

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, I have on behalf of Saskatchewan residents a petition to present this afternoon, 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.

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

Mr. Speaker, this petition comes from the McCord, Eastend, Glentworth, Mankota areas of the province. And I lay it on the Table now.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I too would like to read the prayer on my 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.

And these petitions are signed mostly by individuals from the Prince Albert area.

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

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

As in duty bound, your petitioners will ever pray.

Mr. Speaker, these are also from the Prince Albert area — Meath Park, and so on, Albertville, Knox Place — and I would like to present them at this time.

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.

These petitions come from the Vanscoy, Delisle, Harris area of Saskatchewan, Mr. Speaker. I would like to lay them on the Table now.

Mr. Goohsen: — Thank you, Mr. Speaker. I would like to present the following petitions on behalf of the people of Saskatchewan:

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

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

These come from the city of Prince Albert and I'd be happy to table them now.

Mr. Muirhead: — Thank you, Mr. Speaker. I too have a petition to lay upon the Table today. 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 petitioners today are from Shellbrook, Prince Albert, Smeaton. I guess mostly Prince Albert. Thank you, Mr. Speaker. I lay this now on the Table.

Mr. Neudorf: — My petition, Mr. Speaker, is similar to my colleagues. And it states:

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, these are mostly from Prince Albert and a few from Meath Park as well. Thank you.

Mr. Martens: — Thank you, Mr. Speaker. I too have petitioners petitioning the government. 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.

As in duty bound, your petitioners will ever pray.

And I have people from Carrot River, Arborfield, and from Prince Albert.

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, it gives me great pleasure to table on behalf of Saskatchewan citizens and, I would say, over the course of this session thousands of Saskatchewan citizens who have presented this petition to the government on this particular issue.

I'll read the prayer, 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 petitioners from Prince Albert, Shellbrook, Holbein, Carrot River, Rose Valley, Watrous, Simpson — people all over the province of Saskatchewan, Mr. Speaker, who take issue with what the government has done this session.

READING AND RECEIVING PETITIONS

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

Of citizens of the province praying that the Assembly defeat any legislation introduced to redefine the NewGrade Energy corporate governance and financing arrangements.

INTRODUCTION OF GUESTS

Ms. Haverstock: — Thank you, Mr. Speaker. I would like members of the Assembly to join with me today in welcoming Mr. Edward Légaré. He is the great grandson of Jean-Louis Légaré who I will be attempting to recognize through a private member's motion in this House today.

Hon. Members: Hear, hear!

Mr. Hagel: — Thank you very much, Mr. Speaker. Mr. Speaker, as government caucus chairperson, it's been extended to me the privilege of introducing 97 guests from across Canada who are seated today in the west gallery.

These people, Mr. Speaker, are attending the Canadian Automobile Association national conference which is being held in Regina. They're employees and members of families of the employees connected with CAA (Canadian Automobile Association). They're on a tour of the building and are stopping by to observe the proceedings of our question period here today.

Mr. Speaker, for those from other provinces, they'll know that Saskatchewan is famous for two things, the friendliness of our people and the sunshine in our skies. We trust that you have and will continue to have lots of contact with our friendly people, and we promise that right after the rain comes plenty of that Saskatchewan sunshine.

I'll ask all members of the Assembly to extend a welcome, a warm Saskatchewan welcome to our guests from across the country.

Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, it's my pleasure today to introduce to you a number of people from across the province, a number in the city of Regina who have taken the time to come and observe the procedures in the Assembly today.

And I'd just quickly like to raise the names of individuals who are up in your gallery, I believe most of the individuals are. And some of the names I might not quite pronounce properly, but I'll raise them: Arnold Reimer from the Alliance Church, representing 45 churches across the province; Sheryl Schnare, I believe, from the Regina Evangelical Free Church; Margaret Hall and Daisy Greiner from the Hillsdale Alliance; Elwood Larson representing Focus on the Family; Bill Daryluk, Hillsdale Baptist general conference representing 20 assemblies; Doug — and I'm not sure of this; could be Lancaster — Southside Pentecostal Assembly, 60 churches, PAOC (Pentecostal Assemblies of Canada); and Erica Collen from Southside Pentecostal Assembly; Mary Loeppky and Phil Loeppky, Parliament Community Church; Vonda Kosloski, Saskatchewan Natural Law Society; Marlene and Jack Wilhelm, His Way Ministries; Jason Boyd, representing 13 Churches of the Nazarene in Saskatchewan; Bob and Jean Casson, Harvest City Church; Esther Burke, Flo Marshall, H.S. Gould, from Hillsdale Alliance; Stephen Weir, North American Baptist Conference, 15 churches in our province; Earl and Ella Roberts, Hillsdale Alliance; Jean Johnson, Community Impact Saskatchewan; Bill Harvey, Hillsdale Alliance; Ernest Budd, Evangelical Free Church; Harold Lutzer, Community Impact Saskatchewan; and Dale Hassett from Saskatchewan Insight.

I'd like the members to welcome all these members here today.

Hon. Members: Hear, hear!

Mr. Knezacek: — Thank you, Mr. Speaker. I'd like to introduce to you, and through you to all the members of the Assembly, an individual seated in the east gallery, a person by the name of Dwight Herperger who was a former student of mine, some few years ago. Dwight has attended university at Kingston, Ontario and is presently in Saskatchewan on business. And I'd like you to take time out to welcome him to our Assembly this afternoon.

Hon. Members: Hear, hear!

ORAL QUESTIONS

Negotiations with FCL

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Premier today. Mr. Premier, we witnessed the very unfortunate spectacle last night of your Minister of Justice taking Bill 90 through this House last night and protesting up and down that your government has never threatened, that you don't have some kind of political agenda in mind, vis-a-vis the NewGrade upgrader project.

All along, Mr. Premier, people have been suspicious that your government has been threatening that you would negotiate in bad faith to fit your political agenda. And we've seen how you cancelled the contracts of 60,000 farm families, how you negotiated with 52 local hospitals by shutting them down, and now we see the spectacle once again, Mr. Premier, of some of your cabinet henchmen threatening people in our society.

Mr. Premier, when are you going to start threatening people in this province and start acting like a premier? When people take issue with your government, that's when you act like a premier, not one who threatens, Mr. Premier. When are you going to do that?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, the question is very easy to answer since neither myself nor the government has threatened FCL (Federated Co-operatives Ltd.) or anybody else involved in this matter. I don't think I've got to answer the question about when I'm going to stop. I can't stop something that I never started.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Question to the Premier. Mr. Premier, that's not what Bud Dahlstrom says. He says that as early as 16 months ago your minister of the Environment was threatening to shut down the Co-op refinery on environmental grounds if you did not . . . if they did not bend to the wishes of your friends in CIC (Crown Investments Corporation of Saskatchewan).

Mr. Dahlstrom says there was also another minister. And I guess what co-op members and what voters in this province want to know, Mr. Premier: which other minister besides the Environment minister of the day was part of this threatening operation?

Mr. Premier, you threatened farmers, you threatened hospital workers, you threatened municipalities, you threatened glass dealers, and it appears, Mr. Premier, that your ministers will go out and threaten anyone who stands in the way of your agenda.

Do you deny, Mr. Premier, that the then minister of the Environment and one of your other cabinet colleagues

issued those threats to CCRL (Consumers' Co-operative Refineries Ltd.) as long as 16 months ago? Do you deny that, sir?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I deny the Leader of the Opposition's interpretation of the story in which Mr. Dahlstrom is quoted because the exact quotation from the story — on the assumption that the quotation is accurate — says, quote: "Two of the senior ministers of the Crown suggested that" . . . And then it goes on to say . . . Suggested — that's his interpretation of what was said.

Now I can tell the hon. member opposite that the question of the environmental concerns of the upgrader remain a very serious matter for this government. In fact it can tend to be a very serious matter for your government. In fact I believe it was your government that actually launched proceedings and those proceedings ended up with a fine against the NewGrade upgrader.

Of course, you wouldn't characterize that as being threats and we don't characterize it as being threats; we characterize it as being totally responsible in the attempt to make sure that whatever enterprise functions, functions in an environmentally safe way. And that means that's exactly what we want to do and that has no relationship to the financial dispute or the Estey report.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Well, Mr. Speaker, the Premier can try and put whatever light he wants upon this. Mr. Dahlstrom felt that he had to go speak to the same service club that the Premier spoke to a little over a week ago in order to set the record straight, to set some of the half-truths and misconceptions and outright innuendo that this Premier and this government have used against FCL and CCRL and try and set the record straight.

My question to the Premier is: Mr. Premier, why have you felt it necessary to make CIC the most powerful bureaucracy this province has ever seen? Why have you felt that it is necessary to give your friends — as the media says, the cronies — Mr. Ching and Mr. Dombowsky such power that they can now rewrite the agreement, knowing full well, as you do, that as long as 16 months ago you had set an agenda that your minister of the Environment and other member of the cabinet were saying that they would have this deal negotiated their way or they would use the power of their office, no matter what it might be, to threaten FCL into seeing it your way.

Why have you felt, Mr. Premier, that you have to have such power? What are you afraid of?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I don't think that I'm afraid of that aspect of the issue. There are some

things, of course, which any mere mortal should be fearful, but not that particular issue, except from this point of view: that I'm fearful of the consequences of a \$600 million obligation on the taxpayers of the province of Saskatchewan — which, sir, you obligated the taxpayers — \$600 million come crashing down around this province's financial necks, so to speak, affecting all of the people in the co-op movement, of which I'm one, and all the taxpayers of the province of Saskatchewan.

It is that oath of office which we have taken, all of us, to protect the taxpayers to renegotiate the deal that — I shouldn't say I'm fearful of; I'm hopeful — will result in a negotiated settlement, a proper negotiated settlement.

The fact that we were going to be negotiating and we're determined to solve this problem, unfortunately culminating in the legislation, is clear right from day one — the day that we opened up the books — that we had to act. You people chose not to act although you knew the problem was serious. We took our responsibilities seriously, and we're acting.

Now as for the allegation that CIC is the most powerful unit in government, I want you to know that I've got one real angry president of the Saskatchewan Power Corporation on my hands now after you leaked that secret out.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Premier, I heard he lost all his friends a long time ago.

The simple fact, Mr. Premier, the simple fact is: are you going to now use, for instance, the occupational health and safety legislation which gives your bureaucrats the ability to shut down a work site? Are you going to use that one now if environment doesn't work? Are you going to use that particular piece of legislation to get your way with FCL? Because that legislation, sir, gives your minister the power to order that work site shut down.

Now I want to know, Mr. Premier, why do you believe that you need that kind of power? Why do you need to have the heavy hand all the time in dealing with these issues? Surely to goodness the responsibility of being a premier means that there are other things except the mailed fist to solve your problems, sir.

Why is it that Mr. Dahlstrom has to go to the same service club that you spoke at to set the record straight? Why is that?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — You'll have to ask Mr. Dahlstrom. But I can tell you that Mr. Dahlstrom listened to my presentation. And during question-and-answer period, he even got up and he tried to — in your words, quote — set the record straight.

He's a member of that particular service club and I only can assume that they asked him or he asked them to be given a spot to have his side of the story told. That's only fair and normal. I think in a democracy, why not? It's not a question of setting the record straight. He puts his position forward.

I might say about his position, there is nothing new about this. This is an old mishmash of the disputes about the Saskatoon Co-op, you know, and the numbers are all wrong. But you can't change the spots on the leopard. You can't change the hand that you're dealt. And the hand that we're dealt is a \$600 million taxpayers' obligation.

And you yourself recognize that that's serious and it's got to be renegotiated. May I say before I sit down in closing, when you say why do you have to use the heavy hand all the time — well we don't use it all the time and we don't want to use this hand. But it's not good enough to say, don't use the heavy hand but I have no other idea available to me as to what you should use if the other side fails to come to the table, other than some generalized statement of the need to talk. Well we've been wanting to talk for 16 months, 18 months, and we have not had that response.

I'm sorry. I think the FCL's a wonderful institution; it's a wonderful economic institution, co-op movement; I subscribe to it; I support it. But I repeat again I did not take an oath of office to FCL. I took an oath of office to all the taxpayers of Saskatchewan and with this \$600 million obligation, in the absence of a negotiated settlement, we are going to act to clean up this and other financial messes that you left behind.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. It's fine ... it's strange that we find the Premier so bereft of ideas these days. I remember in the fall of '91 that he was the solution to everything. He had an idea per day. He could walk on water. He was the be-all and end-all to the province of Saskatchewan. Now we don't have any ideas on how to solve a financial dispute with one of our major citizens.

Mr. Premier, the fact is that you can't blame the opposition for this one. The opposition agreed to vote with you, brought in an amendment last night that would help you solve your problem. Don't point the finger over here, sir. Point the finger directly where it should be pointed and that is at the seat for the member from Saskatoon Riversdale who lacks the ideas and says that I have to use the heavy hand.

Mr. Premier, this is probably the final day of this session. Why don't you say to those thousands of co-op members that have tabled their names in this House in opposition to your moves, why don't you give them the solemn promise today that you will not implement that legislation and you will let true negotiation work? Will you do that?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I'm at least thankful about the Leader of the Opposition's characterization of my activities in 1991 today because he characterizes them as saying that I'm a person who could walk on water. But I recall very vividly, during that election campaign when I tried that, he characterized it as: Romanow can't swim. So today we're making progress, or depending on your point of view, there's some improvement. So I appreciate them and I thank him very much.

The question that the hon. member asks deserves a serious response, as I'm trying to answer to him. I say to all of those co-op people who have petitioned, I say to them as I say to you: I am ready to walk out of this Chamber as soon as it is appropriate and convenient and proper for me to do so to meet with Mr. Leland, to meet with Mr. Thompson, to meet with Mr. Empey, or any combination thereof, with my officials or any other combination of officials, non-stop to negotiate a deal on the principles — note the word that I use — of Estey.

