

The Assembly met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, once again it's my pleasure to rise and present on behalf of the Saskatchewan citizens their names to this Legislative Assembly. I'll read their prayer to the Assembly, Mr. Speaker:

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.

Today, Mr. Speaker, I have the pleasure of presenting the names of people from the communities of Assiniboia and Mazenod to the Assembly. Obviously, Mr. Speaker, people all over the province take great issue with this subject matter.

Mr. Martens: — Thank you, Mr. Speaker. I too have a petition to lay before the Assembly. The prayer says:

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

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

The petitioners today, Mr. Speaker, are from Regina, Montmartre, Pilot Butte, Maryfield, and Fairlight.

Mr. Neudorf: — Thank you, Mr. Speaker. I continue to have requests from petitioners to present the following petition:

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

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

Mr. Speaker, from areas of the province around . . . from Admiral, Cadillac, and Swift Current areas, Mr. Speaker.

Mr. Muirhead: — Thank you, Mr. Speaker. I too have a petition . . . it is with pleasure to lay on the Table today. And I'll just 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 are from Swift Current and Admiral. It's a pleasure to lay these on the Table. Thank you, Mr. Speaker.

Mr. Goohsen: — Thank you, Mr. Speaker. I have petitions here from people in Saskatchewan. The prayer reads:

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.

From the communities of Hazenmore and Aneroid and Kamsack. And I will be happy to table these now, Mr. Speaker.

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

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.

This petition, Mr. Speaker, comes from the Hazenmore and Meyronne areas. I table it now.

Mr. Britton: — Thank you, Mr. Speaker. Mr. Speaker, I too have some petitions to lay on the Table 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 range all the way from Regina through to Milestone and on, and I'm pleased to lay them on the Table today.

Mr. Toth: — Mr. Speaker, I too have a petition to present to the Assembly, and I'd 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 are signed by individuals throughout Regina and Pilot Butte, and I present it to the Assembly.

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, I as well have a petition on behalf of Saskatchewan residents with respect to the NewGrade Energy Inc. corporate governance and financing arrangements. Mr. Speaker, this petition is from folks in the Hazenmore and Kincaid areas of Saskatchewan. I present it now.

Mr. Devine: — Thank you, Mr. Speaker. I'll table these petitions. They're from across the city of the Regina, and the prayer is:

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.

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 urge the provincial government to provide proper funding to continue the operation of Souris Valley Regional Care Centre.

INTRODUCTION OF GUESTS

Mr. Van Mulligen: — Mr. Speaker, on behalf of my colleague, the member for Saskatoon Idylwyld, I should like to introduce to you two of his constituents who have come to Regina to visit family. And when I call out their names — they are Peter and Pauline Strelieff seated in the east gallery — I wonder if they might rise and for the members to recognize them. And also to recognize the family member who's come with them and who's no stranger to us and is always welcome in this Assembly, Mr. Wayne Strelieff. I'd ask the members to join with me to welcome them here today.

Hon. Members: Hear, hear!

Hon. Ms. MacKinnon: — Thank you, Mr. Speaker. It's a great pleasure to introduce to you and through you to members of the Legislative Assembly a number of grade 4 and 5 students in the west gallery from St.

Goretti School. And along with the students are their teachers Sister Kathleen and Mr. Zerebecky. I would like to on behalf of other members of the legislature welcome them to the legislature and I will meet with them at 11 o'clock for drinks and a photo.

Hon. Members: Hear, hear!

Ms. Murray: — Thank you, Mr. Speaker. I'm very pleased to introduce on behalf of my colleague, the Minister of Health, 25 grade 5 students from St. Pius X School in Regina. They are seated in the west gallery, Mr. Speaker. And they are accompanied by their teachers Estelle d'Almeida and Carrie Lawson. And I'm really looking forward to meeting them after question period, answering any questions they might have, and having a photograph taken with them.

So I would ask all members here to join me in welcoming them to Regina.

Hon. Members: Hear, hear!

Ms. Bradley: — Thank you, Mr. Speaker. It's with great pleasure that I am able to introduce to you and through you to the members of the legislature a class of 14 students, grade 3 students from Avonlea School. They are seated in your gallery, Mr. Speaker.

Avonlea is a small town in my constituency. It's a beautiful town, has a nice regional park close by, a golf course, and a great place to visit. I'm especially pleased to say that this time when Avonlea school is visiting that they're seeing us at work and the bells are not ringing this year.

Accompanied with the school group is their teacher, Evelyn Sillers, chaperon, Alynne Caswell, bus driver, Daryll Epp. I look forward to meeting you after question period for photos and drinks and questions, and I ask all members to join me in a warm welcome.

Hon. Members: Hear, hear!

Mr. Sonntag: — Thank you very much, Mr. Speaker. Two days in a row I truly have unexpected guests. Today my guests though are seated in your gallery, Mr. Speaker. On behalf of the member from Regina Rosemont, I'd like to introduce them to you and through you to the rest of the members of the Assembly.

They're from the St. Mary School here in Regina. There's 49 of them. And with them, Mr. Speaker, are their teachers, Robert Revet and Carol Molnar, and their chaperon, Joe Bukowski.

I would like all members to join with me in welcoming them here today. And I'm sure they'll enjoy the proceedings, and I understand I'll be meeting with them afterwards for pictures on behalf of my colleague, and drinks, to which he will be footing the bill, I'm sure.

So if you'd join me in welcoming them.

Hon. Members: Hear, hear!

ORAL QUESTIONS

SaskPower Office Closures

Mr. Britton: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the minister responsible for SaskPower. Mr. Minister, it has come to our attention that your government plans on causing more destruction in rural Saskatchewan. I have been informed, Mr. Minister, that SaskPower is planning to eliminate customer services and staff in 50 rural communities. Could you confirm that for us today, Mr. Minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — No, Mr. Speaker, I cannot confirm that.

Mr. Britton: — Thank you, Mr. Minister. Well, Mr. Minister, we have been instructed that you are going to do this. Your government has, once again, Mr. Minister . . . you're trying to hide the pain that you're causing in rural Saskatchewan, in rural communities, just like you did with the hospital closure.

Mr. Minister, why haven't you disclosed these cut-backs that are being announced . . . why haven't they been announced? Why haven't you disclosed them? Will you be honest, Mr. Minister, and tell the people of Saskatchewan today, will you tell us which offices are being closed, how many jobs will be lost, and how many other closures you have in mind, Mr. Minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — Well I would ask the hon. member to check out the information he's received because the information is inaccurate, and you're presenting a hypothetical situation to which I do not have an answer for you.

Some Hon. Members: Hear, hear!

Mr. Britton: — Thank you, Mr. Speaker. Mr. Minister, we have had communications from more than one community, and they're telling us out of the 50 communities that are now losing their services . . . Will you tell us one more thing? Out of those 50 communities, which ones have lost their hospitals, which ones have lost their rural service centres, which ones have lost their bus routes, and how many jobs in total, Mr. Minister, has your government taken out of these communities under your farewell Saskatchewan program? How many?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — Mr. Speaker, I might point out just a little bit of the process to the hon. member. It's not the . . . You said, I think, 50 communities that have contacted you. Those 50 communities, I don't know that they make decisions about how SaskPower

conducts their business.

The management, the board of directors, in consultation with the two unions at SaskPower, would make that kind of a decision in consultation with each other. And I don't think that those 50 communities you refer to are thinking about closing their SaskPower offices.

Some Hon. Members: Hear, hear!

Mr. Britton: — Well thank you, Mr. Speaker. Mr. Minister, I did not say we have been in touch with 50 communities. Are you denying that there will be any closure, Mr. Minister? We have been in touch with more than one, is what I said.

Now, Mr. Speaker, I say to the minister: this is just another attack, not only on the rural communities, but on the seniors. It's another attack. It's just like the hospital closures, just like the destruction of the drug plan, just like the destruction of the pension plan, just like the elimination of the seniors' heritage plan, just like the elimination of the 1 and 2 funding, just like the elimination of bus routes, just like tax increases and utility increases.

Mr. Minister, at the same time that you are reducing the real income of seniors all over Saskatchewan, you are making life more difficult and more inconvenient for those seniors in rural communities.

Mr. Minister, many seniors in rural communities use these offices to get their accounts in order, get their billing adjustments. And I'm told, Mr. Minister, that while it will be more time-consuming to do it over the telephone, you're not going to save any money. Mr. Minister, have you considered the effects on the senior citizens in these rural communities that you're destroying?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — Well, Mr. Speaker, this government has always considered the senior citizens of this province, unlike the former administration which virtually left the province decimated by your incompetent management over the years. And I guess the answer to your question is yes, we give very careful consideration to the seniors that built this province.

Some Hon. Members: Hear, hear!

Mr. Britton: — Thank you, Mr. Speaker. Well, Mr. Minister, the people that we have spoken to about this plan say it isn't going to save any money because the jobs that are eliminated in smaller communities will simply have to be replaced somewhere else. In other words, Mr. Minister, you are centralizing jobs from the small communities into the cities. Why is your government so intent on destroying rural Saskatchewan?

You've closed out hospitals and eliminated jobs. You've closed down rural service centres; that

eliminated jobs. You've eliminated teaching positions; you've eliminated bus lines; and farm income are at record low, thanks to your destruction of the GRIP (gross revenue insurance program) program. Your taxing along the borders is driving people out of the border towns.

Mr. Minister, we know what your government is doing to create pain in Saskatchewan. Will you tell us what you're doing to create hope in rural Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — Well the first thing, Mr. Speaker, this government did was to get rid of the Tory administration in Saskatchewan.

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — The second thing we did is looked at the financial situation in the province and set into place a plan to get our debt and our annual deficit under control.

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — The third thing we did, unlike the former government, was to have extensive consultation with Saskatchewan people, to have a process of inclusion, not exclusion like your government had.

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — And I don't want to dominate question period by listing the long list of things that this government can do that your government was totally incompetent at trying to do.

Some Hon. Members: Hear, hear!

Mr. Britton: — Well thank you, Mr. Speaker. Well, Mr. Minister, the question I believe for you to answer or deny: are you closing any of the SaskPower services? That's all we ask . . . the service centres. Now, Mr. Minister, you talk about restructuring. We're all for that. But at the cost of rural Saskatchewan? At the cost of rural Saskatchewan? That's a price we're not prepared to pay, Mr. Minister.

What your government is doing is not restructuring; it's destruction in rural Saskatchewan. Mr. Minister, the word restructuring means that when you eliminate hospital jobs, teaching jobs, rural service centres, SaskPower jobs, that there will be something to replace them. That's what restructuring means.

Mr. Minister, it's simply not happening. You're taking people's jobs and you're taking their hope for the future out of the communities and you're putting nothing back. Can't you understand, Mr. Speaker, or Mr. Minister, the destruction and the hurt that you're doing out in rural Saskatchewan? When are you going to do something to replace the hope for those people in rural small towns?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — Well this government is replacing hope in Saskatchewan. I think people have confidence in what the government is doing. I think the problem with the members opposite is that they don't like seeing a province run properly when they are used to the mismanagement that they conducted in the province.

And specific to your question, to the hon. member, SaskPower will improve the service to the people in Saskatchewan unlike the policy of the government where you built dams and power stations where there's no water to run them.

Some Hon. Members: Hear, hear!

Mr. Britton: — Thank you, Mr. Speaker. Mr. Minister, the question is: do you deny that your closing SaskPower jobs in rural Saskatchewan? You haven't answered that question to my satisfaction.

Hon. Mr. Anguish: — Currently there are not any closures of jobs or offices in rural Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Britton: — Mr. Minister, do you have any plans to close jobs in rural Saskatchewan, SaskPower jobs?

Hon. Mr. Anguish: — I think the thing that lost jobs in Saskatchewan, particularly rural Saskatchewan, was the \$15 billion debt that your government created. The member from Estevan and Senator Berntson putting together some kind of a plan where hundreds of millions of dollars were spent in a place where you can't generate electricity properly, that's . . .

The Speaker: — Order, order. Order. I want to ask the members in the opposition to please allow the minister to answer and not just simply yell from their desks constantly.

Hon. Mr. Anguish: — So SaskPower is continually looking at the options that we have to give better service to the people of this province.

An Hon. Member: — When are you going to announce that? Till the House closes?

Hon. Mr. Anguish: — The member from Estevan chirping from his seat — he should know very well. I don't know why he doesn't have more shame when he comes into this House about padding his own area of the province with projects that make no sense, hundreds of millions of dollars spent to the detriment of Saskatchewan people, not to the benefit of Saskatchewan people.

With the resources we have available to us, unlike the member from Estevan, Mr. Speaker, we're building Saskatchewan. We're making sure these communities have a survival plan. And the member from Wilkie, who's asking these questions, I think you should check out your sources of information.

Some Hon. Members: Hear, hear!

Mr. Britton: — Thank you, Mr. Speaker. Mr. Minister, from the answers I'm getting, I then have to assume you are going to close jobs in rural Saskatchewan. I have to assume that.

