

The Assembly met at 2 p.m.

Prayers

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Speaker, I have some petitions to present on behalf of Saskatchewan residents, and 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.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, these petitions come from the Estevan, Oxbow areas of Saskatchewan, as well as Saskatoon, Regina, Regina Beach. I'll present those now, Mr. Speaker.

**Mr. Britton:** — Thank you, Mr. Speaker. I too would like to present several petitions. Mr. Speaker, these . . . 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.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, these petitions come mostly through the Regina area, up as far as Lumsden and on down into Lebret and places like that there, Mr. Speaker. I'm pleased to lay these on the Table.

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

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

These petitions, Mr. Speaker, come from Regina and area. I lay them on the Table now.

**Mr. Goohsen:** — Thank you, Mr. Speaker. I have several petitions to present on people from the province of Saskatchewan.

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.

These come from Broadview, Redvers, Moose Jaw, Chaplin, Regina, Mossbank, and all around I guess that general area, Mr. Speaker. And I'll lay them on the Table now.

**Mr. Devine:** — Thank you, Mr. Speaker. I too have a petition on behalf of co-op members and others interested in energy. And 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 governing and finance arrangements.

As in duty bound, your petitioners will ever pray.

And these co-op members are from Viceroy, Bengough, Langham, North Battleford, Saskatoon, Swift Current, places like Dalmeny, and more from Saskatoon, Mr. Speaker.

**Mr. Neudorf:** — Thank you, Mr. Speaker. I too have some petitions to lay before the Assembly this afternoon, dealing with the upgrader:

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 every pray.

Mr. Speaker, most of these are from the city of Regina, although a page is from Broadview itself.

**Mr. Martens:** — Thank you, Mr. Speaker. I too have a petition here from various people in the province. 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.

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

I have them from Saskatoon, Warman, Birch Hills, Kinistino. And I have some from Carduff, Estevan, and Weyburn and Halbrite, and I lay them on the Table today.

**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 praying that the Assembly may be pleased to defeat any legislation introduced to redefine NewGrade Energy corporate governance and financing arrangements.

### INTRODUCTION OF GUESTS

**Mr. Hagel:** — Thank you very much, Mr. Speaker. Mr. Speaker, it's my pleasure to introduce to you and through you to all members of the Assembly 10 living skills for special abilities people class from SIAST (Saskatchewan Institute of Applied Science and Technology) in Moose Jaw who are seated in your gallery today, Mr. Speaker. These students have been on tour of the building, and following question period today, the member for Moose Jaw Wakamow and I will both be meeting with them for a visit and refreshments to discuss things that they learned and would like to ask about related to their visit here at the Legislative Assembly chambers.

Mr. Speaker, I would ask all members of the Assembly to join both members of Moose Jaw in welcoming these students to the Assembly today.

**Hon. Members:** Hear, hear!

**Hon. Mr. Shillington:** — Thank you very much, Mr. Speaker. It's with real pleasure that I welcome and invite members to join me in welcoming 25 students from Imperial School. For those of you who are from out of the city, this is the school that sits on Broad Street that many of you pass on your way in.

They're joined by their teachers, Jan Finlay, Marcel — the handwriting is not very clear — Lorenz, Allyson McCrimmon, Mrs. Short, and Mrs. Baer. I'm going to be looking forward to meeting with these students afterwards. They're here to learn something of democracy and their government in action. I hope they have a good day.

**Hon. Members:** Hear, hear!

**Mr. Kujawa:** — Thank you, Mr. Speaker. It is my pleasure to introduce to you and to the members of the Assembly 25 grade 11 students from Campbell Collegiate. They're in your gallery now with their teacher, David Evans.

I hope to meet with them in room 218, and I hope the questions that they have for me will not be too difficult. Please welcome these students.

**Hon. Members:** Hear, hear!

**Mr. Lyons:** — Thank you, Mr. Speaker. Mr. Speaker, I'd like to introduce to you and to all members of the Assembly, groups of people representing the labour movement in this province from Regina and other places. They're sitting in the east and west galleries, and I'd ask all members of the Assembly to welcome them here today to the proceedings.

**Hon. Members:** Hear, hear!

### ORAL QUESTIONS

#### STC Route Cut-backs

**Mr. D'Autremont:** — Thank you, Mr. Speaker. Mr. Speaker, being open and honest with the public of Saskatchewan seems to be very difficult for the NDP (New Democratic Party) government; in fact it seems to be a major failure on their part.

Mr. Speaker, the people remember when the opposition accused the NDP of planning to close rural hospitals. No that's not true, is what they said — we would never close rural hospitals. That's just scare tactics, they cried. Of course, we all know that they went ahead and closed over 52 rural hospitals just a few short weeks ago.

Now, Mr. Speaker, recently the NDP said that they would not eliminate bus routes to rural Saskatchewan. In fact the president of STC (Saskatchewan Transportation Company) promised in April no routes would be eliminated completely. Well, Mr. Speaker, a few weeks ago . . . and guess what happened. Seven routes are being eliminated while frequency of service on several other routes are being reduced.

Mr. Speaker, my question is to the minister responsible for STC. Mr. Minister, why must your government insist on playing games with the Saskatchewan public when making negative announcements? These are major cut-backs to these small towns and villages and the people in those communities deserve your complete honesty. Why did you and your STC officials mislead these people into believing their routes were safe?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cunningham:** — Mr. Speaker, if there's somebody who's misleading, I think it's the opposition again. I think . . . he refers to the hospital questions and what we said was we weren't closing hospitals; we were converting hospitals and that's exactly what's happening. They insist on the same language.

I assure you, Mr. Speaker, that the STC was running a \$5 million deficit which in the face of the financial mess we inherited, everybody agrees cannot continue. We've had wide consultation with people as to how to deliver the same services as cheaply as we can. We need to save some money. We need to, at the same time, maintain services as the best of our ability to those communities, and that is exactly what STC is attempting to do.

**Some Hon. Members:** Hear, hear!

**Mr. D'Autremont:** — Thank you, Mr. Speaker. Perhaps the minister wouldn't mind explaining to the people in Mankota what their hospital was transferred into.

Mr. Minister, in April it was a disastrous month for rural Saskatchewan. That was when the Minister of Health broke her pledge to the small towns and villages and closed their hospitals. They're still in shock over that betrayal, Mr. Speaker. Now we find out that your assurances to those same people about their bus routes has been another NDP betrayal. You told them in April, when they were reeling over hospital closures, don't worry, be happy, your bus routes are safe. And now we see the elimination of seven rural bus routes.

Mr. Minister, we are not allowed to call a spade a spade in this Assembly, but the word misleading comes to mind.

Mr. Minister, why did you tell the people of Saskatchewan that their bus routes were safe when you knew full well that you would be closing them in addition to their hospitals?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cunningham:** — Mr. Speaker, the people in rural Saskatchewan are undergoing some tough times. But I'll tell you, the people in rural Saskatchewan, unlike the members opposite, are getting to work and doing something about it. They are working on a new way to deliver health system on the new wellness model. The people out there are not whining and crying and snivelling as the opposition is; they are out there doing something about it and they're also doing . . . We're talking to these people about bus routes and how to deliver service and how they can maintain the service, and they've got some innovative ideas. And you will see when the smoke is cleared that we will have efficient service to rural Saskatchewan, and rural Saskatchewan will survive in spite of the doom and gloom that comes from the benches opposite.

**Some Hon. Members:** Hear, hear!

**Mr. D'Autremont:** — Mr. Speaker, Mr. Minister, not only are you closing the rural hospitals, but now you're taking away their buses so they can't even get down the road to those hospitals miles away. And you told the people that you would not close bus routes, and now you are.

That's betrayal, plain and simple, Mr. Minister, and it's another nail in the coffin of rural Saskatchewan. And your government has no concept of the meaning, open and honest, other than to write it in your campaign literature.

The board members from the Amalgamated Transit Union know what your government is all about. They accused you of not being open about the cuts. In fact, one board member asks: why not tell the people? Why not tell the seniors? Why not be opened about it?

Mr. Minister, I ask you to answer their questions. Why not tell the people? Why not tell the seniors? Why not be open about it?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cunningham:** — Mr. Speaker, the members opposite continue to contradict themselves. They ask us first to consult with people, to go out and talk to people before we make decisions, and we do that. Then they say, well why didn't you just tell them upfront what you were going to do?

I think that there was a process involved, as never before with STC, where they looked at people and talked to local people and talked to local communities, put the problem on the line which is a \$5 million deficit in the bus company, and looked for people to help us with innovative solutions.

And although there's decisions . . . some of the decisions we're making are tough, I think they are the right ones, and I think again rural Saskatchewan is not dead in spite of what the members opposite would like us to believe.

**Some Hon. Members:** Hear, hear!

**Mr. D'Autremont:** — Mr. Speaker, Mr. Minister, you talk about consultation. Consultation also involves listening, and that's where your government has fallen down terribly. Your idea of consultation is to send Gordon McMurtry around to inspect bus stop washrooms.

Mr. Minister, you know full well that you didn't come clean with the people in April, because you didn't want to heap more disastrous news on them while you were closing their hospitals. And that's what the truth is.

Mr. Minister, the ATU (Amalgamated Transit Union) are holding small-town meetings to help focus attention on these cuts. As one member said, we are finding out there's a lot of people who are not happy, and they are not getting a chance to express it. That sentiment seems to follow your government around. Everyone is angry with you these days, Mr. Minister — co-op members, seniors, business and union alike.

Mr. Minister, will you allow those who are not happy the opportunity to express themselves. Will you attend these meetings and hear and listen firsthand to what the results of your ongoing betrayal are.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cunningham:** — Certainly, Mr. Speaker, we're always ready to listen to people. Those union meetings are just beginning. We did have people from the department attend. I think the one that was held I believe it was last night or the night before, had a whole sum of 20 people out, some of which were the government officials who were there to hear the concerns.

Certainly I think people are willing to talk to us and we're willing to listen, but I think in a different way than the opposition talks, which is to stand back and point and holler and cry. I think there's much more constructive thoughts coming from the communities

than there are coming from the benches opposite.

**Some Hon. Members:** Hear, hear!

### Purchase of Video Lottery Terminals

**Mr. Martens:** — Thank you, Mr. Speaker. My question is to the minister responsible for gaming. Mr. Minister, on a number of occasions we have asked you to release all of the video lottery bids you have received so Saskatchewan people can see they are getting the best possible value for the \$20 million of their tax money you are spending. On every occasion you said the bids cannot be released at the request of the companies who submitted the bids.

Now, Mr. Minister, that's not true. The real reason that the information cannot be released is because you have put a gag order on the bidders so that no one can see the decisions you are making behind closed doors.

In the request for proposal this is what it says: bidder action which may lead to immediate disqualification include the release of any information related to the request for proposal or award without the express written consent of the Saskatchewan Gaming Commission.

Mr. Minister, why was this gag order of the proposal call . . . what are you trying to hide? What are you trying to hide from the people of the province of Saskatchewan?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lautermilch:** — Mr. Speaker, I guess this may be number 75 that I've answered now, but I'll answer it one more time. And I want to say with respect to the proposal call that the member will know that the Gaming Commission short-listed after doing an in-depth analysis of technical details. The proposals that were put forth by these companies were then short-listed. From then, from that process, that we would sit down and work through the final details of what may in fact turn out to be a final deal with the two companies.

What I have consistently said is because of the information that was received with respect to the security report from other jurisdictions in terms of their gaming commissions, from other law enforcement agencies with respect to the information that they supplied, that the Gaming Commission would not be releasing the details.

Mr. Speaker, I don't know how much more concise or how much more clear I can be, or how many weeks that I have to deal with this issue and answer the same question with the same answer, because there is only one answer. And I say to the member from Morse, the answer that I gave today was the answer that I gave last week and the week before that and the week before that, and it'll be the same answer that I give again next week if he continues to answer the same question.

**Some Hon. Members:** Hear, hear!

**Mr. Martens:** — Mr. Speaker, and Mr. Minister, you issued this gag order because the proposal call process was nothing but a sham. You had already decided who you were going to do business with. You couldn't afford to let the information on the bids out because Saskatchewan people might see that you didn't make the best possible choice.

Mr. Minister, you say you can't release, then you do it partially. Quit blaming the companies who made bids, which you did on Thursday last week. Tell us why you issued the gag order on the bid proposal. What is it in those bids that you don't want anyone to see?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lautermilch:** — Mr. Speaker, in answer to the member's question, and I want to just point out some of the inconsistencies. For two weeks, perhaps three weeks in a row, he comes in questioning . . . into this legislature questioning as to why we dealt with VLC (Video Lottery Consultants) out of Manitoba . . . or out of Montana, why we short-listed them. A week later he comes in lobbying on behalf of one of the unsuccessful bidders who wanted to use VLC's technology in terms of the bid and in terms of what they wanted to offer the people of this province with their proposal.

So I want to say to you, Mr. Member from Morse, instead of lobbying why don't you work with the Government of Saskatchewan and work with the people of the province, work with the people in the hotels association to put this program in place so that we can generate some revenue for rural hotels and maintain the viability of some of the smaller communities in rural Saskatchewan? Why don't you work with us, Mr. Member from Morse, as opposed to standing up in this House day after day putting forth half-truths, if half-truths at all? Why don't you do that, Mr. Member?

**Some Hon. Members:** Hear, hear!

**Mr. Martens:** — Mr. Speaker, and Mr. Minister, a quote from the request for proposal: bidder action which may lead to immediate disqualification include the release of any information related to the request for proposal or award without express written consent of the Saskatchewan Gaming Commission.

