led to believe that they were considering whether or not the hall was going to be allowed to operate. It's my understanding that there were some discussions with the operators, with the charities who were associated with that bingo operation. And to my knowledge, they are still operating. But I can certainly get an update for the member opposite.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Minister, my information is that that licence was indeed revoked, and that that licence was then reinstated a short few days later with certain conditions being changed.

Mr. Minister, would you confirm that?

Hon. Mr. Lautermilch: — Mr. Speaker, what I can is I can confirm that there was some difficulty with respect to the pay-outs and the percentage of pay-outs with that bingo hall. I know that the Gaming Commission was quite concerned with respect to the charities and the ability of those charities to fund some of the operations in that particular area. And I know that they were very concerned in terms of getting them to operate within the purview of the policy.

I am led to believe that they met . . . that the Gaming Commission met and had reviewed the operations of the bingo halls and were going to be having further discussions with the charities or with the operators in that particular bingo hall.

I haven't got a final result of what that might be, but I can only say this: the Gaming Commission is set up as a quasi-judicial body to enforce policy in the regulations of bingo. I know that they also understand and are very sensitive in terms of the operations of the charities who receive revenues from them, and I would assume that in looking at all matters that the Gaming Commission will do what is right with respect to the operation of that hall.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Minister, why will you not confirm to the Assembly today that the licence was lifted and then reinstated a couple of days later? Was that because, Mr. Minister, that there was a call placed to the Premier's office in regard to this particular bingo hall? Is that why you won't tell the Assembly?

Some Hon. Members: Hear, hear!

Hon. Mr. Lautermilch: — Mr. Speaker, I want to say just a couple of things with respect to the operation of the Gaming Commission. They set down policy and they enforce the regulations and I can say to you this: that the member opposite is looking in closets, in closets for skeletons that aren't there.

I want to remind him that there was an election in October of 1991 and that this government doesn't operate the way the former administration did under the leadership of the member from Estevan.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Minister, can you tell the House today if any members of the Gaming Commission have resigned in the last week to 10 days?

Hon. Mr. Lautermilch: — Mr. Speaker, not to my knowledge.

Mr. Swenson: — Mr. Minister, have any members of the Gaming Commission threatened to resign because of outside interference, outside interference and calls placed to the Gaming Commission by other members of the government than yourself?

Hon. Mr. Lautermilch: — Mr. Speaker, not to my knowledge.

Effect of Human Rights Commission Rulings

Mr. Goohsen: — Thank you, Mr. Speaker. My question is to the Minister of Justice.

Mr. Minister, a recent ruling by the human . . .

The Speaker: — Order, order. Would the member from Humboldt please come to order.

Mr. Goohsen: — Mr. Minister, a recent ruling by the Human Rights Commission has created a huge problem which jeopardizes thousands of small businesses in Saskatchewan. Mr. Minister, last week the Human Rights Commission fined the Collections Fine Art Gallery even though the gallery owner was in compliance with the provincial building code.

Mr. Minister, I would suggest that the owner of that business and other businesses and owners in Saskatchewan want to follow the law. The problem is giving this ruling . . . or in giving this, this ruling, it's impossible to know what the law is.

Mr. Minister, what are you doing about this completely unacceptable situation? And can you give us the assurance that no other business will be penalized in a similar manner until they are given clarification of exactly what the law is with regards to these problems?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Thank you, Mr. Speaker. I thank the member for that very important question.

My understanding is that the ruling that he speaks of was a ruling by an adjudicator appointed pursuant to the Act. And my understanding also is that that award is the subject of an appeal. So I feel a bit constrained about going into any detail about it.

But I will say to the member this: it is my understanding that there are discussions going on within government to try and meld the requirements of the building standards with the requirements for access of the Human Rights Commission because obviously this is a situation that is most unfortunate for Mr. Ripplinger, and something is necessary to be done about it.

And talks are going on to try and make those two sets of regulations or two approaches compatible.

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Minister, the inquiry officer for this particular case ruled that the Saskatchewan Human Rights Code takes precedence over every other municipal and provincial law. Mr. Minister, surely you can understand the serious implications of this ruling and the effect that it may have on businesses in the province.

First of all it makes the Human Rights Commission the most powerful regulatory body in the province, able to overrule the decisions of any other body. And second, it means that thousands of business owners who believe they are following the letter and intent of the law may be in serious jeopardy.

Mr. Minister, do you believe that the Human Rights Commission should be the most powerful regulatory

body in the province? And since the Human Rights Code takes precedence over every other law, would you provide the legislature and all Saskatchewan business owners with a list of all the provincial laws that may be in conflict with the Human Rights Code?

Hon. Mr. Mitchell: — I want to say to the member, Mr. Speaker, that I am not aware of any other conflicts that exist. If the member is aware of any I would appreciate knowing about it. I want to also say that the matter of human rights laws having precedence over other laws has been the law in this country . . . in this province since the late 1970s and has been the law in other jurisdictions for at least that long. It's a common approach. We're talking about the right of access to public services. That is the common approach taken across Canada.

But I must say that unless the member has some other situation to draw to my attention, I'm not aware of any other conflicts.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Thank you, Mr. Minister, for that answer. I hope that you will put that into your memory bank and recall it as time goes by.

Mr. Minister, the point is it would probably be impossible for you to provide me with a list such as I've just asked for because there are so many examples. So it is impossible for the government, with all of its resources, to know the certainty, or with certainty, whether or not someone is breaking the law. How in the world would small-business owners be able to know and understand what the laws are then?

Once again, Mr. Minister, I would suggest that the Saskatchewan business people are good corporate citizens and they want to follow the law. But that may not be possible given the climate of uncertainty that this ruling has created.

Mr. Minister, will you take immediate action to end this uncertainty? Will you immediately get to work standardizing regulations in this province so that the Human Rights Code is consistent with the other laws and regulations? And until that process is completed, will you give small-business owners the assurance that they will not be fined under similar circumstances where, to the best of their knowledge, they are following the law?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — I say to the hon. member, I do not know of any other situations where there is this kind of a conflict. And I invited the member earlier to draw to my attention if there are any, and I'll await to hear from him in that respect.

I also draw to the member's attention the answer to his first question, namely that we realize that there is a conflict — that's been pointed out by the Human Rights Commission — and that processes are under

way within government to try and meld those two together so that we don't have that unfortunate conflict.

It's a situation that should not exist. It does because you have general building standards on the one hand and particular requirements for access by disabled people on the other. And apparently when these things were being put together, nobody thought to try and align them up so they exactly fit together. That I think will happen now.

Mr. Goohsen: — Thank you, Mr. Minister. A supplementary to the minister. Mr. Minister, this type of regulatory uncertainty is one of the many reasons that Saskatchewan business coalition has been calling for an economic summit meeting with the Premier and your government. Such a meeting would be an excellent opportunity to get this type of problem straightened out and ensure that businesses have a consistent regulatory environment in which to operate.

Mr. Minister, given the difficulties caused by this ruling, will you be recommending to the Premier that he should hold a meeting with the business coalition and hold that meeting with the people that are calling for it so that these problems and problems like it can be discussed and resolved?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Speaker, I want to say to the member that I had looked at the advertisement placed in papers by the coalition, and I had not seen this particular item on their agenda. I say to the member again that this problem of the two sets of regulations not lining up properly has been under consideration and discussion, and in the end, there will be a resolution of the matter. Because of course you can't have two sets of regulations that conflict in this fashion.

If the member knows of any other one . . . one other example, I'll be glad to hear about it. Because we're certainly not going to go into some huge summit discussion on the basis of one set of regulations where we're working to end that conflict. If the member has others, I invite him to stand up and tell me about it.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. A supplementary to the minister. Are you suggesting, Minister, that the only thing that you will consider, in terms of what's being asked by the business community, is those things that are in an advertisement in a newspaper? That you won't listen to what they tell you on the telephone or in private interviews?

And there is one other thing, Mr. Minister. There is one more area where this ruling raises serious concerns among Saskatchewan people. Over the past few weeks the minister has repeatedly tried to assure the House that the scope of Bill 38 is very limited, that the

Human Rights Commission will have no opportunity to extend the scope of that legislation beyond housing and employment. The opposition has always maintained, Mr. Minister, that those assurances are very, very tenuous. And now, since the Human Rights Code takes precedence over every other law in the province, your assurance seems that much shakier.

Mr. Minister, how can you be certain that provisions of Bill 38 will not be applied in a similar manner? How can you be certain that provisions of Bill 38 will not be used to override other legislation, thereby going beyond the stated intent of the Bill? And since I don't think you can give us any assurance of this, will you immediately withdraw Bill 38 from the order paper?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Well, Mr. Speaker, I was wondering what this line of questioning was all about, and now I finally understand. The answer is no, we do not intend to withdraw Bill 38.

The assurances that I gave to the House were assurances based upon legal opinions and based upon experiences in the other jurisdictions of this country — most of the other jurisdictions of this country where this is already the law and where there has been a considerable body of jurisprudence grown up around those laws.

So when I give the House assurances as to what this Bill does, Bill 38, and what it does not, it is based upon legal opinions, based upon those . . . the jurisprudence that has grown out of the other provinces and the experience of those other provinces. And that is the answer to the member's question.

But it is interesting to finally find out where these questions about access were actually headed towards.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Well, Mr. Minister, this is a two-edged sword. Because while you stab the business community in the back on one hand and refuse to negotiate with them and attempt to provide a clear consensus of how the laws should apply, as to which one should have jurisdiction and which one they should be protected under, at the same time you ask me for one clear example and I give you one clear example. And right away you're off on a tangent saying that that's the only thing in the world that matters. It isn't. They all matter. They're very important.

You have to remember, Mr. Minister, that there are legal opinions that go against what you have just said. They say that Bill 38 in fact will be ruled upon the same way that the case that I previously mentioned has been with the arts gallery.

Now, Mr. Minister, knowing this and thinking about it for a minute and knowing that you've trapped yourself

into a foolhardy position, will you now reconsider and withdraw Bill 38 in an act of good faith for this province?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Speaker, I'm going to take advantage of *Hansard* first thing tomorrow to find out all the nuances of that particular question. Because I must admit that most of them just slipped right past me here today.

I want to say that I still don't understand that the member has one other example of any conflict between the human rights laws and any other laws. I am simply not aware of it. So perhaps the member and I can speak privately about it later and he can finally let me know clearly what is that other example.

So far as Bill 38 is concerned, I say again in this House: there has been a lot of experience with this kind of provision across this country. Seven of the other provinces already have the law. They've had it in existence for some time. It has never had the effect in any of those jurisdictions that the member is concerned about. Now how much more proof do we need?