I've said that for weeks; I've said that for months. That offer has not been picked up. I can't do any more. I can't fly up to Saskatoon and say here, let me in, I want to talk to you. I cannot do anything about it if FCL has shut the government out. I can't do anything about it.

But I repeat publicly, I say publicly: I am ready to leave now. All I want is a phone call. All I want is some communication. Not even a phone call, it can come from you . . . (inaudible interjection) . . . Well unless the Leader of the Opposition is suggesting that I should just simply go up and see if they're around. That's the position that we take.

Some Hon. Members: Hear, hear!

The Speaker: — Next question.

Medical Laboratory Testing

Ms. Haverstock: — Thank you, Mr. Speaker. My question is directed to the Minister of Health. Madam Minister, seven weeks ago in this House I asked you whether shifting medical laboratory testing to hospitals would cost more money than it would save. And you indicated at that time that you would provide me with government cost estimates of the change in policy. Can you explain why the information has not been forthcoming to date, Madam Minister?

Hon. Ms. Simard: — I will check into where that information is and why it hasn't got to you.

Ms. Haverstock: — Mr. Speaker, Madam Minister, public labs do not have much testing equipment that exists in the private lab system. And that's well known. You would not confirm seven weeks ago that public labs will have to purchase a \$10 million computer laboratory system to bring them up to the same level of what is in the private lab system. Can you confirm this now, Madam Minister?

Hon. Ms. Simard: — It's my understanding that that

purchase will not have to be made.

Ms. Haverstock: — Thank you, Mr. Speaker. Madam Minister, can you confirm that University Hospital in Saskatoon has purchased testing equipment which is called the Stack-S? It's a form of computer-generated microscopic testing equipment and it's purchased for its hematology department. This equipment valued at over \$300,000; equipment that already exists at City Hospital in Saskatoon.

Madam Minister, just so you know, one Stack-S can service the entire province. How do you rationalize this duplication of equipment that it seems quite unnecessary?

Hon. Ms. Simard: — I will have to take notice, Mr. Speaker, on the information she's provided.

Ms. Haverstock: — Mr. Speaker, Madam Minister, you have stated on many, many occasions that all of these decisions are local health board decisions and that they are to determine how to distribute funding for medical lab testing.

But you also stated something else on March 16 and I wish to quote you directly: The government's role will be to provide overall direction and to set standards for the delivery of lab services. End of quote.

What concerns me, Madam Minister, is this. And my question to you: how can you tell local boards that they have to be able to meet specific standards, to tell in fact private labs that they are no longer needed in this province, that this is something that can be taken over, and yet these particular local boards are going to require more money than the health budget actually allows for? How do you reconcile all of this?

Hon. Ms. Simard: — Mr. Speaker, with respect to the issue of labs, what the government will be doing is monitoring the delivery of lab services from a quality point of view. We will also be setting any standards and guidelines with respect to the delivery of lab services.

A budget will be allotted to the district boards to do whatever they have to do with respect to delivering lab services. Obviously that's going to mean a combination of public and private labs at this point, with a general direction to use more fully and maximize the public facilities that are already in the system. So there will, as we move through this period of transition, be a dual system.

Now the member opposite is making some assumptions — that it's going to cost more money — that I do not think are accurate because there has been 10 million taken out of the budget, and district boards will have to deliver the services within that context.

As she well knows, there has been a report and study done that actually indicates substantially more than that could be taken out of the lab system and we could still deliver in this province a very high quality of lab services. So the government has put forward the

general guidelines for a policy of that nature, and district boards will implement it.

Ms. Haverstock: — Thank you, Mr. Speaker. This really is not rationalization if we're talking about the way the monies are being looked at and distributed. It's competition between hospitals in one city which is something that one was trying to make sure didn't happen.

Madam Minister, you stated on March 16, that you're trying to, and I quote you directly again: manage lab services in the most effective and efficient manner possible. End of quote.

Now if this is the case, Madam Minister, how do you rationalize these expenditures that are taking place as we speak for equipment at City Hospital, much of which is already present at University Hospital and in the private system as well? This is not effective or efficient use of resources. What we're talking about are millions and millions of dollars that could have been used to keep hospital beds open. I'd like your comment, please, on what seems to be transpiring under this new system.

Hon. Ms. Simard: — Mr. Speaker, had the member asked questions in estimates of this detail, had she asked any health questions in estimates, this information could have been provided to her in a detailed fashion with the officials present in this House.

Now with respect to what is being purchased at University, what is being purchased there, I will look into the matter and take notice of that. But the member opposite has already made assumptions . . .

The Speaker: — Order, order. If the minister is going to take notice, she can't answer the question.

Free Vote on Bill 38

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Premier, and as my colleague before pointed out, my colleague pointed out the fact that you've used your heavy hand and threat against people across this province, even in this Legislative Assembly. There's an iron hand just sitting over all government benches at the present time even though it wasn't that long ago we had a discussion paper that talked about the enhanced role of members in the Legislative Assembly of the province of Saskatchewan.

Now, Mr. Premier, you do have one more opportunity, one more opportunity to allow members in this Assembly to speak out and truly represent the views of their constituents, to stand up today and speak out and let people know back home that they stood up on the issue.

Mr. Premier, later on we will probably have a vote on Bill 38. We've been asking you to allow your members that freedom. The other evening when my colleague asked you, you said you believe in party

solidarity. Well, Mr. Premier, for the good of democracy, for the good of this Legislative Assembly, for the good of all public officials, will you allow your members, on that final vote before the Bill goes through third reading, to stand up and express the opinions of their constituents? Will you do that?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Shows you who's got the heavy hand around here, Mr. Speaker.

The Speaker: — It's the Minister of Justice.

Hon. Mr. Mitchell: — The hon. member from Moosomin is going around the third time on this idea and I would have thought his lack of success on the first two times around would have deterred him. I say to the member with . . . I say to the member with all of the kindness that I can muster: the vote in principle on Bill 38 was held in this House on the afternoon of June 3, 1993. The vote is over. We can't conduct it again. It's all finished. Leave it alone.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, if everybody gave up, as the minister is suggesting, we probably wouldn't have seen the heroic feats of people such as Sir Winston Churchill or Mr. Roosevelt and other members of our society.

Also, Mr. Speaker, as I was giving the question a minute ago, I was afraid of the fact that the Premier was again going to divert to the Minister of Justice. Mr. Premier, the vote that is going to take place — and the Minister of Justice says it's already happened — the fact is until that final vote is taken on third reading, the Bill does not become law.

On that final vote, we're asking the Premier, rather than forcing his members to either abstain from the vote or not to be present for the vote, why will you not allow them that opportunity, just take the shackles off, release everybody to express their opinions, to vote freely, so that the people of Saskatchewan know that democracy is working here in this Legislative Assembly? Take the shackles off.

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Speaker, the member invokes the name of Winston Churchill and he really couldn't invoke a better name. If there was anybody that understood the parliamentary process in the history of the English-speaking peoples, it was Winston Churchill. Winston Churchill understood that the principle of a Bill is debated and decided upon at second reading.

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — And that was what happened here and that happened on June 3, 1993, and there's no way that we can make this legislature retroactive on this question. That vote is over; it's done; let's get

on with other business.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. Well the minister continues to . . . I refrain from using the word that was coming to my mind. But the minister continues to lead us to believe that the vote on second reading is of major principle and that once that vote has been taken the legislation has been passed.

Well, Mr. Speaker, has Bill 38 received final reading in this Assembly? Has Bill 38 been through a committee? Has it seen third reading? Has it received the nod of Her Honour? Mr. Speaker, that hasn't happened yet. In fact, Mr. Speaker, there are a number of votes that will continue to take place in this Assembly yet. There are, I believe, somewhere in the neighbourhood of eight or nine votes.

Will the minister ask his Justice minister to release all their MLAs (Members of the Legislative Assembly) to vote freely so that they need not be available but they can stand up here and express their opinions publicly regarding their constituents' wishes?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — All right, let me try once more to answer the substance of the question; the question of how the vote was conducted by our side of the House. It wasn't a question of the Premier saying how it would be or how the cabinet said it would be, it was a matter that was decided after lengthy caucus consideration over a long period of time. And we decided what kind of a Bill this was in terms of whether it raised moral or conscience issues, and we decided in light of all of that discussion which extended over weeks, even months, that we would vote as a caucus, that we would vote with solidarity, that this was not an appropriate case in which to decide to have a free vote.

Our caucus made this decision, our caucus has not changed its mind on that, our caucus has spoken, and that's the end of the matter.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I'm informed that at any time a Bill can be defeated. In fact I believe it was Mr. Blakeney's government in the . . . early in the '80s, prior to the defeat of 1982, that had a Bill before the Assembly that was in committee that allowed the Bill just to die on the order paper rather than passing the Bill through the Assembly. Mr. Minister, Mr. Premier, you could do that right now.

What you are doing, Mr. Premier, you are forcing your members, rather than taking their place in this Assembly, to express their opinions by maybe not being available. By not expressing their opinions, by not standing up, Mr. Speaker, it's not a vote against Bill 38; what it is, Mr. Premier, is a vote against your leadership, against the way you dictatorially run your . . . all the members and run your party and run this

government.

Mr. Premier, as your minister has mentioned, you've made that decision. We regret it, but we give you one more opportunity. Allow for the freedom of expression. Will you do that?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — As I said, Mr. Speaker, our caucus, after careful analysis of this Bill, decided that it did not raise a moral issue or issues of conscience that would justify a free vote. They saw it, quite correctly, as a question of discrimination. And that is not a matter over which moral or conscience issues arise.

As I said the other day in the House, we have a lot of red herrings being dragged across the path of what is essentially a plain, simple, ordinary, anti-discrimination Bill. One of the red herrings, one of the red herrings, Mr. Speaker, is the idea that God created women to meet the needs of a man and for procreation.

Some Hon. Members: Hear, hear!

The Speaker: — Order. Order. Order. Why is the member on his feet?

Mr. Solomon: — Mr. Speaker, I rise to ask leave to make a statement.

Leave granted.

ANNOUNCEMENTS

Resignation of Member

Mr. Solomon: — Mr. Speaker, thank you. I'd like to thank all members for their indulgence and courtesy in providing me with this opportunity to speak on this, my last day in this legislature as an MLA.

Mr. Speaker, there are few special occasions in one's life and career where speaking from the heart expresses the poignant feelings of the moment. For me, this is one of those occasions — an occasion filled with reluctance, sadness, and anticipation. Reluctance that I leave provincial politics at such an exciting and rewarding time for New Democrats; sadness at leaving my friends and colleagues in this House; anticipation that I look forward to the challenges which exist by taking the needs and priorities of Saskatchewan people to Ottawa.

In the time I have spent in politics in Saskatchewan — about 20 years in total — both as an active party worker and as a member of this House, three things have guided me.

The first is a deep and abiding faith and trust in our parliamentary democratic form of government as a mechanism to assist people in creating a good and acceptable life for themselves and their families.

The second is a profound gratitude to those politicians, some of whom are no longer with us, who have demonstrated by their consummate belief in people that we can create a society and a government founded upon fundamental benchmarks of dignity, compassion, fairness, and independence — politicians such as Tommy Douglas, whose picture hangs in my office; Woodrow Lloyd; Allan Blakeney; Wes Robbins; Ted Bowerman; our current Premier, the member from Riversdale; and my good friend, Ed Whelan.

And, Mr. Speaker, I'd like to acknowledge and pay tribute to those ordinary private members, those who never served in cabinet, but who in their hard work, loyalty and wisdom had a significant, positive effect upon the direction of government and the province that we love. Private members like the former member from Lumsden, Clifford Thurston; the former member from Weyburn, Auburn Pepper, who is a good friend of ours; the former member from Rosemont, Regina Rosemont, Bill Allen; and Peter Prebble, to name only a few.

The third measure of guidance in my political life, Mr. Speaker, has been and always will be the people, the people who I represent and serve, women, men, and children throughout Saskatchewan, but particularly in my home area of north-west Regina who have put their trust in me to represent them in this Assembly just as I have trusted them and respected them for what they are: good, decent, hard-working people who want from government responsibility, accountability, and fairness.

I have always trusted these people. And, Mr. Speaker, I will continue to trust them, and I thank them for their support over the past four elections and the times in between the elections.

It is with this grounding, this immersion in the lives and times of people and politics in Saskatchewan over the past 20 years, that has brought me to this point. It's because of what I have learned from the people, the politicians, and from my own knowledge and experience of our democracy that I feel compelled to contribute what talents and abilities that I may have to the challenges facing Canada. It has never been more obvious, Mr. Speaker. Our country needs all of us to participate and work together to preserve and maintain our national integrity. Our country needs all of us to rebuild the future of hope for all Canadians.

I was proud to call myself a member of the NDP government after October 21, 1991. I am still very proud of our government and the steps it is taking to put Saskatchewan back on track. I am proud of my role in this legislature and would continue to enjoy a role within our caucus. I still find very satisfying my role in this legislature representing and serving my constituents. But at the urging and support of friends and these constituents, many of them, I have decided the time is appropriate for me to take this step.

I believe that the people of Canada and of Saskatchewan in particular would not be well served

by an election of a Conservative or a Liberal government in Ottawa. These two parties have an agenda which is at odds with the needs and aspirations of the Canadian people. They ignore the things that count. Their agenda is not the agenda of the people of Canada or of the people of Saskatchewan. I love our country as much as I love my family and our province, and I'm not about to stand by and allow my country to be torn apart.

It is this latter observation, Mr. Speaker, that has brought me to the decision to seek election on behalf of the federal New Democratic Party in the constituency of Regina-Lumsden. As we watch older societies around the world rip themselves apart by deliberate, artificial division growing from ancient mistrust and contemporary greed, hatred, and self-interest, Canada as a relatively new and abundantly rich democracy is challenged to set the pace for a better, more peaceful tomorrow.