Now, Mr. Minister, I want to tell you, will you remember the previous Fair Share program? Now one of the concerns that you people claimed to have was the disruption that it would cause in Regina. You wanted to know how we would replace a thousand jobs in Regina. And as you remember, we did have a plan to replace those jobs — that was Crown Life and FCC (Farm Credit Corporation). Right. And they came.

Now, Mr. Minister, Fair Share would have taken less than 1 per cent of the jobs out of Regina — less than 1 per cent. And in the past few . . .

The Speaker: — Order. Now I have to ask the government members to allow the member to ask his question. Order . . . (inaudible interjection) . . . Well if the Premier has a question to ask, I'm sure he'll get an opportunity some day.

Some Hon. Members: Hear, hear!

Mr. Britton: — Thank you, Mr. Speaker. Mr. Speaker, I will wind this up.

Mr. Minister, in the past few months your government has taken 10 and 15 and 20 per cent of the jobs out of communities like Arborfield, Vanguard, and Cabri and dozens of other communities. My question is: what have you done to replace them? In your restructuring plan, what is your plan to replace the jobs you are taking out of the small communities in Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — Well you see the difference between our government and yours, I'd say to the member from Wilkie, is that you wanted to transfer things around the province with smoke and mirrors and not create any wealth within the province.

What this government does is it creates wealth in the province and therefore provides jobs in developing rural Saskatchewan. I'm going to be leaving after question period, I would tell the hon. member, to go to Weyburn. And we're announcing at Weyburn today a \$40.6 million contract from SaskPower to Alcatel Canadian Wire to provide services and to provide the product in which we provide jobs in the rural underground distribution system in Saskatchewan — \$40.6 million.

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — That's what we're doing for the people of Saskatchewan. We are bound and determined to create wealth in Saskatchewan, not transfer from here to there and devastate the people of

this province like the member from Estevan under his guidance performed.

Some Hon. Members: Hear, hear!

Implications of Bill 38

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, last evening we were discussing a number of issues with the Premier of the province and again the Premier of the province showed his inconsistency, his unwillingness to really answer questions that really mean something to the people.

In fact on one hand the Premier had no problem in being wide-ranging in his discussion of NewGrade and the proposal of Bill 90, where the government wants to redo the deal. On the other hand, on Bill 38 the Premier stood here and said that his opinions regarding Bill 38 were adequately expressed by his colleague, the member who introduced the legislation.

Well, Mr. Speaker, the people of Saskatchewan are not interested . . . They're interested, yes, in hearing what the Minister of Justice has to say but they're more interested in knowing where the Premier really stands on the issues. Mr. Premier, do you really believe and do you really support the fact and are you going to stand up in this House today and let the people of Saskatchewan know that you are against the extended benefits that may come due to Bill 38 in spousal benefits and marital status and adoptions of Bill 38. Will you stand and let the people of Saskatchewan know where you stand on that issue, sir?

Some Hon. Members: Hear, hear!

The Speaker: — Order, order. Order. I want to warn the member from Arm River that those kinds of words are simply not acceptable in this House. And if he continues I'll ask him to withdraw it. Order.

Hon. Mr. Mitchell: — Mr. Speaker, I heard the exchange last night that occurred in this House that the member has referred to and I hear the member's question again today. And I don't know what theory of parliamentary democracy the member is adhering to when he puts forward those questions. I just have no idea.

But government has presented Bill 38. Bill 38 has been debated in principle and voted on. The government voted in favour of Bill 38. That includes all of the ministers and all of the members. And I don't know what theory of parliamentary democracy the member has in mind when he starts asking individual members of the Executive Council what their individual opinion is with respect to that Bill or any other Bill.

The Premier and all of the ministers speak on behalf of the government. I spoke on behalf of the government with respect to Bill 38. The Premier was here and voted on that question. And I would think that's the end of it.

Some Hon. Members: Hear, hear!

Mr. Toth: — Mr. Speaker, again we see the fact that when in doubt the Premier disappears underneath the bench. Doesn't show.

In fact, in fact the Minister of Justice has just told us that the Premier has a view. Well you know, why will the Premier not stand in this Assembly, stand up and let the people of Saskatchewan know what his view really is.

The Minister of Justice talked about a free vote and he talked about all of his members getting involved in the vote. I would ask the Premier to look back in *Hansard* and see how many people actually stood in this Assembly and expressed their opinion on the vote. Was the Premier here to express his opinion?

Mr. Premier, the people of Saskatchewan want to know where you stand on these issues. Where do you stand? Will you let the people of Saskatchewan know where you stand today?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Speaker, the record speaks for itself. In the *Votes and Proceedings* No. 68 for June 3, 1993 there is recorded the division of the House on the second reading of Bill No. 38.

On the yea side there were 22 members present, and the Premier was one of them. And the first name . . . And the first name . . .

The Speaker: — Order, order. I'll recognize the minister again. I'm just going to call out time for a bit until the opposition will allow the members . . . the ministers to answer.

An Hon. Member: — We're just calculating, Mr. Speaker, here — 22 out of 55. That's a lot of ducking.

The Speaker: — That's all right. The time is running. That's fine. If it's over, we'll call end of question period.

Hon. Mr. Mitchell: — Mr. Speaker, the first name on the list of members who voted in favour of Bill 38 on second reading was the Premier of the province of Saskatchewan.

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — There were five members of the House that voted no.

An Hon. Member: — Five.

Hon. Mr. Mitchell: — Five. Five members of the House that voted no. None of them — none of them — were in the government caucus. And that list did not include the member from Saskatoon Greystone.

How do they feel about the Bill? Where were they?

Should we ask them how they would have voted if they were here?

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. It's interesting arithmetic. I trust that the people of . . .

The Speaker: — Order. Will the government members please come to order. Order.

Mr. Toth: — Mr. Speaker, again we see the inconsistency. The Premier has talked about giving his members the ability to speak out openly, allowing for more accountability in this Assembly. And, Mr. Speaker, I just want the people of Saskatchewan to know that every one of the opposition members spoke on Bill 38 and will continue to speak on Bill 38 and represent the people.

And the fact is, Mr. Speaker, as well, when the Minister of Justice stands here and says, 22 government members voted on the Bill, where were the other 30-some members out of 56? Where were they?

What you've done, Mr. Premier, you forced them to hide rather than standing up and expressing their convictions.

Some Hon. Members: Hear, hear!

Mr. Toth: — Mr. Premier, why do you continue, as you stated last night, to maintain party solidarity rather than opening up this Assembly to allow members to represent their constituents? As you mentioned last night, why will you not allow the free vote? Why will you not have the strength and the courage of your convictions to stand in this House and let people know where you really stand on the issue?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Here we go again, Mr. Speaker. That bird didn't fly when the member tried it 10 days ago, and that bird isn't going to fly again today, for the very simple reason that the vote on Bill 38 has already been held. It was held on June 3, 1993. It was held 15 days ago, Mr. Member.

No matter what kind of retroactive legislation we might provide, it will not allow us to do a rerun of the second-reading vote on Bill 38.

Some Hon. Members: Hear, hear!

Construction Tendering Policy

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, my question is for the Premier. Mr. Premier, I have a news release from the Saskatchewan Construction Association. That's one of the groups that you said didn't represent anyone — remember?

At the recent general meeting, they put forward a resolution calling for the government to end its

discriminatory union-preference tendering policy. Mr. Premier, this resolution received unanimous support of the association which includes both union and non-union members. Mr. Premier, do you intend to act on the resolution or is it still your position that the construction association doesn't speak for anyone? Will you do as the Saskatchewan Construction Association has asked and end your union-preference tendering policy that is opposed by union and non-union companies both?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — Mr. Speaker, it is not easy to end the policy which doesn't exist. Mr. Speaker, the government has discussions ongoing with the construction association and with the building trades, union and non-union. We clearly would like a measure of agreement as to how these matters are handled. We don't have that now. We do not however, have a policy, notwithstanding the fact that some, including the member from Kindersley apparently, would impute a policy to us. The discussions are still ongoing and will continue.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Premier, it's interesting to see that even the Premier of Saskatchewan is getting caught up in the big dinosaur craze that's sweeping North America. First he goes out and digs up a bunch of old fossils like Jack Messer and David Dombowsky, then he uses their DNA (deoxyribonucleic acid) to create the same old prehistoric policies that didn't work in the 1970s, like the government take-overs and union-only tendering. And there you have it, Mr. Premier, Jurassic Park; they call it economics. And the dinosaurs opposite, and the dinosaurs opposite I predict, Mr. Speaker, will become extinct just as they became extinct, Mr. Speaker . . .

The Speaker: — Order, order. Well there's only one minute left. Order. Will members please come to order? Order. Will the member please put his question?

Mr. Boyd: — The same policies that have happened in the past, Mr. Speaker, that's the kind of policies that this government is bringing forward, old policies, government take-overs and union-only tendering. The Saskatchewan Construction Association is telling you those policies didn't work in the 1970s and they won't work now, Mr. Speaker. Mr. Premier, will you end your union-only preference tendering policy as the Saskatchewan Construction Association has asked?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — It's noteworthy, Mr. Speaker, that the teachers, I think wisely, hustled the school children out of the Assembly. I see more are leaving. That seems to be a . . .

The Speaker: — I think the Minister of Labour knows

full well that he's out of order, and since he doesn't want to answer the question, it's the end of question period.

Does the member from Arm River have leave to introduce guests?

Leave granted.

The Speaker: — Order, order. Will the Government House Leader please come to order.

INTRODUCTION OF GUESTS

Mr. Muirhead: — Thank you, Mr. Speaker. It is a pleasure to introduce to you, Mr. Speaker, and to members of this Assembly 13 grade 4 students. They are sitting in the east gallery and they're from Imperial School. It is a pleasure to have Imperial with us this morning and I'm . . . it's just as well they weren't here for question period; they just came in now so they don't know what all this noise was about.

Mr. Speaker, I have to apologize to these students that I won't be able to visit with them, that I have to leave immediately for a funeral in Davidson, and my colleague from Maple Creek will be visiting with them, I believe it's at 11:15 in room 255 for photos and drinks and questions. And I know that my colleague will do the best to answer all your questions and I now ask all the people of the Assembly to welcome my guests and students from Imperial and hope they have a good day. Thank you, Mr. Speaker.

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

Clause 1

Ms. Haverstock: — Thank you, Mr. Chairman. Mr. Minister, I . . .

The Chair: — Order. Order. Order.

Ms. Haverstock: — Thank you again, Mr. Chairperson. I'd like to begin my remarks to this committee on Bill 38 with a brief chronology outlining my concern and involvement with this Bill.

Since the introduction of Bill 38 by the Minister of Justice on March 17, I've had an opportunity to study the contents of the Bill, consult with my constituents, and indeed meet with the Minister of Justice.

At the outset I knew that I had little issue with removing sexual orientation as a grounds for discrimination in our society. But I undertook the extra investigation because of the number of calls and

letters that I received on this issue and my commitment to ensuring I understood the implications of the legislation.

As elected representatives, as politicians, there are certain signals to which we must respond, and one of those of course is the intensity of public reaction. When people react mildly or not at all to an issue, one can safely conclude that the majority are comfortable. Comfortable with what is being proposed with their MLA (Member of the Legislative Assembly) representing them according to the point of view we expressed on the issue during a campaign or in this particular Assembly.

When there is an intense reaction to an issue, I feel that we have an obligation, an obligation to gauge the opinion whenever possible. And sometimes this can be done through focus groups or through meeting with groups and individuals and associations who are particularly concerned with an issue and responding as best we can to individuals when they come forward and have questions.

I found that the majority of my constituents, the constituents of Saskatoon Greystone, have a very supportive attitude toward preventing discrimination on the basis of sexual orientation. However, there were some concerns raised with me about the actual implications of this legislation and whether it would extend beyond the application implied by the Minister of Justice in the second reading on this Bill.

I also undertook to consult legal experts on this Bill, as I do with all others. As part of my responsibility as an elected member, I did write to the Premier on May 11, making my comments and those of my constituents a matter of public record, with a copy to the Minister of Justice.

(1045)

And in the best interests of the people that I represent I felt obligated to question the Premier and the Minister of Justice about specific precedents, precedents in law which had been set in other jurisdictions, to get a sense of how those challenges would in fact affect this piece of legislation. The most consistent concerns raised by me and raised with me, and which in turn I raised in my discussions with the Minister of Justice, centred around the possibility of the implications because of law cases elsewhere. The recognition of same-sex marriages; extended rights as far as adoption of children by homosexuals; affirmative action programs; educational initiatives; and inclusion of spousal benefits — particularly in terms of the costs of existing programs. And apparently I had constituents who were not alone in their concerns.