We also have a large quantity of very carefully researched legal opinions on the matter. I am not aware of legal opinions to the contrary that the member has referred to. And if he has any of those, I'd appreciate being provided with those as well.

But as of this case, I think the member might consider attending the dinosaur exhibition at the Science Centre that's going on right now to see what inspiration he can get from that.

Some Hon. Members: Hear, hear!

Co-op Upgrader Review

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Premier. Mr. Premier, I hope this weekend gave you a good opportunity to think about just how badly you are mistreating 240,000 co-op members in this province.

Mr. Premier, when Federated Co-op starts telling 240,000 members that the NDP (New Democratic Party) Premier of Saskatchewan is a threat to democracy, that you run a totalitarian government, that you haven't told the truth, that you abuse power, and people should be frightened of you, I think, Mr. Premier, it's time you recognize that maybe you are not handling this in the best manner.

Mr. Premier, after giving some thought to this situation over the weekend, will you today remove the threat of legislation that you and your government is holding over the Co-op and enter into meaningful discussions with them?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, after question period, as the rules dictate, I'll be tabling a copy of a letter which was written on October 14, 1986 to the former premier, now member from Estevan, on the NewGrade upgrader, written by Mr. Philip Gordon, of Philip Gordon Industrial Consultants Inc. Time does not permit me in question period to read all of it, but on the date of October 14, Mr. Gordon wrote to the former premier and said the following:

While I have not seen the final form of these agreements, I am aware that up to 3:00 p.m. Thursday October 9th — when Federated abruptly broke off negotiations — there were a number of important issues which remained unresolved between the parties.

He goes on to write:

On each of the outstanding issues affecting this Agreement, the positions being taken by Federated as of last Thursday were, in my opinion, unreasonably disadvantageous to New Grade Energy Corp., and inconsistent with the underlying understandings between Saskatchewan and Federated. I could not recommend their acceptance by Saskatchewan and in fact advised against such acceptance.

Now, Mr. Speaker, I give you that letter because what it indicates, as Mr. Gordon has described, is that this is a bad deal. We want to renegotiate it but we have not been given a chance, in fact even a willingness by Federated to renegotiate. Under the circumstances we have no other option but to do what we're doing.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, Mr. Premier, over the weekend the Co-op people have said they want a negotiated settlement. That's exactly what they're asking for, an opportunity to meet with you folks to negotiate a settlement. They're asking that you lift the threat of legislation so that meaningful discussions can take place.

Mr. Premier, if you're not willing to do that, at least will you do one other thing and remove another roadblock that's in the way of this agreement. Mr. Premier, it has become painfully obvious that your friend Don Ching has become a major obstacle to any meaningful discussions and negotiations.

The entire process is being dominated by Mr. Ching's vindictive personal agenda and not in the best interests of co-op members or the people of this province. Mr. Premier, will you do that now for the people of Saskatchewan and remove that obstacle? Will you remove Mr. Ching from the negotiations?

Hon. Mr. Romanow: — The answer to that question, Mr. Speaker, is a simple and clear no. And I want to refer to the letter of Mr. Gordon, dated October 14, 1986, as another reason why I say no. In that letter to the premier, the former premier, Mr. Gordon writes as

follows, quote:

Throughout the negotiations over the past two and one half years, I have been witness to numerous demands presented by Federated which I believe to be unreasonable and inconsistent with any standard of normal business arrangements and incompatible with sound commercial terms as between the owner (New Grade) and operator (CCRL). Some of these demands were subsequently modified or withdrawn. Others remained on the table as of last Thursday (October 9, 1986), including several which I believe to have substantial potential negative effects on the economic viability of the project.

Now what Mr. Gordon was saying at that time was that the Government of Saskatchewan of the day ought not to have succumbed to the repeated requests and the personal attacks of FCL and the members opposite, as they're continuing today, with respect to negotiations and the substance of the deal.

Mr. Speaker, that government gave in every step of the way. We intend to support and protect the interests of the taxpayers of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, Mr. Premier, Mr. Ching is still bitter about being removed from control of the Saskatoon Co-op by Federated . . . by your government. Mr. Ching is still bitter about the 1986 election and the fact that Federated Co-ops ever did a deal with the former administration in the first place.

And that's just not us saying that, Mr. Premier. Ask the minister of CIC (Crown Investments Corporation). On Friday he heard Harold Crossman, the president of the Stoughton Co-op and a well-known member of your party, say Don Ching is impossible to negotiate with.

Mr. Premier, if you're really interested in negotiating a settlement, why don't you remove that obstacle? Or is your political agenda getting in the way of this? Mr. Premier, will you do the right thing and remove Mr. Ching from the negotiations so that meaningful discussions can take place?

Hon. Mr. Romanow: — Mr. Speaker, the right thing to do is something that the opposition parties, both Liberal and Conservative, have failed to do in this debate so far, and that is to stand up for the taxpayers of the province of Saskatchewan.

The hon. member prefaces his question on Mr. Ching being a member of the Saskatoon Co-op, based on a fabricated story which I saw in the *Leader-Post* on Saturday. I want to tell you, Mr. Ching joined the Saskatoon Co-op board of directors long after that dispute had already come to a successful conclusion. Those are the facts of the circumstances.

But it's a story that's propagated by one or two of the

FCL senior management, and which you have picked up, and the two of you being in bed together on this particular issue, continue to pursue a personal attack which you know, sir, to be absolutely false.

I say to you, the answer to this problem is the principles of Estey. We're prepared to accept Estey. Are you prepared to accept the principles of Estey? If not Estey, we're prepared to sell it for \$1, lock, stock, and barrel. Where do you stand?

Some Hon. Members: Hear, hear!

MINISTERIAL STATEMENTS

Royal Bank Payroll Centre

Hon. Mr. Lingenfelter: — Thank you, Mr. Speaker. I am pleased to provide the House with another example of a major Canadian corporation locating in our province when they could have chosen locations anywhere from Winnipeg to Victoria.

Mr. Speaker, you may recall that a major goal of the *Partnership for Renewal* economic strategy we released last fall was to enhance the business environment in Saskatchewan to enable companies to locate here, to be globally competitive. This is being accomplished through a partnership using government, business, labour, communities, all working together, and by the kind of fiscal responsibility that creates confidence in the future of our province.

We've already seen some of those results: Sears Canada announcing that they were locating a western Canada call centre in Regina, with a total employment of 900 people expected by 1995; \$20 million in Atomic Energy of Canada Ltd. with the province, announced December 21, '92, bringing 140 high quality research and development jobs to Saskatoon. Recently Price Club announced its facility and is currently under construction in Regina with more than 100 workers working on-site and 150 full- and part-time employees required when the store is operating.

Mr. Speaker, on Saturday I announced and represented, along with the Plant Genetic Systems (Can.) in Saskatoon, the opening of their facility in the city of Saskatoon. PGS, as it is usually known, is a Belgian establishment, widely considered to be one of the world's leading agricultural plant biotechnology companies and has selected Saskatoon as its location for its North American research and development headquarters.

Mr. Speaker, this morning the Royal Bank announced it will establish its western Canada telephone payroll centre here in Regina. This new centre will be one of only three in Canada; the other two being in Toronto and Montreal, Mr. Speaker. And this will service clients from Thunder Bay to Vancouver Island. The company will be adding this important facility to its processing centre located here in Regina, already a state-of-art facility employing about 200 people. The

additional new 60 full- and part-time positions are expected to be in place by the end of 1994, will be a welcome addition to our community and to our province.

And they made their choice because locating here is a sound business decision, made more sound because of the government's policy to create a positive, competitive business atmosphere. Once again, one of the deciding factors was SaskTel communications expertise and our well-established advanced technology in that industry.

The Royal Bank's western Canadian telephone payroll centre will result in significant spin-offs for Saskatchewan companies involved in computer systems and land specialists for installation and servicing office equipment and computer capabilities required for the centre.

The Royal Bank demonstrates the initiative and the entrepreneurial spirit that has helped build Saskatchewan's private business sector into a strong productive element in our provincial market-place. The business sector is a powerful force in creating jobs and we are doing whatever we can to assist in this area.

Most of Saskatchewan's economic growth comes from small and medium-sized business. This sector and the cooperatives are in many ways, the backbone of our economy and they offer tremendous potential for growth. The Royal Bank will give these businesses the opportunity to benefit as a result of this announcement today.

Mr. Speaker, I ask all members to join with me in congratulating the Royal Bank on their decision to locate this centre here in our province.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, we would join with the government in welcoming the Royal Bank to their expansion into Saskatchewan with this new undertaking. The Royal Bank has a long-standing business association in this province.

One of the largest lenders for example, in the agricultural sector is the Royal Bank. They have proven to be an excellent corporate citizen in the past and we expect that to continue well into the future. Saskatchewan welcomes the new jobs and investment and we would join with the minister in welcoming them.

Some Hon. Members: Hear, hear!

(1445)

The Speaker: — Does the member from Saskatoon Greystone have leave to make her reply?

Leave granted.

Ms. Haverstock: — I too wish to join with all the

colleagues in the House in congratulating the Royal Bank in bringing their western Canadian telephone payroll centre to Saskatchewan. We shouldn't . . . in fact we couldn't be more delighted than to have some 200-and-plus people have the opportunity for employment. That is just a small number in comparison to the 44,000 people in Saskatchewan who do need employment.

So we have to commend the Royal Bank and as well acknowledge, again, that SaskTel really is a leader in telecommunications. And I was very fortunate just recently to hear some of the expertise that they had taken to Britain.

So we're very, very pleased, and the Liberal Party joins with the official opposition in congratulating the government.

Some Hon. Members: Hear, hear!

INTRODUCTION OF BILLS

Bill No. 90 — An Act to protect the financial viability of NewGrade Energy Inc.

Hon. Mr. Penner: — Thank you, Mr. Speaker. Mr. Speaker, I move that An Act to protect the financial viability of NewGrade Energy Inc. be now introduced and read for the first time.

Some Hon. Members: Hear, hear!

The division bells rang from 2:47 p.m. until 2:57 p.m.

Motion agreed to on the following recorded division.