I want to work alongside those who share that dream. I want to contribute to the reforging of our national identity and the strengthening of those qualities that make us what we are. I sense a new feeling of hope and optimism across our province and our country, a new attitude that finds people from all walks of life joining together to work on the problems and possibilities that face us. Visionary ideals and sound ideas are what they seek for themselves and their neighbours. I want to be part of that new hope and vision.

(1445)

Embarking on this journey filled with risk and hope, I am heartened by the commitment and dedication of my brothers and sisters in this Assembly who have taken difficult decisions and who competently and responsibly meet the modern challenges of government in order to rebuild Saskatchewan. Theirs is not an easy task, but I am confident they are on the right track, and with the strong leadership of the Premier, the cabinet, and my caucus colleagues, this government will be successful, and Saskatchewan people will surely see better days and times ahead.

I offer my deepest appreciation and good wishes to my leader, the Premier, and all members of this House, and to all members of this House, for the privilege of serving with you as we've served collectively the people of this province. I wish you Godspeed in your future deliberations. I extend my appreciation to the NDP (New Democratic Party) caucus office staff, my personal staff, and to the staff of the Legislative Assembly for their hard work, support, and kind courtesies which they have shown me over the years.

And finally, Mr. Speaker, least but not last and last but not least, I would like to extend my heartfelt gratitude to the people of north-west Regina, especially to those many hundreds over the years who worked so hard on my campaigns. Without you I would not be here. But it has been an honour to serve you and your families, and I thank you for the terrific support over the years. God bless each and every one of you.

Thank you.

Hon. Members: Hear, hear!

PRIVATE MEMBERS' PUBLIC BILLS AND ORDERS

SECOND READINGS

Bill No. 2 — An Act to recognize Jean-Louis Légaré / *Projet de loi No. 2 — Loi sur la reconnaissance de Jean-Louis Légaré*

Ms. Haverstock: — Thank you very much, Mr. Speaker. I rise today to give second reading to the Bill to recognize Jean-Louis Légaré.

The Speaker: — I believe the member must ask for leave in order to do this.

Hon. Mr. Lingenfelter: — Mr. Speaker, I would suggest we just go down the order paper for private members' day . . .

The Speaker: — Well I've already recognized one member. The Government House Leader should have done that before I recognized another member. So I'm at a loss as to what to do. I've already recognized the member from Saskatoon Greystone.

Hon. Mr. Lingenfelter: — I wonder if the member could just do it under private members' orders.

The Speaker: — Why doesn't the member from Saskatoon Greystone simply ask for leave to move to her item, and if it's denied then we'll go down the order paper and deal with it at that time.

Ms. Haverstock: — Thank you, Mr. Speaker. I ask leave of the House to proceed to private members' public Bills and orders, second readings. The great-grandson of this gentleman is in our midst today. I ask this leave in view of the very non-controversial nature of Bill No. 2.

The Speaker: — Order. The member only has to ask for leave.

Leave granted.

Ms. Haverstock: — Thank you very much. I am rising today to give second reading to An Act to recognize Jean-Louis Légaré. Mr. Légaré owned and operated a fur-trading post in Wood Mountain in the south-western part of Saskatchewan during the time of Sitting Bull, Chief Sitting Bull, and his people who sought refuge from United States cavalry in that area through the years 1876 to 1881. And he supplied food and shelter and hunting supplies for these nearly 5,000 exhausted and hungry people, for which he received little compensation. He kept the peace between these people and those of United States and Canada, and their military and police forces during those many troubled years. I really do wish for people to realize that I consulted with numerous individuals on this gentleman, and that one head of a department

of political science in Saskatchewan states this, and I wish to quote him directly:

The only comments that I can make in regards of Jean-Louis (whom he called the man everyone could trust) is that he was a man of even greater achievements than the Bill credits him for. He was someone who was astonishing in what he was able to accomplish.

Many people perhaps do know that in 1889 he established the first cheese factory in Saskatchewan at Willow Bunch. The first cheese maker for Jean-Louis' factory was Gaspard Beaupré, the father of the Willow Bunch giant. And Jean-Louis Légaré served as his godfather. He brought a very business-like approach to the dairy industry in our province and really became a cheese making expert in our country. It's with great pleasure that I would like people to consider this Bill.

I move that Bill No. 2, An Act to recognize Jean-Louis Légaré be now read a second time.

Hon. Mr. Mitchell: — Thank you, Mr. Speaker. I rise to speak in support of this Bill. Sitting Bull and his Sioux warriors had the famous battle at Little Big Horn in which they defeated the seventh army under General Custer and in so doing incurred the wrath of the entire military establishment of the United States. And he was, from that point on, in full retreat, and he and his warriors were hunted throughout what is now the mid-west United States.

To escape that pursuit, Sitting Bull came to Canada with his people and emerged, as it were, at the trading post run by Jean-Louis Légaré at Wood Mountain. They were at that time hungry, starving, homeless, and they were in a country where the number of buffalo had . . . where the buffalo had practically disappeared, Mr. Speaker. God only knows what the fate of those people would have been were it not for the presence and for the generosity of Jean-Louis Légaré. And his act of humanitarianism in providing food and shelter and hunting supplies to Chief Sitting Bull and his people is one of the great acts of that nature in the history of this country.

It is all the more poignant to me because in the camp of Sitting Bull at that time was a young woman who was my great-grandmother. And I take great pleasure and honour in supporting this Bill.

Some Hon. Members: Hear, hear!

Mr. Draper: — Thank you, Mr. Speaker, sir. I would like to take the opportunity to add a few words to this debate. Both Willow Bunch where Jean-Louis Légaré domiciled, and Wood Mountain where his most famous customer settled, are within my constituency of Assiniboia-Gravelbourg.

At both places there are now regional parks, and virtually all the school children in our area camp in Jean-Louis Légaré Park in Willow Bunch or at Woodboyer Park which abuts on the old North-West

Mounted Police barracks where Chief Sitting Bull was camped.

My own family have taken the opportunity to camp with the Girl Guides in Willow Bunch and gone to Bible class at Wood Mountain, and have had stories of these two famous men. The rodeo in Wood Mountain is still running and is the longest-running rodeo in western Canada. It'll be there next month, if anybody wants to go down there.

The rolling hills with their wooded ravines and coullées are beautiful and striking and have enormous amounts of game, both furred and feathered.

And in the course of my quarter century of medical practice in the area, I was fortunate to count among my friends and my patients granddaughters of Jean-Louis Légaré, Mrs. Alberta North, and Mrs. Elizabeth Ogle, who received the Order of Canada a few years ago and was the granddaughter of Chief Sitting Bull. In fact she taught my children beading and we have quite a few gifts of hers and mementoes and I still go and visit her in the nursing home at Assiniboia whenever I get a chance to go down there.

I was able at one time to get them together and tell me tales of their respective grandparents and fascinating stories of two strong men they were — two strong men whose destinies led them together at a pivotal time in the history of western Canada.

It was and still is the examples of men like these who make Saskatchewan the place it is today. They've demonstrated how men of goodwill whose origins were from thousands of miles apart and who had to communicate with each other in a third language that was not native to either of them . . . and they give us good guidance in conducting our lives today.

And it gives me great pleasure to give my support to this Bill to recognize the part that Jean-Louis Légaré played in the province of Saskatchewan and Canada as a whole. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Motion agreed to, and the Bill read a second time.

The Speaker: — When shall the Bill be considered in committee?

Ms. Haverstock: — By leave, now, Mr. Speaker. I move that the Bill be now read a third time and passed under its title.

The Speaker: — I believe that the member from Saskatoon Greystone is one step ahead of me. We were to consider by leave to have it considered in committee. That leave has been granted. Now the member must ask leave that we waive . . . or I guess I can ask the House. Do we have leave to waive consideration of the committee stage of this Bill?

Leave granted.

The Speaker: — Now the member may ask for leave for third reading.

Ms. Haverstock: — I move that the Bill be now read a third time and passed under its title. I ask for leave.

Leave granted.

THIRD READINGS

Bill No. 2 — An Act to recognize Jean-Louis Légaré / Projet de loi No. 2 — Loi sur la reconnaissance de Jean-Louis Légaré

Ms. Haverstock: — I move that the Bill now be read a third time and passed under its title, and thank you.

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

Hon. Mr. Lingenfelter: — Mr. Speaker, by leave I would move that we go to government business, Committee of the Whole, constituency boundaries Act, Bill No. 79.

Leave granted.

(1500)

COMMITTEE OF THE WHOLE

Bill No. 79 — An Act to Provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly

The Chair: — I would like to ask the Minister of Justice to please introduce his officials to the committee.

Hon. Mr. Mitchell: — Thank you, Mr. Chair. Seated beside me is Darcy McGovern of the Department of Justice. And behind Darcy is Doug Moen, also of the Department of Justice, officials who are well known to the Assembly.

Clause 1

Mr. Swenson: — Thank you, Mr. Chairman. Mr. Chairman, I want to take this opportunity on clause 1 to just review for the Assembly some points that I think are very important in discussing how Saskatchewan voters will go to the polls next time, and the parameters under which we should operate.

I think when the government initially said that they were going to speed up the process of electoral boundary review from the normal pattern of every second census — approximately every 10 years — they said it was because some basic questions had to be answered, vis-a-vis our electoral process. And they put questions surrounding fairness, cost reduction, efficiency of the electoral process, and the fact that Saskatchewan needed to position itself, going into the next century, with a better electoral system.

Well as you know, Mr. Chairman, a great number of people around the province are very interested in this because it is an area that has always been fraught with

some degree of politicization. And it has been traditional whichever government brought in an electoral boundaries Bill, we have seen the opposition take issue with it and condemn the process because of the self-interests that governments are traditionally accused of.

And it was no different under the administration in which I served or administrations in the 1970s, '60s and on and on and on. And there's been a well-documented review, Mr. Chairman, of how the process has gone on, and sort of the events that led to this particular Legislative Assembly having 66 seats in it.

As you know, Mr. Chairman, I took issue with the government on their proposal because I don't think that it meets all of the criteria that they themselves have laid out as being a reasonable process.

Number one, that that question of fairness, of cost efficiency, cost reduction, I don't think is totally behind what the government is proposing here. And that's because I would suggest to you, Mr. Chairman, that I have history on my side, because I listened very carefully to the debates in the Legislative Assembly back in 1989 when the New Democrats sat in opposition.

I listened very carefully to some of the friends of the New Democratic Party who were in positions of authority and the College of Law and other learned institutions in the province of Saskatchewan, and their endeavours during the last time that we went through this to have that particular electoral boundaries Bill quashed by the Supreme Court of Canada.

As you know, Mr. Chairman, that particular Bill was not quashed by the Supreme Court of Canada and it was not quashed, as it was not quashed in other jurisdictions, because there are some things about the Canadian parliamentary system that are fairly unique in its application of the British parliamentary system.

Canada is a very large country. It has a very sparse population in relation to its size and has historically had allowances built into it to allow rural representation, to allow natural boundaries, to allow the uniqueness of community of interest, of trading areas, to be recognized. Because if that were not the case, Mr. Chairman, if we simply applied the concepts of the British parliamentary system as they are in other areas of the world, I don't think some of the unique flavour, unique flavour of our system would be here today.

And I say to you, Mr. Chairman, that that unique flavour is what makes Canada a very workable democracy. It is why that people in the Northwest Territories, why people in the Maritimes, why Canadians as a whole have a great deal of comfort with their system, because it has allowed recognition at the federal level, it has allowed recognition at the provincial level, that makes people feel a part of the system.

And I think, Mr. Chairman, in all fairness in this province of ours, which is the third largest in land area in Confederation, it has allowed Saskatchewan, in our case at present, to have 14 federal seats legislated and constitutionally guaranteed, when if you applied the system as it is in other jurisdictions that adhere to the British parliamentary system, we might only have four or five.

And that is something I think unique and special. It means that our sister province of Manitoba also has 14 seats. It means that Prince Edward Island has four. It means that there are constitutional guarantees in place, Mr. Chairman, that recognize the uniqueness of the Canadian system.

And I think it is why, Mr. Chairman, the Supreme Court has recognized that uniqueness time and time again. And they have done it in such a way that I think their decisions are above reproach.

I would say to you, Mr. Chairman, I would say to you on this Bill that if this government truly recognized, truly recognized that uniqueness, then it would not have taken unto itself the power, the power to set in place a commission that has its hands tied. That commission has its hands effectively tied by this Bill, Mr. Chairman, so that those questions of fairness and efficiency, of the reduction of the number of members, and others cannot be addressed in a way that will make all Saskatchewan people happy with the outcome.

Instead we have the commission having to adhere to a number of MLAs which the government themselves admit and the Premier admits he basically plucked out of the air one day. It wasn't because there was any rhyme or reason, that there was any synergy with other institutions in society, that there was any synergy, for instance, with federal boundaries, that there was any synergy with municipal boundaries, with hospital districts, with urban municipalities, that there was any synergy with things like the Saskatchewan River Valley, the Qu'Appelle River Valley, that there was any uniqueness to a trading area like the south-west which has vast miles to travel for individual constituents, that there was any ability of measuring how MLAs serve constituents in an equal manner.

This Bill brought forward by this government does not recognize the fact that urban citizens, urban MLAs have a totally different ability to service constituents than do rural MLAs. Instead what this government has said is that they will all be the same, irregardless of miles, irregardless of natural boundaries, irregardless of natural trading areas, irregardless of the tenets that have built the system as we know it in Canada today.

And I know the minister will stand up and say, well it's the same as Manitoba. And that, Mr. Chairman, is simply not a fair comparison because the province of Manitoba has over half of its citizenry living in one major urban centre and the rest only covering about a third of that province because the rest of it has a very, very sparse population because of geography.