I certainly had the opportunity to say nothing; to vote for or against this Bill. Or as at least one member has chosen, to deliberately abstain. But because I view human rights legislation as extremely important, I wanted to ensure that when it passes it has been subject to subjective and intelligent scrutiny to address the concerns of my constituents and the

people throughout the province. I take no responsibility for representing the constituents of others on this issue because it is one of moral consequence and I believe that there are some variations in acceptance of this around Saskatchewan. That is why I have been supportive of the concept of free-standing votes which I believe serves democracy best on issues such as this.

As I said, I raised my concerns with the Premier in writing and the Minister of Justice in writing, and on different discussions, in face-to-face discussion, asking them to examine the dissenting legal viewpoints which were brought to my attention and to please discuss them with me. Further to that and subsequent to many hours of discussions with constituents and members of the gay and lesbian community, I met again with legal counsel and with the Minister of Justice.

I want to say that I have tremendous respect for the Minister of Justice. And I have learned a great deal about this legislation as a result of his patience and his willingness to extricate partisan politics from this issue. I believe that given any unclear wording . . .

The Chair: — Order, order. Order, order.

Ms. Haverstock: — I believe that given any unclear wording, any room for misinterpretation of a piece of legislation, that legislation must be held up to the light and examined. It is incumbent upon us to do so.

Mr. Chairman, and Mr. Justice Minister, I have made the best effort that I could make on behalf of my constituents, on behalf of those to be protected from discrimination by this very legislation, to understand what its implications will be. I did not draft this legislation and I do not have a great deal of experience at amending legislation. I am not a lawyer and I do not have extensive resources at my disposal.

There are some in this House who oppose this particular Bill on moral grounds. I personally do not have an issue of morality with this Bill because I consider discrimination against any human being to be one of the most immoral acts we can impinge upon any member of our society.

On May 18 I had the opportunity to speak to this Assembly about my concerns and the concerns that have been eloquently expressed by members of my constituency. Unfortunately the views I expressed at that time have been misinterpreted by members on both sides of this House, both inside and outside of this Chamber. And I've listened with interest to the logic expressed by various members of this Assembly in support of or in opposition to this Bill.

Frankly, there are arguments on both sides which I find unconscionable. For government members to support the legislation because it provides homosexuals protection from discrimination, and I quote — until such time as we have more suitable means of treatment for these unfortunates — end of quote, from the member for Assiniboia-Gravelbourg,

truly gives me cause to wonder about the collective understanding of the issue on that side of the House.

Equally disturbing are comments made from the opposition benches, which clearly show the need for the protection aspect of this legislation.

At the end of the day I have come to the conclusion that there are certain changes which should be made to bring the actual legislation and the results it will produce in line with the promises made by the minister in his second-reading speech. And obviously he and his colleagues in the Department of Justice concur, as is evidenced by the amendments that the minister is proposing.

I too have amendments which I will propose and will speak to at the appropriate time.

Now this has been a most challenging experience as a legislator. It has underlined and reinforced for me the value and the delicate nature of our democracy. With each human rights issue comes a flood of human reaction far different from that expressed on fiscal legislation or economic policy. Those reactions are to be handled respectfully by each of us because they are the foundation of our freedom.

I have concluded that above all, the primary responsibility of each of us as legislators and as constituents is to protect all members of our society from discrimination. I have concluded that while there must be changes made to ensure that the intent and the application of this Bill by those agencies responding for upholding its intent are clear, the ultimate purpose of the legislation to protect welfare recipients and single parents and gay and lesbian people from discrimination is effectively served by this legislation.

I believe and am still completely convinced that if people are to trust that government says what it means and means what it says, the role of opposition must be to anticipate the questions that will one day, one day be tested by the legislation and attempt to see if the legislation answers those questions. I would be interested to know what consultative process individual members of the New Democratic Party underwent with their constituents on this particular piece of legislation.

In retrospect, I think the most unfortunate parts of this debate have been twofold: first, that the minister and his officials did not more clearly define the objectives of Bill 38 so that we could far more easily determine whether constituents could support its implications; secondly, that the government, by not allowing each member a free-standing vote on this issue, has created some extremely interesting contradiction on the government side as to why individual members have rationalized supporting this Bill and why they support some members who oppose it and yet criticize me for trying to give it as thoughtful and constructive evaluation as I can on behalf of my constituents.

The Minister of Justice wrote to me on May 31 in

response to the concerns that I raised about this Bill. To bring to a close my chronology and my introductory comments, I'd like to now quickly restate those concerns that I raised and have the minister respond.

Mr. Minister, I asked you at that time, on behalf of the constituents of Saskatoon Greystone, will the amendments that are proposed by this Bill extend rights not already available to homosexuals with respect to family status? And, Mr. Minister, will the amendments that are proposed by Bill 38 extend rights not already available to gays and lesbians with respect to spousal benefits? Mr. Minister, will the amendments that are proposed by Bill 38 extend rights not already available to homosexuals and lesbians with respect to the eligibility to adopt children?

Mr. Minister, will these amendments as proposed by Bill 38 give the Human Rights Commission the authority to start affirmative action programs based on sexual orientation? And, Mr. Minister, will the amendments that are proposed by this Bill give the Human Rights Commission, school boards, or any other body the authority to introduce education programs on sexual orientation in our schools?

I would appreciate so much if you would respond. Thank you, Mr. Chair.

Hon. Mr. Mitchell: — Mr. Chair, and to the member, I want to address all of the points, Mr. Chair, that was raised by the member. I can't tell the member precisely the consultative process that each member of our caucus went through except to tell her that each and every member was involved in these issues. They had no choice and they quickly understood that many of their constituents were concerned, so they were involved in the debate at the level of their constituency.

I don't know of . . . I know, for example, that the hon. member conducted a poll in her constituency, and I don't know of any polls that were conducted by any of our members. I wouldn't be surprised if there had been some testing in one way or another, but I don't know the answer to that.

But I can tell the member and the Assembly that every one of our members had extensive consultations with people in their constituency, and they couldn't avoid it and knew that so they reached out and dealt with the issue in an active, proactive way as the term is used.

I have answered in this House and outside this House a number of times on the question of a free vote on this question. And I want to say again that our caucus gave long and careful consideration to this issue. We have in the past debated the principles underlying the idea of various kinds of votes — the three-line whip, the two-line whip, and in effect, no whip at all, which I think is what a free-standing vote is.

So when this question arose in the context of Bill 38, it arose against a background of a good deal of

discussion in our caucus as to in what circumstances we would order . . . or we would allow, permit, whatever the appropriate verb is, in any event, a free-standing vote would result. And frankly, we did not think Bill 38 was such a Bill. We did not think that it raised the kinds of questions that we believe should go with a free-standing vote, or should allow a free-standing vote.

And that leads me to the question of the intent of the Bill and the member's suggestion that I could have, or the government could have more clearly defined the objective of the Bill. And I want to say to the member that I don't know how I could have been more clear about the principles underlying Bill 38 than I was. I took every single opportunity to discuss the subject in public. I didn't turn down an interview. I didn't turn down a hot-line show. I didn't turn down a telephone call from a media person.

(1100)

I met with every organization that wanted to meet with me. I talked to hundreds of people. My staff talked to thousands of people. And I answered every letter and read every letter. I lie. I mean, I don't lie but I overstate it. I didn't read every letter, but I read samples of letters because there was a lot of duplication. There was obviously a campaign because a lot of letters were practically word for word. So there would be representative letters that may . . . One letter that was drawn to my attention may include 5,000 letters or 300 letters or whatever to the same effect. And in each case I wrote back and I stated very clearly what the legislation was and what it was not.

And from our point of view, and I say this with total sincerity, what Bill 38 is about is to prevent discrimination in respect of employment and housing and access to public services, and that's what it is, and that's all it is. It isn't anything more. It isn't anything less. As a piece of legislation prohibiting discrimination in respect of those matters, it is not the kind of moral or morally related question that would call for a free vote. It does not raise questions of fundamental conscience. Because whatever your views of the Scriptures or whatever your views about homosexuality, the fact of the matter is that discrimination is wrong. And discrimination ought not to be tolerated. And I'm on safe ground here when I'm speaking through you, Mr. Chair, to the member from Saskatoon Greystone because I know that is her view. She said it again today.

And that is what Bill 38 is all about, and that is the government's firm conviction, and that does not call for a free-standing vote. So we have said after careful consideration in our caucus that that is our position. It's a position arrived at by our caucus and maintained by our caucus. So we dealt with it in that way, and we've been entirely consistent.

I know that when I talk about the kind of attention that our members, who've given to this issue, I recognize that the hon. member has gone through the same kind of process in her situation as have the members of the

official opposition — a lot of interest and a lot of debate and a lot of correspondence and telephone calls and that sort of thing. And I had expected throughout, if I may be so bold, to have the hon. member's support with respect to Bill 38. And I believe that when everything is all said and done, we have that support. I remember the consternation I felt when the member and I had a debate out in the rotunda here, and it appeared that the hon. member had changed her position. At least certainly that was the impression I got as I went through this debate. And my impression, rightly or wrongly, is that the member's thinking had been swayed by opponents of the Bill who are reading things into the Bill that just aren't there or are raising concerns that just logically, legally ought not to be there. And I was distressed by that because it seemed to me that the hon. member had flip-flopped on the question of support for the Bill.

If that's a correct characterization, I think I hear her saying today that she is ready to flip-flop back and support the Bill. And I would appreciate that because I think that no matter how you look at this Bill, no matter how you cut or slice it, the fact of the matter is that it is purely and simply a question of prohibiting discrimination. And surely she supports that. And surely these other red herrings that are dragged across the path of this Bill — what if, how about, might be — the other possibilities that aren't addressed in this Bill and have nothing to do with this Bill and questions which this Bill cannot affect, ought not to affect our sober judgement in this Chamber as legislators.

Now I want to address — and I'll do this quickly because I don't want to take the time of the committee — the specific questions that she raised. The answer to the specific questions are no, and let me state them as I jotted them down when she was speaking.

The question of . . . and she used the term family status. I think she meant marriage between homosexual people, and if she's not she can ask the question again. The Bill does not address the question of the capacity of same-sex people to marry each other. That is a question that under our constitutional arrangements is set by the federal government.

The provincial government legislates in respect of marriage only for the solemnization of marriage. Do you need a licence; how much does the licence cost; who can marry you, and those sorts of questions. The federal government determines who can get married. So we can't address that question in this Bill. It's not within the jurisdiction of the provincial government and there's nothing we can do about it.

Right now the law of this country is that same-sex people can't get married. I don't see anything coming from Ottawa that's going to change that law. But if it does, I know one thing and that is we in this legislature cannot vote, cannot pass laws with respect to that question.

On the question of benefits, spousal benefits, first of all the Bill does not touch on the question. Secondly, you have two kinds of situations: either the benefit

plan lays out who's entitled, in which case it is not a legislative matter but a matter of employer policy or employer-trade union negotiation; the plan is self-contained on the question and prescribes who may receive the benefit. The alternative situation is where nothing is provided and the question then becomes a question of entitlement and the argument is based upon the charter.

And those are the cases that are rattling around in the system — most of them coming from Ontario but there are others as well — and we're getting judgements from the courts that some go one way and some go another. But at the end of the day, the Supreme Court of Canada is going to have to pronounce upon the relationship between the Canadian Charter of Rights and Freedoms and the question of entitlement to spousal benefits under public benefit plans.

On the matter of adoption, this Bill does not touch in any way the question of the entitlement of homosexual persons to adopt children. That matter is addressed in other legislation of this Assembly. The legislation that was passed in this House in 1989 clearly permits anyone to adopt children if they receive the approval of the court. That's been the situation in Saskatchewan for many, many years and it was confirmed in 1989. If we wanted to change the adoption rules, we would have to go back to that Act and change that Act; we wouldn't seek to do it in this Act. That policy question is not in front of the House; we can have that argument some other day.

The final thing that the member — and this may not . . . I may have missed one — but the final note that I have concerns the Human Rights Commission's role in educational programs. This is described in section 25 of the Act. And this is an interesting section to read because it has been so widely misinterpreted and I believe, with respect, that the member is looking at it from the wrong angle, from the wrong perspective. Twenty-five says:

The commission shall:

(a) forward the principle that every person is free and equal in dignity and rights without regard to . . . race, creed, religion, colour, . . .

The principle that every person is free and equal.

Secondly, the commission is mandated to:

(b) promote an understanding and acceptance of, and compliance with, . . . (the) Act;

Thirdly, the commission is mandated to:

(c) develop and conduct educational programs designed to eliminate discriminatory practices related to the race, creed, religion, colour . . .

So on and so forth. To those listings are added the three grounds that are included in this Bill — sexual orientation, family status, and the receipt of public assistance.

This educational program idea, the member will note, is directed towards eliminating discriminatory practices. Discriminatory practices is a defined term in the Act. Sorry. It is not a defined term; it's the heading for the practices that are prohibited, the discriminatory practices that are prohibited by this Act.