Yeas — 41

Romanow	Lorje
Van Mulligen	Lyons
Thompson	Lautermilch
Wiens	Murray
Simard	Trew
Tchorzewski	Serby
Lingenfelter	Whitmore
Shillington	Sonntag
Koskie	Flavel
Solomon	Scott
Goulet	McPherson
Atkinson	Wormsbecker
Kowalsky	Crofford
Carson	Stanger
Mitchell	Knezacek
Penner	Harper
Cunningham	Keeping
Upshall	Carlson
Hagel	Renaud
Bradley	Langford
Koenker	

Nays — 8

Swenson	Britton
Neudorf	D'Autremont
Martens	Goohsen
Boyd	Haverstock

The Bill ordered to be read a second time at the next sitting.

ROYAL ASSENT

At 3:01 p.m. Her Honour the Lieutenant Governor entered the Chamber, took her seat upon the throne, and gave Royal Assent to the following Bills:

Bill No. 82	— An Act to amend The Change of Name Act
Bill No. 84	— An Act to amend The Litter Control Act
Bill No. 81	— An Act to amend The Alcohol Control Act and to make certain Consequential amendments to certain Acts as a result of the enactment of this Act
Bill No. 41	— An Act respecting the Financial Administration of the Government of Saskatchewan
Bill No. 74	— An Act to amend The Saskatchewan Farm Security Act
Bill No. 73	— An Act to amend The Crop Insurance Act
Bill No. 20	— An Act to amend The Saskatchewan Telecommunications Superannuation Act
Bill No. 80	— An Act to amend The Tobacco Tax Act and to make certain Consequential Amendments resulting from the enactment of this Act
Bill No. 63	— An Act to amend The Fuel Tax Act, 1987
Bill No. 64	— An Act to amend The Education and Health Tax Act

Her Honour: — In Her Majesty's name I assent to these Bills.

Her Honour retired from the Chamber at 3:03 p.m.

STATEMENT BY THE SPEAKER

Ruling on Point of Privilege

The Speaker: — Before orders of the day, I wish to inform members of my decision on the privilege motion asked by the member of . . . or raised by the member . . . Leader of the Opposition.

On Friday, May 28, 1993, the Leader of the Opposition raised a question of privilege concerning the release to the media of a Bill concerning NewGrade Energy Inc. before it was introduced in this Assembly. I heard the advice of members from both sides of the House about the circumstances of its release and the appropriateness of such action.

From the commentary of members on this issue, I think the Assembly is aware that the grievance of the Leader of the Opposition is one that has been raised each time the usual courtesies to the Assembly are not maintained in this respect. While neither the rules nor the precedents require that Bills must be kept confidential until introduced in the Assembly, it is not

customary for a Bill to be distributed to the public before it is introduced in this Assembly.

Notwithstanding that custom, at no time has the advance release of a Bill been found to be breach . . . or found to breach any privilege. I refer members to rulings of the Chair dated December 4, 1975, June 2, 1988, and April 22, 1991.

Therefore, I must rule that the Leader of the Opposition does not have a point of privilege, although he does have a legitimate grievance.

Before ending this matter I do want to point out that in a ruling of March 22, 1967, the Speaker commented on the parliamentary principle that members of the Assembly should be advised of new policies before the public generally.

In future, I ask that ministers consider this principle carefully so that this Assembly does not further develop what is an undesirable practice.

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 38

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Mitchell that **Bill No. 38 — An Act to amend The Saskatchewan Human Rights Code** be now read a second time.

Mr. Britton: — Thank you, Mr. Speaker. Mr. Speaker, I want to speak briefly on this Bill, An Act to amend The Saskatchewan Human Rights Code. And one of the reasons, Mr. Speaker, that I will be brief today is because I don't think this Bill can be fixed by any amendments, I don't think it can be made right, and I don't think it should have been proposed in the manner in which it has been proposed.

Mr. Speaker, going by the letters and the phone calls that I've been getting, lets me, Mr. Speaker, know that my constituents feel the same as I do about this Bill. Mr. Speaker, my constituents feel the same way about this legislation as I do and I would like to point out to the minister some of the concerns that they have when they write letters to me.

The constituents I talk to, Mr. Speaker, are concerned that whether the minister in good faith or not feels that he has a Bill that will only look after the concerns of the homosexuals and lesbians in jobs and housing, they don't believe it can be done with this Bill. They don't trust the minister any more.

They keep referring back to the GRIP (gross revenue insurance program) situation where you unilaterally broke a contract with . . . that people believed was a fair and legal contract. Mr. Minister, they don't trust

you any more. I'm sorry to say that but that is what's happening in the letters and phone calls that I'm getting. They know how I feel about this Bill.

I don't feel that we, with amendments, could even help you fix this Bill. There is no way amendments can make this Bill right. However, Mr. Speaker, I do feel I should speak out about this Bill even though I think it's a bad Bill and it cannot be fixed. I don't think we will get any cooperation from the other side of the House in trying to make this into a Bill that is workable.

This Bill was not really needed in the first place in my opinion. From what I can find out and from the legal opinions that we get is that everyone is equally covered under the constitution and the Bill of Rights. The only reason that this Bill would be desirable is to give someone rights that others don't have, and I don't agree with that. I am fully prepared and willing to see that every person living in Saskatchewan and indeed Canada has equal rights. And I am of the opinion that they have that.

Now whether there are people out there that do discriminate against certain people in society does not mean that the protection is not there. Mr. Speaker, we have, by law, lots of protection in many ways that people will break the law even though the law is there.

So if someone was to argue with me that people do discriminate against homosexuals and lesbians, I wouldn't argue the point. But I don't think this Bill fixes it. I believe all that we have to do is encourage people to live by the constitution and by the Bill of Rights and there will be no discrimination. You cannot legislate morality.

I don't believe this Bill should have been presented in this manner in the first place. If the Bill had been presented and just zeroed in on the two subjects that the minister talks about and made it completely clear in a manner that lay people could understand, it might have been all right.

I don't think this Bill does what the minister thinks it will do. If the minister can stand in his place and unequivocally guarantee that if this Bill went to the Supreme Court of Canada it would stand up . . . I don't think you can do that. Legislation that's made on the floor of this House is not necessarily . . . will not necessarily stand up in court every time.

And I think the minister knows that. And that is the fear that I feel coming from my constituents. Mr. Speaker, there are people out there that suggest to me that if this Bill . . . There's only two reasons that this Bill could be put forward.

And in fairness to the minister, there are some who say it's just a bad Bill; that he made a bad Bill, very badly flawed. There are those that tell me that they are trying to do something under the table that they don't want to do above-board. That is the things that I'm hearing. And I leave that up to each and every one of you to make up your own decision as to whether . . . which one of those is right — one or the other.

I sincerely believe it's a bad piece of legislation. I believe it can . . . and I believe that the minister could bring a piece of legislation that would be much better than this one, would cover off what he tells us he's trying to do in a manner that all people could understand and would stand up in a court of law. And that is to just address the two subjects that's in there.

We already saw in Ontario where a gay couple have adopted a child. I heard today that the commissioner for the Human Rights says that that law supersedes all other laws, that it is paramount. Mr. Speaker, it makes us very nervous.

The very moment that this Bill was presented in this House, the controversy started and it was loud and it was clear. People were immediately concerned about this Bill. Mr. Speaker, the petitions that are coming in, names, phone calls, letters . . . and these are coming from all walks of life. We have people who identify themselves as being supporters of the government but not supporters of this Bill.

So it would be not fair to suggest that the opposition are only doing this . . . are only talking against this Bill for political reasons. That simply is not the case. People are genuinely concerned about this Bill, Mr. Speaker, and even on the weekend they're continuing to be concerned about it; there is no let-up in the concern.

And I'm sure the minister is getting letters and phone calls and petitions and stuff. And it would seem to me that the first thing he would do is to either withdraw this Bill, or at the very least, withhold the Bill until he can satisfy those people who are very, very concerned about where we're going with this Bill. They need to be sure, they need to be absolutely sure, sir, that what you say you're doing is all that this Bill can or will do.

And you can't do that; you cannot guarantee that. You cannot guarantee, sir, that the legislation that you're putting forward will stand up before the Human Rights Code or before a Supreme Court of Canada challenge; you can't give that assurance. People want that assurance, Mr. Speaker. They want the assurance that this legislation is not going to allow homosexual couples to adopt children in Saskatchewan, and they want the legislation to say they will not enforce education programs in our schools . . .

(1515)

An Hon. Member: — I'll guarantee that.

Mr. Britton: — The minister says he guarantees that with an absolute, unequivocal guarantee. Unbelievable. He nods his head, Mr. Speaker. And I just heard today on the radio coming in that the Human Rights Commission supersedes all law. And you can stand here and tell us that? Mr. Minister, they don't trust you any more.

In other words, Mr. Speaker, nothing . . . If he can say that nothing in this Bill will give gay and lesbians any more rights than anyone else.

It's unbelievable. In this Bill a person with one suite to rent can deny, on the basis of the Bill, can deny a homosexual or a lesbian a room. But if you have more than that, you can't deny that.

Well in the first instance that's got to be discrimination. So how are you taking away discrimination when you say on one hand, you can rent to this person, and if you got three rooms or more, you can't refuse them. It's a bad Bill.

And these are the elements that people are concerned about. These are the things that people think will be enforced by this legislation. They don't trust the Department of Justice any more. They don't trust the minister any more after what you've done to GRIP and what is in the . . . right now you're doing to the upgrader Bill. How can you expect people to trust you any more? They just will not trust you.

I know that the minister has assured the people that this will not be of the fact. But his word will not hold up in a court of law. Court decisions, Mr. Minister, are not made on the floor of the Assembly. They're made in the court-house. And there is no way that you can give an absolute assurance that some lawyer will not read your Bill in a different manner than what you profess to be putting it forward. And I know the minister knows that, and that's what bothers people.

Mr. Speaker, if this Bill will ensure that homosexuals will not be discriminated against in regard to employment and housing, then the Bill should say so. And that's all it should have to say. That's all it should have to say — those two things.

And I think, Mr. Speaker, the minister, this legislation, and this House is on thin ice with this Bill. How can you say to a person with one room, I won't rent to you, and someone with three rooms you say, I can rent to you. If that isn't discrimination, I don't know what it is. And that's how I feel about it, Mr. Minister, and I think it can be construed as such.

Mr. Speaker, I would like the minister to amend this Bill before us today, if he can find the amendments that will make this Bill do what he says it will do, or withdraw it. Or at least will you withhold it until it can be brought forward in another form that all people can support — not only us, but the homosexuals and lesbians as well. They should be able to support this Bill without fear or favour.

Mr. Speaker, I'm not sure that this Bill can be salvaged even with the amendments, but I think the minister should attempt to make these additions. My constituents, those that speak to me about this Bill, are totally, firmly and totally, against this Bill.