So instead of having, as in Saskatchewan's case, two major urbans and several minor urbans uniformly spread around the province, all with communities of interest, all with trading areas, all to some extent regulated by natural boundaries such as the Saskatchewan River, this government sets in place the rules that mean those aspirations cannot be fully met. And they will find all sorts of excuses, Mr. Chairman, of why this process has to go ahead earlier than is the norm, why this process has to have the margin tightened up to the tightest parameter in Canadian parliamentary democracy.

I could see this, Mr. Chairman, if we were dealing with an island like Prince Edward Island, very small, cohesive, uniform. I could see this if we were dealing with Metro Toronto where you had basically a very large population all under the same circumstance. But we don't have those things, Mr. Chairman. We don't have; we never will have.

And if any government in this province puts in place regulations, whether they be economic, social, or electoral, which predicates against one area of the province against another, then yes you will have rural depopulation. If you put enough things in place that say to people who live outside of the major urban areas, there are restraints, constraints, there are reasons why you should not live here, then they will not live there, Mr. Chairman. They will say: I am a second-class citizen; why should I continue to reside in an area that is under attack constantly on the economic front, on the social front, and now I believe on the electoral front?

That is why, Mr. Chairman, I believe the challenge presented to people in the province of Saskatchewan, a challenge that this official opposition took up, was to come up with a system that met those aspirations, those reasons for being in the province of Saskatchewan with its large land area and its diverse population.

And it seemed to me, Mr. Chairman, if the number one problem that we were trying to address was fewer MLAs, then we should address that problem in a manner that allowed those fewer MLAs to provide as close as possible the quality of service that 66 MLAs used to provide, that that quality of service because there was fewer members available had to be done in a more cost-effective, had to be done in a more institutional way than we had seen in the past.

And that is why, Mr. Chairman, we suggested as an alternative the fact that there should be synergy between federal and provincial ridings in the province of Saskatchewan, that because so many programs and delivery mechanisms today are jointly funded and shared by provincial and federal levels of government, that if fewer MLAs are going to be available to the population that there should be different ways to make those MLAs more effective.

(1515)

I would suggest to you, Mr. Chairman, that that is one way, but I'm also not suggesting to you or to this Legislative Assembly that the proposal as put forward by the official opposition is the right one. I believe, Mr. Chairman, if we were doing this properly, that the commission as struck in the province of Saskatchewan, should have the ability to choose from many options, not simply the one dictated by a majority of 56 New Democrat MLAs.

I say to you, Mr. Chairman, that that is arrogant; that 56 New Democrat MLAs are not the only ones in the province of Saskatchewan with ideas how fewer numbers of MLAs can be more effective in the service to the voters of this province. I am sure, Mr. Chairman, in giving a true functioning, workable commission, that they indeed would be flooded with options from which to choose and perhaps combine in coming to what would be a better system.

And I say to you, Mr. Chairman, another reason that the official opposition came to this conclusion was that those 14 mandated constitutional units of federal boundaries would help depoliticize the process in Saskatchewan, that the accusations of gerrymander of the narrow interest of the governing majority would then not be the leading factor in electoral boundary redistribution. That particular mandate of the federal electoral officer is one I think that is recognized Canada-wide as being a good process. As I've said in this House before, Mr. Chairman, and I say to the minister, anyone attending those hearings over a number of years, as I have done and I'm sure members of his party have done, have known that those commissions have established a good reputation with Saskatchewan voters and Canadian voters.

Given the premise that you would start out with those 14 constitutionally mandated units, it then would be very simple for a non-partisan commission without its hands tied to then divide each of those into four appropriate units adhering to the principle that the Minister of Justice talks about of having a very small variation.

And there's another benefit to this, Mr. Chairman, that I think most people don't realize, is that traditionally when we have large urban growth in a particular suburb of a major Saskatchewan city, what it does when it grows is it sets in place a tumbling action. It is like the whole house of cards has to be knocked down and restarted because we've had urban growth in one particular neighbourhood. Because in order to redefine those particular boundaries, it then knocks out the rest of the boundaries in the province.

I say, Mr. Chairman, if that occurs, it would be much easier to adjust the boundaries within that particularly mandated federal unit to adhere to the principles than it would be to redraw the entire map of the province. And that would be done at far less cost.

And therefore if you had in one of the Saskatoon ridings a major growth in a particular suburb, it would be very simple some time to realign the four boundaries within that mandated unit to bring them

back into some type of representational balance rather than knocking out every boundary within the particular city and surrounding area and in effect knocking out all the boundaries in the province and starting over again. That is a process, I say, Mr. Chairman, which is expensive and not necessary.

It would then allow the bigger question to be dealt with as has been tradition after every second census, approximately every 10 years. And if, if Saskatchewan's constitutionally mandated number of seats were to change, it then would be very simple to amend our own electoral boundaries Act to redefine the number of seats which would occur within those mandated boundaries — very simple, very cost effective, and easy for the voting public to understand.

Mr. Chairman, I find it utterly bizarre that the constituents of Bengough-Milestone, a provincial riding — now one of 66 — would have four different federal boundaries within its own provincial riding. In other words, an individual living in the middle of that particular riding possibly could have four federal MPs (Member of Parliament) within a few miles.

Now I say to you, Mr. Chairman, one of the problems that we do have in our system is that I think we have too much political manoeuvring going on at various times, federally and provincially. I believe that if you had coterminous boundaries that you would have the situation of provincial MLAs and federal MPs, irregardless of their political stripe, having to work closer together on behalf of their mutual constituents, mutual constituents on the delivery of the programs that they pay for as taxpayers — that they pay for as taxpayers — rather than some of the gamesmanship which we have seen occur in the past.

And I think if you go out and ask the average voter and taxpayer if that is a good idea of coterminous boundaries, they will tell you, yes. Every major newspaper in this province, Mr. Chairman, has commented on the idea and said, yes. And it probably will not be accepted by this government simply because it was a Tory thought.

That was the comment that the Saskatoon *Star-Phoenix* wrote. It was similar in the *Leader-Post*. And once again I say to you, Mr. Chairman, the idea put forward by this particular opposition party should not necessarily be the one that would be accepted because I believe the electoral commission should have that ability.

The Minister of Justice has said in this Legislative Assembly that he wants to consult with the Leader of the Liberal Party and the Leader of the Official Opposition to pick the commissioners. Well that's a grand thought, Mr. Chairman, but picking commissioners to do what? To simply deal with the prearranged rules as dictated by the NDP majority in this House?

That isn't a process, Mr. Chairman, that I feel terribly comfortable with. That isn't a process that I would want to recommend a prominent citizen in our

province take part in, because what I would be doing is recommending to that citizen that they simply do the bidding of the New Democratic Party, that they would not have, within their hands, the ability to truly, truly work out a system to have fewer MLAs more effective.

And I also believe — and I know the Minister of Justice will take great issue with this — I also believe, Mr. Chairman, that the fundamentals of the British parliamentary system as it applies in Canada would be better upheld using the 14 federal boundaries because they do allow for more variance than the 5 per cent between them. And they do that for some very specific reasons as they do throughout Canada because they are able to take into consideration those natural boundaries and those trading areas that the Supreme Court of our country has upheld not once, not twice, but to my understanding three different times — three different times. And even then, even though that variance is recognized under the last redistribution in this province, Mr. Chairman, every effort was made to bring those federal boundaries within the small variances proposed in this Bill.

And I, Mr. Chairman, do not feel threatened by the fact that for instance Kindersley, Lloydminster which uses the boundaries of the North and South Saskatchewan River with very few crossings and ferries as a natural boundary worth recognizing, that the citizens of Lloydminster who live in a tax free zone because of Alberta are a special trading area recognized. That's what those boundaries do, Mr. Chairman.

My suspicion — and I'll let the Minister of Justice counter this — is that one of the reasons that the proposal does not fly with the New Democratic Party is because if we look at the cities of Saskatoon and Regina, those boundary changes that would be necessitated by this plan would throw most of the front benches into a real quandary because they would be in a position of competing for seats. They would be competing for seats. And one does not have to take a very long look at the electoral map to know that that would be the case, Mr. Chairman. I say to you that is not a credible reason. That is not a credible reason to change the electoral law of the province or to be against changing the electoral law of the province.

If the Premier and others . . . and we must recognize, Mr. Chairman, and I believe there's eight or nine front-bench cabinet members from those two major cities, that is not a good enough reason not to do as the government has said themselves to look at how we have fairness, cost efficiency, and a reduction in the number of MLAs.

Mr. Chairman, there are proposals, I believe, that any electoral commission in the province who was truly independent, who truly had a powerful mandate, that could put in place a system that we can be proud of for a long time to come.

Mr. Chairman, under what the NDP are proposing in this Assembly, I have a really good idea of what the

electoral map of this province will look like. I have a very good idea, as do most rural people. And I would hope that the government would simply not continue using the ruse of being cost effective, of being fair, in making their arguments.

It is a well-known fact, Mr. Chairman, dollars and cents wise, that the reduction which has occurred to the cabinet of Saskatchewan with the resignation of two ministers will save in dollars and cents the equivalent of the loss of eight back-benchers in this Assembly, that the costs that the taxpayers of this province will save in total cost by the reduction from 66 to 58 will be accomplished if the Premier does not reappoint two individuals to the cabinet of this province. That simple.

That is simply a ruse, Mr. Chairman, and I don't believe Saskatchewan taxpayers and voters will buy into that. The reduction has already been achieved in this Assembly simply by two members resigning from cabinet.

Mr. Chairman, what I would ask the minister today is to simply amend his own legislation to take the constraints off of the electoral commission. Simply take the constraints off and allow them to choose the system that Saskatchewan voters will feel most comfortable with — will feel most comfortable with after consultation with the very people who will do the voting. The very people who will pay the bills, the very people, as the member from Greystone was so fond of saying, the people that pay the bills for this particular place and we are simply the tenants in.

And, Mr. Chairman, I will take my chances with my proposal at that time. I would gladly put forward the arguments, the reasons, the fairness issues, the cost-effectiveness issues before that commission. And I would be proud as the Leader of the Opposition to submit names to such a commission because I think it would be a worthwhile cause that any Saskatchewan citizen could feel proud of entertaining.

But I can tell you, Mr. Chairman, it does not give me a great deal of satisfaction of asking an individual in our society to sit on the predetermined commission which this government is proposing, because the cries that will arise about unfairness, about gerrymander, about taking away the rights of certain segments of our society, will be there.

(1530)

And there's only one way for this government to negate that, only one way and the Minister of Justice can do it very simply. If there is no other agenda, if there is no other agenda except fairness, in efficiency, and reducing the number of MLAs in this Assembly, then I know that could be done by a truly independent commission and they would do it with pride.

And, Mr. Chairman, I'll reserve any further comment I will have for the clause-by-clause discussion of this Bill.

Hon. Mr. Mitchell: — Thank you, Mr. Chair. This is really a fascinating subject and a very interesting debate. It was during the second-reading stage and it is again with the member's speech leading off the work of the committee.

The member hints at all sorts of dark motives that he believes lies behind this Bill, and I can do nothing more than simply deny that there are such motives here. We made our position very clear on the question of constituency boundaries long before we were elected government. Some of the principles are included in our democratic reform paper and in our various speeches at the time that the electoral boundary legislation was debated in this House.

The most . . . One of the very important things — I was going to say the most important thing; maybe it is the most important — is the reduction in the size of the legislature. That is a move that is just filled with significance in this day and age.

As I said in my second-reading speech, and I'm sure the members opposite have had the same experiences, wherever you go in this province, wherever you go in this province, you are met with the statement from our citizens that this government is too large, that government is too large, there's too much government, that we have to reduce the size of government, that government's too expensive.

And this happens over and over again to all of us. And I think we were in a position, all governments are in a position, where we have to respond to that. Because the fact of the matter is that there is too much government.

This province has 66 members representing about 666,000 people, which means that we each represent about 10,000. If we look at Alberta, we find each member there representing something over 18,000. British Columbia, they represent over 25,000. In Ontario each member represents 48,000 people.

So when people suggest to us that we have too much government, that we have too large an Assembly here, we have to admit that it is a very large Assembly. Relatively speaking, it is very large. So I think we have to respond to that, and we have to respond to it in some significant way.

We felt that a 12 per cent reduction, from 66 to 58, was a significant reduction, and so we put it forward on that basis. It could have been a larger reduction, but 12 per cent seemed to be significant and seems to have satisfied the wishes of people in that we have had a very large number of expressions of satisfaction with the reduction in the size of the legislature.

There is some limit, I think, to a province the size of Saskatchewan, to how low you can go in terms of the numbers of members because, as we know, the constituencies, the rural constituencies can get very, very large if you reduce the number of members much lower than is being proposed. Even as it is, I would think that some of the more lightly populated areas of

this province are going to be included in very large constituencies.

It is cost-effective. It does save a million dollars a year. A million dollars is not going to balance the budget, but a million dollars is a significant amount of money and is above all, Mr. Chair, an important symbol. It is a symbolic thing. It's been a very, very long time indeed since the legislature of Saskatchewan has been reduced in size — a very long time indeed. And I think that in this day and age of fiscal restraint and deficits, it is an important move. And so we have proposed that we do it now.

The second matter that I'd like to address is the question of the differential between constituencies. One of the problems that we have with the present Bill . . . with the present law on the basis of which all members are here, is that it is based upon a tolerance of plus or minus 25 per cent from the average, and that is too much. We felt so at the time; we definitely feel so now.

The member from River Heights, Saskatoon River Heights, sits in this Assembly representing 13,224 people. The member from Morse sits in this legislature representing 7,120 people. The member from Saskatoon River Heights represents almost twice as many as the member from Morse. That's wrong in principle. We all know it's wrong in principle.

There are arguments why constituencies should be of different size, but there are no arguments that one person's vote should be more important than another person's votes. It is a democratic principle that we should strive as closely as possible to achieve voter equality. That is contemplated by the Constitution of Canada certainly as an objective, and it is a well-recognized, commonly accepted democratic principle.