That was in the bid, Mr. Minister. You want to be open and honest and forthright. Take that away and let everybody see what the people of the province have a right to see, and that you're spending \$20 million behind a gag order placed on the individuals who put the bids in, of the four companies. Will you provide that to the people of Saskatchewan so they can see what you chose in relation to the others.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lautermilch:** — Mr. Speaker, let me say to

the member from Morse that we will release the details, that we will . . . that will be appropriate to be released. We will release them at the appropriate time.

I want to say to the member from Morse that I'm not going to negotiate, nor would the Gaming Commission negotiate in public with respect to this. We're finalizing the deal.

In terms of the purchase of the video lottery terminals, I have indicated to him quite clearly that the security report and other matters that were . . . that were looked into by the Saskatchewan Gaming Commission would not be appropriate to be released. I say that today. I said that last week. And I'll say that to the member next week.

Mr. Member, I say, instead of standing up and sniping into mid-air, why don't you sit down and work with the people of this province. Work with the people in the hotels industry so that we can get this program working, up and running this summer, as opposed to the ongoing and nagging question that you can't seem to get out of your mind.

**Some Hon. Members:** Hear, hear!

**Mr. Martens:** — Mr. Minister, you say you have nothing to hide but your actions simply don't match your words. You refuse to release the security report. You refuse to allow Mr. Egan to come before the legislature to answer questions. You refuse to release the proposals to the public. You put a gag order on all the companies participating. You are like a minister with a lot to hide, Mr. Minister.

If everything you are saying is true, if everything is clean, then why don't you simply release this information and let the public decide? Will you do that today, Mr. Minister?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lautermilch:** — Mr. Speaker, in answer to the member's question, I want to take him back to last week where he accused members of Executive Council of being involved in the decision to short-list. He trots before the people of this province letters that came by one of the competitors who were not successful, who wrote, lobbying the government, after the fact, after cabinet had made this decision.

Weeks later he comes in and comes to this legislature with public documents, letters that were lobbies on behalf of one of the unsuccessful bidders and puts this forth as being documentation that members of Executive Council were involved in the choice in terms of the short list of the VLTs (video lottery terminal).

So I say to you, Mr. Member from Morse, you had no credibility last week. You've got no credibility today, and you'll have no credibility tomorrow if you continue with this ridiculous sham.

**Some Hon. Members:** Hear, hear!

**Mr. Martens:** — Mr. Speaker, and Mr. Minister, I'm here representing the taxpayers of the province of Saskatchewan, and I will defend them to the very last that they have the right to know where you're spending \$20 million.

Mr. Minister, there's another section in the request for proposal that I find kind of strange. Your government likes to talk about and encourage value added manufacturing, job creation, but once again your words are hollow.

On page 5 of the request for proposal, under the heading, maximizing the program's benefit to Saskatchewan, the proposal call reads this: this objective does not imply a preference for Saskatchewan-based suppliers or products.

In exactly the same proposal presented in Alberta they said, we will maximize Alberta's input. Mr. Minister, are you like the Associate Minister of Finance who wants to go into Medicine Hat to represent them, to have Alberta people compete on an ongoing basis with us when we don't have an advantage? I'm here representing the people of Saskatchewan. Why don't you give us an opportunity to see those bids?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lautermilch:** — Mr. Speaker, what we say to the member for Morse, it's becoming more and more clear who he's representing, and it's not the people of Saskatchewan. He's here lobbying on behalf of one of his private-interest friends; that's what he's here doing. Because there is no one that would, with the lack of credibility that you have displayed, would stand in this legislature and ask for 75 or 80 times. Who are you lobbying on behalf, I say to the member for Morse?

Mr. Member, the company that you're lobbying on behalf of was not successful and I want to tell you why. Because they were buying from one of the companies that the Government of Saskatchewan short-listed. And then they were going to sell to the people of Saskatchewan after they had purchased from them. And basically what we were looking at was a middleman.

So what I say to you, member from Morse, why don't you open your eyes and understand what the perception is of the people of the province. You're nothing but a lobby group. That PC (Progressive Conservative) caucus is nothing but a lobby group.

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

### Boundaries Legislation

**Ms. Haverstock:** — My question is directed to the Minister of Justice. Mr. Minister, on May 14 you announced that a boundaries commission will redraw Saskatchewan's electoral map. You stated at that time, and I quote: This legislation will allow an

independent commission to establish constituency boundaries without obstruction. End of quote.

Has the mandate of the proposed commission changed since that date?

**Hon. Mr. Mitchell:** — Mr. Speaker, the answer is no.

**Ms. Haverstock:** — Mr. Minister, you state today that the commission will work independently, I'm sure, with no interference from government. However recent statements by you indicate otherwise.

In the May 19 edition of the *Lloydminster Times* you were quoted as saying, the member from Cut Knife-Lloydminster, and I quote:

... would avoid the reaper if the legislation to cut eight MLA's was passed.

End of quote.

Is it for you to judge who will and won't be affected by boundary redistribution?

**Hon. Mr. Mitchell:** — What I said to the media in Lloydminster was that the present population of the constituency of Lloydminster would be about the average size of the population under redistribution. I did not mean to imply that the borders would be exactly the same or anything like that, but a constituency the size of Lloydminster would probably be about the average size of a constituency based upon 58 constituencies distributed on the basis of plus or minus 5 per cent.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** — Thank you, Mr. Minister. I'm going to quote, Mr. Minister, from the same news item. And you were talking about the constituency of Cut Knife-Lloydminster and how it might be affected by boundary redistribution. And this is your quote:

"It won't make much of a difference here in Lloydminster. (And true, you did mention size). This is about the size ... we're looking for."

Furthermore, in the *Prince Albert Herald* on May 18, you indicate that changes of the electoral map in Prince Albert will be minimal as well. By making such statements, Mr. Minister, are you not undermining the commission's job to determine how the electoral map will be redrawn?

**Hon. Mr. Mitchell:** — In both those interviews, which were on the same day, what I was intending to convey to the interviewers, as I've already indicated to the member, is that those seats, those three seats were about the right size. If you take the 58-seat configuration under the Bill, take away the two northern seats, you get 56 left, and the average size is about the same size as those two constituencies.

I did not mean to imply, and I well could have — I don't know; I can't remember my exact words — but I

did not mean to imply that the boundaries of those constituencies would not change. What I meant is that the size of those constituencies, the numbers of people in them, would be about the same as they were now. That's what I was trying to convey.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** — Mr. Speaker, Mr. Minister, can you confirm that the Saskatchewan Property Management Corporation's mapping agency is already this day, drawing up boundary maps in spite of the fact that a new electoral boundary map has not yet been determined nor has the boundary commission to draw up the new map even been formed.

**Hon. Mr. Mitchell:** — The commission has not been formed. I have invited both opposition parties to suggest names, and indeed you have suggested one name, and I believe that after the Bill is passed, the official opposition will be suggesting names. Certainly there is no work going on in SPMC (Saskatchewan Property Management Corporation) or anywhere in government with respect to constituency maps now, none at all.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** — Thank you, Mr. Minister. You are confirming then that the mapping agency of SPMC is not doing any work at all, is what I heard you say today. I'd suggest that your government's fingerprints are already all over the boundary commission and you dictated that 58 seats would be established.

You have dictated that two northern ridings will remain unchanged. You've stated that any changes to the ridings of Cut Knife-Lloydminster and Prince Albert will be minimal. Your fellow member from Moose Jaw Palliser has stated, and I quote: It's certain that Moose Jaw will continue to have at least two seats after the electoral map is redrawn.

Is this what you consider allowing the boundaries commission to work independently — and I quote you again — without obstruction and in a manner which will deserve the full confidence of all Saskatchewan people?

**Hon. Mr. Mitchell:** — Well I certainly hope so. It's a difficult question to answer in those terms, but I certainly hope so. And I think everything that I've said publicly has been in that connection, particularly when I stress again that I was referring to the average size of the constituencies.

I want to just deal with one other point in response to the member's question, and that is the dictating the number of seats. And this is a matter the member has raised, her suggestion being that we should leave that question up to the commission.

And I want to say that our view of this matter, the government's view of this matter is that the size of government must come down. This legislature is too

large; there are too many of us here. And we gave that question a lot of consideration, a lot of internal debate, and decided that we should reduce the size of this Assembly by eight seats. And that is a cost-cutting measure which has reality, because it saves over a million dollars a year. In addition it sends what I consider to be a powerful signal to the rest of the province that these things can be done and should be done in these very difficult times that we face.

So we want to say in the legislation that this reduction shall take place and prescribe what it is, rather than leave that question up to a commission structured as this one is, with one of the members being selected by the Chief Justice and the other two by us in this Assembly.

**Ms. Haverstock:** — Thank you, Mr. Speaker. Mr. Minister, during the campaign there was a leaders' debate. And there was only one leader in that debate that even talked about reducing MLAs (Member of the Legislative Assembly). The now Premier and the previous premier both indicated that they would not be in agreement to reducing the number in this Legislative Assembly. It was only I that ran on that.

The member from Saskatoon Idylwyld appeared on CBC (Canadian Broadcasting Corporation) *Noon Edition*, May 19. And when asked why the commission should not decide how many MLAs Saskatchewan should have, he replied, and I quote: that's the decision that government should make. The government has an obligation to accept the responsibility to decide how many members that the legislature should have. That is always how it has been done. End of quote.

Mr. Minister, when we are talking about reform, is the fact that things have always been done this way any basis for determining something that is of such great importance, as your colleague suggests?

**Hon. Mr. Mitchell:** — Well, Mr. Speaker, I think so. I know it's not important that things are always done that way. But I would point out to the member that in this country of Canada, through all of its history of 125 years, I am not aware that a question of the size of a legislature should be left up to an outside commission. I may be wrong, but I don't know of any precedent for it whatever.

I think that it's a decision that's appropriate for this legislature to make. After all we're elected to govern this province. And part of government is the structure of government itself.

I would ask the member in return though, how large would be the proposed provincial senate that she has proposed in times past?

**Mr. D'Autremont:** — Mr. Speaker, I beg leave to introduce guests.

Leave granted.

## INTRODUCTION OF GUESTS

**Mr. D'Autremont:** — Thank you, Mr. Speaker. It's my privilege and pleasure to introduce 21 grade 4's from the Oxbow Elementary School. Oxbow is in the southern side of my constituency near the U.S. (United States) border and is the largest town in my constituency.

Along with the grade 4 students, we have their teacher, Earl Huenison; chaperons, Chris Christenson, Arlene Hansen, and Julie Hannah; and their bus driver, Angie Armstrong.

I would ask everyone in the legislature to join with me in welcoming them here today.

**Hon. Members:** Hear, hear!

**Hon. Ms. Atkinson:** — Thank you very much, Mr. Speaker. Before orders of the day, I'd ask for leave to make a statement.

Leave granted.

## ANNOUNCEMENTS

### Seniors' Week

**Hon. Ms. Atkinson:** — Thank you very much. Mr. Speaker, I rise today to honour our senior citizens and to share with this Assembly my pleasure in proclaiming June 6 to 12 as Seniors' Week in the province of Saskatchewan.

Much has been said and written about getting older and living longer. The issues are not abstract, they are very real. They touched our loved ones and they touch us. The simple truth is that as we grow up, we also grow older. We experience life, we make history, and hopefully we gain some wisdom along the way. Mr. Speaker, it is seniors' wealth of experience, insight, and wisdom that I wish to recognize today.

Most seniors are active and contributing members of our province. During this week in particular, hundreds of seniors will be participating in special events and activities.

Seniors service all by sitting on boards and on local government councils. They provide hundreds of hours of volunteer work for churches, charities, and service clubs across this province. Many seniors have spoken to me about getting involved in helping shape the new health districts and in developing a strong wellness approach to health care.

But these community-minded commitments are only part of seniors' contributions. As importantly, seniors are an enduring source of support and encouragement to their families and friends.

Today's youngest seniors were born in 1928. They grew up in the Great Depression. They knew war and they knew good times.

Mr. Speaker, our seniors understand the collective

sacrifices we must make to ensure a brighter future for ourselves and for our families. More than anyone, our seniors understand the importance of working together towards a common goal.

Mr. Speaker, our elders have developed a province characterized by caring and a cooperative spirit. I invite all members of the Legislative Assembly to join with me in thanking our parents and our grandparents for this legacy and in asking them for their guidance and wise counsel as we work together to build a future for our province. Thank you.

**Some Hon. Members:** Hear, hear!

**Mr. Britton:** — Thank you, Mr. Speaker. I want to join with the minister in acknowledging Seniors' Week. However I must say, Mr. Speaker, I believe it's ironic, to say the least, that the NDP would even go to the trouble. They certainly have not troubled to exercise any responsibility for seniors over the last two years, and they have done nothing to show any real commitment to the province's seniors.

Indeed, Mr. Speaker, I say to the minister: over the past 19 months we've seen your government undertake the single most brutal attack on the seniors in the history of Saskatchewan. You cancelled the seniors' heritage plan; you gutted the Saskatchewan Pension Plan; you closed hospitals and cut long-term funding. You are phasing right out of 1 and 2 level funding. You cut the bus route, you cut the bus route . . . totally eliminated the bus route to Mankota; you closed the hospitals. And now how do you expect those seniors to get to a hospital, Madam Minister?