Mr. Speaker, as I said, I will be very brief about this. I have no intention of trying to convince the minister or any of the other people on that side of the House. I believe you have got your mind closed, but, Mr. Speaker, I really and truly would like the minister to take another look at this Bill.

Thank you very much.

Some Hon. Members: Hear, hear!

Ms. Lorje: — Thank you, Mr. Speaker. I am . . .

Some Hon. Members: Hear, hear!

Ms. Lorje: — I'm very pleased to be able to rise and speak in favour of Bill 38. And I have been sitting in this House throughout this spring session listening in amazement to the debate that has gone on about this Bill. It is amazing how much misinformation has been perpetuated or how much debate there has been all over two words and a comma. It just amazes me that we should have this kind of visible and audible demonstration of the fact that there really is discrimination against gay people in this province.

The kinds of performances turned in by the members of the opposition, I think, clearly demonstrate the need for introducing this Bill. So in that sense I would like to thank the opposition for clearly demonstrating that there is discrimination against homosexual people in this society.

I would point out that at least the Conservative opposition to this Bill is very clear. It seems to be based on a misunderstanding of the scope and the nature of the Bill. It seems to be based on opposition to homosexual behaviour and to a lack of understanding of what homosexuality is and isn't and what it's caused by and not caused by.

But I cannot understand the opposition by the member from Greystone, the Liberal opposition. It seems to me I would best sum up as being self-serving, inconsistent, and incomprehensible. We have a member who flip-flops from one month to the next with respect to what her position is on Bill 38; who seems to be saying that what we need to do is have government by polls. That if we get enough people in polling results opposing something, therefore it must axiomatically be bad.

I cannot understand just exactly what the member from Saskatoon Greystone would want us to believe. She says, in June 15, 1992 in the *Leader-Post*, that to prohibit discrimination on the basis of homosexuality is an important step towards a more tolerant society. She says, we can't simply respect those people who agree with us. She also says, June 17, 1992, that she knows some gay couples who would make excellent parents and that she's appalled that some people are left out in society, and she appeals to them to join the Liberal Party.

And then she gets up in the House, May 18, 1993, and says, the majority of my constituents do not want this Bill to include the rights for homosexuals to adopt children when she knows quite clearly that isn't even in the Bill. But what she is doing is flip-flopping on the issue, saying that there's no limit on what program the Human Rights Commission might introduce, that there is every reason to believe that this Bill could lead

to additional rights and so forth.

It is very difficult to figure out just exactly what she's saying and what she's wanting. Is she opposed to discrimination or not? She says that she has personally experienced discrimination and by golly folks, it really hurts; it's hard. But on the other hand we should allow a situation to continue whereby we can discriminate against some people because the people in her constituency, on the basis of a poll, have decided that this discrimination is all right. It's not fair to discriminate against someone who might have to go into a restaurant in a wheelchair, but it certainly is fair to discriminate against someone who happens to have a sexual orientation that is not the dominant one in this society.

I would ask the member from Saskatoon Greystone whether or not there are any principles she believes in, other than the principle of following slavishly the results of a poll. She's called herself the moral opposition to the government, and now when she's faced with having to make a real decision that affects real people's lives, for the first time she's hiding behind the legal smokescreen so thick that not even Solomon could see through it.

You know, it does amaze me. I do have to say the Conservative opposition at least on this has been clear and consistent. I can tell where you're coming from. I do not not agree with it, but at least it is consistent and I can respect your opposition.

But I cannot respect the opposition that flip-flops and says one thing to the media and one thing to a group of people when she's trying to get them to join her party, and then another thing when she's trying to appeal to some nameless people in a poll.

She says she wants equality, but not too much and only of the right kind. She says she wants to do the right thing, but only if enough people agree with her. She says she wants progress, but only if we can guarantee that nothing will change. She says she wants access to information, but only if we can guarantee that it's going to be the right kind of information. In essence what she is saying is that she wants to continue the rule of fear that gay people have lived under for so many years in this province.

In 1956 Dag Hammarskjöld said: freedom from fear could be said to sum up the whole philosophy of human rights. And that basically is what Bill 38 will do, is give gay people an avenue for complaint when they are feeling that fear from discrimination. They will be able to have some place they can go and say, excuse me, but I am fearful that I am being discriminated against.

This Bill, I think, is very clear. It's very straightforward. It is not the kind of disaster and catastrophe that members of the opposition would have us believe. Very clearly the Bill does three things and three things only: it prohibits unwarranted and unjust discrimination and intolerance for people on the basis of their family status, their receipt of public assistance,

or sexual orientation.

And what is it going to do? It's going to prevent discrimination with respect to housing, employment, and public services. That's all, full stop, end of the piece. It is not — as members of the opposition would have us believe — an attack on family values.

And quite frankly, I would like to know what kind of family values we are promoting here. Are we saying that a great family value that we want to have in this society is unjust and unwarranted discrimination? Surely what the family is all about is love and compassion and tolerance, and that's the kind of family value that we should be passing on to our children. And love and compassion and tolerance do not simply stop with heterosexual people.

The Bill does not condone homosexuality. That is a scare tactic that is simply inappropriate for members of the legislature to be promulgating. It does not confer special rights on gay people. It merely prohibits discrimination, as I have said, with respect to housing, employment, and receipt of public services.

Gay people are not already protected, as some members of the opposition would have us believe, by the Bill of Rights. This Bill — Bill 38 — clearly is needed to provide a very clear, very straightforward statement of the fact that as a society we will not tolerate unjust and unwarranted discrimination for people.

And finally it is not, as members of the opposition would have us believe, a compulsion that people who have deeply held religious convictions that homosexuality is wrong or a sin, it is not a compulsion that they will then have to hire people who are homosexual to be teachers in their fundamental Christian schools.

(1530)

Christian schools are not compelled to hire homosexuals. The existing provisions in the Human Rights Code already, as members of the opposition clearly know, provide that organizations of a particular creed are not compelled to hire people who do not endorse this creed.

We see this already with separate schools. They do not have to hire people who are not Catholic or people who are divorced or people who are living common law. The same thing applies for fundamentalist Christian schools. If disapproval of homosexuality is part of the fundamental Christian school creed, they would not have to hire homosexual teachers in their schools.

You know, with the exception of four jurisdictions and soon only to be three jurisdictions in the whole of the Dominion of Canada, all other provinces have passed legislation to prohibit the kind of discrimination that we're talking about with respect to gay people. The sky hasn't fallen in the rest of Canada and it will not fall in in Saskatchewan when we finally pass Bill 38.

Now I've received a lot of letters on this. A lot of the letters are either totally misinformed or are about a bunch of scare tactics or they're genuinely concerned in seeking answers. I have also received though, letters from people who are homosexual who are saying to me, it is time that we got on with this very fair and very reasonable Bill, and that we pass it so that people who are homosexual do not have to live in fear in our society.

I want to quote very briefly from one of the letters that I received. This gentleman writes me:

There has been a lot of talk about a homosexual agenda. The only items (he says) that he considers that the gay community has come to a consensus as even being on the so-called homosexual agenda are the need for inclusion in the Human Rights Code and the desire for acceptance.

It is very difficult (he writes) for gays to discuss their lives with their friends, families, and co-workers when revealing their sexual orientation can mean losing your job. Even with inclusion in the code, it is not easy for gays to live openly. Human rights legislation does not protect workers from hatred or glass ceilings.

Even gays and lesbians (he writes) are not in consensus about the appropriateness of spousal benefits, marriage, or adoption. Gays and lesbians are quite capable of having children without inclusion in the Human Rights Code. Consensus on anything is very difficult to achieve in a group as diverse as the gay community.

With Christian gays, Jewish gays, first nation gays, gays of colour, gay athletes, gay academics, gay activists, and those who choose not to reveal their sexual orientation, the gay community is indeed diverse. This diversity is what defines a minority. Gays and lesbians must be included in the Human Rights Code in the same manner as any minority group subject to discrimination and (he concludes) through the same legislation. They must be included through the same legislation that protects other groups, otherwise the signal goes out that hatred against gays is still acceptable.

And what we will be doing with Bill 38 is sending out a very clear, very strong signal that hatred against gays is no longer acceptable in this province.

Unlike other groups — women, some first nations people, people of colour, for instance, in which one's identity is very clear for the whole world to see. And so it's very clear when you can . . . and you can tell when there's discrimination and so forth.

Most gay men and most lesbian women have the

option to remain invisible. I certainly can't fault people for choosing that path. But I do have to say that the price of always having to conceal your identity can be very high. It leads people to doubt their self-worth, to doubt their dignity. It encourages people to remain isolated from others and detached from their colleagues, from their peers, and from their families. Because if they get too close to people, then they might be exposed and people will find out their secret — that they are closeted, that they are gay.

And so therefore what happens is you tend to see habitual patterns developing of mistrust and defensiveness. Because anyone potentially could cause a person's downfall, could cause them to be put in a position where they might potentially be fired from their job or told that they have to leave their apartment.

Speaking about gay oppression involves not only addressing injustice in the abstract, but it also means acknowledging the emotional toll that it leaves on individuals and families and the society of which they're a part.

I have to ask myself, as I listen in the House and listen to the opposition to Bill 38, just exactly why might people be opposing this Bill. Because to me it seems to be something that just really strikes at the heart of common sense and tolerance and compassion. I cannot see why we would have such a great amount of opposition to what basically is a very forward-looking, progressive Bill that will legislate our desire to move towards a non-discriminatory society.

And so I sat down the other day and I wrote out some of the reasons why I thought people might be opposed to Bill 38. And one of them is I think the very fact that as human beings we have an ambiguous sexual nature. And I think that a lot of people are uncomfortable with that ambiguity in our sexual nature.

Many of us know very clearly that we are heterosexual in nature. Some people have some questions about their own sexual orientation. And rather than deal with those questions straightforwardly, they would prefer to continue to deny and repress. I think that's very sad that we have the kind of society that will not allow people to ask those very basic questions about their sexual nature without having at the same time to feel a sense of hatred and revulsion about what might be some very basic parts of themselves.

I think also part of the opposition to Bill 38 might be — and here I speak as a person who is trained as a clinical psychologist — it seems to me that we have a confusion of the terms sexual pathology and sexual orientation.

Now very clearly there are certain pathological expressions of sex that any just and reasonable society would clearly oppose. I am talking here of things like pedophilia. That is clearly an unwarranted, totally inappropriate, improper expression of one's sexuality.

It is criminal; indeed it is criminal.