I just had to get the section number from my official. But if the member will look at Part II of the existing Act, section 9, the heading is "Prohibition of Certain Discriminatory Practices." And it states as a general principle that:

Every person and every class of person shall enjoy the right to engage in and carry on any occupation, business or enterprise under the law without discrimination because of his or their race, creed, religion, colour (etc., etc.) . . .

And 10 says that:

No person shall:

deny to any person or class of persons the opportunity to purchase any commercial unit or any place of dwelling . . .

And to deny the opportunity to purchase and to discriminate in the:

. . . acquisition of any commercial unit or any place of dwelling, land or any interest in land . . .

And section 11 talks about the rental accommodation, housing accommodation, commercial units, that sort of thing.

So those are the discriminatory practices that are defined in the Act, and this is the question in respect of which the Human Rights Commission has the mandate to develop and conduct educational programs. So it's educational programs designed to eliminate those discriminatory practices — employment, accommodation, access to public services.

It's not some untrammelled right to go into the schools, change all the curriculum, and in that way somehow promote a homosexual lifestyle, which is the point that is made ad nauseam by people who are opposed to this Bill. So at the end of the day I shrug my shoulders and say, what's the problem? I frankly don't see the problem. This is a limited mandate. I think it's an appropriate mandate, and it is appropriate with respect to these new grounds to the same extent, to the same full extent that it is appropriate with respect to the old grounds of prohibition of discrimination.

Sorry to take so long on that answer, but it was a long question.

Ms. Haverstock: — Mr. Chairman, Mr. Minister, well I appreciate your comments. I have some comments,

and then there was one question actually that I had posed that you did not respond to which I'll raise again.

I just want to point out a few things. I guess one of the things I'm disappointed in is that your comment on my flip-flopping does disappoint me considerably because what you've done is to bring forward nothing but your government's strategy to undermine my positions in this House. And I don't think that it depicts what I've been discussing on this topic whatsoever.

If you would care to read my comments to your second reading on Bill 38, you will see at no time did I say I would not support this Bill or that I would support it. I indicated that I had concerns, that these were legitimate concerns raised by me on behalf of other people. It's incumbent upon me to be a responsible public servant and it's incumbent upon you to respond to their concerns.

What I indicated is that I felt that this legislation could have been stated more specifically, that people could in fact have their fears alleviated if indeed it were amended, and you, sir, are going to be proposing amendments. So I guess I was right.

As well, I think that it's important to note just exactly what I did do with my constituents. I went to my constituents at budget time in anticipation of some of the other pieces of legislation that were forthcoming, and what I did was to talk in this — and it was professionally done — about the budget. It contained other kinds of information as well. It pointed out certain things — asking people do you in fact believe that there should be freedom from discrimination for everyone.

(1115)

And I want to let you know that my constituents, a massive majority, support freedom from discrimination for gay and lesbian people in accommodation and in the workplace and in employment. They also went beyond that and said that they believed that people who have been in gay and lesbian relationships for years indeed deserve to have support as far as bereavement leave is concerned.

What happened, Mr. Minister, was the more specific the questions became, the greater the concern, and that people were saying, if you're going to begin to . . . It wasn't even so much a question of do we not support spousal benefits for same-sex couples; it was if you're in fact going to begin to deal with this kind of thing, then what are we really doing in our society for home-makers who are at home all the time, in terms of their real benefits? And what are we going to do about siblings who have lived together for 30 and 35 years?

It wasn't a question of, I'm now going to, as a constituent, become discriminatory. It was that it opened up a wealth of new questions to them. And I think it's the responsibility of your administration, when you're bringing forward a piece of legislation, to

in fact ensure people who have concerns that they don't have any reason for concern.

I raised the questions as clearly and fairly as I believe that I could in this legislature. I think that some of the responses from your members were absolutely unconscionable in response to my speech. But that's just my humble opinion and the opinion of many, many people who have subsequently read it or heard it.

Now my question that you did not raise, and I just wish to confirm with you . . . You began in response to my five questions by stating that the answers to all of these questions is no. My first question being: will the amendments that are proposed by this Bill extend the rights not already available to homosexuals with regards to family status? And your answer was no.

I asked you: will the amendments that are proposed by this Bill extend rights not already available to homosexuals with respect to spousal benefits, and your answer was no. I asked you: will the amendments that are proposed by this Bill extend rights not already available to homosexuals with respect to the eligibility of the adoption of children, and you said no.

I then asked the next question, to which I will re-pose and have you respond, but the last question that I'd asked you was: will the amendments that are proposed by this legislation give the Human Rights Commission, school boards, or any other body the authority to introduce educational programs on sexual orientation in schools, and your answer was no.

I appreciate those responses because that's what my constituents wanted to hear, and they wanted to have it on the record after, in fact, there had been legal counsel that came up with different interpretations. And I'm pleased that you would see a way of improving this Bill in bringing forward amendments. I applaud you for that.

My question then that I would prefer some response to as well, and you can answer just yes or no for expediency's sake, is: will the amendments that are proposed by this Bill give the Human Rights Commission the authority to start affirmative action programs based on sexual orientation?

Hon. Mr. Mitchell: — No, and we are going to ensure that by introducing an amendment to section 47 of the Act. The Act certainly isn't going to solve all of the problems, and it's such a limited idea as I've stated repeatedly. And the member has mentioned other problems, other social problems that are out there that need attention, and in the fullness of time we'll have to attend to it.

I was interested to hear the member's reaction to my analysis of her position over time. I think the member's attention was distracted when I used the term flip-flop, and she ought not to have been as defensive about it I think as she was because I was

describing — I think fairly — the member's thinking as it went along here and my reaction to it.

And the member knows and I think all members of the House knows that we have consulted closely and extensively about this and discussed concerns and ideas, and we have made a great deal of progress. And I'm hoping that when the dust all settles here and you have . . . the committee has completed it's work that the Bill 38 will enjoy your support.

Ms. Murray: — May I have leave to introduce guests, Mr. Chairman?

Leave granted.

INTRODUCTION OF GUESTS

Ms. Murray: — Thank you, Mr. Chairman, and my thanks to the minister and the member from Saskatoon Greystone. Mr. Chairman, to you and through you to my colleagues in the legislature, I am just so pleased to introduce 25 grade 4 and 5 students from Pilot Butte School which is a school where I taught for many, many years. Accompanying these students is Loretta Dick, a colleague of mine for 15 years, and their bus driver, Ruth Beteridge.

I had the privilege of teaching these children in kindergarten, and I'm delighted to see them here again so grown up. I'm looking forward to meeting with them right away for photographs and questions. And I'd ask all members here to join me in welcoming them to the Legislative Assembly. Thank you.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 38 (continued)

Clause 1

Ms. Haverstock: — Thank you, Mr. Chair. I just have a further clarification, and I'm sure that we don't want to bore or take up time in this Assembly. But, Mr. Minister, our conversations and my particular point of view on issues are things that I shared with you prior to ever seeing the legislation. And I'm not here simply to represent my particular points of view. I'm here to represent the points of view of thousands upon thousands upon thousands of people in my constituency. And I did make my own personal point of view known to you, and once I saw the legislation, I brought the concerns of people to this Assembly and expressed them to you.

Now if you call that a flip-flop, I don't know whether or not anyone should express mere opinion that represents their own point of view and then completely ignore the wishes and concerns of their own constituents. I believe that I am a responsible person here, and I guess I really resent the implication that somehow I should not represent the points of view of my constituents; that I should merely bring

into this Assembly my opinion and my opinion only.

I made a commitment to people. Prior to the campaign, when we had 65 other people that were running for the Saskatchewan Liberal Party, we made a commitment to one another that on issues that would be deemed sensitive and moral, that we in fact would not simply represent our own points of view; that we would ensure that we would bring forward the concerns of our constituents.

And that's one of the reasons why people in this province and elsewhere feel betrayed by their elected officials. They feel that they are not listened to, and I made a promise that in fact I would listen to people.

So there are times when I bring issues into this Legislative Assembly that are not my issues. They're issues of other people. And that's my job.

Hon. Mr. Mitchell: — Well fair enough, Mr. Chair, and to the member, and I think if the member reviews *Hansard*, she will see that there is no cause to be defensive about the remarks that I made in my speech. But as I say, fair enough.

One of the things that I said was that the discussion that the member and I had in the rotunda, in the presence of the media, raised the concern in my mind that she was responding to the agenda of the very vocal opposition to this Bill. And I think that, as I said earlier, that's turned out not to be the case, because after some discussion I think we were able to achieve a common understanding and consensus on at least many of the issues. I'm not saying all of them, but many of them.

And I am, as I said earlier, looking forward to the member's support by the time the committee is finished its work and her concerns have been addressed.

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, and to the minister. Mr. Minister, you're well aware of the prolonged debate that has taken place and the debate out in the country, and certainly from the involvement and the input that we're still getting from people and concerned citizens across the province of Saskatchewan, it's a debate that hasn't ceased simply because Bill 38 hasn't been an ongoing debate that's been taking place in the House, with the whole format of how the House works and the House proceeds.

But there are a number of areas that we would like to bring forward, we would like to discuss. I believe you were into some discussion just a few minutes ago. Some of the concerns that have been brought forward . . . and I'm going to raise them again because of their importance and because of the letters that I've just received recently from individuals who, again, have taken the time, not only to write yourself . . . An individual from Regina here who has written and says: I think you're kidding yourself and the people of Saskatchewan when you say it will not affect any other phase of our lives, example: education, family,

adoption, homosexual marriages and legal rights, etc.

And another letter that again brought out the fact that people in general across this province and across this continent certainly have no problem with the reaffirming the fact that the homosexual community should not be discriminated against based on their sexual preference in regards to employment and housing.

But the one issue that, regardless of how it is put and how it is set . . . and as your colleague, the Premier, indicated last night that he was putting his faith and trust in you, and I think that's really going a little . . . extending himself almost a little far. I'm not sure, but he's putting . . . said he's . . . that your statements basically relay his or reiterate his belief and his opinion on Bill 38.

However, Mr. Minister, as I've indicated before, and I'm going to reiterate on the floor of this Assembly . . . because I believe it's important that we raise these concerns, that we bring the issues before the floor, that we get a sound, firm commitment, I guess if you will.

And I'm not exactly sure that just even a commitment in the debate that takes place in this Assembly and recorded in *Hansard* is something that will, in the future, be looked upon as a solid argument in the judiciary, in the courts, regarding the availability or the discussion that will take place as individuals take Bill 38 and then begin to use it to seek . . . or greater access to the demands that they are putting forward.

And, Mr. Minister, I guess there are three, four areas, four particular areas that people are very concerned about. And people are concerned about the fact that the homosexual community wants to and would like to be more greatly recognized in their ability to adopt children. And basically arguing the fact that they do have a sound father or mothering characters and instincts and that they could raise children appropriately. And that may be true. No one's taking away the argument that they couldn't provide the housing that's needed, that they couldn't provide the shelter, or the clothing. Or provide for the basic needs of a child. But one has to wonder, what about the moral, the social, and the emotional needs of that child. Would they be properly addressed in view of our society and the fact that our nation has established itself.

And I believe even if we went back to the social gospel presented by Mr. Douglas back in the '40s, where he would have reiterated the issue that there are some moral guidelines that we as people need to live by and we need to agree to and recognize. Now that's one of the issues. The adoption issue is a major concern.

And, Mr. Minister, we're suggesting that we put an amendment into this Bill that specifically raises the concern and addresses the issue by suggesting that this Bill will not go beyond what it is meant to do, the housing and employment issue, and be allowed to be used later on to allow for homosexual . . . or adoptions by homosexual couples.

I'm wondering, Mr. Minister, if you can give us a commitment and indicate that you'd be willing to look at that amendment and put it into the Bill. Even though at the end of the day, I'm not exactly sure by introducing the amendment that it is going to alleviate the concerns out there in light of the overall impact of the Bill and the desire of the Bill to outlaw discrimination, period. I wonder if the minister would comment on that.

Hon. Mr. Mitchell: — Yes, Mr. Chair. This is not the place, or this is not the Bill within which to resolve the question of the adoption of children by homosexuals or homosexual partners.

It has been the law of Saskatchewan for a long time that there is no prohibition in the legislation respecting the adoption of children. And that if you look at The Adoption Act — and I remind the member that it was . . . that the current Act was passed in 1989 — it does not prohibit homosexuals from applying for adoption, from adopting children.

(1130)

There has never been a situation that I'm aware of in Saskatchewan where the issue has arisen, that where the courts who are the ultimate decision-makers with respect to adoption have decided the point. So it's still out there.

If it is the wish of this Assembly to deal with the question of adoption raised by the member, then we should do that within The Adoption Act which is where that law applies. There is nothing in this Bill one way or the other to affect the question of adoption. There is simply no value, no moral value addressed in this Bill, and those questions would have to be, I submit, addressed in the appropriate piece of legislation.