You increased prescription drugs, utility bills, taxes, and you've made it extremely difficult for thousands of seniors on fixed income to get by, month by month. And I say again to the minister: you certainly have changed your tune from the days when you used to stand on this side of the House and pretend that you were a friend to the seniors. It's just completely apparent, Mr. Speaker, that the concern the NDP had for Saskatchewan seniors ended on election night, and they've been attacking them ever since.

The NDP government hacked drug cost, hearing-aid cost, oxygen, insulin, chiropractic care, and optometric care, Mr. Speaker. You've increased income tax, sales tax, power bills, phone bills, and natural gas bills. And, Madam Minister, to the seniors these increases amount to a substantial portion of their monthly income. And then the minister says to the seniors: too bad, we have this debt, you know. So you will just have to find the resources to pay — pay for your insulin, your long-term health care, and so on and on and on, Mr. Speaker.

And meanwhile you say to Eaton's: gee, well, we see your taxes on here are too high; we'll give you a rebate. Yeah, we'll give a rebate to Eaton's, yeah. Seniors, we have a debt; no rebate for you.

You say to your ministerial assistants: well golly gee, I see that \$40,000 a year isn't enough for you to enjoy

life, so let's get it up to 50,000 or 60,000 a year and show some compassion for our political staff. Seniors: oh, we have a debt, you'll have to give up your \$500-a-year heritage grant. Yes, right. And the list could go on and on, Mr. Speaker, but I won't take up too much more time.

I just want to close, Mr. Speaker, by issuing a clear challenge to the government through the Minister of Social Services. Just on one issue, Madam Minister, and that's the issue of home maintenance. Mr. Speaker, this government forces people out of their homes, out of nursing homes in the name of home care. They are missing the point, Mr. Speaker. The elderly cannot remain in their homes if the homes are not maintained. It will not matter, Madam Minister, if a nurse visits those homes once or twice a week if the roof is leaking and the lawn is not mowed.

Right now, Madam Minister, the great burden of home maintenance is falling on the municipalities, which they themselves are reeling from your cut-backs. If this government wants to prove commitment to those seniors in real need, all it has to do is bring in a line item in the budget for home maintenance.

And I leave the minister with this challenge. And the information that . . . And I will leave you this information, Madam Minister. That subject will be very high on my agenda over the next few months, because I continue to receive pleas from seniors throughout this province. Madam Minister, would you please take a look at that challenge? Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

(1445)

**Ms. Haverstock:** — Thank you, Mr. Speaker. Well some people dread it, but many of those who have reached a plateau say they actually like it. And this group is the fastest growing segment of our society in Canada. I'm talking about the people in this country who are 65 years of age and over.

Most seniors say that turning 65 is an opportunity to do the things that they just didn't have the time to do in the past. And while many seniors lead productive lives, their biggest challenge, beyond financial concerns for some and health concerns for others, is really not their age but rather their perception that they can no longer contribute as they once did. It is valuable that seniors are honoured in ways such as we are doing this week in the province of Saskatchewan.

To stress the point, how significant they are, people who are active who are capable and enhance our society through their expertise, their experience, and their wisdom. Thank you.

**Some Hon. Members:** Hear, hear!

## ORDERS OF THE DAY

## GOVERNMENT ORDERS



## COMMITTEE OF THE WHOLE

**Bill No. 38 — An Act to amend The Saskatchewan Human Rights Code**

**The Chair:** — I would ask at this time that the minister please introduce his officials.

**Hon. Mr. Mitchell:** — Mr. Chair, the officials that I have with me today are Madeleine Robertson, who was here when this matter was being considered in committee last Friday, and Mr. Ross Macnab of the constitutional law branch of the department.

**Clause 1**

**Mr. Toth:** — Thank you very much, Mr. Chairman. Mr. Chairman, it already appears the Bill is definitely in trouble. We already have a change in the minister's personnel.

Mr. Chairman, when we look at Bill 38 — I think the minister's even surprised that I noticed that there was a change at the back — but as I indicated on Friday, Mr. Chairman, and to the minister, certainly when it comes to legal questions and legislation that's . . . regardless of who brings in legislation or regardless of the type of legislation, it would seem to me the format that takes place in the legal community, there's always some person or other at the end of the day will find a way to try and get around legislation or find a way to argue a point on a different basis.

And it seems to me in viewing the two amendments brought forward by the minister . . . And I'm sorry to say that I would have to suggest that I don't find the amendments really as encompassing as the minister has led us to believe.

One of the things that has really been pre-eminent, a point of focus in the debate on Bill 38, Mr. Chairman, and to the minister, has been the area of employment and of housing. And I'm wondering if the minister let this House know if there was another way of addressing the point of guaranteeing employment and housing, especially to individuals whose sexual orientation as the Bill is relating to, would be individuals of homosexual persuasion. Mr. Minister, is there another format that could have been used?

**Hon. Mr. Mitchell:** — Mr. Chair, with respect to the change in officials, I want to say to the member that the thing to watch for is the minister. When there is a change in ministers then maybe you can read a lot into it.

Of course these matters could have been handled in a different way. Before human rights legislation came along, they were handled in many different ways and human rights legislation was, to a large degree, the collecting of a number of different statutes and bringing them into one piece of legislation because they dealt with the rights of individuals. So there could have been other ways of doing it.

**Mr. Toth:** — Well thank you, Mr. Chairman. Thank you, Mr. Minister. I guess, Mr. Minister, that's one of the major problems we do have. And the fact that today you happen to be, sir, the individual sitting in the chair responsible for Justice, there's no guarantee that even after the shuffle coming up in this later on, in the earlier on in the summer or later on, whatever the Premier chooses to make the change, that the position of Justice minister may not be up for change as well. And once you've left the position, Mr. Minister, does that mean that the next person that is sitting there will have the same views and have the same persuasions, have the same convictions that you are bringing to this position of Justice minister, especially when we look at Bill 38?

And it would seem to me, Mr. Minister, when you've indicated that there are other avenues, I would like to know why the government and why you as minister have chosen not to look at the other avenues rather than opening up the Human Rights Code.

**Hon. Mr. Mitchell:** — Mr. Chair, and to the member, we were . . . in our research with respect to the suggestion that these matters might be the subject of separate pieces of legislation, we were at an early stage reminded that in fact before human rights codes were enacted in Saskatchewan and elsewhere, these provisions were contained in other pieces of legislation. For example, there was fair accommodation legislation and labour standards which were protective of individuals in one way or another.

And in Saskatchewan and in the other Canadian provinces and indeed in the federal jurisdiction, the decision was made to consolidate these various anti-discrimination provisions into a piece of human rights legislation. Saskatchewan was, I think, one of the first to do that, but it was not the only one of course. And that is the pattern across the country.

And it seemed to us that if we were now to take for example the prohibition respecting discrimination on the ground of sexual orientation and try and pull that out of the Human Rights Code and reconstitute or repass fair accommodation legislation, it would be a step backwards. It would not recognize the considerable contribution to human rights that have been made by the passage, right across this country, of specific legislation collecting together all of the prohibitions against discrimination in respect of employment and accommodation and access to public services.

The member is right and the various petitioners on this point are right that these matters were covered to some extent in other statutes before human rights legislation came along. We don't want to go back to that system. We think it's appropriate that these all be contained within one code, and that's the path we're on, that's the path other jurisdictions are on, and I think it's the right path.

As to other ministers, I'm going to take the question as serious. One thing is certain and that is that ministers

will change from time to time. Either the public will change them for us or the Premier will change, and those things happen. I think that any new minister of Justice in this province will be working with the same officials that I have worked with over these many, many months in developing these ideas. And I think that any minister would find himself or herself in the same space that I'm in on these questions.

I didn't come to this office a fully learned human rights lawyer and I'm still not, but I have learned a great deal working with my officials, reading things that they have given me to read and reading things that I have found to read and others have provided to me. And I would think that any new minister would find himself or herself in that same position within a relatively short time after assuming this office.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Chairman, Mr. Minister, I just want to as well acknowledge the fact that I believe and I do have a lot of confidence in the officials and I think I have a lot confidence in the present Minister of Justice, but there's no guarantee down the road. And one begins to wonder if the Premier has any confidence any more.

But, Mr. Minister, when you look at it, and as you've indicated you've given us a bit of a basis as to why you decided to go through the Human Rights Code, amend the Human Rights Code rather than a specific piece of legislation that would just strengthen those aspects within the Human Rights Code rather than opening up the whole debate on the Human Rights Code and amending the code.

Now if, as a number of jurisdictions have already found out . . . And certainly across the United States of America there are a number of challenges that have taken place. In some cases . . . I believe it was the state of Colorado had a vote last fall along with their state elections, and the vote overwhelmingly defeated the present, I believe it was the present Bill and asked — I'd have to go back to the information I have on it just to bring out all the details on it . . . but it would seem to me, Mr. Minister, why couldn't we have looked, even in the province of Saskatchewan, of a specific piece of legislation that would have strengthened protection within the Human Rights Code rather than opening up and amending the Human Rights Code to address that?

**Hon. Mr. Mitchell:** — I am going to be repeating myself to some extent, Mr. Chair, in answer to this question. We, as I have said inside and outside this House . . . is the very limited idea that's contained in Bill 38. The protections that are extended by Bill 38 are really quite limited, and I concede to the member, as I have before, that it would be possible to address these prohibitions in separate statutes. But at the end of the day we had to ask ourselves why we would do that when the framework for protection is there. It is the protection that we wish to extend to the ground of sexual orientation and family status and receipt of social assistance. It works precisely for us in that respect.

If we were to go with separate legislation, we would in effect be repassing The Human Rights Act under another title to take care of one particular ground, and we couldn't see why we would do that, particularly in light of the fact that right across this country it has been dealt with within the four corners of the human rights legislation.

So at the end of the day we concluded that it would be a step backward to try and do it the way that you have suggested, that it was most logical to do it within the framework of the existing human rights law. As I point out, it is our view that this is a very limited protection, that the demarcation lines are clear and indeed vivid. And there is, in our view, no case for treating this any differently than you treat other prohibited grounds for discrimination in our society.

(1500)

**Mr. Toth:** — Well, Mr. Chairman, Mr. Minister, I find that interesting because certainly the debate that is taking place . . . and I'm sure that all jurisdictions, even across our nation, jurisdictions that have already amended their Human Rights Code to bring in protection based on sexual orientation have probably found — and indeed time will tell — of the extended debate that is going to take place, not only beyond the Legislative Assembly here, but in all areas of Canada. And the demands that people will be placing based on the changes to the Human Rights Code.

And when I look at the changes and observe the changes here, Mr. Minister, it seems as much as we're endeavouring or you've endeavoured to tell people and let people know, no, this isn't going to go beyond a certain point, that certainly it does now open up the doors to the demands by the individuals with homosexual persuasion to demand greater access to adoption or greater access to marital status or even the spousal benefits.

It just seems to me, Mr. Minister, that regardless of how we look at it, the fact is that any time we try to accommodate a group, at the same time it seems that in trying to accommodate — whether it's a group over here, whether it's a homosexual group, whether it's an ethnic group, or whether it's a religious group on the other side, Mr. Minister — as soon as we start trying to accommodate groups or the demands of individual groups, at the end of the day what we have would just open up a broader base for argument.

And certainly when you get before a court of law and in a courtroom, that argument can become very broad and very wide-ranging. And I think the Bill, as we see it today and as you're presented it to the House, leaves itself wide open for that broader debate.

And I would think and I believe, Mr. Minister, as we will see down the road, and it may not be in this session or in this term of government — it could be even 5, could be 10, could be 15 years down the road — I believe we live in a province where the greater percentage of the populace base still have some high moral values, and those values just in the fact of our

relationship with our neighbours is passed on to individuals.

Mr. Minister, I believe that when you look at it, and as greater groups become more active, I think as you will find — and maybe you've already noticed it since you've been elected in 1991, even in the two years you've been there, and I only was elected in '86 so it was the last half of the previous government's term — but it seemed to me, Mr. Minister, that you didn't need a lot of individuals involved, but some groups can become very active, can become very activist, and they can be very ... certainly put real lobby or present a real lobby, whether it's you or whether it's us or whether it's the Liberal Party or the Reform Party, whoever. Any time a party's elected to govern, it seems there's always somebody out there looking for something.

And my feeling, Mr. Minister, and certainly the feeling of individuals across the province of Saskatchewan, is that that's what we are going to see. We are going to see a minority group using changes to the code to demand greater access to the privileges that they feel that they are left out of, that they do not have the opportunity to participate in at this time.

And I guess we can stand here and we'll probably debate this for a day or two yet. And certainly I think that debate will reflect the differences of opinion that are right across this province.

But how can you really guarantee to the Saskatchewan public that this piece of legislation is not going to go beyond what you've proposed?

**Hon. Mr. Mitchell:** — Mr. Chairman, and to the member, I want to answer that question from two perspectives. First of all, with respect to the legislation itself, we were at pains in the drafting process to ensure that the protection being extended by the code did not extend beyond the code, did not extend to other matters but were restricted to the matters in respect of which protection is given to other questions like race and religion and age and sex, within the code.

So we tried to use that same structure. And we are confident in doing that that we don't have some kind of a piece of legislation on our hands that is going to explode into something else when it gets into the hands of the judiciary. I think that that will not happen. I think the judiciary are, if I may use the term, relatively conservative about these matters.

And if not, we are the supreme law-making body here in this legislature, and if the judiciary are not reading us correctly as to our intention, we can go back and do it over again and get it right. But I don't think we're going to have to do that. We've looked at all the other pieces of legislation in the country and we have considered carefully the effect of the words that we used and we think we've got it right.