That though, it seems to me, is totally different from sexual orientation which is the innate natural expression of our sexual behaviour towards another person. Some of us tend to be attracted as adults to adults of the opposite sex. Others of us as adults are attracted to adults of the same sex. That does not mean that we are pathological; it means we have a different orientation from the dominant society.

And indeed I think that our thinking has come a fair distance on this. We used to talk about sexual lifestyle rather than sexual orientation, as if it were something that we chose. I think we are now starting to recognize more and more clearly that our orientation is a part of our basic, innate nature.

Another part of the reason for opposing Bill 38, I would suggest, might have to do with some broader notions of power and control. If we can keep certain people quiet, if we can keep them oppressed, then we can keep everybody else worried about whether or not they might at some point be subject to that same kind of oppression. And it keeps the dominant society clicking along the way many people want to see it click along.

Personally, as a social democrat, I want to see us create a society where everyone can share power equally and where we do not have dominant groups controlling and oppressing other people.

Another part of the reason that people might oppose Bill 38 is probably very deep religious beliefs, which I certainly can respect; but I think that going along with some of those deep religious beliefs is a very strict interpretation of the Scriptures that I would suggest is only conveniently strictly interpreted when it has to do with homosexuals and is not so conveniently interpreted when it has to do with warmongering, for instance. It seems to me that the larger Christian values of tolerance and love and charity should take precedence over very strict interpretations of one or two isolated verses out of the Scriptures.

Jonathan Swift in the 17th century said:

We have just enough religion to make us hate, but not enough to make us love one another.

And there is a quote, a passage in the Bible that says, what you do unto these, the least of my brethren, ye do unto me. And it seems to me that that is the scripture that Christian people ought to be hanging on to and quoting rather than some of the more arcane verses that they picked out of the Bible.

Respect is what people are asking for — compassion and respect — and those I would suggest are the underpinning values of the world's major religion and those are the values that we ought to be promoting when we're promoting so-called Christian values or Muslim or Jewish or Hindu values.

Another part of the reason that people might be

opposed to Bill 38 is straightforward homophobia. Well I have to tell you, folks, homosexuality — according to all the literature I've read — isn't contagious. You don't pick it up off a toilet seat. It's not something you're going to catch. It's not something you're going to learn. So I really cannot understand why people feel this overwhelming need to be so concerned and so afraid of homosexual people.

Homosexuality is not a learned behaviour. And I want to emphasize that. I want to talk a bit about my personal experience as a psychologist, as a therapist, who has seen many people coming to me saying, I am concerned about my sexual orientation. Can you give me therapy to therapize me out of it?

And when I first started as a psychologist, I was quite optimistic that, oh well if somebody comes and presents with a problem and we mutually agree that it's a problem, we can work on it and find some solution to it. Well quite frankly, trying to therapize people out of their sexual orientation is a fool's game. And therapists all over Canada, United States, and Europe will agree that it is not the sort of condition, a pathological condition, that one can train people or therapize people into a different response with . . . (inaudible interjection) . . . That's correct.

As a matter of fact in 1973, the American Psychiatric Association removed homosexuality from the DSM, the diagnostic and statistical manual. That was the end of homosexuality's official status as a disease, because it is not a disease. It is an innate orientation.

I think of some of the people that I have worked with, that I have met over the years, people who are gay, people who have struggled with the oppression and discrimination that being gay unfortunately almost inevitably leads to. I think of a young man named Ross, came from a small town in Saskatchewan and went to San Francisco when he realized that he was gay and he thought that his small town could not accept his sexual orientation.

He moved to San Francisco just at the height of the times when people were being very, supposedly, liberated in their sexual behaviour. And this young man unfortunately contracted the AIDS (acquired immune deficiency syndrome) virus. He is no longer alive. But he did come home to his small town.

(1545)

And it was interesting the reaction of the people in the small town. They were concerned that he was ill. They were not concerned that he was gay. And I learned a lot about human beings at that point when I realized that a town can pull together when someone is facing a personal tragedy. And they do not have to hate people. They do not have to discriminate against gays. Their overriding concern was that this young man was ill. That was the concern — not that he was gay.

I think of another friend of mine who is very outrageous, funny. He's the kind of person that one would almost say fits almost all the stereotypes of

outrageous behaviour. The problem that he has though is that he is continuously feeling like he is going to be rejected because he is gay, and so he drinks an awful lot. And he's always running away from himself because he does not want to have to deal with some of the basic issues that confront him on an almost a daily basis as a gay man in our society.

Another good friend of mine, a person with the same profession as me, unfortunately was picked up one night by a couple of men and he was taken out into a field and he was beaten there. The reason he was beaten was because he was gay and he'd been downtown cruising, and he was picked up by a couple of guys who thought it would be really fun to bash him. Well they bashed him all right and they left him tied up, hog-tied, in a field in late winter. He had been almost stripped naked. And so he was left in that field and he died from exposure.

Now I don't think that that's the kind of thing that we want to see happen to people in Saskatchewan. That kind of gay bashing, any kind of gay bashing, is absolutely unacceptable. And if we can send out through Bill 38 a strong and clear signal that it is unacceptable, I think we will have moved a long distance towards making a more tolerant and just and fair society for all people and most particularly for gay people.

The crux of the issue as I looked at why people might oppose Bill 38 seemed to me to be that many people genuinely believe that people choose to be gay, that it is a choice behaviour rather than an innate behaviour. And you know, the very notion that one would choose to be gay is so ludicrous that I can almost not even give it any credence. Why would anyone choose to be the object of hatred and choose to be oppressed the way gay people are in our society?

Homosexuality is not a personal choice. It's not chosen and it certainly is not changeable. For the past hundred years we have seen many, many shameful attempts to treat homosexuals, assuming that homosexual orientation is not a biological thing. We've seen lesbians who've been given hysterectomies, given estrogen injections, all in an attempt to change their sexual orientation. We've seen gay men subject to transorbital lobotomies or electro-shock therapy — again, all in an attempt to change their sexual orientation.

But what we found, basically, is that people cannot be converted from homosexuality to heterosexuality by therapy. Psychiatry has consistently failed to show that homosexuality is a preference, a malleable thing subject to reversal.

And I think that is an important thing for members of the opposition to be aware of when they say, of course we don't want to see discrimination, but these people choose to do this. It is important for you to understand that homosexuality is not a choice; it is an innate thing.

We are now seeing more and more scientific

evidence, and in the next 5 and 10 years, we will see much more. This debate will be meaningless 10 years from now, I would suggest, because there will be a preponderance of scientific evidence that will clearly demonstrate that homosexuality is not a choice, it is an innate thing — something that we are born with.

We found in 1985 the start of many of the scientific studies that are clearly demonstrating this point. Dr. Swaab found evidence of sexual dimorphism in human brains. In other words, he found just by looking at certain aspects of the brain that you can tell the difference between male and female brains.

And then in 1990, he found that the suprachiasmatic nucleus is dimorphic, or different, according to sexual orientation rather than only according to sex. It's twice as large in gay men as heterosexuals.

Those findings have been replicated; there's been other studies of biochemistry that provide more data. There is clearly an anatomical difference in certain parts of the brain between homosexuals and heterosexuals.

Genetically, too, we're seeing more and more evidence coming in that demonstrates very clearly that homosexuality is not a choice; it's not a preference. It is an innate orientation.

There's a study done by Bailey and Pillard called, *A Genetic Study of Male Sexual Orientation*, and what they did there was to compare 56 monozygotic, or identical twins, with 54 fraternal twins, and 57 genetically unrelated, adopted brothers. Now if homosexuality is largely genetic in orientation, then the more closely related the people are, the greater should be the concordance of their sexual orientation.

And indeed, that's what they found. They found gay concordance of 11 per cent for adoptive brothers, people who aren't related genetically at all; 22 per cent for dizygotic or fraternal twins; and 52 per cent for identical twins. This is very strong genetic evidence that homosexuality is an innate thing. Homosexuality is highly attributable to genetics. Indeed there are some studies I've read that say it's up to 70 per cent attributable. And these studies are not only dealing with homosexual men; there have also been studies of lesbian twins, and they have the same findings.

So what we're seeing is that after five decades of psychiatric evidence, we've clearly demonstrated that homosexuality is immutable and non-pathological. And we're seeing a growing body of evidence that implicates biology in the development of our basic sexual orientation.

So we have to ask ourselves: how can we justify discriminating against people on the basis of a characteristic that's so fundamental? We do not allow discrimination on the basis of skin colour or on the basis of sex. We certainly obviously should not allow discrimination on the basis of yet another characteristic that is so basic to human beings, that

being our sexual orientation.

And the answer is we cannot justify that discrimination. We need to resolve the discrimination. That is not going to come from scientific studies; that is only going to come from political initiatives such as Bill 38. We need the political and social will to move to having a more just and compassionate and caring society that does not tolerate discrimination.

It is now almost 50 years since the Holocaust in Nazi Germany. And many people, I think, when they go to ceremonies marking the Holocaust are very much aware that during the '40s — during the '30s and '40s — Jews in Germany were compelled to wear yellow stars so they would be easily identifiable. What I think many people do not recognize or do not realize is that also during that same period of time, homosexuals were compelled to wear pink triangles so that they would be easily identifiable and could be picked up and shipped off to the same concentration camps that the Jews were sent to.

The symbol that many organizations concerned about discrimination and oppression of gays use is the same pink triangle that homosexuals in Nazi Germany were compelled to wear.

And I want to close off having reminded people of what I think the basic links are and the importance of understanding the heavy toll that homosexual people pay because of the discrimination that they suffer. I'd like to close off with a quote by a gentleman who was very concerned in Nazi Germany about discrimination. And he said — and I think this should be our guideline for all of us as legislators:

In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist (said Martin Niemöller). Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me and by that time no one was left to speak up.

That man isn't alive. He didn't survive the Second World War.

But hopefully with the passage of this Bill, and the creation of an attitude and of the necessity for a juster, more compassionate society, gay people in Saskatchewan will survive. And we as a society will survive and will thrive, knowing that we have done the just and the proper thing in Saskatchewan in 1993.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, since being elected to the legislature here, I have received more calls and more letters on this issue than

any other issue, and I suspect than any other issue likely in the future as well.

The people in my constituency have raised a whole host of concerns about this legislation. And we are being told by the minister and by government members that the Bill is very, very closely defined and that the people that have those concerns throughout Saskatchewan need not worry about those concerns. And yet the concern still is there, Mr. Speaker, and the people of my constituency are and continue to be uncomfortable with the minister's assurances about this Bill.