And so we want to move in that direction. We made that plain at the time of the debates in this House during the last government. We made it plain in our democratic reform paper. We make it plain now. We want to get closer to a system of one person, one vote.

And I don't fear, I don't give any credence to, the argument that somehow urban and rural interests in this province are so different that allowances should be made for them. I made the point in my second-reading speech — I make it again today — that we're all in the same boat. We're going to sail together or we're going to sink together. And we don't do ourselves any service at all by trying to perpetuate the idea that there are divisions between rural and urban Saskatchewan. There are not. There are 55 members in the government caucus; 41 of them — 41 of them, fully 80 per cent of them — are from rural or small-town backgrounds. These are not big-city kids who are governing in the interests of the big cities. These are farm kids and small-town kids who are here with a broad knowledge of all of the issues of Saskatchewan and trying to do our best to govern on behalf of the people of this province.

That leads me to the third matter, and that is the question of what the commission can take into account. The member talked about the rivers, the natural boundaries, and I think those are very important factors — very, very important factors. As he mentioned, there are long stretches of river without any crossings in them, and so you have to be careful how you draw those boundaries so that people don't have to travel so far to get to the rest of the constituency.

In section 14(2) there are a large number of considerations that the commission drawing the boundaries should take into account, and those include geographic considerations, sparsity or density of population, relative rates of growth of population, accessibility of regions, and the size and shape of regions. As well, the section speaks to special community of interests or diversity of interests and physical features such as river banks and the like.

So we have given those instructions to the commission, that they should pay attention to those things. And I would think in the normal course they would. They have to this point. The member has cited the example of how that has been the case, I think, in the case of the Kindersley constituency. And there are many other examples where the natural features form a boundary.

I want to deal with the idea of using the federal constituency boundaries as a base, and that was the main thrust of the opposition's proposal. And they've indicated some flexibility on it, but it was a very interesting idea. And I want the Assembly to know that we considered it very, very carefully.

We, as I have already said, wanted a maximum variation of plus or minus 5 per cent from the average numbers of voters per constituency. That is to say you calculate the average; a constituency could have 5 per cent more people or 5 per cent less people. That would allow an overall variance of 10 per cent, which is not one person, one vote, but which is close enough to it in a province like Saskatchewan to be satisfactory.

We are heartened that this is a practical approach to it because of the configuration of federal boundaries as they were drawn in Saskatchewan prior to the 1988 election. The federal law permits a variation of plus or minus 25 per cent and the commission in Saskatchewan achieved less than 5 per cent, plus or minus. So we know that it can be done in Saskatchewan. Furthermore, we have the example of Manitoba next door which the member has already referred to. And it's a valid example because you have half the population in Winnipeg and half the population outside Winnipeg. And yet they were able to draw boundaries for that province which were less than, well really less than 3 per cent, plus or minus. Maybe easier than here but they were able to achieve it and they're satisfied with it. They're satisfied with it. So we take heart from that.

We also know that large constituencies are manageable. The federal member from Swift

Current-Maple Creek-Assiniboia has a constituency that looks like it covers half of Saskatchewan — huge seat. And yet Mr. Wilson covers that with relative ease, and he's able to do that because of the very sophisticated means of communication that we all have at our disposal now. We have our telephones and we have our cellular telephones and we have our faxes and we have our mail delivery service of one sort or another. And those will become more so in the future.

And if Geoff Wilson can do it in that huge seat of his, then surely we can do it in seats that will be probably less than 25 per cent the size of Geoff Wilson's seat.

The problem with using the federal ridings as a base is . . . well there are a number of them. First of all, if you look at the referendum enumeration, that is the referendum on the Charlottetown accord conducted in 1992, you will see how out of line the population figures have become in a short space of five years. You have constituencies that are larger than 57,000 and constituencies that are barely 40,000 and any number of all the variations in between. Saskatoon-Dundurn has more than 57,000 whereas Mackenzie has 40,000 and Kindersley-Lloydminster has 40,000. These are big variations.

If we were to simply take that federal map, the boundaries of which are as they are today, and cut each of those in four, we would have remarkably different variations between provincial constituencies. Kindersley-Lloyd would have an average number of voters of 10,000 then for each provincial constituency — just by dividing 40,000 by 4 — and Saskatoon-Dundurn would have I think 15,000, nearly 15,000.

(1545)

So it just doesn't work. It may have worked in 1987, but we know the population numbers have changed sufficiently so that it just simply wouldn't work.

We also have the 1991 census figures to show that that variation exists in the total population. I was talking about the voting list with respect to '92. The 1991 census shows Saskatoon-Clark's Crossing with over 85,000 people living in it, while Mackenzie has just over 60,000 and Swift Current-Maple Creek-Assiniboia has 62,000.

There are very large variations in population in a five-year period. So that's one reason why we weren't satisfied with simply dividing up each federal constituency into four parts.

The other consideration is that we just have better numbers at our disposal. I mean they're right here now; the 1991 census figures are here and available. They're different figures than were used when the boundaries were drawn for the 1988 federal election. So why would we not take advantage of those new population data?

We are also worried about tying our legislation to the

federal legislation in the long run, and the reason for that is that the federal legislation allows a variation of plus or minus 25 per cent. That's probably appropriate in the country of Canada considering the population distribution across the country. But in Saskatchewan the last federal redistribution was within plus or minus 5 per cent, but that's not to say that the next one will be within plus or minus 5. It could be plus or minus 15 or it could be plus or minus 25 and still be within the federal law, within the framework of the federal legislation, and we're not prepared to tie our wagon to that particular star.

I'm sorry to be taking so long, Mr. Chair, but these were very, very interesting points raised by the member and I'll try to get it over with here quickly and sit down.

We have tried to guard against any allegation of a gerrymander by constructing a commission which is as unpolitical and objective as we possibly could. It is much different than commissions which have been constructed in the past. There are no obviously political people on it. For example, the Chief Electoral Officer is not a member of this commission. That person has been a member from time to time in the past. So we've gone to some lengths to ensure that the commission will be non-political.

I think I'll stop at that point. I haven't covered all of the points raised by the member, but he looks like he wants to get to his feet.

Mr. Swenson: — Thank you, Mr. Chairman. I certainly do. Because what the minister says about his commission, the good Lord himself could serve on that commission, Mr. Chairman, and if his hands are tied, the eventual outcome, it's already happened.

The minister's words ring hollow for a number of reasons, and I'll point them out to him. In this Bill he has no hesitation about mandating two northern ridings, yet all of a sudden there's a special consideration. They both happen to be New Democrat at the present. They probably will vote that way in the future for some time to come because that has been long and historic. And yet they have no compulsion at all about mandating those two areas.

And yet the technological advances in society, with satellites and all of that other communication wizardry that we are so infatuated with today, is as available there as it is in the south-west part of this province, as it is in the north-west, as anywhere else — yet no hesitation.

Now the other thing, Mr. Minister, where your arguments ring absolutely hollow — absolutely hollow — you mix and match voter numbers and population numbers all the time. And I'm going to give the minister an example of why what they're proposing here by using the quotient, which is total constituency population rather than voter population, is inherently wrong.

Mr. Chairman, you could have an urban growth area,

one that has significant ethnic make-up where you would have very high birth rates, and if you set the quotient at 11,000 or 12,000 or whatever within a boundary with a birth rate higher than the norm, you would then have significant numbers of non-voting-age people.

You could then have a riding in the south-west part of this province with a very mature population, with a high proportion of senior citizens, with a birth rate, which is the case today, of less than 1. In other words, people are not even replacing themselves. So you would have the possibility of having a large rural riding with a mature population of about 11,500 which may include 9,000 voters quite easily.

And yet that would be stacked up against an urban riding with a high proportion of children in it, which might have the same population quotient but may only have 5 or 6,000 voters — 5 or 6,000 voters. By the formula that the minister is proposing, the commission have their hands tied. So in the case of the large rural riding where the majority of the people are voters who the member has to drive hundreds of miles to service, as opposed to an urban area where the member can walk across it in 20 minutes, where half the population are children . . . And the minister says it's hypothetical. Well I can take you places in this city, Mr. Chairman, where you will find hundreds of under-the-voting-age people walking the streets. And it is a fact. And yet the minister says this is fair, that we're going to use the population, not the voter quotient.

Mr. Minister, tell me the fairness of that. You have no hesitation to mandate two northern seats, two northern seats with very small populations, with all the technology available. And yet you'll use the population quotient to make disparity between a large rural riding with a mature population made up primarily of voters versus an urban one which could be primarily non-voters.

Now you tell me that's fair, Mr. Chairman? I don't think it is. I wonder how the minister answers that. And that's why the commission should have the power and not the minister, because that's what makes us suspect as to the motives of this minister and this government.

Hon. Mr. Mitchell: — Mr. Chair, and to the member, this is a very interesting proposition. And I recognize the validity of the question.

If you consider the case of the United States, they draw and redraw their boundaries upon population numbers. If you go to Australia, they draw and redraw their boundaries on the basis of voters. And who's to say that one is right and that the other is wrong . . . (inaudible interjection) . . . The member says, not of the Senate. And that's right. They have an equal Senate. They have a Triple E Senate. But with respect to the House of Representatives, those boundaries are redrawn all the time. Yes.

The freshest data that we have available to work with

in Canada is the census data. And that comes to us now every five years. And the other factor that is argued in the literature of course is that we as members of the legislature don't just represent voters, we represent everybody. And that would include people under voting age, and they have issues that are important to them. And that of course is an argument with which the member is familiar.

So far as the two northern ridings are concerned, those have for a long time been considered a special case in Saskatchewan and in drawing our boundaries. And the line, the southern line is the same here as it was under the legislation passed by your government . . . (inaudible interjection) . . . No that doesn't make it right, I realize that. But at least, you know, we're not radically changing things to try and favour ourself or anything like that.

We simply recognize that the interests of . . . or the situation in northern Saskatchewan is different. The road transportation is very, very difficult. And that's the case both in Athabasca and in Cumberland. And the distances are huge and the populations are sparse. And it is a special case with social and economic problems that are different and more severe than the rest of the country. And I just remind the member that it's not too many years ago that one of those seats was a Liberal stronghold. Now in recent years they've been a New Democratic stronghold. But you know, times change, things happen. And we just simply try and appeal to them with our policies and try and establish credibility with them as do you. We'll see how it goes.

Mr. Swenson: — Mr. Minister, I guess there's no point in belabouring it. But you don't seem to see the inconsistency. And you're right, we do represent everyone. But I would suggest to you the issues of the day, which are taxation, which are the social conditions under which we live, I don't imagine you or I converse with too many five-year-olds on those topics on a daily basis. We represent voters, taxpayers. And the anticipation has always been that those are the people that will elect us. The five-year-olds don't vote, Mr. Minister. The 10-year-olds don't vote. The 15-year-olds don't vote. They don't vote till they're 18 years of age.

Your system here says that high population growth areas peopled by children in urban areas will have better representation than areas peopled by mature voters with very little population growth. And I just find that hard, very hard to accept. That flies, to me, in the face of everything that our system stands for, totally flies in the face. And I'm wondering why you would move off the voter quotient to the population quotient and use that as your argument, because if that's the case, then you have no right at all to mandate two northern ridings in this province — no right at all.

And there is a fairness. There is a fairness question for representation in this legislature and how MLAs serve their constituents. And I just can't see how the towns and villages and the farm population of this province,

where we know we aren't having many children born these days because the young people are moving out because of the policies of your government . . . They're not staying there. They're going to Calgary. They're going other places, that the young people are moving out.

And they're not having the babies there any more. Your Minister of Health gives that as a reason why she can shut down 52 rural hospitals. She says we don't need to deliver babies out there any more because there aren't any being born.

So what we are left with out there is simply voters and taxpayers, and yet you say to them it's fair to have many more of you in a large rural riding, than it is in a downtown urban riding. And I don't see the fairness in that, and I wouldn't see the fairness in going out on the street and getting into a conversation with somebody's 10-year-old about the taxation issues or the health issues or FCL or anything else your government's up to these days because it wouldn't be fair to them.

And yet you're claiming them as your reason for delivering this system and tying the hands of the commission, and I don't think that's fair. It's not fair to those children, and it certainly isn't fair to the other voters who expect, as you say, equal representation, and that's simply not the case. And I don't know how you can stand in your place and justify it, I really don't. I'd like an answer, Mr. Minister.

Hon. Mr. Mitchell: — Well the answer is that the census data, which is a total population data, is the best data that we have. It's the best available data, and it will continue to be that. I'm not alarmed by it because the numbers . . .

An Hon. Member: — We know you're not.

(1600)

Hon. Mr. Mitchell: — Well we worked some numbers though. Let me just give them to you. If you look at total population and then look back at the present legislation with 29 southern urban constituencies and compare it to the 35 southern rural constituencies and if you look at total population, they're about even. There are 49.28 per cent in urban and 50.72 per cent in rural.

If you then go to compare total voters, you wind up again with practically 50/50. Now there's a slight shift in favour of urbans but just slight, because the numbers are 50.11 urban and 49.89 per cent rural. Again, practically 50/50. So we're not talking about a big difference. There's no huge difference in outcome.

And when you consider that in relation to the best available data, the census just seems to me a logical thing to do, and that's our justification for doing it. Our justification is not that it's important to represent five-year-olds. I mentioned that that was a point raised in the literature. But it certainly is the best available data.

Mr. Swenson: — Mr. Chairman, Mr. Minister, you said the federal data wasn't good enough because it wasn't up to date. We all know that that data will be updated probably about 1996-97 because they have to do their system. But the minister and I both know, for instance, that the birth rate in the aboriginal community is far higher than it is in some of the other areas of our province. And that's not to denigrate it, it's just a fact of life. We know that the aboriginal community tends to live closer together as do other ethnic groupings.