The other thing I want to deal with though — and this is the main thrust of the member's question as I

understood it — was what will we do if they come back and ask for more, if gay and lesbian people are not satisfied with what's in this code and they have a larger agenda and come back and press on us some more.

I have said on behalf of this government in the clearest terms that I could find — don't bother; this is as far as this government intends to go with respect to this subject. And I've drawn the limits as sharply and clearly as I could, and I have the government behind me.

I believe that on these issues you speak for your party, and you have made your views very clear on these matters. I believe that on these issues you speak for your party, and you have made your views very clear on these matters. I believe that the member from Saskatoon Greystone similarly has clear views on this matter which she has been successful in communicating to the public. And so we have in this House a remarkable degree of consensus as to what we shouldn't do. And we're not doing it, and we have said to the community that we don't intend to do it.

Now you and I can't speak for people who will be elected four years from now and eight years from now and so on, you know. They will have to make their own decisions. But we can speak for ourselves and we have both done so. We have all done so.

So if there is a lobby group forming up out there with a larger agenda, I don't know about it, my colleagues don't know about it, and I don't think that you know about it. It's still to come. I would think that that would not happen in light of the clear lines that have been drawn and the clear statements that have been made. But how do you know? Anything can happen; anything is possible. But I would personally doubt it.

So I think from both those perspectives we can proceed with this Bill and do so with some comfort, and I presume to say the following. I believe that you and your caucus are comfortable with this Bill as so far as it is an anti-discrimination Bill. But the problems that you have is that it may be something more or may lead to something more. And I think I understand that and I'm pleased to discuss Bill 38 in those terms.

But from my perspective, that is as far as it goes and we'll deal with any other agendas that come along later, any other presentations that are made, when the time comes and in the context of the very clear statements that have been made as to our thinking and our intentions and our limitations with respect to this particular agenda item.

**Mr. Toth:** — Thank you, Mr. Minister. Mr. Minister, what I'd like to know is what your perception is of the role of an MLA. In a democratic system as an MLA, I perceive my position as an MLA is to represent my constituents, represent the views of my constituents. And certainly there are times when some of my moral views may not necessarily be agreed to by a number of my constituents.

But I've been fortunate. The constituency I represent happens to adhere to a lot of the moral views and the standard that I have represented. And I'm just wondering, exactly what your view is when it comes to representing the constituency. Do we represent and speak for our constituents? Is that your observation? Is that how you would observe the position of an MLA, Mr. Minister?

**Hon. Mr. Mitchell:** — Well the question, Mr. Chair, is certainly an interesting one, and one that has been hotly debated for as long as we've had these kinds of representative governments, where people like the member and I and all the rest of us are elected by constituents to come to a parliament to represent them.

I believe it was Burke who said, the great Conservative, who said in a classic analysis that you, Mr. Member, are elected to come here and represent your constituents to the best of your ability. You're not expected to reflect their views, you're expected to state your own. They have elected the individual who sits in your chair, not to puppet their . . . or to mirror their views or to simply say what they would have you say, but to say what you believe and what you stand for.

And if they don't like that, when the next election comes, they'll get rid of you and get somebody in there who they think more clearly or more accurately reflects their view.

There are others, of course, and there are many, many of them who believe that we parliamentarians are simply here to express and to adhere to the wishes of the majority of our constituents — which is sort of a government by public opinion polls or referenda or plebiscite or whatever we would . . . It's as though we were not individuals in our own right, exercising our own independent judgement on the important questions of the day, but merely here to pass on what our constituents think.

I think probably the most practical answer to that debate, most accurate or the most comfortable solution is that we're both. We're here because our constituents have confidence in our judgement, in our ability, in our character, and our track record. So that they're comfortable sending us here to do the things that we do, and at the same time they want us to go back home and talk to them and listen to them and be persuaded by them and to take into account their views.

And I know that that is not a satisfactory answer to the member's questions, but it is a question that has been debated for as long as I've been listening to these debates, and I think probably since we started to elect people to go to parliament to govern countries or provinces or what have you.

**Mr. Toth:** — Well thank you, Mr. Minister, and Mr. Chairman. To the minister, as a couple of comments this weekend were made to me, Mr. Minister, that was a good political answer.

Mr. Minister, one has to ask, and I guess . . . you made a comment about a person doing his job to the best of his ability. And as an MLA responsible for a seat in the province of Saskatchewan, as a Minister of Justice responsible for a broad area of the province of Saskatchewan, the judicial area, and certainly a number of other areas of government under your responsibility, Mr. Minister, in light of the discussion that has taken place, in light of the people's persuasion on this matter and people's views on this matter, I'm asking you, Mr. Minister, do you believe you're representing your constituents and the people of Saskatchewan to the best of your ability?

**Hon. Mr. Mitchell:** — Mr. Chair, I am. I have probably had more conversations with more people on this Bill than anyone in this House has. I say that with respect. And that's natural, because I've had to carry this for so long and through such difficult times.

It is my experience throughout that whole process that on this Bill as I propose it to this Assembly, the majority of our citizens favour it. I think the majority of your caucus favours it in the terms in which I present it.

I present this Bill to this Assembly as a Bill to prohibit discrimination in respect of employment, accommodation, and access to public services. And I believe it is correct to say that if your caucus was satisfied that that's the extent of it, that that's all there was to it, you would support it. I've said that just a few minutes ago; I say it again. I've heard members of your caucus say so in debate during the second-reading stage on Bill 38.

(1515)

Similarly with the public, when you put the question clearly in those terms — here is what the Bill does, (a), (b), and (c) — what's wrong with that? Well there's nothing wrong with it. But they don't want to promote the homosexual lifestyle, they don't want it taught in schools, they don't want their children to become subject to those sort of influences, and on and on and on. They don't want to see marriages, they don't want to . . . and the list . . . it's quite a long list as the member knows.

I don't think the Bill does any of those things. I know it doesn't do any of those things according to the best judgement that I have and that all of my advisers have. And so on that basis I very comfortably and with complete integrity put before this House this Bill which is a limited Bill. And I have already stated that as clearly as I'm capable of stating anything.

And on that basis the people in my constituency are very much in favour of it. They have concerns, many of which are articulated by the member. But when I tell them the answer to those concerns, my view with respect to that, my judgement with respect to those concerns, as I will tell the hon. member, then they are in favour of it. So I believe that when I stand here supporting Bill 38, I am in fact reflecting the view of

the majority of my constituents.

**Mr. Toth:** — Well, Mr. Minister, you're right. When we just discussed the issues of housing and employment and looking at strengthening, if you will, the ability . . . especially of individuals with a homosexual persuasion to any discrimination based on their sexual orientation regarding housing and employment, I think I raised the question the other day: I'm wondering how many specific cases, if any, have really come before the Human Rights Commission where people have been refused employment or have been refused housing because of their sexual orientation, I wonder. Are there any specific numbers? Or is there any real reason why we should be taking the Human Rights Code right now and amending it and changing it to address those issues. What are the real concerns? Are there any numbers or cases to back up the requests being made by the government at this date?

**Hon. Mr. Mitchell:** — Mr. Chair, and to the member, we don't have any experience at it of course, because there's no basis on which people can make complaints at the moment. In other jurisdictions the experience has been that about 2 per cent of the complaints made to the commission are made under the heading "sexual orientation". So that would give you some measure of what we might expect in this province.

I want to also say to the member that if you have any doubt as to problems faced by gay and lesbian people with respect to discrimination, you have only to talk to a gay or lesbian person. You have only to question them. You have only to ask them what has been the experience of them and the people that they know. And they will tell you. They will tell you stories that will really, not impress you, but will hurt you, will cause you to feel great sympathy. For many of them the danger is so real that they live lives keeping their sexuality a secret, absolutely unable to come out of the closet, as it were, to live honest, open lives in that sense. They have to live a secret; live a lie.

For those who have come out of the closet and who are identified, they have . . . many, many of them have personally suffered the hurt of discrimination, particularly in respect of employment. And if they haven't suffered it personally, they'll be able to tell you of a close friend who has suffered it. And these are sad stories.

I have no statistical information about what percentage or how many or anything like that, but the anecdotal evidence is really quite impressive, quite touching, moving, and something that, as I've said, we simply have to respond to.

**Mr. Toth:** — Mr. Minister, what I'd like to know is who was the real . . . or was there a group or individual, or what was the real push behind the Bill? Who was really pushing the Bill?

And we've gone through a fair bit of debate as to why we've got the Bill. But obviously the reason it's before

the House is somebody has obviously been lobbying for this Bill; otherwise I can't see why you and your colleagues and your government would even have brought Bill 38 forward at this time. Who was really pushing for the Bill?

**Hon. Mr. Mitchell:** — The push comes from many, many different directions. This has been an item on the agenda of the New Democratic Party for some considerable time. We have resolutions from our constituencies and resolutions from our conventions with respect to this subject.

We have also met as a caucus, and prior to 1982 as a government, with representatives of the gay and lesbian community who have made this presentation to us. And I believe such representations were also made to the former government. So there has been lobbying or requests from that source.

We also have quite a wide variety of organizations that have lobbied us. Over 40 women's groups, for example, in the election campaign in 1991 came together to prioritize a list of recommended changes that they would lobby for in the upcoming government's term of office, whether that was an NDP government or a Conservative government or Liberal government. And sexual orientation was one of the items that they agreed to put on their agenda.

The . . . oh, all kinds of groups — the Saskatchewan Action Committee on the Status of Women, the Regina YWCA, the United Church of Canada, and labour organizations, individually and as a federation, and on and on. There's all kinds of groups that come from . . . All of the human rights associations — the Saskatchewan association of human rights, the coalition for human equality, the Canadian and the Saskatchewan Human Rights Commissions, the Saskatchewan association of human rights, I think I mentioned that. And then any number of gay and lesbian people and parents and families of gay and lesbian people.

So we've really had a fair volume of suggestion on this point, of petition on this point. There is no active lobby going on, in the sense that we're not being pressed daily or weekly. We don't have the galleries full of people who are pressing us hard on this matter. But it's simply an agenda item, which over the years our party has accepted as being a legitimate agenda item and one worthy of the government's consideration. And we bring it forward in Bill 38 because we believe that it's the right thing to do and it is something that is in fact overdue.

**Mr. Toth:** — Well, Mr. Minister, I would appreciate it if you would take the time to send a copy of all the individuals and groups that have approached you as minister and your government. And if you want to in that include positions that have been forward and lobbies that have taken place in the last, say last 6 or 8 years, feel free to do that. I'd appreciate to see the list of all the individuals and groups that have done that.

You also, Mr. Minister, made a comment about the

fact that this piece of legislation — and certainly debate has taken place within your party, and a number of resolutions have come to the floor over the years in your party regarding the amendments to the Human Rights Code. I'm wondering, Mr. Minister, on how many occasions, if any, did that type of . . . pardon me, resolution passed through the . . . after debate, did at any time, did a resolution regarding amending the Human Rights Code pass in your conventions?

**Hon. Mr. Mitchell:** — It's my understanding that it has, but I can't give the member any detail as to how many times or any dates. But speaking generally to the member's question, we'd be glad to provide the information that the member requests. We'll provide that if it's okay by letter when we're able to put the information together.

**Mr. Toth:** — Thank you, Mr. Minister. Well, Mr. Minister, I appreciate that because I think when we've had the same debate take place in the Assembly, and we've raised the question on the floor, a number of your members have always indicated — and I believe the Premier even mentioned it one time — that that resolution has never passed our convention. And so it's interesting.

It'd be interesting I suppose a little bit of research just to see indeed who is right here. And when you begin to . . . when you hear one comment on one side and another MLA making another comment, I guess we're all infallible; I think we are . . . or not infallible I should say. And it would seem to me, Mr. Minister, that I think even within your party and the party you represent and the membership . . . and I catch it out in my own area, my own constituency, even from individuals that have approached me on the subject that at the end of the day will continue to support a candidate of NDP persuasion but have some strong feelings on this.

It would seem to me that even in your lobby and certainly the persuasive powers that you have as a minister and as an individual and as a lawyer, that there are many people that would really still question what the necessity of the Bill . . . just the uncertainty that continues to exist out there as to the fact that this Bill down the road . . . and maybe even in the near future people may use the Bill to challenge and to get greater access. And if you will, maybe one of the areas — I believe it was Donna Greschner mentioned in one of her statements — that certainly the Saskatchewan public are going to have to be educated so that there's a greater acceptance and we get ourselves away from this homophobia. And if the chief commissioner of the Human Rights Commission is suggesting we're going to have put an educational program or format together . . . and I look at the Ontario argument, it seems, Mr. Minister, that there's already programs being put forward and suggestions certainly the Toronto school board has a position . . . or whether they've taken a position on it, but they've got a proposal put forward for an addition to their health curriculum or on the area of sex education of including a portion in the education program that deals with homosexuality and whether it should be acceptable. And I think the

perception that's being left out there, Mr. Minister, is that what we're doing is opening up the doors to greater acceptance of a lifestyle that I believe the majority — and I think you used 2 per cent, if you will — of the population have brought forward concerns regarding housing and employment. And some of the stats I read indicate that if there's 1 per cent of the population really with the homosexual persuasion . . .

When you look at the general population, Mr. Minister, I think people do have a right to feel that any time you tamper with or change legislation, that it is open for debate. And there isn't one of us that can guarantee down the road that those changes, those amendments, will not be utilized or used as a means of trying to expand the door and accessibility to a number there, as I've brought forward.

And I'm wondering, Mr. Minister, if you could comment on this.