If the member feels this strongly about it, then I suggest that he or his caucus raise the question in the context of The Adoption Act in an appropriate way. But it would be most extraordinary, probably out of order to try and raise it in this Act. Perhaps not out of order, I shouldn't say that, I'm not pronouncing on that question. But if we're going to address this question, then let's go to The Adoption Act in the appropriate manner and consider whether that Act should be amended. Let's not use this Bill as the vehicle for addressing that particular question.

As I say, there is nothing in this Bill that speaks one way or the other to the question of adoption of children.

Mr. Toth: — Well thank you, Mr. Minister. Unfortunately the issue that you've raised, and I guess a couple of points that you raised here in response to that . . . And as you've indicated, to your knowledge there really hasn't been any demands in Saskatchewan to date. I would take though that that doesn't necessarily mean that the requests or the demands may not come in the future regarding

adoption of children by same-sex couples. It's taking place in other areas of our society. It's taking place in other areas of our country. The demand is out there in other areas of the world.

The fact is that if this is not the Bill, then it would seem to me another argument that could come out of this issue then is why change Bill 38 if the only thing that we're talking about is housing and employment. If the adoption question is something that would take place, it could be addressed through the adoption legislation.

Now there again this argument that did we . . . we really didn't need Bill 38 to address discrimination based on housing and employment. Another avenue could have been looked at, certainly looked at very closely and very directly, and address that question.

So you and I may disagree and we probably will on some of these issues and how they're addressed and how they're viewed. You have a legal background; I've got a farming background, but I don't think it takes away from the fact that we do have some views. You may tend to look at issues a little more on the basis of your learnedness regarding judicial questions versus my background in the area that isn't really dealing with Justice or a lot of judicial matters, even though I've been given the responsibility of being Justice critic, and sometimes I wonder . . . But I think sometimes on the outside you can get a broader perspective because you're not encumbered by the knowledge you have received regarding how the judicial system works.

Therefore, Mr. Minister, I think in light of the views, even though we could address that question in the adoption Bill, what would be wrong in bringing forward or just putting an amendment in. And I'm going to call the pages and just send over some of these suggestions we've made for amendments so you can review them. But what would really be wrong in making a statement or amendment that addresses that concern that the people across Saskatchewan have?

And, Mr. Minister, we're well aware of the fact that this concern is not a concern of 20 or 30 or 40 per cent of the people in Saskatchewan. In fact as we've raised the issue, it crosses all political lines, it crosses all party lines, it crosses all denominational lines. People who even do not profess to acknowledge that there is the existence of a God have some strong feelings on this issue. And I would suggest to you that over 90 per cent of the population of Saskatchewan — maybe 95, 98 per cent — are opposed and have spoken out and expressed their views on this question. Why not allow that form of an amendment?

Hon. Mr. Lingenfelter: — I wonder if the Assembly would give leave to introduce guests?

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Lingenfelter: — Mr. Chairman, I'd like to

introduce two special friends who are seated in the west gallery, Eddie and Emmy Gross, from down in Glenbain. Ed is a well-known farmer down in the south-west area of the province and Emmy as well works in many social groups in the Glenbain area. I know that all members will want to welcome Ed and Emmy Gross to the Assembly.

Hon. Members: Hear, hear!

The Chair: — Why is the member on his feet?

Mr. Renaud: — To ask leave to introduce guests, Mr. Chairman.

Leave granted.

Mr. Renaud: — Thank you. In the Speaker's gallery, Mr. Chairman, are two guests, Mrs. Cécile Small, who is my aunt and a teacher in Saskatoon, and her friend, Mrs. Donna Senior. They're here today to attend the Bazaar craft show. Cécile is a teacher, as mentioned earlier. She has written some books and she loves Saskatchewan heritage, the culture and the arts.

And I'd like the Assembly to join with me in extending a warm welcome to my guests here today and wish them a safe trip home.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 38 (continued)

Clause 1

Hon. Mr. Mitchell: — The simple answer to the member's question is that the matter of the adoption of children just has no place in a Human Rights Code. Our Human Rights Code, as is the case right across the country, is concerned with prohibiting discrimination in respect of employment and accommodation and access to public services.

Questions like the one raised by the member are, of course, serious questions and deserve to be considered by our respective caucuses. And the policy issues are researched and positions taken in the context of those issues, not in the context of an anti-discrimination Bill.

One of the problems that we've had that, just have cursed all of us in the discussion of Bill 38, are the side issues that intrude themselves upon what is really a very simple, straightforward piece of legislation. And that's something that we've had to bear. We can't make it go away. We can't wish it away. We have to cope with these representations that are made to us.

But I think what we have to remember is that this business of law making on which we are now engaged has to have some structure and order to it and some basic integrity, if I can use that term.

When we're dealing with a particular piece of legislation like the Human Rights Code, let's talk about the issues that that raises and deal with the issues that are raised by that and not try to reform all of the laws in Saskatchewan that might incidentally be touched upon by other aspects of arguments that are raised by the amendments that are proposed.

So my answer to the member is that we respect his concern about the issue. We know that there is a level of public concern that he is expressing when he raises his point, but let's do it in the context of the appropriate Bill . . . or the appropriate piece of legislation, I should say.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, another question that comes up is regarding marital status and the concern that there will be the demand for the recognition of same-sex marriages. And it's an area that certainly the people of Saskatchewan, the people across Saskatchewan, and across Canada for that matter . . . And the member from Regina Rosemont says it's not on the Bill. Well then fine. Strengthen the Bill to say it will never be part of the Bill. That's all people are asking. People are asking for the fact that the Bill be strengthened so the Bill cannot be used down the road to demand that.

And if the member from Regina Rosemont wants to ask some questions, the member from Regina Rosemont can jolly well stand to his feet — he'll have the opportunity — and ask some of the questions that his constituents are raising as well.

But, Mr. Minister, when we get into this debate the whole question of marital status is something that is out there. And people are asking it. And there's no reason why we should just slough it to the side because of a broad statement that says no, this Bill does not deal with that particular issue. No, this Bill will not allow that to take place. We've all seen how legislation through the years has been utilized by interest groups to demand and to raise particular concerns and raise issues of concern to them.

And, Mr. Minister, I'm wondering if here again if you would make a commitment to at least allow an amendment that would strengthen the Bill to address the question of marital status, of same-sex marriages. Would the minister be willing to do that, sir?

Hon. Mr. Mitchell: — The question raised by the member is in a different category than the previous point about adoption. It is a question of constitutional jurisdiction.

We in this Assembly cannot legislate in respect of the capacity of people to marry each other. That's done in Ottawa by the federal government. We have a jurisdiction, as the member from Wilkie will no doubt know, we have a jurisdiction in the provinces to talk about the . . . to talk about the solemnization of marriage, which is to say the ceremony, how marriages are conducted. So we can pass laws about what kind of a licence you need, and what would be the cost of the licence, and who can marry you, and

on what days of the week you can marry, and all those sort of formalities or technicalities about the ceremony and about the . . . you know how, what sorts of licences you need.

But it is the federal government that provides who can get married to each other. And so there are laws respecting marrying your sisters and your brothers, and your aunts and uncles, and that sort of thing, that are dealt with in federal legislation. So when you're talking about the question of same-sex marriages, that is a matter that falls entirely within the jurisdiction of the federal government, and we couldn't do anything in this House about that question even if we wanted to.

Mr. Toth: — Well, Mr. Minister, Mr. Chairman, and thank you, Mr. Minister. I guess the thing that I would suggest though, Mr. Minister, even if technically and legally it's beyond our control, I think the province can still give some leadership in indicating to the population that certainly we're going to lay out the guidelines or at least take a stand on the guidelines or through our lives exhibit the type of guidelines that the people of Saskatchewan really believe in.

And unfortunately you're right, the way our marriage laws are now and the way our divorce laws are in this nation of ours — and whether that's, I'm not exactly sure if that's provincial or federal jurisdiction — but certainly we face a situation where the greater openness and the greater frivolous . . . I guess marriage is treated very frivolously these days. There isn't that commitment. There isn't that commitment amongst people to really make a commitment to partners, to each other. And as a result we see a lot of the offshoot and the problems that arise from it. And certainly the issue of same-sex marriages just increases that feeling of uncertainty and not knowing where to turn.

And, Mr. Minister, it would seem to me that there'd be nothing wrong in — as you've stated, you've made a firm and solid commitment in your second-reading speech on some of these issues — it would appear to me that there would be nothing wrong in even putting an amendment or putting forward something in the Bill that reaffirms those commitments that you've made in writing through answer. And I think that would be only fair. Even though I can see just from the motions and from the body language that that's not really going to fit in and you're not quite prepared to do that.

But I think, Mr. Minister, it's fair, because the public are watching and the public have raised the concern. It's a concern that is broad and it's wide-ranging. And what I would suggest is there's nothing wrong — at least I don't believe there's anything wrong — in making that commitment through an amendment to indicate that this Bill doesn't go beyond the issues that you have described. And why won't the minister at least today reaffirm that commitment by making some kind of a statement in the Bill to reaffirm your commitment to specifically housing and employment?

Hon. Mr. Mitchell: — The reality of the situation is that I'm not only the minister responsible for the Human Rights Commission but I'm also the Minister of Justice. And that means that part of the function of that office is to . . . part of my responsibility is to ensure the legislation that is brought to this House is constitutional and within the constitutional jurisdiction of the province. And I have a department that has a very significant and professional capacity to just ensure or to help ensure that that's done.

(1145)

And so it is my responsibility with respect to all legislation, to sign off on it in the sense that it is within the competence of this legislature to pass the law that's being passed. And I could not . . . I mean it would be . . . No minister of Justice could sign off on a piece of legislation that was clearly not within the jurisdiction of this House. In other words, what I'm saying is that we can't do something like the member suggests just for the cosmetic value of doing it or just to try and reassure people who are concerned about this matter.

I draw to your attention the . . . I draw to the member's attention, Mr. Chairman, that in the federal legislation which was in parliament . . . It didn't get passed before the session ended, but it's there. It was legislation that was put forward by the Prime Minister designate, so one would expect that it would come back on the legislative agenda if she's successful in the next election. And part of that legislation defined very clearly who could get married in Canada.

So the member's concern is being addressed in the appropriate place, namely parliament. And I don't think we need over-concern ourselves. I know we've had a lot of concern expressed by our constituents about that very question, but there's a limit to what we can do in this House to satisfy those things. And one thing we cannot do is to try and do something that's outside our jurisdiction in order to satisfy some of those concerns. I hope the member can accept that.

Mr. Toth: — Well, Mr. Chairman, and Mr. Minister, I can appreciate your comments and appreciate the role as Justice minister in trying to follow through and make sure that your legislation certainly falls within the guidelines of our Charter of Rights and Freedoms. Because as chairman for the regulations and review committee, it's my job to see to it that certainly the legislation meets those needs. And I'm just going to be totally disappointed if I can't find any fault with your piece of legislation.

Mr. Minister, another area of concern is spousal benefits. And certainly I believe there have been some cases that have already been before the Supreme Court.

And how do we address those concerns? There again we've suggested an amendment that would specifically bring out the fact that this Bill will not allow or extend or give the homosexual community the leverage to utilize the Bill to demand the spousal

benefits that couples, man-wife relationships, are . . . heterosexual couples can expect because of their relationships and because of their commitment to each other. And, Mr. Minister, here again is another concern that people have. And they want, not just a statement from yourself, but a major commitment through the Bill or through legislation that would say that this Bill does not go beyond and allow that.

Now I realize that, as we've already seen taking place, that this is an area that is already coming forward and a greater demand is going to be placed on our society for those benefits and the recognition by same-sex partners. And I don't think it's going to be all that long before Saskatchewan sees the requests are coming out of provinces as well as changes take place in other jurisdictions. And I'm wondering if the minister would care to respond to that concern.

Hon. Mr. Mitchell: — Mr. Chair, and to the member, I believe that we in my office and in the department have probably spent more time on this issue, this aspect to Bill 38, than any other. And the reason why that's been the case is that the situation is so complex.

There are a lot of cases working their way through the courts which raise the question of spousal benefits. And the situation is unsettled. There are conflicting decisions, and we don't know how they're going to come out.

There are a number of things that are clear however. Some of them I have already said this morning in this committee in answer to the questions raised by the member from Saskatoon Greystone.

Let me just restate it very briefly. If a benefit plan prescribes who is entitled, then those are the people who are entitled. And if that includes same-sex partners, that's the end of the matter. That's a matter of the employer has laid that down in the plan or else the plan has been negotiated between the employer and the trade union, and that's up to them. I think the member would accept that. It's not our business in this legislature as lawmakers to interfere in those kind of private arrangements that are out there.

The question is more complex if it is a . . . if there is no such definition, if there's no such prescription about who is entitled. And you then fall on the general law. And those cases are the ones that are working their way through the courts. And they all involve the rights of people under the charter, under the Charter of Rights and Freedoms. And they are so being argued and they are so being decided in the courts, including in the Supreme Court of Canada.