When you look at it, when you look at the content of the Bill, it seems relatively straightforward. But yet, Mr. Speaker, upon closer examination people are feeling, have the distinct feeling, that there is concern about certain aspects of the Bill that they cannot agree with. The government members continue to say that it is narrowly defined and therefore we shouldn't have any concern about it. And the concern is not just based . . . a religious base or anything whatsoever. It's based on a number of concerns about the issue itself of homosexuality and discrimination, Mr. Speaker.

The previous speaker went into great lengths to talk about discrimination, Mr. Speaker. And she went and used examples of how a former colleague of hers was beaten and left to freeze and how somehow or another anyone who is opposed to this legislation would condone that. Mr. Speaker, no one — no one — in official opposition or hopefully the entire province of Saskatchewan would think that that type of action is acceptable in anyway whatsoever. No one would think that, Mr. Speaker, and least of all freethinking people in Saskatchewan.

Mr. Speaker, discrimination is abhorrent. The people of this province don't believe in discrimination. They don't want discrimination. They don't think that discrimination has any place in society whatsoever. And this Bill, Mr. Speaker, speaks to discrimination, but it also speaks to the other side of discrimination. Why then are you discriminating against people in this Bill that want to have same-sex adoptions if you are so concerned about discrimination? Why then are you not concerned about people who would prefer this homosexuality to be taught as an alternate, acceptable lifestyle in schools? Why are you discriminating against them if you're so concerned about discrimination? Why are you so concerned about the word discrimination and yet you are willing to discriminate against those types of things in society?

(1600)

If you are truly in favour of eliminating discrimination in this province, the Bill shouldn't have any restrictions on it. That's what the previous member spoke. And she was against discrimination in every way, shape, or form and yet she's willing to discriminate in certain areas because I suggest, Mr. Speaker, they feel that that's as far as this Bill can go at this time.

Discrimination takes place, and we all realize it takes place in society. We see discrimination based on skin colour, race, creed, all kinds of discrimination in society, and yet I think most people deep down realize that it's wrong. They're opposed to it. They wish it wasn't there but unfortunately it is, Mr. Speaker.

The concern in my constituency is based on a few fundamental things. One of it's religious based; there's no question about that. I represent a constituency that has a very strong fundamental religious base. There's more to it than that though. The opposition and concern from this Bill not only comes from religious circles in my constituency, it comes from honest, hard-working people all over the place. Their concern is about same-sex adoptions. Their concern is about same-sex marriages. Their concern is about same-sex spousal benefits being extended to gay people, Mr. Speaker.

And yet with all of the assurances that the minister has given, those concerns still are there and they haven't gone away. They haven't subsided one little bit since the minister has introduced this Bill and even previous to that. If anything, I think the opposition to this legislation is increasing, Mr. Speaker. And one has to wonder, Mr. Speaker, why the government is wanting to put forward this agenda at this time, Mr. Speaker.

We've asked . . . Our Leader of the Opposition has suggested that the people in this legislature should be allowed the opportunity for a free vote, Mr. Speaker. And I think that that is an excellent suggestion on an issue of this type. I think the people of our constituencies elected us for basically a couple of reasons. And the most fundamental of those reasons is because they wanted someone in this legislature in Saskatchewan to represent them and represent their views.

And I think free votes are becoming the type of way that governments and opposition parties can come to some sort of agreement, some sort of opportunity for people, members of this legislature, to stand in their place and voice the concerns of their constituents and not their party's line.

And I think, Mr. Speaker, that that is one thing that a lot of people in Saskatchewan feel that is an important step in society these days. I think they feel that that should be the overriding and fundamental issue, fundamental thing that should be done to reform the legislatures in Saskatchewan and right across this country, Mr. Speaker.

Mr. Speaker, the government talks about discrimination. The government talks about opposition to this Bill as if it is somehow based on some kind of base instinct that people have that are opposed to a homosexual's lifestyle, Mr. Speaker. And we all realize that there's a significant portion of society that engages in homosexual style of life. Mr. Speaker, we all realize that. I don't think it's any big secret.

I think the fact is, Mr. Speaker, recent surveys in the

United States — there was one in *Time* magazine not too long ago, less than a month, I believe it was, indicated the gay community makes up something in the order of 1 per cent of the population of any given community, Mr. Speaker. And I think people recognize all over Saskatchewan that that is about probably where the numbers come in.

Mr. Speaker, in other provinces they've dealt with it in different ways. Some have passed legislation; some have not passed legislation; some have gone the route of a plebiscite; some have gone the route of different ways to address this issue. In Alberta recently the government decided, because of the fact that they didn't believe there was a great deal of support for amending legislation in that province, not to go ahead with it.

And I think, Mr. Speaker, if the government is so sure that this type of legislation is so important, why not ask the people of Saskatchewan. There is a group in Saskatchewan right now that is trying to assemble enough names on petitions to force the government to go the plebiscite route and yet the government has said that they wouldn't do it. They wouldn't abide by the results of that plebiscite even if it went against the government, Mr. Speaker. And yet we all, I think, were elected feeling that we should try and represent the views of our constituents to the best of our ability, Mr. Speaker.

The opposition is based on a number of concerns, as I've outlined, and the minister says those concerns are invalid. And yet we see legislation in Ontario that pretty much parallels the legislation in Saskatchewan, pretty much parallels it. And now recently there was an opportunity down in Ontario for a gay couple to adopt a young, young boy, I believe it was. And that was seen as acceptable under that legislation.

And the minister though stands in his place and says that that will not happen in Saskatchewan. And yet, and yet how can that be, Mr. Speaker, when we see the Ontario legislation and the Saskatchewan legislation as almost parallel — pretty well exactly the same in fact, Mr. Speaker. And yet they say that those kinds of same-sex adoptions in Saskatchewan will never happen, that we have to believe that the minister is correct in his legal interpretation of this Bill. We have to simply submit to his idea that he is correct on this issue, and all other legal opinion is invalid.

And yet, Mr. Speaker, I don't think I can accept that. I think that all people have to have their say on this. I think there is a growing body of evidence to suggest that people in Saskatchewan don't believe that this legislation is necessary, that don't believe that there is . . . The types of things that the minister is saying cannot happen will indeed happen or could happen under this legislation, Mr. Speaker. And therefore the people, I believe, are opposed to it for those very reasons, Mr. Speaker.

I think, Mr. Speaker, the Minister of Justice, I think tried to bring in — largely I believe — tried to bring in a piece of legislation that would deal with

discrimination. But I think in doing so he brought forward a piece of legislation that essentially opened the door to a number of concerns and has not, has not, Mr. Speaker, addressed those concerns adequately.

The minister says that the concerns are not valid, and other legal opinion says they are valid. Who are we to believe, Mr. Speaker? Who are the members of this legislature supposed to believe in all of this when we see differing legal opinions?

I'm not sure, Mr. Speaker, that this Bill can be amended to adequately address the concerns that people have throughout this province and indeed in my constituency. I think that as legislators we were called to the floor of this legislature to voice the concerns of our constituents and not the concern or the invalid reasons that the government has put forward for this legislation, Mr. Speaker. I don't think the government wants to listen on this issue. I think they have an agenda that they want to meet on this issue, Mr. Speaker. One can only wonder what that complete agenda is, Mr. Speaker.

I think that there are so many significant concerns that people have raised about this legislation, that this legislation should be withdrawn, Mr. Speaker. I think it should be taken back to the drafting table and try to address the concerns that people have put forward and come back to this legislature at a later date if those concerns can be adequately dealt with — and I'm not sure they can, Mr. Speaker.

Mr. Speaker, as I said earlier, we're not in favour of discrimination. The opposition feels that discrimination is wrong, the same as I believe people in all of society feel that discrimination is wrong. But this Bill is also wrong, Mr. Speaker. It doesn't address the concerns adequately. It doesn't address, I believe, the homosexual community's concerns adequately.

Mr. Minister, I believe this legislation should be withdrawn. I think, Mr. Speaker, that there are other folks that would like an opportunity to speak to this at a future date, Mr. Speaker, and I would ask to adjourn debate on this Bill.

Debate adjourned.

Bill No. 88

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Mitchell that **Bill No. 88 — An Act to amend The Provincial Court Act** be now read a second time.

Mr. Swenson: — Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, in looking at this particular Bill, we have consulted with a fair number of people in the legal community and find that the particular piece of legislation is simply a long-term . . . it's an outgrowth of a long-term discussion that has been going on to put in the hands of the legal community and of judges' salaries . . . that in their own hands.

And certainly I think it is good, Mr. Deputy Speaker,

when this Assembly can put into the hands of various professional organizations in the province of Saskatchewan the rights and the responsibilities to do their particular job and endeavour in a fair and reasoned way.

And certainly, Mr. Deputy Speaker, no one has to tell members of this Assembly that whenever one deals with remuneration and how you deal with it as far as yourself, that that is a very touchy subject as far as the public is concerned today.

And I think that having provincial court judges take this issue on in a way that has to be reasoned, has to appear to be fair, and has to be in the best interests of taxpayers, is something that members of this Assembly should not, I think, condemn outright.

And so, Mr. Deputy Speaker, I am prepared to let this Bill move on to the next stage.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

(1615)

COMMITTEE OF THE WHOLE

Bill No. 53 — An Act respecting Natural Resources

Hon. Mr. Wiens: — Thank you, Mr. Chairman. I'm joined here for consideration of this Bill by Bruce Smith, the director of policy and partnerships; David Beckwermert, the director of legislative services; Glen Rolles, the director of regional operations; and Bob Blackwell, the assistant deputy minister.

Clause 1

Mr. Neudorf: — Thank you very much, Mr. Chairman, and Mr. Minister. We meet again. And today we're going to take a look at An Act respecting Natural Resources.

Now I understand that in times past we had a perhaps more wide-ranging Act which was called The Renewable Resources, Recreation and Culture Act. And I'm just wondering if you could explain to the committee what portions of that previous Act have been deleted, what areas are no longer covered by The Natural Resources Act, and perhaps where those portions have gone, where we would find recreation, where we would find the cultural components of that Act if we were to want to look for more information on those aspects of it.

So perhaps what you could do to start off with is giving us the parameters of what this Act entails and where the previous portions of the old Act have gone.

Hon. Mr. Wiens: — Mr. Chairman, this Act, as the member opposite correctly points out, deals with all the amendments with respect to parks and natural resources.