**Hon. Mr. Mitchell:** — Well, Mr. Chair, I want to stress to the member that the 2 per cent figure is . . . it's important to understand what that is, what I was saying. I said it is the experience of other jurisdictions that of the total complaints received by the Human Rights Commission, 2 per cent of them fall under the heading of sexual orientation. So if there's a thousand complaints, then 20 of them would be sexual orientation and so on.

The other point that I wanted to deal with, which the member mentioned, is what Ms. Greschner is said to have said about the need to educate the public. And I would point out to the member that the ability of the Human Rights Commission to do anything respecting education is quite limited by section 25 of the Human Rights Code. And I want to just quote that. They have a mandate to:

develop and conduct educational programs designed to eliminate discriminatory practices related to . . . (the various grounds);

Let me just repeat that:

develop and conduct educational programs designed to eliminate discriminatory practices (discriminatory practices) related to race, creed, religion, colour . . . (etc. etc., and sexual orientation);

(1530)

So that it is . . . we talk about discriminatory practices; you're talking then about . . . by definition about the discriminatory practices that are set out in this Bill, and it is therefore to eliminate the prohibitions against discrimination. Employment, accommodation, and access to public services — that is the limit of the mandate given to the Human Rights Commission. Anything beyond that, they're outside their mandate and they ought not to be doing.

**Hon. Mr. Shillington:** — In my capacity as assistant House Leader, I'm going to move the consideration of

this Bill in Committee of the Whole be adjourned . . . to progress this Bill.

The committee reported progress.

**Bill No. 55 — An Act to amend The Workers'  
Compensation Act, 1979**

**Hon. Mr. Shillington:** — Thank you very much, Mr. Chairman. Seated to my left is the deputy minister of Labour, Merran Proctor; immediately behind Ms. Proctor is the chairman of the Workers' Compensation Board, Stan Cameron; immediately behind me is Jeff Parr. And that's all that was there, yes, when I looked.

**Clause 1**

**Mr. Goohsen:** — Thank you, Mr. Chairman. Well, Mr. Minister, we finally bring this Bill to Committee of the Whole where we can actually get down to some of the suggested changes that have been put forward to you through second reading debates, and through the correspondence that you've had with various organizations, as well as through some of the negotiations that we understand have gone on with some of the people who are the principal players and beneficiaries of this Bill, and of course those who feel that they will be the ones that will be harmed in some way by the Bill.

We will be taking the time, Minister, to go through the amendments with you, and hopefully seeing the light of day with the amendments that we propose, you will encourage your government back-benchers to support those amendments.

In view of the fact that it is traditional for governments to somehow resist suggestions by opposition, we have made it clear to you and to the world what the position of opposition is. We have even released the amendments through a news release so that you could have an idea what they're all about publicly. And we did that for a very express purpose, Minister. And I'll tell you very bluntly that we did it because we favour doing this thing right more than we are concerned about the politics of who gets the credit for having contributed to this Bill.

We did it that way so that you could steal our ideas. We make no bones about that. We want you to steal our ideas. We want you to put it into your own words; put it into amendments; bring forth those amendments; take the credit for it; make yourself look good. It's fine with us. We want you to do that. We encourage you to do that. But to make sure that things aren't missed, we will of course present our own amendments to make sure that they do get on the record so that the general public will know that the proper effort has in fact been made.

Under Bill 55 we have talked to you at some length, Minister, about the downloading costs that are involved. And you obviously are aware of the feeling of those people that have talked to you about that, as well as those things that we've mentioned in our

second reading speech. We talked to you about the potential of the Bill, downloading medicare costs onto the business community and onto the workers' compensation premiums, rather than to be paid in the traditional ways that medicare costs have been paid in our province over the years.

It's hoped of course always that the potential effect will never be felt in the maximum way that they can be, and that in fact the costs won't be as bad. But we do see that those people that make that point have got a legitimate point to be made.

We also see that the vocational rehabilitation, which is absolutely essential to injured workers, can also, the way the Act has been worded, fall into that category of potential abuse where we would find that people would be retrained not just for a vocational rehabilitation related to their work injury but in fact might be further advanced to becoming an upgrading of education in a general way.

And we used the example of upgrading people from a grade 8 to a grade 12 simply to get them into a better job, where in fact the injury had nothing to do with the fact that the person had quit school at grade 8 and that in the new world that we live in no one with a grade 8 could get a job any longer if they were injured in such a way that they couldn't use their hands and their backs so to speak.

In other words, the physical labour jobs are no longer available and so one would require a higher education to begin with to get the better quality job that goes with the change that's needed as a result of both the changes in our society as well as the fact that an injury had promoted that.

We worried out loud to you, Minister, about the potential for increased costs in the area of job searches. Here again it is essential that job searches be done to help folks to get re-established, and we see that as a genuine need and a genuine thing to be protected on behalf of workers.

Yet again though, the legislation itself is worded in such a loose way that it appears to us that abuse could occur and that there could be job searches that would be far over and above and beyond what would be required in terms of replacing or placing an injured worker into a new field, that in fact it might serve the purpose of taking away the Canada Manpower and Immigration present role of finding people work in the workplace.

And so that potential for abuse has got folks worried and we think that legislation can actually be written up that takes out some of these doubts and some of these fears and some of the potential abuses.

The higher costs to business of course has been estimated between ten and a half to 300 per cent. The fact that that range would be so great tells us that there must be something lacking in the way the legislation itself is written or presented because surely if ten and a half per cent is a realistic figure, then there shouldn't

be an open door for people to speculate that it could go to 300 per cent.

Obviously there are apparently no stopgaps, no safety nets, no guards in the legislation that would stop these costs from escalating out of control, even out of control of yourself as minister in charge.

And so that's got people very concerned, especially in the business community end of it. And to be quite frank about it, some of the workers I've talked about earlier and people that I've talked to are worried about this as well, because they know very well that if the costs in fact get out of hand, even though it's to their benefit, that can't go on for very long.

And in fact what would happen is that it would backfire, that employers would simply either go out of business or they would stop hiring or they would start to discriminate against injured workers who were being brought back into the workplace and they would start to call them accident prone and blacklist them basically from the workforce. So they don't want that backlash. They want the security of knowing that this thing's going to benefit them without destroying the very jobs that they need in order to have a good life.

The fact that we could have longer claims and claims carried on for a longer period of time or go back retroactively has got folks worried. In fact we have pointed out to you that Judge Muir himself has made some comments publicly that he is concerned about the potential abuse of that part of the legislation. And we think that it would be incumbent upon you as minister to listen to that advice and to again put into the legislation some kind of a stopgap, some kind of a safety net, so that these things can't be abused.

We also worry about the costs and the balances of the whole process. We mentioned the educational potential problem under the rehabilitation part of it, but it can also be classified as a separate problem area. And we have identified that and discussed it in some length with you in the first few days.

And I think having recapped those four general areas, I would like to ask you the very specific question: will you be introducing, Minister, amendments to this legislation in order to address these problems and to correct the fears in the country?

**Hon. Mr. Shillington:** — I thank the member from Maple Creek for his comments. The Clerk has had in hand and is now in fact I think delivering to the member from Maple Creek proposed amendments, proposed House amendments. Some of the amendments will cover some of the questions which you had raised.

I will just make a general comment while the member finalizes discussions with the Clerk. Let me say that the basis of this legislation, the basis of this scheme is an agreement between a bargain, if you like — rather than a contract — a bargain between employer and employees. Employers gave up their right to sue

...

employees gave up their right to sue. Employers, in compensation to that, contributed to a fund.

That was the original bargain struck around the turn of the century when workers' compensation was first established in England; it remains the basis of all workers' compensation schemes all around the world. And accordingly it is a reasonable way to discuss these matters, to judge most of these issues according to what would fulfil that bargain.

I take by way of example, the matter of upgrading. The member raised a concern that workers may upgrade to a higher level of skill than they had before the injury took place. And they do so at the expense of the employer.

Let me say with respect to that, the practice which is intended is fairly straightforward. Workers who are injured and unable to perform their trade for employment are entitled to be upgraded to a level of skill which has about the same earning power as that which they've had to abandon because of the injury. Now that may result in very little training in some cases where workers had a high level of skill but a low income. It may result in a great deal of training where workers had a high income but not much of a general education and no general skills.

(1545)

In any case however the guide remains the same. A worker, who is injured and who is unable to carry on his employment, is entitled to be upgraded with a level of skill which is roughly equivalent in earning power to that which he's had to abandon, he or she has had to abandon. I would add as well that in all cases we will go to whatever lengths are reasonable and indeed possible to reach agreement with workers. We believe they are much more likely to be rehabilitated and be rehabilitated at an early date if they're pursuing a vocation which they're interested in rather than one they're forced into.

So in all cases, we will be going to whatever lengths are possible to reach agreement with injured workers to choose a vocation, a vocational rehabilitation which interests them. And thus someone who is interested in computers, who is interested in learning to repair computers, will not be forced into a creative writing program, by way of example. And I don't mean to be critical of either one of those two roles. I just point out that we're going to try to find things which are of interest to workers.

The member from Maple Creek will note you will now have had an opportunity to review the amendments. And some of the comments which you had raised are indeed covered in the House amendments which you have. Specifically, I recall the member from Maple Creek raising the issue of the objects of the Act, which were the subject of critical comment in a memorandum over the signature of Judge Muir.

I'm not sure it was ever published outside. I believe the memorandum was never intended by Judge Muir



to be anything other than an internal document, and I don't think he ever intended it to go beyond simply being circulated among his committee. Nevertheless it has been circulated, and you will find in the House amendments a section, section 4, in which the objects of the Act are deleted.

I don't intend to go through all the amendments at the moment. I was quickly flipping through some notes which were prepared for my benefit, to see if there's anything else in here which I can recall you mentioning which are covered off in here.

You raised the question of the assessments and whether the assessments would be 10.5 per cent or 200. I point out for the benefit of the member and all members in the House, the confusion is unfortunate, and really I think was unnecessary. What happened was that the former board, or someone connected with the former board, commissioned an actuarial study of their understanding of the Muir report. I don't think they properly understood the Muir report. In commissioning the actuarial study, they certainly did not understand the department's position with respect to the report, because we hadn't finalized it.

It was that actuarial study of their understanding of the Muir report which resulted in an estimate of a 200 per cent increase. The member will want to refer to the study by Price Waterhouse. That's the one which was done . . . that was done of the legislation.

Now that study has resulted in at least . . . has at least been the inspiration for one House amendment, at least one House amendment which makes it clear that these sections are not retroactive, that people who were injured before today's date, before the date the Bill is proclaimed enforced by order in council, people who were injured before that date will have their claims judged under the former legislation. They'll have it judged under what we think is a more balanced and fair interpretation of existing legislation than was done in past years, but they'll be judged under former legislation. Only workers whose accidents occur after the prescribed time, after the Bill is proclaimed, will have their cases judged under new legislation.

So the member will now have had these House amendments. I can go through them if the member prefers and give a brief explanation of each amendment so you know what we're doing, but I'll leave that to the judgement of the member opposite to request if you want it.

**Mr. Goohsen:** — Thank you, Minister. I will take you up on your offer in due course, but not immediately. I note that the member from Greystone has some questions that she would like to ask, so I'm going to defer to her for a little while. And when she's finished, then we can get into the nitty-gritty of our amendments and yours as well.

**Ms. Haverstock:** — Thank you, Mr. Chairman. As you were making reference earlier, Mr. Minister, to the purpose of the Saskatchewan Workers'

Compensation Act and some of its history, I want to go over that a bit more. The compensation Act was passed in part due to the concerns of employers about legal liability for on-the-job injuries to their employees. So in a sense this Act belongs, not simply to the workers, but to the employers who are faced with the responsibility for injuries incurred by people in their employ on the job site.

From that perspective the Workers' Compensation Board has acted as a judiciary body between the employers and the employees to evaluate claims and to provide compensation for employees for time lost from work. It was not established to provide compensation for pain and suffering, nor was it established as a vehicle to replace unemployment insurance, social assistance, or job retraining. And through decisions of the board in precedents set there's been an evolution of the Workers' Compensation Board which has certainly made it far more encompassing in scope than it was originally intended.

The greatest concerns raised with me by business, both individual business owners and representative groups, is that the proposed amendments to this legislation make it far too open-ended from the workers' perspective. And people in the business community as well as the public sector employees recognize that there have been problems with the bureaucracy of the Workers' Compensation Board.

These employers, the people who actually finance this system for their protection against injury claims, feel that more consultation is needed in order to make the system more responsive. However they do not feel that the scope of changes proposed is acceptable to them as employers, nor is it in the long-term best interests, do they think, of the Saskatchewan workforce.

I want you to know that I, after much consultation, concur with the business community that the fast-track approach to this legislation by your government is considered by them and by me as disrespectful of the community of employers in Saskatchewan. And some people would call it irresponsible as well. And the concerns being raised are justifiable and I believe deserve to be dealt with completely before this Bill is passed.

I'm wondering why it is that the movement has to be so fast on this Bill. Despite your government's assurances that it's going to be consultative, we have major representatives from the public and private sectors responsible for the lion's share of employment of this province saying that this Bill has not been properly evaluated for its financial cost. And it begs the question, what if business is right? What if you are wrong?

I mean, how can government in good conscience move forward with this legislation without subjecting it to scrutiny that all parties can agree will be impartial and objective.

That's a question I'd like for you to answer please.