Ontario tried to include a definition of marital status in their code for the purposes of the benefit plans. It would apply to that, probably apply to other things too, but I know it applied to benefit plans. And the board of inquiry — this is in the Lechner case — and the board of inquiry in that case held that the attempt to define marital status as restricted to opposite-sex couples did not comply with the charter.

So there you are right back in the charter again. And of course we in this Assembly cannot change the charter. The charter's embedded in the constitution and, as the member knows, there's a very, very complex process for amending the Constitution of Canada, and especially of the charter.

So at the end of day we arrive at this conclusion, Mr. Chair, and to the member: there just isn't anything we can do to advance that situation one way or the other. This question of benefit plans and the entitlement of same-sex spouses or same-sex partners is going to be played out in the context of the Canadian Charter of Rights and Freedoms.

There's nothing in this Bill. And countless cases can be almost, you know . . . I've got almost two pages of cases here. They're not played out in the context of provincial Human Rights Bills. So it didn't matter what we prescribe here. That's not going to decide the question of entitlement to same sex spouses, or same sex partners under benefit plans.

And we see the efforts that have been made to effect the question which were unsuccessful, and we see the way in which these questions are being played out in the courts all the way up to the Supreme Court of Canada. And we just arrive at the conclusion that there really isn't anything this legislature can do.

My fundamental point is that the question of entitlement under benefit plans of whatever kind is not addressed in Bill 38. It's not addressed directly and it's not addressed indirectly.

And so there is when you get right down to it, there is nothing to which we have to respond. It is an issue that simply doesn't arise under Bill 38. It is another kind of an issue, an issue where the provincial legislators are not major actors at all, where the charter is the major actor, and we're just going to have to see how that comes out.

Mr. Toth: — Mr. Chairman, and Mr. Minister, I guess that the indirectness is the main problem that people have with the whole Bill before us and whether the Bill deals directly or indirectly with any of the particular issues, whether it's same sex marriages, whether it's spousal benefits, whether it's adoption.

And that's why the public in general are asking for a statement or a commitment that this Bill doesn't go beyond that. And you've mentioned this morning that we've got an adoption Act that addresses the adoption question, and the spousal benefits is something that is up for discussion. It's certainly before the courts today.

And because of . . . you suggested, or brought to mind, the Charter of Rights and Freedoms that has been enshrined in our constitution . . . and I would believe and I would suggest, Mr. Minister, that one of the major problems that we have in our society and we have in our country today is the fact that we've enshrined a charter that has basically said, people have rights and they have freedoms, and they can

demand their rights. But I don't know — and I'm not that knowledgeable — but it seems to me that we haven't added the key phrase and component, and that is, with rights and freedoms comes responsibility.

And there is a major debate taking place. We can all demand our rights. We can demand . . . I can demand a right that you would disagree with. But as a citizen of the province of Saskatchewan, as a citizen of Canada, I have a right to speed down the highway if I would like, but I also have a responsibility to heed the rules and the regulations and the speed limits.

And if I happen to exceed the speed limits and I'm caught, I'm guilty. I might say: yes, but I have a right; the road was clear, there wasn't anyone in my way and I could exceed the speed limit because I had to get from point A to point B at a certain period of time. That is not the question. It's my responsibility to abide by the guidelines that have been laid down, the traffic laws of this province.

I could demand it's my right just to walk onto some other person's property. That person could say, well it's my right to say that you don't have that responsibility unless you're invited — or that right. You have a responsibility to respect my property.

You've raised the question of the federal Bill. The fact that the federal Bill is basically sitting on the Table and it's probably going to die on the order paper is the same thing that could happen with Bill 38 — it could die on the order paper. You could save us all the concern and the questions that are being raised out there.

And unfortunately, I see the minister shaking his head the wrong way. I think the people of Saskatchewan, if they could view and see the body motion, would be wishing that the motion would be in the other affirmative . . . would be affirmatively moving, Mr. Speaker.

But see, what we have is . . . And on the federal Bill I believe, and having talked to some of the federal MPs (Members of Parliament), the former minister . . . And it's also interesting to note when you look at the debate that took place and the Bill that was before the House of Commons, yes, the minister who introduced that Bill is now the current Leader of the Conservative Party. But it's interesting to note that the Bill died when the debate started to heat up. And basically members of that party spoke out and said, if you want our support on any issues, you're going to have to start addressing the concerns we've got.

And the Prime Minister finally realized that his party wasn't in agreement with that piece of legislation. And the interesting part is to note how quickly Ms. Campbell moved from Justice over to responsible for defence, moved her right out of the portfolio. And so the Bill is just sitting there.

Now whether or not she's Prime Minister, she is going to have to listen to the wishes of the people who are elected to serve with her in the next federal election

and as the next Government of Canada.

Now what I'd like to see is the fact that there were people allowed that ability, even in this Assembly, to stand by their convictions, to voice the concerns of their constituents, because I think that took place on the federal level.

(1200)

And I think, Mr. Minister, as well, when we look at this we can always argue, well it's a federal responsibility, or it's federal laws that control, like, I think The Marriage Act and the specifics in The Marriage Act. There are some areas where we're involved regarding the process. There are federal laws or will be federal laws or it's an issue that's on debate regarding spousal benefits.

I think that here in Saskatchewan we still have the ability to express our views and our opinions. And regardless of whether the federal laws override — we see a greater transfer of some of the responsibilities at the federal level to the provincial level — it would be appropriate, and we could show some leadership in this country by standing and saying: no, we're not going to go beyond that. Yes, we realize that federal laws have some jurisdiction here, but we're going to make that statement and even show it through our piece of legislation that we may disagree . . . or we disagree.

And we want our people to know that we believe in what the people are standing for. We believe in these issues and we're going to make a solid statement on that. And therefore, Mr. Minister, even though it would be a federal jurisdiction that would cover some of these areas, I don't see any problem or any reason why we can't have a solid statement in our Human Rights Code that addresses these issues of spousal and adoption and marriage.

And going on to another amendment we've brought forward, regarding the educational process, too, of bringing in a addition to our human sexuality, or whatever — I'm not exactly sure what they call the curriculum dealing with human sexuality in the health area — but adding another component where we've heard individuals in support of this piece of legislation, individuals who want to bring forward greater public awareness, who are suggesting that we need to adopt educational programs that alleviate the fears of the general public towards homophobic ideas and principles; that basically are saying that there's no reason why people should fear the homosexual lifestyle because it's a normal lifestyle. And I disagree with that.

I've talked to doctors and I've talked to people who have been in the homosexual community and been able to work their way out of it who will tell you . . . And if they were here today, they would stand in their place, having been there, and tell you that it is not a normal lifestyle, and it is not the type of lifestyle we should promote.

And there again, I don't believe the Bill is specific enough to eliminate that fact or to protect our educational . . . the demand by the homosexual community to allow for a portion in the educational curriculum that deals with the homosexual desires and demands.

And there again, Mr. Minister, would you be willing to look in and add an amendment that lays out the fact that we do not allow the extension of homosexual lifestyle to be promoted through educational courses or curriculums in our province?

Hon. Mr. Mitchell: — I want to answer a number of the points that the member raises, and I'm glad that he raises them because we're getting right down now to the nub of the debate.

The member knows that there is a great deal of support for this Bill in the community as a piece of legislation that prohibits discrimination in employment and accommodation and public services. And I say that with confidence because my sense of this debate, listening to the members of the opposition caucus speak to the Bill, is that they've said that. They have said that. The member himself has said it, and others there have said clearly that if that's how far Bill 38 was going, they would support it. And that really gets us right down to the point that I have made earlier, and I want to make again.

What we have had happen to us, you and I and all the rest of us, with respect to Bill 38 is that red herrings have been dragged across the path of this Bill, if I may use that metaphor. Red herrings have been dragged across our path and have diverted us from our course. We started out to do a very simple thing, and that was prohibit discrimination, just as we prohibit discrimination in exactly the same way on a number of other grounds. What we are trying to do is to protect our citizens from the ravages of discrimination. And almost to a woman and to a man in this House, we support that idea with respect to sexual orientation. And similarly in the community, there is broad support for that.

The problem is that the red herrings, the outside issues, have contaminated this debate, and we've lost our compass on it; at least some of us have because we get seized with the question about how do we feel about same-sex partners getting married. That's not the question raised by the Bill. We all know that. We all know that. But yet we get dragged away from our knowledge and from our certainty by the prospect of two men living together in a sexual union or two women living together in a sexual union, and we allow that mental picture to divert us from what we're about here. And similarly with respect to the question of spousal benefits; we get that little red herring dragged across our path. Even though this Bill has got nothing to do with spousal benefits, or the entitlement to benefits, we get our attention and our purpose diverted from Bill 38 to that other question of who is entitled under a dental plan, or who is entitled under a bereavement leave provision, or who is entitled under a medical plan. And we pay serious attention to that as

though it were important to us, Mr. Chair, and Mr. Member, as though it were important to us sitting here as to whether a person living in Moose Jaw is or is not entitled to be repaid the cost of their dental services and whether that person happens to be living in a homosexual union or not living in a homosexual union.

We get all pulled away from our purpose here and get diverted by that ominous-sounding word, spousal benefits for same-sex partners, as though that were a big deal. Well it must be a big deal. I mean so many people are worried about it that I must say that we should accept that it is important to society whether some person living in Prince Albert is entitled to have their dental bill paid by an insurance company or not paid by an insurance company. Let's accept that it's important. The point is that it's a side issue and a red herring. And it's diverted us from our main intention.

And finally the question of the adoption of children. We all know that the adoption of children is governed by a particular piece of legislation. We all know it because the party that forms this government has dealt with that Act in this legislature in the past as government. The members of the official opposition, when they were government, dealt with that Act as recently as four years ago. We know that that's where these questions should be addressed.

We know that Bill 38 has got nothing to do with the question of adoption. But we allow these outside issues, these red herrings, to divert us from our purpose in Bill 38. And suddenly we look at the question and say: great Scott! a homosexual adopting children; we'd better change this law to cover that. Well my answer to the member on that point I've already given. If that's the view, if that's what this legislature wants to do, then we should do it in the context of the Act that has . . . that deals with adoption, that prescribes the right to adopt, and the procedure for adopting, and how it's done, and not get diverted from our plan, from our policy, with respect to Bill 38 by that somewhat emotive question.

And I use the word emotive because that is the nature of these red herrings. That is the nature of these outside issues; they are emotion-laden issues. They conjure up in our mind images which are not pleasant to all of us and so we have a tendency to react. All of our citizens have a tendency to react to these emotional issues.

To hear the public debate on Bill 38 from some of the people most actively involved in it, you would think that Bill 38 was addressing the whole way in which our society functions, the whole question of human sexuality. It has nothing to do with human sexuality. It has to do with the ravages of discrimination and protecting our citizens from the ravages of discrimination, and that we all agree is something we should do and we must do.

Now the member gave us a fascinating glimpse of the way in which the federal Tory caucus works, and I take it that he speaks with some authority on the

question of how this particular issue was handled in the federal Tory caucus. I have no idea whether that's the whole story or part of the story. Perhaps he can enlighten us further on it.

But the point does remain, the point does remain that at least, at least at one point the federal government must have decided as a cabinet and as a caucus to introduce that Bill because it was introduced — it was introduced. And they decided at that same time to address the question of who can marry each other because that provision was contained in the Bill. Now time will tell whether the federal government seek to move on this or not.

But I would remind the member — and after this I'll sit down, Mr. Chair — I'll remind the member that the federal government is under court order practically — that's the practical effect of it — a court order to change its Human Rights Code because the charter requires that the Human Rights Code extend the protections of the code to people regardless of their sexual orientation.

That's not a question of members putting up their hands or deciding to pass a Bill or not pass a Bill. It is a requirement of the Constitution of Canada that that protection be extended. And there's nothing we can do about that and there's nothing parliament can do about that. It is what it is. And in the meantime, the federal Human Rights Code must be applied and interpreted as though that prohibition were specifically spelled out in the code. So while it's fascinating to get a glimpse of the to-ing and fro-ing in the federal caucus in this election year, the fact of the matter is that when they come back after the election, no matter which party is in power, they're going to have to face this question and they're going to have to include that prohibition in their Human Rights Code. Similarly we in Saskatchewan, in the final analysis, have no alternative but to include a prohibition against discrimination on the ground of sexual orientation in our law.

Mr. D'Autremont: — Thank you, Mr. Chairman. Mr. Minister, we've heard a number of members speak on this issue, particularly on this side, and all the members have said that they were opposed to discrimination. We heard the member from Greystone say exactly the same thing this morning; we've heard you say the same thing.

But perhaps, Mr. Minister, there's a misunderstanding on the definition of the term "discrimination", both in this House and in the public. So I wonder if you would mind explaining your definition of the term "discrimination."