The other pieces have been shifted to reflect the

change in responsibility that we effected through change in government organization at the last budget. I don't have a detail-by-detail description for the member, but I could get that and make sure the member is apprised of the detailed reallocation of the other pieces of the original Act.

Mr. Neudorf: — Yes, I guess one of the unfortunate things of government is that just as soon as you begin to think that you know and understand how the operation is working, then somebody comes along and for good and valid reasons many times, obviously, changes it and does the thing under their own best consideration.

And I would appreciate if you could give me that. I know I could find it perhaps elsewhere, but if that's within your capability, Mr. Minister, I would appreciate it if you would do that.

One of the intentions and objectives of doing this rearrangement that you have undertaken in your department was, I imagine, so that you could come up with your own concept what management resources, management philosophies that you wanted to bring into natural resources. And that is in your second reading speech where you indicate that the new Act does incorporate new resource management philosophies.

And because of my particular interest in our natural environment and so on, I would appreciate it if you could outline for me some of these new philosophies that you intend to incorporate under this new Act, and perhaps any new directions that your department will be undertaking in the implementation of these new philosophies. Could you expound on that, Mr. Minister?

Hon. Mr. Wiens: — Mr. Chairman, the changes in spirit that have been introduced into the Act without requiring a great deal of rewriting are introducing the commitment to sustainable development that grew out of the round table that produced for the province a conservation strategy.

But . . . (inaudible) . . . is also consistent with the discussions at Rio at the Earth Summit last year when there were two agreements reached there, one of which has particular application to our department more directly. Well I guess both do when you look at the environment side — one on climate change and the other on biodiversity.

The spirit which is introduced into this Act is a recognition that we should be managing our natural resources in a sustainable fashion which includes paying attention to the distribution of the . . . or the maintenance of our natural lands in a state that does not put at risk species which we have not yet lost from our ecosystem and introduces a third principle besides sustainable development and the maintenance of biological diversity, the ability and the recommendation to work in a joint manner with other agencies in support of the principle of co-management.

Mr. Neudorf: — How do you envisage this principle of co-management and the . . . how will this Act allow you to work better with other agencies in the promulgation of the various objectives that you may have in mind?

Hon. Mr. Wiens: — Most of the, Mr. Chairman, most of the aspects of co-management which we are pursuing presently within departmental policy can be achieved within the existing mandate. However the Act now explicitly states that we can enter into agreements with Canada to join with them in management as well.

Mr. Neudorf: — So this co-management that you're talking about, is there different levels of . . . provincial, federal, or what other agencies out there are you going to be working together with to achieve those objectives?

Hon. Mr. Wiens: — Co-management as a principle really suggests a consensual approach to the management of resources which in turn suggests that all interested parties have an opportunity to contribute towards policy development in those areas where one is trying to maintain and develop new policies that more appropriately reflect everyone's interest.

And if you look at for example forest resources, there are often interests of local communities, Indian people, where they are their treaty lands. There are the interests of the business community and sometimes wildlife organizations, sometimes provincial authorities, sometimes municipal authorities, sometimes federal authorities. The Act explicitly allows us to enter into agreements so that we can pursue the goal of a more consensual approach to managing our resources with all interested parties.

Mr. Neudorf: — So what potential problems do you see in attaining that particular goal? What about budgetary implications, for example? Is that going to be a restraint? Have you budgeted for this? Is there a potential of spending more money, less money because of coordinated approach and a harmonized approach, if we may say it, to some of the problems that exist?

Hon. Mr. Wiens: — Mr. Chairman, I appreciate the question of the member opposite. In general, I'd anticipate that a cooperative approach to management would result in greater efficiencies, I think, because there are many areas in which resource management requires the participation of many people who may not always have had a voice in joint management exercises.

If we wanted to pursue it most broadly, immediately, we would probably tax the resources of the departments and the other people we were working to a point that is impractical. So we hope to build on a base of cooperative decision making on a priority basis within the existing committed resource of the department.

Mr. Neudorf: — Let's be pragmatic for a moment, Mr. Minister. The philosophical approach is good when we say that we want to have a sustainable development committee at work and so on.

Let's pick on the forestry as an example. How do you perceive this new philosophy impacting on our forest products?

Now I know that in the North, and I think your officials would agree as well, that sometimes we tend to take out more than the recovery rate can possibly be because of logging and forestry and the harvesting of the forest. Now if we're going to have a sustainable resource, how do you envisage this new philosophy being brought into focus and into play, accepting the fact that we have many mills up there, many people who need employment, and there's always this conflicting pressure from the people who need the jobs, and yet the forest that is questionable whether it can sustain that economic activity over a long period of time.

And then we have some of the forest supply management . . . not supply management in that sense, but rather managing the supply in terms of clear-cut. Now when you talk about sustainable resources, how would this new philosophy come into effect? And let's use forestry and some of the problems that are inherent within the forestry sector as such, and how do you envisage this impacting on that particular area and sector?

(1630)

Hon. Mr. Wiens: — Mr. Chairman, I appreciate the question and the opportunity to answer, as briefly as possible, the issue that the member opposite raised. It is something that can't be answered in a few words, but I'll try to keep the number of words to a minimum.

Forestry is an excellent example to choose with respect to the challenge in sustainable management. In the notion of sustainable development is the notion of respect for the environment, respect for the condition . . . the impact that your environmental considerations have on the development of a resource, and the impact on the communities that are there.

With respect to the forest resource, the member opposite will be aware that there have been some tensions and some difficulties in the north-west in Saskatchewan for example. What we have done recently in response to that — and a lot of the work has actually been done by Mistik Management and the business communities around the pulp mill and the lumber operation in the area — is that on a band-by-band, community-by-community basis the industry that's there has been working together to identify acceptable cutting practices, identify the camping grounds for example in an area, the trapping areas, the various pieces of resource that impact on the local community and that respond to, firstly, the maintenance of a sustainable forest which is already written into the forest management lease agreement,

but also an understanding of the other resources that are part of the forest, which include the impacts on water and therefore fisheries and hunting and all the other species that are native to the forest.

So there are . . . that discussion is going on within the northern communities. The province is engaged in dialogue with them, and we hope to have agreements in a number of those areas before long. There's certainly a lot of progress being made on identifying the issues that need to be dealt with concretely between the communities, industry, and also respect the long-term environmental sustainability of the forest and the resource.

There are other examples of agreements that we've recently signed. We signed an agreement with the Canadian Wildlife Federation, the Federation of Saskatchewan Indian Nations, only about 10 days ago. With respect to joint management of our wildlife resources in Saskatchewan, there have previously been a number of regional agreements like the Sipanok agreement. We have signed a forestry agreement with northern groups and the federal government with respect to the model forest development.

So we have been pursuing on a practical basis the joint management of a number of resources that include the forest, but other resources that are in the forest as well.

Mr. Neudorf: — Well thank you for that dissertation, Mr. Minister. I realize that it's very difficult . . . and you've actually posed more questions and answers to me, but perhaps in some other forum. It would be just too lengthy for us to go into details into some of the areas that I would like to.

I want to be a little bit more specific, Mr. Minister, now. And what I would like you to do is to outline the changes that this Bill purports to give to the minister as opposed to the previous Bill. Are there powers . . . when I go through certain sections, section 4, for example, it says "The minister may" and goes into quite a bit of detail in terms of an exposé onto the powers that have been given to you as minister in the implementation of this Act. I tend to feel that some of those powers are somewhat broad, Mr. Minister, but I'll give you an opportunity to first of all to point out any differences from this Act as opposed to the previous Act.

Hon. Mr. Wiens: — Mr. Chairman, sorry for taking much time. I asked my officials to review the Bill. Hopefully they haven't missed any significant changes in authority of the minister.

There, I think, are two of a substantially different nature. The first one is very much in keeping with the first question the member from Rosthern asked with respect to the change in the philosophy of the Act to deal with, to impart a spirit of sustainable development to the management of our resources.

And the consequence then is under the definitions in

the Act, added to the traditional commercial resources that would have been managed under this Act. It now says: ". . . other living components of ecosystems . . ." so that if there were, for example, a non-commercial plant or a non-commercial animal whose survival was at risk, it becomes the responsibility of the department and therefore the minister to manage in such a way that we not lose from our ecosystem, particular species. So that's one broadening of responsibility.

The other I think is a fairly specific matter which was raised by members opposite with respect to The Wildlife Act. What this Act does is it introduces the same rules for search of facilities, of commercial facilities, as are in The Wildlife Act that the members asked about with respect to the revision of The Wildlife Act which are, however, the same rules that were put into The Wildlife Act by the members opposite in 1988.

I would say to the members that the revision of the rules under this Act have been approved by the guides and outfitters who are affected by these conditions in this Act. Those are two most substantive changes in authority for the minister in this Act.

Mr. Neudorf: — So what you're telling me, Mr. Minister, on that second new power attributed to you . . . and we had a discussion on that during The Wildlife Act and I expressed my concerns to you at that time on that particular issue. But what you're telling me now is that the guides and the outfitters in the North have said yes, come on in any time if you suspect us of any wrongdoing or if an officer has any indication at all that he should come in and check the validity of what we're doing. Can you confirm that?

Hon. Mr. Wiens: — Yes. The guides and outfitters are concerned about their industry and the reputation of it.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — And indeed we are all, Mr. Minister, on that. As a further step on the powers that you have received is that you established programs to encourage and promote the commercial development of natural resources. Now I'm just wondering, Mr. Minister, to what degree does this mean that you're going to encourage commercial development?

Does this mean that your personnel will be a resource for entrepreneurs to access? Does it mean that you're actually going to put investment in? Does this mean that you're going to be spending money to assist commercial entrepreneurs setting up for whatever reason? Does that mean that you're in a position to go with the economic minister and put in equity positions? Just exactly what precisely does that article mean?

Hon. Mr. Wiens: — Mr. Chairman, while this clause is not new in this Act, neither is it intended to be a replacement for economic development initiatives,

which while they may happen through other departments of government, most often will be driven by independent business of one sort or the other. What this does is recognizes our co-responsibility with others who are developing resources, either others in government or privately, to properly manage that resource, and this is the use of our resources to jointly plan for sustainable resource use.

Mr. Neudorf: — Mr. Minister, to come back to the previous point. I know that you just told me that you have a section there where officers can without a warrant, go ahead and confiscate material, go into a person's place of business and confiscate whatever evidence they may deem necessary in a court case.

But there's also another section in there which I personally feel is more appropriate. And that is the course of a peace officer being allowed, when he has evidence before him that a person has committed a felony, has committed a crime, has the authority to act as a peace officer and actually make an arrest. Is this correct? And if so, to what degree? There are no firearms carried by these individuals. How do these peace officers or these resource officers carry out the functions of peace officers and actually make arrests?