**Hon. Mr. Shillington:** — Mr. Chairman, this Bill has been four years in the making. When I hear the Liberal member from Saskatoon Greystone describe this as too rushed, I am reminded of the comments of Tommy Douglas when on national television someone accused him of being a Liberal in a hurry, his comment was, any Liberal in motion would look like a Liberal in a hurry.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Shillington:** — And I honestly say that to the member from Saskatoon Greystone. Any motion at all in this area looks to some members of the business community as if you were in a hurry. There are some spokespersons for the business community which want nothing done with this. Knowing that that is not acceptable, what they have done is instead to suggest that every last possibility of maladministration be removed in the legislation. That simply isn't possible to do so.

At the end of the day there has to be some trust in the competence of the administration of this Act. That is fundamental to our government system. And no legislation can be passed which will in all events and in all cases eliminate any possibility of bad administration. At some point in time you've got to accept the fact that — at least I think the Assembly has to accept the fact that the administration henceforth will be reasonably competent.

This whole process began in 1989 under a committee set up by the current member . . . by the government led by the current member from Estevan, the PC government. They set up a committee chaired by Judge Muir who, as a matter of interest, had chaired the previous three committees. And this is not a man who I would describe as prone to undue haste. We got the report actually after the election, but it was a report of a committee established before the election.

The amendments which are here, reflect almost in total the recommendations of the committee established by the former government. And they do so because there are some fundamental truths which no one can deny, and that is the system which has existed heretofore has not worked. It has worked for the benefit of the employers, because they've got to keep their exemption from liability for their injured workers. It has not worked for the benefit of the employees, because an unacceptably large number of them have not been properly compensated.

When you repeat — I was going to be more pejorative, but I'll say, when you repeat the criticisms of some spokespersons for the business community, you should keep in mind that their goal is never to see any changes. They don't want to see the thing amended.

The member opposite asks, what if I'm wrong? Well I don't know if this process has been explained to the member from Greystone, but there's going to be a session next year and there'll be a session after that.

Legislation is an organic process. It is not something that is chipped in stone and found on the side of Mount Sinai and will be passed forth unchanged to all future generations. It is an organic thing.

We believe, we believe that these series of amendments provide appropriate balance between the interests of employers in having a fund which has a cost which is acceptable and the interests of employees in being properly compensated. We have gone to extraordinary lengths to try to assure that.

The member opposite says that this legislation has never been properly costed. Well then no proper costing will ever be possible. If this process can't do it, then it simply can't be done. I just want to run past the member from Saskatoon Greystone, before you repeat all of the comments made by some representatives who claim to be representatives of the business community. I just want to repeat for your benefit, what we've done.

We retained as an adviser, the senior partner in Price Waterhouse in Saskatoon and got the benefits of the international resources of that chartered accounting firm. We asked them to work with us in costing the legislation which they did. And the process went on and was fine-tuned and some of these amendments are a result of fine-tuning in their thinking.

We think in all cases we've erred on the conservative side. If we are wrong we think we have overestimated the increase in costs which these amendments are going to bring. But we have done everything humanly possible to cost them. And as I say if this isn't an adequate system, then one doesn't exist. But I think it is adequate.

The member is opposed to bringing in the amendments now. So be it. So be it. If you want to ignore, as I think you are, if the Liberal member wants to ignore the needs of workers who are injured and aren't being compensated, that's your choice. But all I can say for the benefit of injured workers is, thank goodness you're where you are and not on this side of the Assembly.

(1600)

**Ms. Haverstock:** — Mr. Chairman, Mr. Minister, I know that most of your comments I should probably put in perspective because most are not worthy of responding to.

But I do think that given your comments about my concerns or lack of concerns about employees don't come close to your total and complete lack of understanding that employees are employed people. They're employed by someone, and primarily not by government. They need employers. And they need employers who are going to be in positions to be able to continue to employ people so they can have the dignity of work.

The most serious concern is the lack of control over politics that this Act is going to inject into the Workers'

Compensation Board. And there'll be far too much control left in the hands of the Minister of Labour, I might add, and far too much influence on the board from organized labour. And there is no sensible reason for this concession, save your own political favouritism, given that only a small percentage of those employed in Saskatchewan private enterprise are union members.

The powers bestowed by this amended Act upon the board and its bureaucracy is truly staggering. And you know it. Business will become a sitting duck for premium adjustments as the board can now penalize employers with higher premiums simply by forming an opinion that they have not, and I will quote: "... not taken sufficient precautions" in the workplace. Suddenly the board could decide — they, solely on its opinion — that one business should be paying higher premiums. One shudders to think of the power of intimidation that could be exercised over business by labour representatives who sit on the WCB (Workers' Compensation Board). And heaven help the business that challenges a labour movement for any reason when the WCB assessment time rolls around.

A business is not saying that they want the right to be irresponsible, which is primarily what I hear you saying this afternoon. Business is not saying that they're unwilling to share fairly in the costs of compensating those injured on the job. Business is saying that they want to know exactly what they are getting into before the bills start rolling in.

And it was your Premier this morning in Saskatoon, sir, at the north Saskatoon businessmen's lunch ... or breakfast, that ended up saying, and I quote: That the only way to approach things is through cooperation or confrontation. In your remarks this afternoon towards business people who are very concerned about this, are not ones which approach anywhere near an approach of cooperation.

Now in meeting with Saskatoon MLAs, all of whom, with the exception of myself, are part of your government, the Saskatoon Chamber of Commerce stressed that they wanted to see some upper cap on the costs of WCB. And they indicated that they wanted a review process after a period of time to see whose predictions were coming closest to the mark — those of the Mercer study or those of the Price Waterhouse report. I don't think that's unreasonable.

At those meetings, MLAs in your government apparently told chamber representatives that the leading number of complaints with which they are faced from constituents involved worker compensation cases. Now I can certainly attest to that, Mr. Minister, because people come into my office with files three and four inches thick, files that date back five and six and even more years. But the problem has more to do with the bureaucracy of Workers' Compensation, the way with which people are dealt, than it has to do with the Act itself, and this is extremely convoluted in this complex piece of legislation.

And I admit that we spend far more time ... that if we spent far more time and had more problems in dealing with people frustrated over Workers' Compensation than probably any other body at all — and I think most people here who ... or particularly in Regina and Saskatoon would say the same thing.

I believe that the problems are more systemic than anything else. And I don't know how this really addresses that at all. The Workers' Compensation Board seems to have been very confrontational with people, very adversarial with people — an us-against-them mentality — which does little to foster cooperation and problem solving with injured workers. And Saskatchewan employers are spending millions of dollars each year in premiums during very difficult economic times for business, and this legislation will mean more costs for them to absorb.

And I know that you say, well it's simply a small percentage. But as we're here longer this afternoon, I'm going to use an example for you so that perhaps someone in the NDP can understand something about business. There are no guarantees that the proposed changes to the system will make it more effective or more responsive than it is today — no guarantees at all that it can make things better directly for people. In fact there are many areas in which this legislation will serve to lengthen and likely complicate the process, adding considerable expense to the system.

Many of the changes have the effect of encouraging individuals to rely on workers' compensation as job training, as a vehicle, or a welfare model, rather than the compensation for time off work which it was intended to be. Historically an injured worker would be placed on workers' compensation until a qualified physician deemed that he or she was capable of working. Now, under your proposed amendments, deeming is no longer acceptable, and it will be the decision of the WCB adjudicator or the board itself which determines whether a worker should return to work.

In past years physicians have had access to all the information regarding past injury, all the past-injury files, to give them full information from which to work. While one certainly wants to be fair to those who are injured on the job, it seems highly unreasonable to have medical professionals making evaluations on the seriousness of an injury if previous history cannot even be used in the process.

And in the worst-case scenario, Mr. Minister, we can have prospective employees concealing chronic medical conditions or previous injuries from employers and then accepting employment which would knowingly aggravate those conditions. Now I'm not saying that this would be done in order to deceive an employer, but the potential is there. And that too is something that should be addressed, is potential for wrongdoing.

This is more likely to happen as jobs become more scarce. And I think you can likely understand that. Employees are less likely to be forthright about

previous injuries or chronic conditions. And should this be the case, and an on-the-job injury occurs which aggravates a previous condition, an employee could end up being the beneficiary of compensation benefits and retraining which are disproportionate to the extent and liability of the injury actually incurred on the job.

Now I cannot say whether this will be the case any more than the authors of this Bill can say that it will not. But I believe that there is reasonable cause for doubt about what the financial costs of this amended legislation will be.

Somehow in just 20 months since the election, you government members have got it into your heads that the interpretation of this situation — and your interpretation only — is the only plausible interpretation. And if the government says a deal is a bad deal, then you can rip and snip and there go the legislative scissors. If the government decides the workers' compensation legislation must be changed, then slam bam goes the legislative hammer. And if the government says, don't worry, business can afford the cost, then ka-ching, ka-ching, legislation is passed and business gets the Bill.

Now we've consulted with many, many people in the business community on this and it sounds as though those individuals are the ones with whom you don't want to consult. Your Premier and yourself have now made reference — you today, sir, have made reference — to the fact that these people don't represent anybody.

In speaking with people of the Saskatoon Chamber of Commerce, we are finding that government is not being very forthright in its dealings, and it seems that a promise was made to business that any business legislation affecting economic development would be run by a special committee to the legislature. And I'd like your comment on that.

It seems that the Labour minister feels that this is old legislation, so it doesn't have to be reviewed by that committee to whom that promise was made. I say that it doesn't make for goodwill, Mr. Minister, it doesn't make for trust, no matter how you slice it.

And I really don't believe that the solution to the problem lies in putting an end to deeming, or increasing premiums to employers. For the past decade we had a Conservative administration which had a very hard-hearted side to it. And if it weren't for a member . . . if you weren't a member of the inner circle during that time, or a member of the Conservative upper crust, chances of any problems you brought to government fell on deaf ears, and particularly if you were a member of the working class.

Now I would like your comments to some of what I have stated, in particular the promise that was made to people in business, of things affecting economic development within the province.

**Hon. Mr. Shillington:** — Thank you, Mr. Chairman. We may have had a Conservative administration which was hard-hearted and cared nothing about workers. We seem to have a Liberal opposition which has exactly the same approach to legislation. I have not yet heard the member from Saskatoon Greystone discuss the concerns of workers. What I have heard her parade before this legislature is frankly some highly suspect assumptions which I think she's lifted directly from lobbyists on behalf of the business community.

I say to the member from Saskatoon Greystone, I've met with most of those business people. I have spoken to well-attended meetings of business people in every city in this province. I've done something I don't think you have done. I've gone out to talk to them and invited them to meetings in every city in the province. I know what their views are and I know the nonsense which was used to frighten them by some of the people who call themselves representatives and leaders of that business community. And it was nonsense.

The member, just by way of example, and it's only an example, the . . . Nothing like a telephone to break the spell. Nothing like a cellular telephone to break the spell. One always has the fear that it's your telephone that's going off; you've forgotten to turn yours off.

I say to the member from Saskatoon Greystone, I met with them. I know what their concerns are. I have listened to the concerns of the Canadian federation of business and other groups. This legislation, so far as it is humanly possible, meets those concerns.

The member raised a number of issues in her commentary. For instance, she raised deeming, that deeming was abolished. That's nonsense. Have you read the new section and the old section? There's not a lot of difference.

Let me explain for the member opposite who doesn't seem to understand the origin of deeming. Deeming was not an inherent part of legislation. Prior to 1978 — I made these comments on second reading but they seem to be worth repeating; I'm not sure the member caught them — prior to 1978 this was a compensation scheme just like SGI (Saskatchewan Government Insurance). If you're injured, you get compensation and you go. Deeming was never a part of that, like it's not a part of an SGI torts claim.

After 1978 the scheme was changed. It was changed from a compensation scheme to a rehabilitation scheme. The name was unchanged but that's about all that was unchanged. It remained The Workers' Compensation Act. It might better have been called, after 1978, the injured workers' rehabilitation Act because that's what it was.

Deeming was introduced for the first time at that time to deal with what admittedly would be a very rare case, the case of the worker who won't accept any rehabilitation. It was a new feature at that time.

What happened after 1982 during this hard-hearted Conservative regime, which it seems would be perpetuated by an equally hard-hearted Liberal regime since you don't want to change the legislation, what happened is that the rehabilitation system was taken out of it and a large number of people were deemed to be capable of jobs, which theoretically they were capable of doing but which they might not have the training for or which might not be available.

Deeming is retained in the legislation but it goes back to its proper role. It's proper role is to deal with the exceptional case, the worker who won't accept rehabilitation or who won't look for work once they are rehabilitated. And that's all it's designed to do. It's still there.

(1615)

I invite the member opposite, before she makes her comments, to read the legislation and read the old legislation because many of the ills of which you complain have always been there. And I invite her to look at the practice of the Workers' Compensation under a number of regimes, under the current NDP regime, under the Tory regime, and if you have a very good memory, you can still remember the last time this province was unfortunate enough to ever be visited by Liberals. And it was most of those practices were in existence when the Liberals were there.

Many of the things of which you complain have been there since time immemorial and they aren't new. So I invite the member to look at the legislation and look at past practices. So many of the things you complain of haven't changed.

**Ms. Haverstock:** — Well I shan't get into a history rewriting as the NDP always does. We can get into that some other time since you've never as a CCF (Co-operative Commonwealth Federation) or NDP Government ever, ever, been in power when it hasn't followed a recession. So now finally you're just beginning to know what real life is all about for everybody.

I mentioned, Mr. Minister, earlier that in fact the previous administration, there is no question that there are people in this province who did feel a lot of harm during that time and were not recognized, and I have noticed change. And I want to give credit to such departments as the Department of Social Services for taking a much more humane approach, for treating people, I think, with a little more respect.