The simple fact is, Mr. Minister, that I believe the legislation is flawed when you apply those principles because you have the possibility of having wide variations in the number of voters, not constituents — voters. And I think the whole principle that we have worked on here has been the application of voters and taxpayers and how their wishes, the people that pay for this building, that pay for the seats we sit in, the per diems we get, are the ones that need the level of equality and fairness of representation.

And I would have thought, and I am sure that if a commission were challenged with those parameters, that a commission would look long and hard at that. And that's why I'm saying to you, Mr. Minister, if you were going to do this process ahead of schedule and there is no politics tied to this, then you would not hesitate one minute in having those arguments placed before a commission of eminent people in this province to sort out. You would not have the slightest hesitation. And, sir, if I were here defending the previous boundary Bill, you could make those comments to me.

But I have come forward with a proposal, my caucus has come forward with a proposal, which is diametrically different, diametrically different than the previous boundary proposal. And if the will of the people is to change that system, then I say we change it, change it good, and change it for the long term with something that is lasting. Because for too long there has been a cloud of suspicion hanging over that process.

And I'm telling you, sir, that without that commission having its hands freed up, that cloud will stay there. And politicians being what politicians are, they will take every opportunity to point it out. And whether it's my party or this party or your party or whatever party is put in that position, it will happen.

What the public is demanding today is a better process. And I don't believe you're delivering that. I don't believe a process that says that five-year-olds equate with a 55-year-old farmer who has paid his bills, supported his school district, paid a disproportionate share of his education tax, and lives out a hundred miles from a major centre and continues to be a pillar in his community, I don't think that comparison is a fair one. I really don't. Maybe I'm biased, but I don't think it's a fair one. And I would have thought you would have wanted a system that didn't say to that individual, you don't equate with

somebody's five-year-old in downtown Regina. I don't think you would want that kind of a system, and I see that kind of a system cropping up here.

Hon. Mr. Mitchell: — Well, Mr. Chair, I must say to the hon. member that when you look at the outcomes, the difference between calculating on the basis of total population and total voters is just insignificant. It is . . . the shift, the difference is less than 1 per cent. And we're talking here about a . . . yes, it's less than 1 per cent. And the variation that the commission has to work with is a total of 10 per cent, plus or minus 5 from the average, and easily accommodated.

And if you balance that against the advantage of having the best available data from the census, which is generally recognized to be really incredibly accurate, it just seems to me to be the more logical way to go. Granted it's not the only way to go, but it does seem to be the most logical.

Clause 1 agreed to.

Clauses 2 to 24 inclusive agreed to.

Clause 25

The division bells rang from 4:07 p.m. until 4:15 p.m.

Clause 25 agreed to on the following recorded division.

Yeas — 34

Romanow	Hamilton
Thompson	Trew
Simard	Draper
Lingenfelter	Whitmore
Shillington	Sonntag
Koskie	Flavel
Teichrob	Cline
Solomon	Wormsbecker
Goulet	Crofford
Kowalsky	Knezacek
Mitchell	Harper
MacKinnon	Kluz
Penner	Carlson
Cunningham	Renaud
Upshall	Langford
Lautermilch	Jess
Murray	Haverstock

Nays — 10

Swenson	Boyd
Muirhead	Toth
Devine	Britton
Neudorf	D'Autremont
Martens	Goohsen

Schedule agreed to.

The committee agreed to report the Bill on division.

THIRD READINGS

Bill No. 79 — An Act to Provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly

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

Hon. Mr. Mitchell: — By leave of the Assembly, now.

The Speaker: — Leave is not required.

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

Hon. Mr. Lingenfelter: — Mr. Speaker, by leave I would ask the Assembly revert back to motions for return on the issue of private members' day.

Leave granted.

The Speaker: — Why is the member on her feet?

Ms. Hamilton: — With leave, to introduce guests, Mr. Speaker.

Leave granted.

INTRODUCTION OF GUESTS

Ms. Hamilton: — Mr. Speaker, it's my pleasure to introduce to you, and through you to members of the Assembly, 20 senior students who come to us this afternoon from other provinces — Alberta, Manitoba, Ontario — and from various parts of Saskatchewan. They are attending the elderhostel program at the university and being hosted by the university extension program and are resident at Luther College.

Mr. Speaker, they have a full week, and some of their programing includes: From Preacher to Politician: T.C. (Tommy) Douglas Transition, by Dr. John Oussoren; The Voice and the Ghost by Jill Spelliscy, talking about the golden age of radio and the role that media plays and talking about some of the shadows from the past. And many of us have heard the stories, as I mentioned yesterday, of listening in the darkened room to Tommy on the radio. So I'm sure that that will be also interesting. And Maggie Siggins is also conducting a class: Unsung Heroes of the West.

It was my pleasure to be with them last evening to have supper with them at the home of the president of the university, and I'm looking forward to meeting with them and answering any questions they might have about some of the exciting procedure they've witnessed already in the House today and questions they may have about members of the Assembly.

They've also had an opportunity to have an extra student in their program this morning, as the member from Regina Lake Centre attended one of the sessions on Tommy.

And so I would ask all members to join with me in greeting our guests of the elderhostel program that are with us this afternoon.

Hon. Members: Hear, hear!

MOTIONS FOR RETURNS (Debatable)

Return Nos. 18, 21-25, 28, 29, 32, 34, 35, 42, 43, 45, 66, 68

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I move that an order of the Assembly do issue for a return no. 18 showing.

Hon. Mr. Lingenfelter: — Now, Mr. Speaker, I'm going to try this. What I propose that we do here is that we move an amendment that incorporates return nos. 18, 21, 22, 23, 24, 25, 28, 29, 32, 34, 35, 42, 43, 45, 66, and 68. And when I read the amendment, I think members will understand that this will speed up the process and get the response that they would get by going through them individually.

I move, seconded by the member for Regina Churchill Downs:

1) that the words "each of the following:" be added after the word "regarding";

2) that the following be added after the word "commissioner":

"the Liquor Board, the Department of Mediation Services, the Milk Control Board, the Municipal Employees' Superannuation Commission, the Municipal Financing Corporation of Saskatchewan, the Provincial Inquiry Centre, and the Public and Private Rights Board, the Saskatchewan Alcohol and Drug Abuse Commission, the Saskatoon Health Board, the Saskatchewan Securities Commission, the Agricultural Development Fund, the Agricultural Credit Corporation of Saskatchewan, the Board of Examiners, the Saskatchewan Police Commission, and the Surface Rights Arbitration Board".

I so move.

Mr. Neudorf: — Just for clarification, Mr. Speaker, I'm assuming that's an amendment rather than a motion. All right. Now that we know that we're talking about the amendment to the original motion from the member from Moosomin, I have no problem, Mr. Speaker, in getting up and endorsing a process that will expedite matters. But I would indicate right now that we are going to be moving against the amendment, not because we are against the process of making it quicker and faster and more expeditiously handled, but what we are opposed to is the fact that we are not able, Mr. Speaker, to get the information that we are looking for.

In the process of making that amendment, not only does it amalgamate many, many of the questions that we have asked legitimately of the government, but this affords an opportunity for the government to dodge, to duck, and to machinate so that indeed the questions

that we want answered are not going to be answered properly.

And so, Mr. Speaker, what we are going to be doing is simply this: we'll be voting against this amendment. We will be voting against the motion as amended, simply because this is one manner in which we will get some answers; otherwise we're not going to get anything.

I just want to lay this out to the public so that they will understand what is going on here.

Amendment agreed to on division.

Motion as amended agreed to.

The Speaker: — Items 2 to item 16 now are dropped because they have been dealt with by the House.

Return Nos. 80, 81, 86, 91-93

Mr. Neudorf: — I move that an order of the Assembly do issue for return no. 80 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I want to do a similar amendment that would incorporate return nos. 80, 81, 86, 91, 92, and 93. And the amendment would read:

That all the words after the word "government" be deleted and the following substituted therefor:

"whether any relative of the Minister of Energy and Mines, the Minister of Justice, the Minister of Health, the Minister of Finance, the Associate Minister of Finance, or the Premier is employed by the government or any of its agencies or Crown corporations within the individual minister's responsibility."

I so move.

(1630)

The Speaker: — It makes it very difficult. I think on further amendments the Government House Leader should indicate which motions these refer to. It's not on here. They could refer to really any one. So I would ask the Government House Leader, on further amendments that he indicate which motions they pertain to.

Hon. Mr. Lingenfelter: — Mr. Speaker, I wonder if I read them to you again . . .

The Speaker: — Yes, certainly.

Hon. Mr. Lingenfelter: — Okay, it's no. 80, 81, 86, 91, 92, and 93.

The Speaker: — I'd ask the Government House Leader that in the future if he makes amendments to put them onto the amendment.

Amendment agreed to on division.

Motion as amended agreed to.

The Speaker: — Items 18 to 22 have been dealt with.

Return Nos. 94-100, 107-109, 118-122, 138-156

Mr. Toth: — Mr. Speaker, I move, seconded by my colleague, the member from Rosthern, that an order of the Assembly do issue for return no. 94 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, as it would relate to return no. 94 and those that are left on the order paper between 94 and 156, I would move the following amendment:

1) That the words “the conflict of interest policy of the government, whether one” be deleted and the following substituted therefor: “the following individuals.”;

2) That all the words after the words “Paul Mostoway” be deleted and the following substituted therefor:

“Donald Faris, Elwood Cowley, Bernard Poniatowski, Randall Nelson, Reginald Gross, Allen Engel, Edgar Kaeding, Norm Lusney, Gordon MacMurchy, Neil Byers, Ted Bowerman, Allan Blakeney, Dennis Banda, William Allen, Carl Siemens, Francis Schmeichel, William Sauter, Bob Robertson, Gordon Roberts, Charlotte Rasmussen, Bob Porter, Gerard Pikula, Irvin Perkins, Betty Payne, Keith Davis, Pat Connolley, Dixie Campbell-Tymchatyn, Dave Bridger, Lars Bracken, Ron Bishoff, Wayne Bim, Chris Banman, and Ross Arthur: whether any of these individuals is employed by the government or any of its agencies or Crown corporations”.

Now, Mr. Speaker, this would apply to the following, and I’ll write these on the motion for you: no. 94, 95, 96, 97, 98, 99, 100, 107, 108, 109, 118, 119, 120, 121, 122, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, and that is . . . are the numbers inclusive.

Amendment agreed to on division.

Motion as amended agreed to.

Return No. 195

Mr. Devine: — Mr. Speaker, I move, seconded by the member from Rosthern, that an order of the Assembly do issue for a return no. 195 showing.

Motion agreed to.

Return No. 196

Mr. Muirhead: — I move that an order of the Assembly do issue for a return no. 196 showing, seconded by the member from Maple Creek.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move, seconded by the member from Regina Churchill Downs:

Delete all the words after “regarding” and substitute therefor:

“the review of the health care in Saskatchewan: (1) was any study commissioned by the Department of Health with regard to the Regina Health Board’s decision to terminate its contract with the VON on March 31, 1993; (2) what are the government’s plans for addiction services to youth and adults within the framework of the health reform; and (3) what studies were undertaken prior to the adoption of the wellness plan; what was the cost to the Government of Saskatchewan?”

I so move.

Amendment agreed to.

Motion as amended agreed to.

Return No. 197

Mr. Goohsen: — Thank you, Mr. Speaker. I move, seconded by the member from Souris-Cannington, that an order of the Assembly do issue for a return no. 197 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move, seconded by the member from Regina Churchill Downs, an amendment that would:

delete sections 3(b), 3(c), and 3(d).

I so move.

Amendment agreed to on division.

Motion as amended agreed to.

Return No. 199

Mr. Toth: — Thank you, Mr. Speaker. I move, seconded by my colleague the member from Kindersley, that an order of the Assembly do issue for a return no. 199 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move, seconded by the member from Churchill Downs, that an amendment be moved to delete parts 2, 3, and 4, and substitute therefor:

(2) which seniors are covered by the restructured drug plan;

(3) do seniors have adequate coverage for prescription drugs; and

(4) which seniors are eligible for insulin or oxygen coverage under the prescription drug plan.

I so move.

An Hon. Member: — You've got the wrong amendment.

An Hon. Member: — Return 199, no amendment to that.

The Speaker: — All right. The question before the Assembly is motion for 199.

Motion agreed to.

Return No. 200

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the member from Morse, that an order of the Assembly do issue for return no. 200 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, now I'm going to move the amendment that I proposed to the . . . inadvertently to the previous motion. But I'll repeat it:

delete parts (2), (3), and (4) and substitute therefor:

(2) which seniors are covered by the restructured drug plan;

(3) do seniors have adequate coverage for prescription drugs; and

(4) which seniors are eligible for insulin or oxygen coverage under the prescription drug plan.

I so move.

Amendment agreed to on division.

Motion as amended agreed to.

(1645)

Return No. 202

Mr. Swenson: — I move, seconded by the member from Morse, that an order of the Assembly do issue for return no. 202 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move, seconded by the member for Regina Churchill Downs:

an amendment that would delete Part (2).

I so move.

Amendment agreed to on division.

Motion as amended agreed to.

Return No. 204

Mr. Devine: — I moved, seconded by the member

from Rosthern, that an order of the Assembly do issue for return no. 204 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I'd like to move an amendment, seconded by the member for Regina Churchill Downs:

to delete all the words after the word "regarding" and substitute the following therefor:

the health care services provided by the General Hospital and the recent comments by Dr. John Kim, what action has the minister taken to address the allegations made by Dr. John Kim regarding the waiting time for emergency surgery at the Regina General Hospital.

I so move.

Amendment agreed to on division.

Motion as amended agreed to.

Return No. 205

Mr. Muirhead: — I move, seconded by the member from Maple Creek, that an order of the Assembly do issue for return no. 205 showing, with no amendments allowed.