(1215)

Hon. Mr. Mitchell: — Mr. Chair, and to the member, the best definition I think I could offer is one that comes to us from the Supreme Court of Canada; and we don't have the case with us, but here is the definition that according to our collective memory was given to the term "discrimination" by the court: a

burden imposed or benefit denied on the basis of an irrelevant, personal characteristic. I'll just repeat that: a burden imposed or benefit denied on the basis of an irrelevant, personal characteristic.

When you come right down to it though, we all know what it means. It means treating different people differently, treating different people differently, failing to treat all of us as equal. And so when when our societies in North America and elsewhere in the world discriminated on the basis of race, it was a burden imposed or benefit denied on the basis of a personal characteristic which was not relevant.

And gradually we came to see that and changed our laws. It was common at one time to discriminate on the basis of sex, gender that is, male or female. We came, as a society, to understand that was wrong, that that was a burden imposed or benefit denied on the basis of an irrelevant personal characteristic, and we moved to change it.

And I think that's probably a workable definition. It's not the only one and not necessarily the best one, but it's one that has been accepted by the courts.

Mr. D'Autremont: — Thank you, Mr. Minister. Well we see about us, and including in this House, discrimination. In this very Assembly there is discrimination, Mr. Minister. If you look at the traditions and practices of this House, in our little members' handbook it describes proper attire for males in this House. Proper attire for males in this House is a jacket and tie, and yet that same standard is not applied to the female members of this House. We have seen female members in this House in blouses and slacks. We have seen them with shorts, and yet the male members of this House must wear jackets and ties.

That is, Mr. Minister, a burden imposed based on a person's gender. And yet it seems to be acceptable in this House. I see a number of members across the aisle find that somewhat interesting that I would bring this up in this discussion. Because, Mr. Minister, it is a form of discrimination, and it is an acceptance of discrimination in this very Assembly.

The member from Greystone this morning was saying that discrimination in any form should be eliminated, and yet I have before me a newspaper clipping and I'd like to quote from it. The member from Greystone is saying:

People who would attack her on a personal basis are the same ones who would end up driving gay people underground.

So she's saying that if a person is to attack her, that they are those that would discriminate against other people, others. An earlier quote in that same paper, she says:

She counters by saying, the Tories preach family values while promoting intolerance towards homosexuals.

A case where now she is throwing the mud, Mr. Speaker, but if anybody throws it back at her then they're intolerant. Another case, Mr. Minister, where we're seeing the double standards that are being applied in this very Bill.

Mr. Minister, how can you present a piece of legislation to this Assembly in an attempt to eliminate discrimination where you build discrimination into the very Bill, where you accept discrimination in this very Assembly?

Hon. Mr. Mitchell: — I point out to the member that not every difference amounts to discrimination, and that this Bill, Bill 38, and the Human Rights Code, the base statute, is a very limited idea. It's a very limited idea. It prohibits discrimination on a limited number of grounds in respect of a limited number of matters and doesn't seek to solve all of the problems of the world.

We live in a world with huge social problems, many of them based on the fact that we don't treat each other with the dignity and respect that becomes free and equal people. We can't address all those questions in one piece of legislation. Human rights legislation has focused in this province and elsewhere on just some of the basics — your job, your home, and your access to public services.

Now perhaps it should include more things. We'll be interested to have that discussion. But so far, up to 1993 in this country, the protection of human rights, the protection of people from the ravages of discrimination, have been limited to those grounds.

So I freely admit there are all kinds of other problems out there that can be characterized as differential treatment or discrimination. But we just can't solve all the problems of the world with one Bill.

Mr. D'Autremont: — Well, Mr. Minister, one of the things that you have outlined in this Bill is an attempt to eliminate discrimination in the case of employment. Is that protection to be extended in all cases or just in selected cases?

Hon. Mr. Mitchell: — Well the Act is quite clear with respect to the protection in employment. It's in section 9, and I'll read it. It's a simple section:

Every person and every class of persons shall enjoy the right to engage in and carry on any occupation, business or enterprise under the law without discrimination because of his or their race, creed, religion, colour . . . (etc., etc., plus the grounds that we have in the Bill today).

And I then refer the member to section 16 of the Human Rights Code which says that:

No employer shall refuse to employ or continue to employ or otherwise discriminate against any person or class of persons with respect to employment, or any term or

condition of employment, because of his or their race, creed, religion, colour . . . (etc., etc., including the three new grounds included in Bill 38).

No employment agency shall discriminate on the same ground. "No employer shall use, in the hiring or recruitment of persons . . . an employment agency that discriminates . . ." on any of those grounds.

And I think that those are the collection of employment-related matters that are covered by the Bill.

Mr. D'Autremont: — Okay, thank you, Mr. Minister. I have here a magazine called **Union Matters**, April 26, 1993. And they have a little paragraph here on this legislation. I'd just like to read it:

Labour supports Human Rights Code changes. The province's largest labour organization has endorsed the proposed amendments to the Saskatchewan Human Rights Code currently before the legislature as Bill 38. The 26-member executive council of the Saskatchewan Federation of Labour voted unanimously this week to express public support for Bill 38. The proposed changes to the code would provide protection from discrimination in employment, accommodation, and basic public services for homosexuals, recipients of social assistance, and families with children.

Would you accept, Mr. Minister, that this is a reasonable explanation of what the Bill is and what it proposes to do?

Hon. Mr. Mitchell: — Yes I think that that's certainly in very, very summary form but I think that's accurate.

Mr. D'Autremont: — Thank you, Mr. Minister, I'd like to read you another quote then. This is from **Maclean's** magazine December 9, 1991, a quote from Mr. Daryl Bean:

No man has a right to scab as long as there is a pool of water to drown his carcass in . . .

Mr. Minister, we now have a situation where the unions are out discriminating against people's employment because of the actions that the union did not agree with. In the same magazine, the **Union Matters** that I quoted from earlier, above the part where it talks about labour supporting the Human Rights Code is a list. It's called, "Scabs suspended."

This is an example, Mr. Minister, of how these people support the Human Rights Code and discrimination. In one breath they're saying no, no, you should not be allowed to discriminate. It says here: "... employment, accommodations and basic public services for homosexuals, recipients of social assistance and families with children."

Now I'm sure that this list of names that they have here of people they're calling scabs that should be,

according to Mr. Bean, drowned in a pool of water, includes people with families, with children. How do you respond to that, Mr. Minister, how do you allow this kind of discrimination to occur?

The Chair: — Why is the minister on her feet?

Hon. Ms. Carson: — By leave, Mr. Chairman, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Ms. Carson: — Thank you, Mr. Chairman. Mr. Chairman, today I'm delighted to introduce to you and to the Assembly, 40 grade 4, 5, and 6 students in the west gallery from the Pleasantdale Elementary School. They are accompanied by their teachers Marg Carlson and John McPherson and their chaperons Mary Scott and Connie Fredin and bus driver Don Kager and Frank Kager. And I would like to welcome them.

I hope they've had a pleasant tour of the legislature this morning and that they'll have a very enjoyable and exciting tour of Regina and some of the sights in Regina this afternoon. I'll be meeting with them shortly for pictures on the stair, and I would ask all members of the Assembly to join with me in welcoming them to Regina and to the legislature this morning.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 38 (continued)

Clause 1

Hon. Mr. Mitchell: — Mr. Chair, and to the member, the concept of a scab as that term is used in the quote from Mr. Bean, which I'm told is actually a quote from Jack London initially, is a term that trade unionists use to describe people who cross picket lines to work at a struck plant. These may be people who were employed there previously or they may be people who are brought in to do the work of striking employees.

And the member from Rosthern raises the question of whether this is a complimentary term. And the answer is no. It is an extremely uncomplimentary term. Again a very emotional issue surrounding labour disputes.

Such laws as there are which relate to labour disputes are contained in labour relations statutes. In Saskatchewan ours is The Trade Union Act. And it goes by different names in different jurisdictions. But the regimes, the network of laws that apply to striking employees are addressed in those statutes. So the Human Rights Code would not have any application to people who were working behind picket lines or working in struck plants.

Mr. D'Autremont: — Well, Mr. Minister, I think again it's an example of the double standard. We just had a ruling come down from the Human Rights Commission in the province of Saskatchewan stating that human rights legislation was paramount to all other legislation in this province unless explicitly stating otherwise.

(1230)

I'd like to read a little more from this column, this article in *Maclean's* magazine of December 9, 1991:

On October 10, Daryl Bean, president of the 170,000 strong Public Service Alliance of Canada (PSAC), wrote the same letter to three women — all grandmothers — in which he called them "SCABS".

The three women are public servants who chose to exercise their freedom to earn a living during the recent nation-wide strike by the PSAC. Bean's letter quoted this passage:

"After God had finished the rattlesnake, the toad and the vampire he had some awful stuff left with which he made a scab. A scab is a two-legged animal with a corkscrew soul, a waterlogged brain, and a . . . backbone of jelly and glue. Where others have hearts, he carries a tumour of rotten principles . . . No man has a right to scab as long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with."

The three women are Helen Fraser, Dianna Haight, and Jackie Nezezon, who work as civilian employees at Canadian Forces Base, Trenton. Why did Bean write this frightful letter to them?

Because Bean was responding to letters each of the three had written to him to express their concern over the intimidation and threats that took place during the strike.

During the recent nation-wide strikes by PSAC and the Canadian Union of Postal Workers, Canadians saw, heard or read almost daily about scenes of sickening violence and lawlessness on the picket lines.

A surgeon in Ottawa on his way to perform an operation was knocked off of his bicycle and suffered a concussion.

A mob rampaged through a post office in Montreal, overturning tables and smashing furniture.

Again and again, law-abiding citizens trying to exercise their freedom to earn a living, were assaulted and harassed. These citizens were sometimes made to run gauntlets of screaming, cursing, threatening picketers to simply get to

their places of work to earn a living.

Well, Mr. Minister, if this very same thing were to happen to someone who claimed to be a homosexual, would or would that not be acceptable in this society?

Hon. Mr. Mitchell: — The member raises a number of questions. First of all, with respect to the issue of paramountcy. The paramountcy of the code is not something that happens because of the ruling of the Human Rights Commission or a decision of the Human Rights Commission. It arises because of section 44 of the Human Rights Code which was enacted by this legislature 14 years ago.

Section 44 says, and I quote:

Every law of Saskatchewan is inoperative to the extent that it authorizes or requires the doing of anything prohibited by this Act unless it falls within an exemption provided by this Act or unless it is expressly declared by an Act of the Legislature to operate notwithstanding this Act.

And that is the principle of the paramountcy of the code and that is what the Human Rights Commission refers to when it talks about paramountcy. It is a matter of law.

The same principle is incorporated in the legislation of all of the other provinces and all of the other jurisdictions. This is not something unique in Saskatchewan; it's there right across the country.

Now with respect to the . . . I see why the member's raising the question of scabs and the treatment of scabs and then makes the analogy to what is commonly referred to as gay bashing. And gay bashing is an issue — no question about that — of great concern to everyone because it is violent and it is such an assault upon people who are not deserving of that kind of treatment.

The Human Rights Code is a very limited provision with respect to those kind of situations that might be included in the idea of what is referred to as gay bashing. Section 14(1), which has been there since 1979, talks about publishing or displaying on land, on your property or premises, or in a newspaper or television or radio or in any printed matter, any representation or statement or symbol . . .

tending . . . to deprive, abridge or otherwise restrict the enjoyment by any person . . . of any right to which he is or they are entitled under law; or

which exposes, or tends to expose, to hatred, ridicules, belittles or otherwise affronts the dignity of any person, any class of persons or a group of persons;

because of his or their race, creed, religion, colour, (so on and so forth).

I say that's a limited provision because it has, you see,

I think very limited application. The more substantial provision is in the Criminal Code, the federal Criminal Code. So that I don't know where that leaves us in connection with the member's question with the reaction of Mr. Bean to people who'd crossed the picket line, comparing that to what I have sort of loosely termed gay bashing. I don't know where that leaves us, except to say that's of course not what Bill 38 is all about.

And to that I can add nothing to assist the member with respect to that very interesting question.

Mr. D'Autremont: — Well, Mr. Minister, you indeed add nothing to the question or to the answer because my question was directly: is it acceptable for this kind of behaviour to happen in this society? And is there any other difference in this behaviour if you change the word scab to homosexual to gay or lesbian?

Hon. Mr. Mitchell: — It's hard to answer the member's question because in one situation you have the collective bargaining that hasn't worked and a strike that's going on and economic struggle between the employer and the trade union and all of the emotions that that situation causes. You have, with respect to the people who cross the picket lines, the question of them taking the job of people who are lawfully on strike, who are in effect obeying the law, exercising a right they have. So that's in relation to this . . .

An Hon. Member: — Said all long-term employees. Grandmothers. Grandmothers.