And I'm not sure that this attitude has permeated the Workers' Compensation Board however. And I really have some concerns that the government in its intention to reduce the number of complaints about Workers' Compensation from people, may be doing it the wrong way and may be going too far.

Now as a prominent member in Saskatoon, of the Saskatoon chamber, has said, if you get to the point where there aren't any complaints, it means you've gone too far. And, Mr. Speaker, there are thousands of

people in the business community who are employers of workers in this province who sincerely have apprehensions about your piece of legislation.

So let's just stop for a moment. I had indicated earlier that I would try to provide you with some information, and all of your colleagues on that side of the House, to learn what business actually does and what it means to the province of Saskatchewan.

Let's think about the men and the women and the companies with choices to make and with money to invest. There are fewer and fewer of them all the time. And let's, each of us in this Assembly, give some sober thought to what goes through the minds of these people when they are thinking about taking a risk.

Now I don't know how I can get you to understand what is going on in the minds of entrepreneurs in Saskatchewan today. But I want to give you a bit of an idea of what kind of an impact all of these little changes have collectively on a business. And I'm going to tell you a story based on actual fact, of a couple who decided to make an investment in Saskatchewan.

As any experienced entrepreneurs might do, they shopped around until they found a profitable operation that was for sale. Using their experience and their business skills, they found an operation which should have, if all factors stayed relatively consistent, continued to return a modest salary and a 10 per cent return on their \$200,000 investment.

Upon buying this business in 1990, the operation has a proven history of profits. About one year into the operation the GST (goods and services tax) came into play. Only 7 per cent, said the federal government. With the economy in tough shape, the operator felt that an increase in prices wouldn't be wise, so this particular business owner decided to absorb the GST within his existing prices in his restaurant.

Now the worst part was that sales didn't increase. The volume of the business stayed the same. But guess what? Seven per cent of that volume now went somewhere else. It went to the government. An automatic 7 per cent drop in profits.

Now then the volume of sales began to drop as people had less money in their pockets as a result of the GST and a worsening economy. Then came increases in the price of liquor and beer, which forced a price increase to customers and in turn resulted in decreased consumption. The net loss was approximately 10 per cent after two years, or virtually all of the annual profit.

Now while all this was going on, jobs became more scarce, customers had less and less disposable income. They still came in regularly but they spent less. Now this business owner began to work more hours, tightened the controls on his operation, made his suppliers sharpen their pencils, cut costs here, reduced staff there, in an effort to keep drawing his wage and generating a very slim profit.

Next the government announced an increase to the minimum wage — only 35 cents an hour, they said. But added to the other employer costs including increases to unemployment insurance premiums, the regular workers' compensation, and CPP (Canada Pension Plan), a \$5.35 wage was now costing \$6 per hour to the business person. On an annual payroll of \$250,000, that was an additional \$25,000 cost.

Now as the direct result of government intervention, the business was now losing \$20,000 a year. Back to the expense sheet. More staff cuts. In other words, more people, workers, losing their jobs, to do nothing but try to protect the bottom line so this business could stay afloat. No longer was our small-business friend expecting to show us a profit, he was now seriously concerned about doing very simple things. It's called meeting the payroll to pay the people who work for you, and paying the rent.

The tax bill arrived from the city, and guess what? An increase. Provincial government has debt problems; business has to pay more. Power bill. SaskPower bills were up, SaskEnergy increase, telephone bills went higher, gasoline was more expensive, and then an increase to the PST (provincial sales tax).

More and more of his customers are unemployed. Less and less money in their pockets. So our business person has now tried to renegotiate with the landlord. Look, he says, the Premier tells me that when a deal isn't good for all parties involved, they have to come back to the table and make a new arrangement. I'm losing my shirt here and I can't pay as much rent as I agreed to three years ago. I didn't anticipate all of these taxes, he says. End of quote. And the landlord says, sorry, a deal is a deal is a deal.

Now this gentleman then went off to his financiers and says, I need to renegotiate, Mr. Banker. Sorry, say the private lenders; we're having tough times too and we need those payments.

And now the government said he should expect an increase. To what? The workers' compensation. But, says the Minister of Labour on April 29, 1993, quote:

... with the 10 per cent increase ... the business people in this province (will still be) more than capable of competing with an assessment that low.

You know what, Mr. Minister? That just isn't the case. Because small-business people don't trust your government, or any other government for that matter, to keep its promises or to come in on the numbers as they say they will be, and there is no reason why they should.

So when an actuarial accountant tells the business coalition that changes to the Act could cost \$200 million, while your people say it will only cost \$20 million, our small-business owner asks himself, who should he believe? And trust me, it's not going to be government.

So just what does this really mean to the business person? What does it mean to the family I've been talking about? Well it means that the long arm and the greedy fingers of government have gotten just a little too far into the personal pockets of these people. Because it means that they have had one too many letters from the government pronouncing changes to their bottom line. One too many phone calls from the GST collectors, one too many suggestions from the inspector of health and safety or electricity or fire or liquor or whatever, to make the whole thing worth the hassle. And it means they're getting tired of filling out forms and sending cheques to the government. It means the magnanimous gesture of dropping the 1 per cent tax on corporate profits doesn't mean anything because government has already taken away every single dollar of profit that they have made.

And it has taken away something far more valuable, Mr. Minister. This government with its thoughtless approach to economic development and its complete and utter lack of understanding of entrepreneurial motivation has taken away business people's spirit. And that, sir, cannot be legislated back into place.

Now this province has been built on two things: it's been built on agriculture and it's been built on small business. And one of them is on the ropes and the government's legislative agenda is destroying the other one.

And what the government's ham-handed approach to business means to the small business person I've been talking about is that they are very, very close, despite loving the people here and wanting to be with their neighbours, they have come very close to having to give up on Saskatchewan. It means that because of all of these insignificant, these perceived insignificant offloads that your government and other levels of government have unceremoniously dumped in the lap of these people, there may soon be a change in the economy of Saskatoon.

And I know that you're not, Mr. Minister, from Saskatoon, but some members in this legislature are, so perhaps they should listen to what this change will actually mean to the city they represent. Well I'll lay that out for you, too. And I'd like people to really start paying attention because this is reality talking.

This one small business, the actual business to which I'm referring, puts \$900,000 per year through the Saskatchewan economy — \$900,000. It puts out in wages, not including any salary to the owner, almost a quarter of a million dollars a year to 25 full-time and part-time employees, many of whom are on minimum wage but who also earn substantial tips.

That business person presently pays \$2,500 in premiums to Workers' Compensation. He cannot afford to pay more because he's losing money now, Mr. Minister, thanks in large part to changes which are entirely beyond his control, entirely outside the reaches of his business acumen. He has borrowed against his personal collateral, but he is at the point

where he is not prepared to go further into debt if one more variable changes. And with this Act, the government has just changed the variable.

So I ask you, when we're thinking in these terms about what that actually means to 25 employees, what it actually means to the economy of a place like Saskatoon, what it actually means in terms of a taxpayer who contributes to social programs in the province of Saskatchewan and where they are very, very good citizens in the city of Saskatoon, in the province of Saskatchewan, is it really worth it?

You say that this isn't going to make any difference at all, and I'm telling you that with this particular business it makes the complete and total difference. Is it worth taking the risk of putting people out of business, even one person out of business, because of an obsessive agenda? This is just another hit to the bottom line with no benefit to the business community. Just another nail in the coffin of free enterprise. And just one more very ignorant move that is going to cost men and women the dignity of employment.

But injured workers will have more protection. And at the end of the day when another small-business person pounds a "for sale" sign in the front lawn and takes his expertise or her energy and his will to take risks and moves to Alberta or B.C. (British Columbia), then your government can look over the province and smile, knowing that your majority just won another victory.

But how many small business soldiers are you willing to sacrifice on the economic front lines until you realize that what you're doing is you're shooting your own troops? And how many more corporate casualties will there have to be in Saskatchewan before your government acknowledges that economic development happens one job at a time and one business at a time?

(1630)

If you people are philosophically capable . . . or perhaps I guess I should put it in another way. If you're philosophically incapable of being able to create wealth, perhaps you would at least do the province one small favour, and that is to get out of the way and stop destroying those businesses who have managed to survive in Saskatchewan.

Or are you determined — and I get the point from your comments earlier about business people — are you determined to seek out every possible area in which you can create negative vibrations for potential investors? Are you so incapable of understanding wealth creation that through legislation such as this, you're determined to plant land mines along the road to economic recovery? Because that's what it appears to be.

People in the private sector do not actually have to trip over one of the government's economic booby traps in order to be scared off. They don't actually have to

allow government to destroy them. They just have to have the sense of fear and uncertainty that your government has now managed to plant in the mind of risk takers across the nation through this Bill and the FCL (Federated Co-operatives Ltd.) Bill and your excessive taxation measures.

As people watch what is happening with the Federated Co-op deal — and nobody questions what an abominable deal it was; nobody questions that — as they watch the government embarking on its particular election preamble, they're all shaking their heads in disbelief, and you don't even know it.

I mean we've got Mr. McKenna in New Brunswick who's just clapping his hands over your decision on the FCL deal. You know, you've just managed to ensure that a heck of a lot more economic development goes to his province than it will come here.

People who have the capacity to catalyse the Saskatchewan economy are becoming discouraged, Mr. Minister. And they're disillusioned, and they are disinterested in building a future here. And this is not gloom and doom. It is merely a reflection of the lack of light at the end of the horizon that this government is painting for people, created by your Premier who sent a very wrong message, possibly backed up by ridiculous legislations.

Now I have read this legislation.

**An Hon. Member:** — Have you?

**Ms. Haverstock:** — Yes, I have indeed.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** — And I will tell you as much as . . . (inaudible interjection) . . . Oh yes, I know. I know that you should win the award for gratuity; that's for sure.

And having read it, I don't trust it. And I have read and heard the criticism of this legislation, and I believe it has credence, and that's why I'm raising these issues today.

I have talked to the people who oppose it and people in the business community, the Saskatchewan business coalition who absolutely represents no one according to your Premier, and I understand and I do think that they have some valid concerns.

And like them, I do not understand the rush, Mr. Minister. You keep saying that of course Liberals would never get anything done. I don't know how anything ever did get done in Canada since the NDP have never been in power, if you start looking at the things that have been nationally done in the country.

I don't understand why the government feels obligated to ram this through without allaying the concerns of the people who have raised concerns. This is their Act. It's their Act. The system belongs in large part to the employers. They pay for every dime of

it. And you as government are ignoring their concerns.

And I believe you have an obligation. You have an obligation to people to not put an affront to democracy. You have an obligation to take the time with this, to put it through the proper process to ensure that you can quantify the effects that the changes will have. Business is not willing to gamble any more with your government, and the Premier should not expect it of them.

Mr. Minister, I am urging you to please take heed of what people have raised with you as their concerns. To go back to the business community and to local governments, to SUMA (Saskatchewan Urban Municipalities Association) and SARM (Saskatchewan Association of Rural Municipalities) and others in the public sector and to address their many, many serious and substantive concerns as a gesture of respect for their importance as employers in the province of Saskatchewan.

And I believe that if you fail to do so, how can you continue to pretend that job creation is a priority? How can your government pretend that it cares about people being able to have work when you so obviously don't care about the job creators. And if you want the cooperation of business in Saskatchewan from here on in, if you truly care about the economic future of this province, then I suggest that you do not make this piece of legislation a philosophical battleground because you have absolutely nothing to gain, and every worker and employer in Saskatchewan will have a great deal to lose.

**Hon. Mr. Shillington:** — Anybody who thinks there's any difference between Liberals and Conservatives just missed that last speech, because it's apparent there isn't. It's apparent that the difference between Liberals and Conservatives is one's in and one's out, and that's the only difference. What you have described as an approach to workers' compensation is what the Conservatives did for 10 years — virtually 10 years in office. That's what they did.

Let us just talk for a moment about who has a businesslike approach to government. If you want to reduce it to a personal level, Madam Member, I've met a payroll twice a month every month for 10 years before I was appointed as a minister. I have done that since I left university. I shall be very, very interested to hear the business experience of the member from Saskatoon Greystone. I shall be very interested in that.

Let us not however make this a personal matter. Let us talk about approach to government. This is the party which has ran government basically on a sound businesslike basis. We pay as we go. That's what we did after the war when all manner of Liberal and Conservative governments were running up huge deficits.

Now it is true that for the seven lean years which the Liberals were in office in this province there were no deficits. That, however, is an exception to the Canadian experience. By and large there wasn't any

difference between Liberals and Conservatives in office. Both parties ran governments into the ground, and that is apparently what your approach would be. With respect to this particular piece of legislation, our approach certainly is different than yours.

Madam Minister, your comment that this Act belongs to employers is shallow to the point of being offensive. This Act does not belong to employers; this belongs to the people of Saskatchewan, as does this government belong to the people of Saskatchewan. We are not the handmaidens of business, we are not the handmaidens of unions, we are not the handmaidens of workers. We are servants of the public, and we should remember that when we do their business.

Madam Minister, there is this legislation . . . this legislation is a balance. It strikes a balance between employers and employees. It strikes a balance because it sets up a system whereby Saskatchewan will be able to retain the lowest assessment in Canada and a system whereby workers will be fairly compensated. And that's a balance.

This legislation does not belong to the workers. And as long as that is your approach to this legislation, then there's no possibility of agreement between us — none at all. We say this legislation belongs to the public of Saskatchewan, not the employers, any more than the government belongs to the employers, or this Chamber. It belongs to the people.