Hon. Mr. Lingenfelter: — In the spirit of cooperation, there will be no amendment to this one.

Motion agreed to.

Return No. 206

Mr. Goohsen: — Thank you, Mr. Speaker. I move, seconded by the member from Arm River, that an order of the Assembly do issue for a return no. 206 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move, seconded by the member for Regina Churchill Downs, an amendment that:

In part (3) delete the words "have been eliminated from" and substitute therefor: "will be eligible for".

In part (4) delete the words "benefits from the remains of the children's dental plan", and substitute therefor, "dental benefits".

In part (5) delete the words "saving through denying children access", and substitute therefor, "save as a result of the changes".

I so move.

Amendment agreed to on division.

Motion as amended agreed to.

Return No. 209

Mr. Toth: — Mr. Speaker, I move, seconded by my colleague, the member for Kindersley, that an order of the Assembly do issue for a return no. 209 showing.

Motion agreed to.

Return No. 211

Mr. Swenson: — Mr. Speaker, I move, seconded by the member from Morse, that an order of the Assembly do issue for return no. 211 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, because this Bill deals with the vote on Bill 38, and as the minister has indicated, the second-reading vote has already occurred, we will be voting against it.

Motion negatived on division.

Return No. 214

Mr. Swenson: — Thank you, Mr. Speaker. I move, seconded by the member from Morse, and an order of the Assembly do issue for return no. 214 showing.

Motion agreed to.

Return No. 216

Mr. Toth: — Mr. Speaker, I move, seconded by my colleague, the member from Wilkie, that an order of the Assembly do issue for a return no. 216 showing.

Motion negatived.

Return No. 218

Mr. Goohsen: — Thank you, Mr. Speaker. I'd like to move, seconded by the member from Estevan, that an order of the Assembly do issue for a return no. 218 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move an amendment, seconded by the member for Churchill Downs:

that we delete everything after "(1) A list of all trips by any Minister of the Government of Saskatchewan . . ." and substitute therefor:

"out of the province of Saskatchewan in the fiscal year 1992-93; and further provide the following:

. date, destination and purpose of trip;

. who accompanied the Minister; and

. the total cost of the trip."

I so move.

Amendment agreed to.

Motion as amended agreed to.

Return No. 219

Mr. Muirhead: — Mr. Speaker, I move, seconded by the member from Maple Creek, that an order of the Assembly do issue for return 219 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move, seconded by the member from Regina Churchill Downs, an amendment that:

In part (1) delete the words "a French education system" and substitute therefor: "a component within education for French governance"; and

in part (2) delete the words "a third education system" and substitute therefor: "a component within education for French governance"; and

in part (3) delete the words "a third education system" and substitute therefor: "a component within education for French governance"; and

in part (4) delete the words "a French education system" and substitute therefor: "a component within education for French governance"; and further

delete part (5).

I so move.

Amendment agreed to on division.

Motion as amended agreed to.

Return No. 220

Mr. Neudorf: — Thank you, Mr. Speaker. I move, seconded by the member from Estevan, to move that an order of the Assembly do issue for return no. 220 showing.

Hon. Mr. Lingenfelter: — Mr. Speaker, I move an amendment, seconded by the member for Regina Churchill Downs, that:

In part (2) after the words "... November 1, 1991" add the words "on file".

I so move.

Amendment agreed to on division.

Motion as amended agreed to.

(1700)

Hon. Mr. Lingenfelter: — Mr. Speaker, I propose the committee . . . or we now move to committee on Bill 38.

The Speaker: — The member must seek leave in order to do that.

Hon. Mr. Lingenfelter: — I asked for leave earlier. I asked for leave to go back to Committee of the Whole.

Leave granted.

COMMITTEE OF THE WHOLE

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

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Minister, we've spent a fair bit of time in debate in this Assembly regarding the amendments to the Human Rights Code. And just before I move into a fair bit on 38, I want to make a comment on a quote the minister supposedly has in his possession regarding women in the province of Saskatchewan.

I must admit, Mr. Chairman, I am perplexed, too, as to where the quote had come from. But just for a little bit of background, I just want to bring to the minister's attention that back in the beginning when God created the earth, he created all living beings. He brought out all living beings before man, before Adam, and had Adam name them. And as he was looking at his creation, he saw that it was good, he realized that he had male and female in all the species in all the animal kingdom and the bird kingdom.

But for man he didn't have a helpmate, and he saw that man was alone. And at that time it says that God didn't think it was right for man to be alone and so he created woman to be equal with him and to be part of the relationship so that man and woman could have an equal relationship working together, being a comfort and encouragement to each other.

And also in that relationship, out of that relationship, out of that closeness and oneness of the man and woman, there would be a process of procreation as man and woman brought children into the world. And God told them to be plentiful and to multiply and to replenish the earth.

Now where the quote exactly came from, I don't know, because I've believed from day one and in all my days, even as an elected representative, that my wife is a very special person. She's as equal . . . and she really contributes to our home, and I believe there are people all across this province and across this country who indeed do believe that.

And at this time, just for the sake of the minister and for the committee here, I just want to let people know that there is no . . . at no one time did I as a member ever take a slam against women on the basis of that and the fact that women play a very important and vital role in our society, certainly in the family relationship.

That's one of the major concerns that we have with the Bill before us today — the fact that the family relationship in this province and in this nation is under attack. The family, the home, the role models. And it's not specifically the homosexual relationships. It's the

heterosexual relationships and the message we are sending to young people about how easy it is for men and women to forget their responsibilities to their partners and to leave, and the breakup at homes and the problems it creates for children and in those relationships, and what kind of a message are we sending.

And what we've done with Bill 38 and what we are doing, Mr. Minister, is we're creating another problem, another moral problem that's going to . . . and as I've indicated earlier, it's not necessarily a problem that we will see arise today specifically in the province of Saskatchewan. But we're seeing in jurisdictions all around the world that have been changing and tampering with the Human Rights Code, we're seeing the demands by certain groups for greater availability to services that they feel that they've been discriminated against.

Mr. Minister, in this whole debate we've been asking ourselves, where has the real push come from? Who is really pushing for the changes to the Human Rights Code? For the life of me, Mr. Minister, I really don't know. As the mail that I have received, certainly the letters that my colleagues have received, the phone-in shows that have taken place, and all the information that is out there would indicate that a full 99 per cent — if not quite that, almost that high — of the residents of the province of Saskatchewan are opposed to this type of legislation.

Mr. Minister, you have argued very strenuously that the only impact of Bill 38 is that it's going to allow . . . or disallow discrimination based on housing and employment. And in that matter the people of Saskatchewan do not have a problem with that piece of the . . . with Bill 38. But the problem is, Mr. Minister, as we've discussed it before and as we've raised it, it's certainly an issue that could have been raised outside of the Bill.

The other day when we were debating this in the House we talked about spousal benefits, we talked about marriage, same-sex relationships. We talked about adoption. And in every circumstance, Mr. Minister, you indicated that it was your intention that the Bill not have anything to do with those relationships. And in fact you also indicated that there's an Adoption Act that deals with adoption. There's a Marriage Act on the federal level that deals with marriages and the different circumstances.

The facts are, Mr. Minister, if all those other avenues are dealt with outside of the Bill, then why didn't we just deal with the housing and employment issue outside of the Bill? And that's one of the major questions we have there.

When we look at the debate that has taken place, one has to wonder who has really been . . . where does the lobby really come from? And we look at the debate that has taken place in your caucus. You've talked about the ongoing debate. You've talked about the resolutions that have been presented to your NDP conventions on numerous occasions. Resolutions

have been put forward calling for an amendment of the Human Rights Code.

Mr. Minister, I guess one of the areas that amazes me . . . because certainly the group EGALE (Equality for Gays and Lesbians Everywhere), a group that lobbies for the homosexual community, has been very silent of late. And in light of the lobby that has taken place over the years, their silence basically is a solid indication in my mind and in the minds of a lot of people that there must be a lot of pleasure in the piece of legislation that is coming forward. Otherwise, they would be out here really pushing for it and demanding that your government get on with it a lot quicker publicly. But it seems to me if they are pushing, it's taking place very privately and quietly.

On CBC (Canadian Broadcasting Corporation) radio, the 20th of February . . . or November 1992, the chief commissioner, Donna Greschner, stated that she will use Bill 38 to ask the government for more money to re-educate the people of Saskatchewan out of their homophobia. She says that the public's negative, repressive attitudes are not acceptable and must be changed.

And, Mr. Minister, it seems to me when we look at it, those are some of the areas that the public in general are very concerned about. In fact, as I indicated earlier, EGALE, on the same program, indicated that they were absolutely delighted with Bill 38.

And when I look at Bill 38 and I look with what's taking place elsewhere in other jurisdictions, Mr. Minister, one of the areas that really bothers me . . . And you've continually indicated that as long as you are minister these concerns will not be a problem because it is not your intention to allow the Bill to go beyond the housing and employment aspect, and you will stand for that.

And yet I refer to the situation in Ontario. In Ontario they changed the Human Rights Code back in 1986, their Human Rights Code, to include discrimination for reasons of sexual orientation.

Then the Human Rights Commission made them change a lot of things. They had to remove "of the opposite sex" from their definition of marital status. They now have three years to change their marriage Act, their insurance Act, dealing with homosexual spousal and survivor rights, and their adoption Act.

And, Mr. Minister, if you think that was yesterday or that really isn't relevant, let me just look at an article. First of all, I'm just going to quote an article, September 2, 1992. This is regarding a ruling. "Gay ruling on benefits seen costing millions", and this is in regards to the changes the amendments made to the Human Rights Code back in 1986. And the article says:

The order will have far-reaching effects on the private sector because the words "of the opposite sex" when defining marital status have been removed from the Ontario Human

Rights Code, officials said.

The ruling legally requires the province to provide family benefits, such as health insurance, dental coverage, and bereavement leave to gay and lesbian bureaucrats' partners. The government has extended these benefits since January, 1991 as a matter of policy, not as a legal requirement.

So we see your colleagues in Ontario have already extended it into the public sector just on their own. They really didn't bring it before the legislature. They accepted the words of the commissioner to extend these rights. Now they're forcing it on everybody in society.

"The Human Rights Code now applies with its new wording to all employers in Ontario", said Catherine Frazee, chief commissioner of the Ontario Human Rights Commission. This is a very important decision for all other Canadian jurisdictions, the province and the federal government (said the chief commissioner of Ontario).

What I'm saying, Mr. Minister, is the argument that we've been presenting in this Assembly all along, that just by changing the code it may seem insignificant, it may seem irrelevant, but the fact is, Ontario has learned just by adding the words sexual orientation, they now face challenges in the courts and beyond. And what it's doing is forcing people, even people in the private sector, to apply all the basic principles that we are opposed to.

In June 11, in fact just recently, about 10 days ago, June 11, 1993, the NDP Bill to grant more spousal rights to same-sex couples, the Ontario government — the NDP government will introduce a Bill in the fall giving precedent-setting rights and benefits . . . or getting rights and benefits to the same-sex couples, Attorney General Marion Boyd, says.

In Canada, we would be the first government to be looking at this kind of legislation, Boyd told the *Star* in an exclusive interview last night. (It says as well) that governments across Canada are going to have to start granting more rights to same-sex couples because courts are leading us in that direction, says Attorney General Marion Boyd. Boyd, who told the *Star* last night she intends to introduce legislation granting some same-sex couples more rights, said the move is inevitable.

(1715)

And going back, the same article goes on to say, in April, 1992, the coalition released a research paper . . . and this is talking about the changes that are coming about and being forced upon the province because of their changes to the Human Rights Code.

In April, 1992, the coalition released a research paper outlining 79 pieces of legislation which

could be amended to provide equality to same-sex couples. And while Boyd would not commit herself on any issue, she said the government is looking at all the issues that have been raised by the coalition.

Mr. Minister, that is pointing out some of the arguments that we've been raising all along, that as soon as you open the door a crack, it opens the demand and the rush comes through, and the door is pushed even wider.

Mr. Minister, as I indicated a tad earlier, just in my remarks just a few moments ago, you indicated that the other day there were a number of areas where the province didn't have jurisdiction.

But I want to . . . when we suggested that we would be raising amendments to the Human Rights Code regarding marriage and spousal benefits and adoption and when I raised the — back on June 7, 1993 — when I raised the question about what if the court's interpretation of the Act is different than what you're telling us here in the Assembly, and, Mr. Minister, at that time you mentioned that there had been a long and tedious process that you had been involved in.

In fact you said, and I quote:

. . . we were at pains in the drafting process to ensure that the protection being extended by the code did not extend beyond the code, did not extend to other matters but were restricted to the matters in respect of which protection is given to other questions like race and religion and age and sex, within the code.

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

And then in response to my question what if, what if the judiciary goes beyond what you're saying here, you said:

And if not, we are the supreme law-making body here in this legislature, and if the judiciary are not reading us correctly as to our intention, we can go back and do it over again and get it right.

Mr. Minister, as I indicated then, why not get it right now? Why not leave . . . let the Bill 38 die on the order paper? Why not come back in the fall with a piece of legislation that basically identifies the housing and employment situation?

Because, Mr. Minister, I think it may not be tomorrow, it may not be a year from now, but as Ontario has seen, it's been some eight years since they amended their Human Rights Code that a number of these issues

are now being forced into the courts.

And because of the amendments and because of the very looseness and the fact that we have sexual orientation without it really being defined in the Human Rights Code, the courts are now acting — exactly what you said they really wouldn't be doing. They would have to take the Bill and act and make the decision based on how they perceive the Bill and what they perceive the intention of the Bill to be.

You have said, Mr. Minister, that you believe and you will make sure that this Bill doesn't go beyond what you have intended the Bill to do. But I would suggest to you, sir, that all the guarantees in the world, all your comments in *Hansard* and my comments in *Hansard*, aren't going to mean a thing when it comes to the courts making a decision.