Hon. Mr. Mitchell: — I can only answer one question at a time, Mr. Speaker. So that's a particular kind of economic struggle as it's often called, involving a strike, and I know that the members opposite are strong supporters of the right of individuals to strike in connection with the collective bargaining process. And that creates emotional difficult . . . or emotional issues, very, very important issues if people cross picket lines to take the jobs of striking workers.

It's hard to draw a parallel between that and what I have termed gay bashing, this kind of letters or publications, I think, because the analogy the member's drawing aimed at people whose only difference, whose only distinctiveness is that they have a different sexual orientation. That's obviously a much different question than an industrial dispute, so it's hard to answer the member's question in that context.

If you're asking me if I think it's fair game to commit assaults upon gay or lesbian people in our society, my answer is a most emphatic no; it is not permissible. It is not acceptable behaviour and it should not be accepted by any of us, if that's what you're asking. But I repeat, it is hard to deal with these two as being analogous situations because of course they're not.

Mr. D'Autremont: — Well, Mr. Minister, you're doing a . . . trying to do a good job of skirting the issue and dodging. I find it rather convoluted that you

would use the argument that it's an economic struggle if a union member bashes, harms, destroys property, curses out another person. That's okay in the sense that it's an economic struggle.

Mr. Minister, prior to 1939 in Germany there were a number of people who felt they had an economic grievance and they were dealing with an economic struggle, and in that situation 6 million Jews were hauled off to the concentration camps and gassed. Mr. Minister. was that an economic struggle that you would have found acceptable, and you would not classify that as discrimination?

Hon. Mr. Mitchell: — Well of course not, Mr. Chairman.

Mr. D'Autremont: — Then why is it acceptable that it's an economic struggle if in a labour dispute some individuals do exactly those things that were described in this article? That's acceptable.

Mr. Minister, I want to read that quote to you again and change one word in it and find out whether or not it would be acceptable under your definition of discrimination and your operation of the Human Rights Code:

"After God had finished the rattlesnake, the toad and the vampire he had some awful stuff left with which he made a (homosexual) . . . A (homosexual) . . . is a two-legged animal with a corkscrew soul, a water-logged brain, and a . . . backbone of jelly and glue. When others have hearts, he carries a tumour of rotten principles . . . No man has a right to (be a homosexual) . . . as long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with."

Is that acceptable then, Mr. Minister?

Hon. Mr. Mitchell: — I speak on behalf of all of society in saying no, of course not.

Mr. D'Autremont: — Well then, Mr. Minister, when you change that word to scab, why is it acceptable?

Hon. Mr. Mitchell: — Well, Mr. Chair, I never said it was. I was . . . (inaudible interjection) . . . Come on, guys, settle down. I was simply putting the idea of a scab in its context in attempting to deal with the member's analogy as between scabs and homosexual people. And I said that the analogy was an awkward one, and it was awkward because the contexts are entirely different.

I'm not here to stand and express on behalf of the government or myself the question of attacks upon scabs. We can have that debate in another context at another time. And I do not appreciate the member's attempts to suggest that I say one is okay or not okay or anything like that.

I am simply here to say in response to the member's substantial question that I speak on behalf of all

society when I would condemn, absolutely, the characterization of homosexual people that his transposition of the nouns in that quotation gave effect to. And he knows that. He knows that.

I mean, it is going to be tough reading in *Hansard* when one reviews what the member has said. Now I know that the member was just doing it for the purpose of asking a particular question, but we ought not to even utter words like that. They're so terribly, terribly inappropriate.

But I'm not lecturing the member. I'm just saying that the analogy that he draws is far-fetched and not useful and really off-the-wall.

The Chair: — Order. The Chair requests leave to introduce guests. Is leave granted?

Leave granted.

INTRODUCTION OF GUESTS

The Chair: — With thanks to the members of the Assembly, I'd like to introduce to you some visitors to Saskatchewan from our sister province to the east, from Manitoba.

In the Speaker's gallery right now are 38 grade 6 students from Major Pratt School in Russell, Manitoba, who are here as part of the school tour, and we're pleased to see stopping to see the proceedings of the Legislative Assembly of Saskatchewan.

These students are accompanied by teachers Wayne Dunham, Jan Shauer; chaperons Mrs. Hickman and Mrs. Russell; and their bus driver Brian Clunas.

In a few minutes they will be leaving the galleries and will be taking a tour of our Legislative Assembly buildings which they will recognize as being nearly as beautiful, from their point of view, as their Assembly buildings in their own capital of their province in Winnipeg.

Members of the Assembly, would you please show a warm Saskatchewan welcome to our visitors from our sister province, Manitoba.

Hon. Members: Hear, hear!

(1245)

COMMITTEE OF THE WHOLE

Bill No. 38 (continued)

Clause 1

Mr. D'Autremont: — Thank you, Mr. Chairman. Mr. Minister, you condemned those words in relationship to homosexuals. And we do the same. They are totally inappropriate and should not be used. But will you also condemn those same words being used in the case of scabs, as were directed towards these three grandmothers?

Hon. Mr. Mitchell: — Well I'm not about to stand in this House and defend the words of Jack London, which I think were written in about 1917. It is not part of my function to stand here and defend any statement by Daryl Bean in which he quotes Jack London. And frankly, Mr. Chair, this has absolutely nothing to do with Bill 38. Can we focus on the subject?

Mr. D'Autremont: — Well, Mr. Speaker, we see — Mr. Chairman, sorry, I've given you a promotion — we're seeing a clear example of the priorities and the concerns of this government. It's perfectly acceptable to call these people worse than rattlesnakes, vampires, and that they should be hung.

You described earlier what discrimination should not allow: hate, intolerance, support . . . This quote supports and promotes violence against a group of people. And you are supporting it. You will not come out and say that it is not right, that it is wrong. You stand here and say, I condemn this when it comes in the terms of homosexuals, but you will not say that when it comes in the terms of a labour dispute. It's very plain where your support comes from and what you're trying to hide and protect behind here, Mr. Minister.

Now will you come out and condemn this action and these words in relationship to, as Daryl Bean described it in 1991, scabs?

Hon. Mr. Mitchell: — Oh dear. I don't know what in the world the member's point is here. It is not part of my function to comment upon words written by Jack London in 1917. It is not part of my function to comment upon statements that Daryl Bean may have made, which includes quotes from Jack London, in 1991. What I did do is respond to the member's characterization, to the member's characterization of homosexual people, which I think to be entirely inappropriate. Now if the member wants to — if I could interrupt the member from Rosthern — if the member wants to quote something that Jack London or somebody wrote about homosexual people, I'm not going to defend them either.

But I will comment on a statement put across the floor of this House with respect to a concept that is included in Bill 38 which the member makes. And I did that. As to Jack London, I couldn't care less what he said.

Mr. D'Autremont: — I don't care what Jack London said either, Mr. Minister. What I am concerned about is the attitude of Daryl Bean, as a union representative, when he made this particular quote. What if I was to say in this Assembly that:

After God had finished the rattlesnake, (and) the toad and the vampire, he had some awful stuff left with which he made a scab. A scab is a two-legged animal with a corkscrew soul (and) a waterlogged brain . . . (A) man has no right to scab as long as there is a pool of water to drown his carcass in and a rope long enough to hang his body with.

Would that be an acceptable statement, Mr. Minister, under your Human Rights Code?

Hon. Mr. Mitchell: — Well the answer to the member's question is that the Human Rights Code does not, according to my interpretation of it, deal with any aspect of the question raised by the member. Now that is the long and the short of it.

The other thing I would say to the member is that I am here, I am here, I am here in this Assembly today to consider in committee the contents of Bill 38. And I want to do that. I want to do it today. I'm looking forward to doing it Monday and Tuesday and Wednesday, and however long it takes.

But I am not going to get into an argument about whether or not Daryl Bean's characterization of anybody was correct or not correct, except as it may relate to Bill 38.

Mr. D'Autremont: — Well, Mr. Minister, it seems you're prepared to protect — or under your terms protect — some people under a Human Rights Code while you're prepared to discriminate and allow the continuation of discrimination against others. What's so special about some of these people that other people should be discriminated against?

You accepted the union's explanation that I read out to you earlier and that part of that being families with children. Why are you going to allow discrimination against families with children, Mr. Minister?

Hon. Mr. Mitchell: — Well, for I don't know how many repetitions of the same answer, I am not called upon in my role in this committee to accept or not accept something that Jack London wrote in 1917 that Daryl Bean quoted in 1991 . . .

An Hon. Member: — Total regret.

Hon. Mr. Mitchell: — No, it's nothing of the sort. What it is, we are dealing with a Human Rights Code passed in 1979. It does not address the right of people who are on strike. It does not address the question of — to use Daryl Bean's and Jack London's phrase — scabs. It is simply not within the purview of this Act.

I believe that members are going to have an opportunity to discuss this concept in the appropriate context, which would be amendments to The Trade Union Act, all in due time. But we can't deal with all the problems of the world within Bill 38. We can only deal with the subject of Bill 38, and scabs is not included, Mr. Member.

Mr. D'Autremont: — Well, Mr. Minister, it's very interesting that you have very selective criteria for who you will protect from discrimination and who you won't. Just because you happen to have been a labour lawyer in your past history, that you supported those groups or they supported you financially through salary, that you are prepared to allow discrimination in those particular cases.

Mr. Minister, as you yourself said earlier, discrimination in any form is wrong. Now all of a sudden discrimination in this particular form is acceptable. Sorry, Mr. Member, but I'm not dealing with that today. Well, Mr. Minister, that is discrimination and you are discriminating against these people and you're not prepared to stand in your place today and say that it's wrong. You're prepared to accept that as discrimination.

Mr. Minister, I find it appalling that you're not prepared to stand up and state in the case of scabs that that statement is wrong, but you're prepared to stand up and say it is wrong and totally condemn it when you stick a different word in there. Mr. Minister, no matter what the word used, these are people and you're discriminating against them and I find it totally appalling.

Hon. Mr. Mitchell: — Well I guess just in the ordinary to-ing and fro-ing in the House it's my turn to speak. If the member wants to seriously suggest to this Assembly that we should amend Bill 38 to protect from discrimination workers who are on strike, then let's have it. Let's have a look at the amendment. I don't know what point he's driving at.

The analogy between replacement workers or people working behind picket lines and homosexual people is just too far, too far, too impossible to even deal with. I mean, it's . . . Talk about an off-the-wall analogy, that is it. One of my colleagues has provided me a quote from the *Grainews* which in Saskatchewan is at least on an equal standing with *Maclean's* magazine. It's not a quote from Daryl Bean, but it's a quote from Cynthia Heimel, and she says the following: All men are not slimy warthogs. Some men are silly giraffes, some woebegone puppies, some insecure frogs. But if one is not careful, those slimy warthogs will ruin it for all the others.

The Chair: — Order, order. I want to bring to the attention of all members of the committee the expectations of proper decorum in debate in the committee. I also want to specifically caution members, having listened for the last few minutes here, of a ruling in Beauchesne's *Parliamentary Rules & Forms*, 6th edition, on the content of speeches, item number 481(e):

Besides the prohibitions contained in Standing Order 18, it has been sanctioned by usage that a Member, while speaking, must not:

(e) impute bad motives or motives different from those acknowledged by a Member.

And I would simply like to point out to the committee that we're coming dangerously close to violating that rule for proper conduct of debate in the Assembly, and ask all members to respect that.

Hon. Mr. Mitchell: — I want to say it once, Mr. Chair, that my point was not that any of these characterizations applied to the hon. member, and far

from it. My point was simply talk about irrelevant quotations — he had one; I have one. That was the principle on which I was introducing the quotation.

The Chair: — And the Chair simply wishes to clarify that the comment was directed to both sides of the House.

Mr. Martens: — Mr. Speaker, could I have leave to introduce some guests?

Leave granted.

INTRODUCTION OF GUESTS

Mr. Martens: — Thank you, Mr. Speaker. Seated in the Speaker's gallery is a constituent of mine from Cabri. His name is Ross Korven. And together with him he has a group of people from, I believe, China. And I think that we'd like to welcome him here and them. I know that he's done a lot of work coordinating things with the Chinese people both here and in China, and I think we need to welcome them here to the Assembly.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 38 (continued)

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, after listening to that little quote from the minister, I take it . . . and I'm glad the minister did speak up and not really qualify it as being his statement because I'm sure he really wouldn't want to put himself into that, nor would we all.

But, Mr. Chairman, we've been debating Bill 38, and we've attempted this morning to raise a number of concerns, a number of questions — and not only just this morning but over the past number of weeks and months as we've entered into the debate here. We've been raising the issues, the concerns that the general population have across this province.

And as we draw near to 1 o'clock, it would seem to me that we haven't arrived or even drawn a lot closer to some of the . . . alleviating those concerns and alleviating those fears. And there are a number of things that I would like to get into, but I think the time period for the day has basically . . . as we're winding down it just doesn't give me the appropriate time to really get into. So I would think it would be appropriate to call it 1 o'clock.

The committee reported progress.

The Assembly adjourned at 1 p.m.