Madam Minister, our approach to economic development is very, very different than the Liberal-Conservative approach, and I see there is no difference. The approach of the old line parties, as my father and grandfather used to correctly call them, the approach of the old line parties is to do whatever the monied interests want.

Well frankly, Madam Member, our approach is a little different. We believe that if the economy . . . and this legislation should not be seen as a tool for economic development. But let's talk about it. This is a scheme for compensating injured workers. It's not a tool for economic development any more than medicare is.

But let's talk about it in the context of economic development. We believe that economic development is only going to take place when employers and employees — the workers, the management — realize that we are in a lifeboat and we've all got to work together. Employers contributing what they can employ. Employees contributing what they can contribute. We believe we're only going to succeed when we have a genuine partnership.

This legislation is part of that partnership. This legislation which strikes a balance which fairly compensates workers while providing the lowest assessment in Canada for employers strikes a balance. And that's our approach to economic development.

If you of the old line parties believe that economic development is best takes place by giving one group in society whatever they want, well go ahead. But it's



not our approach. Our approach is that we represent everyone. We represent employees. We also represent the employers. We represent the workers and the management. And this legislation reflects that.

It is of interest to me, and I think it will be of interest to others, to note that not once has the word “workers” appeared in your comments except when referring to the title of the Bill. It’s business wants this and business wants that and business wants this. I’m sensitive to that as well.

As I say, I met with well attended meetings of business people in every city in this province. I made some comments for about half an hour but I listened to questions for about a half an hour or an hour. I know what they want. What do they want? They want to make a buck. That’s what they want. They want their businesses to succeed.

What do the workers want? They want good, well-paying jobs. They’re both saying the same thing. They both want the same thing. This legislation provides that. It provides low assessments, and it also provides a reasonable level of compensation. This kind of approach is the basis of a genuine partnership between these two groups without which we cannot succeed.

I say to the member opposite, you really ought to broaden your horizons. And if I may say so, you also ought to broaden the sources of your information. As well as having talked to a few representatives of the business community, you also ought to talk to some injured workers. Aha, now isn’t that an interesting idea, that we would actually consult the people whose legislation this is designed to benefit. Now isn’t that a novel notion.

I am making an assumption that the member has yet to mention any comment ever made by injured workers. I think that’s more than an assumption. Because while it may or may not have appeared so, I was listening to the member’s comments. I didn’t hear you discuss in detail the aspirations of injured workers. I didn’t hear the member opposite discussing in detail the hopes, the aspirations, of workers and employers. What I heard her passing on was comments which I’ve heard ad nauseam from a very few representatives of the business community.

The member earlier talked about the code of regulatory conduct. I might add just in case it’s necessary for anyone’s benefit but yours, there was no commitment ever to put all legislation affecting business through a special committee of the legislature. In our view, virtually all the legislation going before this legislature would have to go before the committee.

We did promise full and fair consultation. There was fuller and fairer consultation with respect to this Bill than any I have ever seen in the 18 years I have been in this legislature. We gave them — not copies of the Bill because that would offend the parliamentary practice — but we gave them drafts which were very close to it.

We asked for their comments. Then when those comments were incorporated, we recirculated the drafts and got their comments again.

I met with every representative of the business community who asked to meet with me — bar none. I met with the people who I think are scripting your comments a great many times. I know what they want. Part of what they want is incorporated in these Bills; part can never be. Because part of what they want is an indefinite adjournment of the legislation. As surely as you solve . . . Some of these people remind me of the Chinese dragon. When you cut off one head, two grow back in its place. That’s the way they approach this legislation. I solve one problem; they got two more for me to solve. I solve those two; there’s four.

What’s their game? — to resolve all the problems? Of course not. Their game is an indefinite postponement of the legislation. Well that’s not part of our legislative agenda. We don’t think that’s part of our commitment to the public of this province to have fair, compassionate government which represents in a fair way the interests of all the people of Saskatchewan. So if you want to represent just one segment, and I’m going to say, a small portion of the business community, you can hop right to it.

But that’s not what this government does. This government represents everyone. We talk to injured workers; we listen to them; and I hope our approach reflects their comments. We talk to unorganized workers and we listen, and I hope our approach reflects their hopes and aspirations. We talked to trade unions, and I have pointed out we talked to the business community. This represents a fair balance.

(1645)

I believe, Madam Minister, this is what government should do. Government should not come to this . . . members should not come to this legislature and talk about an Act which is designed to compensate injured workers and say it belongs to employers. It doesn’t belong to employers at all. It belongs to the public. And until you understand that, there is very little room for agreement between us, Madam Member.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** — Mr. Chairman, Mr. Minister, there is nothing more old line than the behaviour of your party. And if we’re talking about catering to special-interest groups, I mean you people deserve the Academy Award on it.

You make reference to the ’30s and the ’40s and how you had to come in and rescue the province of Saskatchewan. Well the ’30s happened to be the Depression, and granted the Conservatives did not do a good job, but the war years, the war years if you would bother reading Canadian history, Mr. Minister, would tell you why it was that every single government in Canada was in the position it was economically, and why every single administration following those war years did well. It wouldn’t have

mattered who was in in the boom years.

Similarly, it doesn't take great genius to balance the books during the '70s, Mr. Minister, when oil and gas prices, oil and gas prices and potash . . . We were booming in the 1970s.

It does take some acumen, however, to be able to balance the budget through seven solid years of recession. And what I find very amusing, Mr. Minister, is how you people continuously try to rewrite history. Why don't we really look at what the debt per gross provincial product was in the 1970s and under your administration it went up. Why didn't you spend some of the monies we had around to reduce the debt . . . (inaudible interjection) . . . No, you balanced the budgets but the debt went up. Well lookit — all you have to do is read and you can find it out.

Mr. Minister, I would just like you to know that not only have I met with injured workers, I have viewed their tapes with them. I have met with them both in my constituency office and in my office here, and I am talking today . . . and I have mentioned workers. When I talk about economic development, every time I mention it in this Assembly, Mr. Minister, economic development is for people in order to be employed. Economic development takes place often times not because of what government does, to do anything except facilitate the environment where people who are risk takers, business people, can ensure that there will be jobs for people who require jobs out there. And one of the things you've not been able to be very good at, except in the '70s, as far as job creation, was the bureaucracy.

So I wouldn't take too much credit as far as being people who do not cater to special-interest groups. Your own Premier has made mention how your entire party is made up of special-interest groups and that's what makes it so difficult for him to be the Leader of the New Democratic Party. I find this all rather amusing. You are the masters, sir, at being able to interfere.

And I do agree that legislation that is done in this legislature is supposed to be for the people of Saskatchewan. And what I'm suggesting to you is that this particular legislation is not only going to harm business people — and I said it on several occasions, and you can read *Hansard* tomorrow if you would care to take the time — I am talking about people having the dignity of employment. Those are the people who are employed by employers. And that's what this should be about — ensuring that people do not lose their businesses and ensuring that people do not lose their jobs. That's what this is about.

**Hon. Mr. Shillington:** — Well all I can say to the member opposite is as long as you continue to put your comments in the fashion in which you do, which is a direct lift from the comments made by representatives of the business community, not many of those workers are going to identify with the party which you lead.

**Mr. Goohsen:** — Thank you, Mr. Chairman. I didn't note that the member from Greystone was quite finished. And it was particularly of interest to me today to see the member from Greystone finally realize that there was some good politics in this Bill. I've had material dated May 12 in my hand most of the afternoon, just checking through it. And I will indicate to you, Minister, that we have tabled copies of this material with the Clerks and we have had a copy sent over to you so that you will know that we in fact have had the information that you yourself alluded to earlier and we will of course refer to in time as we go through this Bill.

The point I wanted to make is that the views of the business community and the views of Judge Muir were not only available to us but to the member from Greystone, and we're rather surprised that it took this long before there was a defence from that quarter on behalf of the business community.

So having said that, we want to get on, Minister, with the business of trying to make Saskatchewan a better place to live in. And having said that, I take a little offence at your remark earlier that the Liberals and the Conservatives are exactly the same because I see our amendments on the Table; I don't see any from the member from Greystone. And a considerable amount of work has gone into this, and I'd rather not be compared to someone that hasn't provided any amendments.

So having said that, Minister, we do have to get on with the questioning of this Bill from the Conservative perspective, which I hope will reflect a genuine concern for both parties concerned with this Bill, namely of course the business community that has to live with the cost and of course the working people who have to live with the results of injuries.

And I think it wouldn't hurt for me to re-echo their point of view just one more time, in that I have had many calls from people who have had problems with Workers' Compensation from the point of view of being injured and having problems getting their injuries not only medically corrected but also getting the system to work so that they are recognized and that their needs financially are addressed and their needs for rehabilitation are addressed properly, and there are other needs as well that go with it.

So having done that, I've gained some perspective from the other side of the coin, I guess. And I want to say that in all fairness to many of the people that work in your department, they have been very good to me as an MLA trying to address some of these situations. We found very good cooperation, and we appreciate that. And we thank those people for that effort on our behalf and on behalf of the people who are injured.

It does tell me that perhaps sometimes people who are not being fairly treated might not be getting fairly treated simply because they don't go through the necessary procedure of getting the attention that they need, because we have had, as I said, some reasonably good results at having problems resolved.

And not that everything's coming up sunny and roses all the time, but there seems to be a way that we can resolve the needs of a lot of the folks that have problems. Having said that, then it makes me wonder why we had to have this legislation go as far as it has and sort of annoy so many people.

So in regards to that, I want to say that we are going to get on with the amendments because we want to try to get our point across. I hope that you will take some time to study the material that I sent across. I'm sure that you have read it. Being the minister, you've obviously had it in your possession from the folks that have provided it to us. But it does legitimize the position that we are taking on this Bill.

I don't think that we really need to go into a whole lot of questions and answers any further, Minister, because I think probably with the things we've done in second readings as well as the preamble that you went through with the member from Greystone as well as the questions you've answered for myself both in this public forum and in some private discussions that we've had with yourself and several of your assistants, we have had a lot of answers to the questions already. Now we need to clean the Bill up or try to, and try to make it something that people can live with.

So I'm going to suggest to the chairman that we have introduced our amendments, the minister has introduced his, and if you can allow us a little glance our way as we go through the clauses so that we can get into each one of the amendments at the proper place, we would be happy to do that and address each one and get it done on the record the way that it's supposed to be.

So if you'd like to just wrap up a few general comments on the clause 1 and the reflections that I have made about Bill 55, then we can get on to each of the clauses and the amendments.

**Hon. Mr. Shillington:** — Thank you very much. I first of all want to thank the member for his kind comments about the staff of the department. We sometimes forget in our political comments that these are non-partisan people who serve all governments. And I thank the member for his kind comments about the cooperative staff.

I also, like the member opposite, I also had reasonable success in dealing with — before I was minister, I might add — had reasonable success in dealing with the WCB with cases I have. However one shouldn't have to need the services of a member as effective as the member from Maple Creek or Churchill Downs, to get a problem resolved — to get a problem resolved.

The fact that we are involved to the extent that we are suggests a problem. When our offices begin to fill up with people who need our help, I think it's a warning sign there's a problem in the bureaucracy. But again, I close as I began, by thanking the member for his kind comments.

We have had some opportunity to consider the amendments, not all of them as fully as we'd like. If we seem to be rejecting them, it isn't that we don't appreciate the effort that went into them. It's simply that we have a different approach to this and perhaps a different understanding.

I'll just make one other comment to the members opposite — I think members opposite will know this — and that is that the Muir committee did not quite complete its report. They're reviewing a number of things which were left undone in their last report. And if anything comes up which takes us by surprise, I'm going to be referring that to them as well for comments. So in all likelihood this Act will be back here next year and we can pick up the discussion then with respect to items about which we're now only speculating.

**The Chair:** — I appreciate the fact that there will be coming forward some House amendments as well as a number of amendments moved by the opposition, and that you've made these available to the Chair in advance so that they can be checked for permissibility, and I will do my best then.

We'll deal with those individually as we go along and to enable all of them to be considered individually as they're presented by the members.

Clause 1 agreed to.

Clause 2 agreed to.

### Clause 3

**Mr. Goohsen:** — Thank you, Mr. Chairman. Minister, we have, as you will have noted, more than one amendment to clause 3. Clause 3 of the printed Bill amendment, clause 3 of the printed Bill goes:

- (a) By deleting clause (c) thereof; and
- (b) By re-lettering clauses (d) through (g) thereof as clauses (c) through (f) respectively.

And I would so move that that amendment be made. And I would like to make a comment as to why we are doing this.

Under section 3(b) defines employer association. It was under a similar provision that the Minister of Labour designated the unrepresentative mechanical contractors as the employer association for almost the entire construction industry. This definition is especially disturbing as it allows recognition of an employer organization made up of people who are not employers at all, whether or not they are employers. And we suggest that that part has to be deleted from the Bill. And I think that's what we are doing in our amendment.

It apparently is close to 5 o'clock, Mr. Chairman.

**The Chair:** — Would the minister like to respond? We

do have another 65 seconds.

**Hon. Mr. Shillington:** — In my well-known brevity, I think I can do it in that. I say to members opposite that we inserted this because we were having difficulty with the past practice of the board, and in part that was due to the rather narrow definition of what a health professional is and who they may get advice from. So the section itself was inserted in order that the advice which the board may get might be as broad as possible.

I recognize the concern which the member has. I don't think it will in fact be realized in the practice of the board, and I will be urging the Assembly to vote against it.

Amendment negatived.

The Assembly recessed until 7 p.m.