What assurances are there that these officers will not be in fact endangering themselves, because they are not the RCM Police (Royal Canadian Mounted Police) or of that stature. So could you inform me a little bit about that process.

(1645)

Hon. Mr. Wiens: — Mr. Chairman, just to clarify the role of these officers who have the rights of peace officers, it is not the regular activity of the officers that enforce this Act to act in the capacity of peace officers even though they are empowered to do that and to enforce some elements of other Acts.

The only time that they would get engaged in even the intervention without a warrant with respect to items in this Act — and it's also stated in the Act to clarify that — is the case where they would need to stop a crime from continuing, or in a case where the evidence with respect to a crime that they know about would disappear if they were not to act.

In every other case they are required to go to a justice of the peace, get a search warrant, and use other officers, other peace officers, often in the carrying out of the peace work.

I asked my officials about the record of safety for our officers, and it's very good. They said they don't recollect a case where there was a firearm involved in a dispute. There have been several cases of minor assaults, but generally the respect has been shown for our officers dealing within those parameters.

Mr. Neudorf: — Mr. Minister, dealing with the fulfilling of the duties of a resource officer, there are occasions when they will work within the parameters of a search warrant. And what I'm asking you now is

under what conditions is a search warrant obtained? What are the conditions of a search warrant? And why would you have a search warrant procedure — but then again something that we just finished talking about a little while ago — where officers can actually go into commercial activities without a search warrant and confiscate equipment and records and so on?

Hon. Mr. Wiens: — Mr. Chairman, in response to the question of the member opposite, I'll try not to be too repetitive here, but it's . . . the search warrant will be used in the application of this Act as it would be in every other case under other law with the same conditions, in all cases except where they need to intervene on the basis of stopping a crime or on the basis of making sure that evidence from a crime is not removed from the scene.

Mr. Neudorf: — Thank you, Mr. Minister. I want to talk a little bit about money, revolving fund. The revolving fund will continue. The Act explicitly states that. How much money is involved in the course of a year through this revolving fund? Where is the source of funds for the revolving fund — through fees and so on? Just explain that for us.

Hon. Mr. Wiens: — Mr. Chairman, there are two revolving funds. There are four special-purpose funds within the department, but there are two revolving funds — the commercial revolving fund which is really the larger one out of which the parks and the activities around parks are managed, and the other is the resource production development revolving fund which basically collects money for and spends money on the heavy equipment program, radio communications, and staff housing for a number of activities in our resource management sector.

I wonder if the member could clarify what particular parts he would like more information on.

Mr. Neudorf: — Is all of the money within the Parks and Renewable Resources or the Natural Resources under the new Act, is all of that money that goes through your hands, does it go through one of these four revolving funds?

Hon. Mr. Wiens: — Mr. Chairman, the only funds that go through the revolving funds that are used in resource management are funds which result from fees and charges and rentals and those kinds of things. The basic departmental structure, management, those things that are funded directly from the provincial government, operate out of the regular budget of the department, and matters that relate to collections of money from sources other than government then are put through the revolving funds.

Mr. Neudorf: — Okay, so just to make this clear. Let's say we're talking about parks, some of the provincial parks. Fees and so on . . . the provincial parks are funded through the fees . . . Is that from cost recovery of operating the parks?

Now, are there enough fees charged to cover the

operating costs or do you have to dip into the Consolidated Fund portion of your appropriation in order to cover the costs? Would you explain that?

Hon. Mr. Wiens: — Mr. Chairman, there are substantial amounts of money that are used to fund the parks program that come out of the Consolidated Fund. From an estimated expenditure in this year's budget of about \$10 million, three and a half approximately will be coming directly out of the Consolidated Fund. So recovery from operations will be about \$6 million, six to six and a half.

Mr. Neudorf: — Okay thank you, Mr. Minister, and that brings me to my next question and my next theme, which is accountability as far as revolving funds are concerned. I take it now from your answer that if you have a revolving fund and you charge . . . parks charge fees to get in or fees for services — camping sights and so on — that money is turned into this revolving fund and also paid out of that revolving fund. Could you confirm that?

Hon. Mr. Wiens: — Yes, Mr. Chairman, the statement of the member opposite is accurate. The money is spent from the fund and paid into the fund, and that fund is then audited annually.

Mr. Neudorf: — The way I understand the auditor's concern about this is that there is . . . first of all, the auditor doesn't have enough being supplied by this legislature so that he can do his job. The auditor has 40 per cent of the spending of your government's money that is not accounted for because he doesn't have the resources to go out and audit these.

And the first thing that he lets go . . . Because he can't do the whole job, he has to let some of these jobs go unfinished. And the revolving funds are very often the victim of not having sufficient funds to address all of those things that he's supposed to, according to the auditor's Act.

Now there is another philosophy that the auditor has. And he simply states that in order for correct accountability to run its course, monies taken in through fees and collections should be put into the Consolidated Fund directly. And then to achieve true accountability, the money that is necessary to operate parks, like you were just saying, should be appropriated out of this legislature, so that in fact members of this legislature have a say as to how that money is going to be spent. Otherwise you're bypassing this legislature.

(1700)

What you're doing is you're taking money out of the people's pockets for whatever reason, putting it into the revolving fund, and taking it directly out. And we have no say as to how that's happening. The auditor has a concern about that. And this may have been something that's been an ongoing issue. And I'm just drawing it to your attention as well that the auditor says that's not true and direct accountability, and he wants that changed.

I want your reaction from that, Mr. Minister.

Hon. Mr. Wiens: — Mr. Chairman, I appreciate the comments of the member opposite. This fund is being audited by the Provincial Auditor and has always been audited by the Provincial Auditor and I believe is of no major concern to the Provincial Auditor, partly because the subsidy — the deficit for expenditures in the parks area — is part of the regular examination of expenditures from this government.

And therefore in discussing the additional money taken from the Consolidated Fund to pay for the management of our parks and our park areas, those other discussions become drawn into that discussion. So there is certainly extensive examination and opportunity for discussion. But I appreciate the concern and we will continue to monitor to make sure that we have the best management and the best accountability for public funds.

Mr. Neudorf: — Just to throw some figures back at you that you gave me a little while ago, we're talking about \$10 million. Three and a half of that comes out of the Consolidated Fund that goes through this area; six and a half million is the amount that the auditors are expressing concern about.

One further question dealing with revolving funds and that is this: we all know that we have the fish and wildlife revolving fund and there was quite a disturbance a few months ago when it sounded and felt . . . it seemed like the money that was voluntarily . . . in fact the Wildlife Federation had requested that this check-off be put into place — and it looked for a long period of time that this was going to be put at risk and actually be put into the Consolidated Fund to be used for whatever other purpose your government may decide to use.

Now what I would ask you to do is this, Mr. Minister, is to make the commitment . . . and I know that this Act says somewhere that that particular fish and wildlife fund is going to continue, but that in fact it will be continued to be used for the purpose for which the funds were intended. But not only this fund but all corresponding funds as well. So you don't take from Peter to pay Paul and this kind of cross-reference. Would you make that commitment, Mr. Minister?

Hon. Mr. Wiens: — Well I don't want to comment too extensively on the question of the member opposite, Mr. Chairman, but there is in some sense a dissidence between the nature of the question on the first fund and the nature of the question on the second in that the member opposite is suggesting in the very criticism . . . or not criticism but question of the first fund suggesting that the reaction to any suggestion of treating the second fund in the manner that the member opposite would like the first fund to possibly be treated was responded to negatively by the people in the fish and wildlife area.

But I think does point out the need for two principles in the management of these funds. One is the proper

collection of the funds with respect to balancing the budgets in the various areas. And the second is the appropriate expenditure so that the public interest in accountability are met. What I commit to is confirming those two principles in the management of these funds.

And with respect to the specific question on the fish and wildlife development fund, we have committed not to make any changes in the nature of that fund in spite of the suggestions of the auditor and that the fish and wildlife people will be involved in discussions around the accountability of those funds during this year.

Mr. Martens: — Basically two questions, Mr. Chairman, and Mr. Minister. On the . . . Could you explain the difference to me on the money that is made available to the fish and wildlife fund? Does that go to purchase land? And then can you tell me whether the land that the Wildlife Federation buys, whether that is held in the hands of the Wildlife Federation on the same basis as private property would be by yourself or anyone else. Those two questions I'd like to have an observation of.

Hon. Mr. Wiens: — Mr. Chairman, I thank the member opposite for the question of clarification. The funds from the fish and wildlife development fund are used to buy land. That's one kind of expenditure from that fund. The other kind of expenditure is actually the enhancement of lands for wildlife on existing lands, for wildlife and fish kinds of developments.

Then separately from those lands purchased or enhanced through that source, are independent lands that would be purchased by the fish and wildlife sectors independently of government — the Wildlife Federation — and they would buy those lands. And those are like privately held lands. The funds . . . the land or improvements bought through the fish and wildlife development fund are Crown . . . become treated as Crown land.

Mr. Martens: — I have one other question. And that is, I've asked the minister responsible for SGI (Saskatchewan Government Insurance) to provide for me the volume of road-kill on wildlife, and I'd like to have an answer. I haven't received a response and I have serious concerns raised by individuals who have a lot of deer injured and killed, and I want to know the volume of that for the past year. I think it's significant in my area and I'd like to have that information.

If you could get that, and then the cost of the insurance in relation to that and see whether it would be advantageous maybe to put out more hunting so that they could be utilized in a proper fashion, in a normal fashion, or to allow the slaughter by vehicles going down the highways. If you wouldn't mind getting that for me at some later date. It doesn't have to be now.

Hon. Mr. Wiens: — Yes, Mr. Chairman, I'm not sure how much of that information is within our department, how much is in Highways, but we'll commit to getting that information for you and passing

it on.

The Chair: — Would leave be granted to vote on Clauses 1 through 24 simultaneously?

Leave granted.

Clause 1 agreed to.

Clauses 2 to 25 inclusive agreed to.

The committee agreed to report the Bill.

Mr. Neudorf: — Thank you, Mr. Chairman, I'd like to take this opportunity to once again thank the minister for his answering of the questions, the officials for their help.

Hon. Mr. Wiens: — Mr. Chairman, I would also like to thank my officials for their attention to their duties here and thank the members opposite for the cooperative nature of the questions and the quality of the questions they've asked.

Thank you very much.

The Assembly recessed until 7 p.m.