In fact I believe you made a comment the other day as well that even today a number of issues are before the courts. The courts will decide. Well if the courts are going to decide, is there any point in us having a legislative body, a group of individuals to sit here and set out legislation that specifically identifies where we're going. It seems to me what the courts are doing . . . and I almost tend to agree with the individual who called in to the open line this morning about the fact that there may be too many lawyers get involved in politics, and they make the decisions and legislation so complicated that the ordinary person doesn't know where he's going.

But it would seem to me, Mr. Minister, that what we do have here is a piece of legislation that is just too loose, too wide open, too wide open. The interpretation can become too broad. And as much as you would argue that it doesn't, as much as your colleagues would argue that it doesn't . . . and I would have preferred to have heard the Premier indicate what he really felt, rather than telling me that he had confidence in his Minister of Justice and the Minister of Justice was speaking exactly what he was thinking. I think it would have been appropriate for the Premier to stand up in this Assembly and to let the people of Saskatchewan know how he really felt about these issues.

So, Mr. Minister, I think what we have done is we've tried to lay out as clearly and concisely as we can the reasons why we have difficulty and why we cannot accept Bill 38 as it has been presented to the House.

I want to, as I wrap up my comments before we get into the vote on the Bill . . . and as much as I would like to say we're going to be here until 2 o'clock in the morning or whenever we get out, I think we have deliberated very extensively on a number of the issues and I'm not necessarily interested in just going around in circles again. I don't think anyone is. I think we've been very clear about it.

But I'd like to read a few comments made by a doctor, I believe, from P.A. (Prince Albert) in a letter sent to the two members from Prince Albert that says:

Dear Mr. Kowalsky and Dear Mr. Lautermilch: (It says) You have explained to me yourself that to maintain solidarity within your party there is extreme pressure to vote party line on these issues. I can understand that future appointments and political promotions would be jeopardized by standing against the majority in your party. I believe it is easy to be persuaded by the glut of politically correct thinkers in Regina.

I would urge you, however, that although the short-term cost appears great, the long-term cost by voting against not only your constituents' wishes, but also against your conscience, is far greater. Individual integrity and credibility are qualities you cannot replace once lost. It is high time for politicians to risk political future for the sake of integrity and credibility, not to mention the well-being of the public. This is the only means by which any government will regain public trust.

There again, Mr. Chairman, and Mr. Minister, it brings out the fact that even the public in general have been asking for the free vote. And your colleague, the Premier of the province, when asked about the free vote and the opportunity for members to really stand up and be counted, suggested party solidarity was more important. And what seemed to me in this whole argument, people have expressed their views, people have expressed their opinion.

I'm not exactly sure if I've seen any piece of legislation that has drawn the letters and the criticism such as Bill 38 does. And I would just like to add, Mr. Minister, before I sit down and allow the votes to proceed, that the issues we have raised, we've tried to be as clear as we can, we've tried to be as concise as we can. I think we have brought out the points very clearly.

We will move some amendments, whether or not they're accepted. We believe it's appropriate that we give a clearer understanding of where the Bill is going and what is intended by the Bill. Thank you very much, Mr. Chairman.

Hon. Mr. Mitchell: — I want to say, Mr. Chair, to the member that he has certainly been successful in stating very clearly his party's concerns about this Bill, and as a result, this has been a very pointed debate and a very thorough debate. The matters raised by the member are matters that have been raised before and that I've answered before, so I don't have to give one of my long-winded replies to the question.

But I did want to say just . . . I want to deal with a couple of points, with two points raised by the member. First of all, it is not correct to say that people are opposed to this. I dealt with that the other day, and let me remind the Assembly what I said.

The Bill deals with discrimination, pure and simple. It prohibits discrimination on the ground, among others, of sexual orientation. It prohibits discrimination in respect of employment and accommodation and

access to public services. And as the member knows, the vast majority of our citizens are in favour of those ideas; the member's own caucus favours those ideas, or at least a significant number of members in the caucus favour those ideas.

And the concern are the outside issues. We discussed that the other day, and I think that's clear on common ground. There's nothing that I can do to help that.

I mean people have concerns, and I can say, well it's not covered in the Bill. And it's true it's not covered in the Bill; it's a matter of federal jurisdiction. It's true — it's a matter of federal jurisdiction. It's a question of the charter applying, and that's true — it's a question of the charter applying, but that doesn't seem to still the concerns that the member gives voice to when he raises these various points.

For example, the question is raised about the experience in Ontario, and there is a great mishmash of court decisions going in all kinds of directions. And as the member has said, there are a number of them working their way through the court, the court system.

The particular case that the member was talking about is the Lechner case. And the case arose not because sexual orientation was included in the Human Rights Code but arose because the code attempted to define marital status, attempted to define one of the ideas that the member has put forward. And it was in response to that definition that the Lechner case got onto the board of inquiry and then comes the decision that you can't do that.

And the problem is not in the code; the problem's in the charter. And the charter, part of the Canadian constitution, nothing we here can do about it. I mean it is there. If it's to be amended, it has to be amended through the constitutional amending process.

So the . . . I mean, the case makes my point, makes my point. We can prohibit discrimination but we can't define marital status. If we do define it, we run square into the charter. As to who can get married, we run into the distribution of jurisdictional powers and a matter of federal jurisdiction. So there we go, around and around.

The leading case, to this point, on the question is the Egan case, which is a very recent case, 1993, in the federal Court of Appeal. And in that case, homosexuals who had lived together for over 40 years were held not to be entitled to a spousal allowance. So you know, there it goes.

That's a case with which I would think you would be very comfortable. So the jurisdiction is out there . . . or the jurisprudence is out there and happening as we speak, but it is happening in the context of the charter, and that is something over which we have no control.

I'm sorry to give such a short answer to the member's considerable list of points, but we had discussed these matters before and I think we can leave it on that basis.

Mr. Toth: — Just one comment before we move on, and I guess just reiterating the point. One of the problems I do have is the Charter of Rights and Freedoms that have been established in Canada and how I guess it's fairly loose and open to interpretation which raises us to the question . . . to all the challenges that are now before the courts based on that, and certainly it's an area that is up . . . we could be here for an awful long time debating that process as well. But I think we, as I've indicated earlier, we have raised our points. We have raised the concerns of our constituents. And as much as we would like to, if we had the ability, hold the piece of legislation even longer, I think we've finally resolved and come to the point that there is a point where it's time to move on and allow the House to proceed, so I'll allow the Bill to proceed through the Assembly.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

The Chair: — I have received a number of amendments to clause 3 of the Bill, from the government, from the member of Saskatoon Greystone, and from the member for Moosomin. I've reviewed the amendments and suggest that they be dealt with in the order of priority which would then see the government amendment being moved first.

Hon. Mr. Mitchell: — Mr. Chair, I move:

That section 3 of the printed Bill be amended:

(a) by renumbering clauses (a) and (b) as clauses (b) and (c);

(b) by adding the following clause before renumbered clause (b):

“(a) by renumbering it as subsection 2(1)”;

(c) by striking out “and” after renumbered clause (b);

(d) by adding “and” after renumbered clause (c); and

(e) by adding the following clause after renumbered clause (c):

“(d) by adding the following subsection after subsection (1):

“(2) For the purpose of dealing with any case of alleged discrimination pursuant to this Act, no ground of discrimination shall be interpreted as extending to any conduct that is prohibited by the Criminal Code”.

I so move, and I'd like to speak to it, Mr. Chair.

(1730)

One of the problems that has faced us from the beginning of the formulation of this Bill was the question of whether we could find a definition of sexual orientation that would work. And we have not been able to do that.

We have another example in the Yukon where a definition was used, but the definition is not satisfactory to us. This clause that I am proposing be added is taken from the Manitoba legislation. The purpose of it is to make perfectly clear that when we are protecting people from discrimination on the ground of sexual orientation, we are not protecting any conduct that is prohibited by the Criminal Code. This was a suggestion that came from all sorts of people in correspondence to me, and I think it was worth responding. And as I say, I have so moved.

Mr. Toth: — Thank you, Mr. Chairman. Mr. Minister, in dealing with this amendment, I'm not exactly sure if it deals with the number of the concerns that have been raised. You've indicated that it just prohibits anything that would . . . the Criminal Code lays out as being proper and appropriate. Anything beyond that, if it's . . . The Criminal Code sets out some guidelines and any case that would come before . . . that's taken to court based on the Human Rights Commission, that would go beyond the Criminal Code, would not apply. Is that what you're saying?

Hon. Mr. Mitchell: — Yes that's, I think, essentially correct. We're trying to ensure that conduct such as pedophilia, incest, and non-consensual sexual or abusive conduct is not protected. That's what we're trying to get at there.

Amendment agreed to.

Ms. Haverstock: — Thank you, Mr. Chair. I move:

That clause 3 of the printed Bill be amended by adding immediately after clause (b):

“(c) by adding the following clause after clause (o):

“(o.1) “sexual orientation” means the preferred form of sexual activity an adult person may choose to participate in with another consenting adult person, whether of the same or opposite sex;”

I so move. And I would like to speak to this, Mr. Chair.

I believe that by adding the definition of sexual orientation to the code, what we will do is remove any ambiguity about what we mean when we use it throughout this legislation. And I want to note that we can all agree, I think, that society is constantly evolving and what is unacceptable now may be acceptable or even arguably acceptable a few years from now.

What we cannot forget is that as little as 25 years ago the preferred method of sexual activity amongst . . .

homosexual activity amongst males was considered a criminal offence. And so things have changed considerably since then. What the next 25 years will bring, none of us will know. But without defining sexual orientation there will not be public debate, simply legal interpretation. And without a definition and on a broad reading of sexual orientation within the context of the Human Rights Code as a whole, I believe that any form of sexual orientation may be admissible. Thus a definition to restrict or define what sexual orientation means is a necessity and is simply good legislative drafting.

Since the Act defines such straightforward terms, Mr. Chair, and Mr. Minister, as age — I mean age is defined in the code — and since it actually defines what employee means, I think that it is incumbent upon us as legislators to define the more complex and potentially more controversial terms such as sexual orientation.

This definition I believe does what the government says this legislation was intended to do, and provides equal rights but limits those rights so that they do not become special or excessive rights.

Hon. Mr. Mitchell: — Now, Mr. Chair, this is . . . that's a very constructive suggestion and it was certainly of interest to us because we had looked so hard for a definition for the term. And so had all the other jurisdictions that have dealt with this — all six or seven provinces and territories and federal government.

And they went through the same thing we did. It didn't seem to matter what kind of a definition we came up with, it created other problems. So we looked at the Yukon, for example, which talked about — correct me if I'm wrong here — but the sexual orientation includes homosexuality, heterosexuality, and bisexuality. And that sort of works, you know, except that it's an offensive sort of term for a lot of people. It's not a comfortable term for people; we'll put it that way. And it covered all the bases for sexual activity that is not illegal, at least that I can think of. Now I'm one of the most naïve people that you're going to meet on these questions. But anyway, we didn't like that suggestion and there were no other definitions to choose from.

Manitoba had a way of expressing the idea of not protecting illegal activity. So all these other jurisdictions had tried to solve the problem of a definition and we did too, and came up empty-handed.

Now the member's suggestion comes as close as you could come to a satisfactory one, but we had two problems with it. First of all, the adult person . . . because to be an adult in this province is 18 and over, and where does that leave a 17-year-old? They live on their own; they could have been working for a couple of years; they could have a family or not, depending. You know, they could have been living in relationships. And if you're going to protect the 18-year-olds, why would you not protect the 17's? So

that was one problem.

The second is that by the use of the term "the preferred form of sexual activity" there is an implication there, probably unintended, but none the less there that sexual orientation is a matter of choice. And to put it mildly, that's a matter for debate. I mean I hold the view that it is not a matter of choice, that it's a biological question. And so that was the second objection.

At the end of the day, Mr. Chair, we regret that we are not able to accept this, but we certainly do appreciate the effort that the member made in coming to grips with a very difficult problem.

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, I'd just like to add a few words as well. Mr. Chairman, I find it very difficult to stand in the Assembly and actually even attempt to support such an amendment. I think this is one of the areas that we've been discussing with and that the public in general are very concerned about. We've heard a lot of debate, the debate taking place even in the courtroom, about the fact that adult individuals should have the ability to choose who they prefer to engage in sexual activity with.

I find it as well difficult to accept the fact, and the minister has used the argument, well it's a biological factor and it has nothing to do with choice. There was nothing in medical science that would indicate that homosexual activity is a biological factor. It is indeed a matter of choice. And if you sat down and talked to a number of people in the medical field, talked to individuals who have been involved in the homosexual community who are now actively trying to work with people trying to leave the homosexual practice, they would indicate as well as they've indicated to me. And I think by allowing this . . . by putting in such a definition meaning the preferred form of sexual activity and how an adult person may choose to participate in . . . just opens up the doors and makes it even a lot broader than what it is today. And I find that unacceptable, Mr. Chairman.

The Chair: — Before we carry on with the vote, there are at least eight other conversations which are taking place in the Chamber, none of which cause any problems. Combined they cause a problem for the Chair. And therefore I ask you, if you want to carry on with conversations, to do so outside the Chamber.

The question that's before us then is the amendment, which has been moved by the member for Saskatoon Greystone. I want to take the prerogative of the Chair to point out that in as much as the clause 3 has been amended by the government — part of which was to reorder the various clauses — that as opposed to saying in the amendment that adding immediately after clause (b), that that be construed as being clause (c) to make it consistent with the amended clause we are now dealing with.

Having said that, can we take the amendment as read? Agreed.

The division bells rang from 5:41 p.m. until 5:43 p.m.

Amendment negated on the following recorded division.

Yeas — 1

Haverstock

Nays — 37

Romanow	Crofford
Simard	Knezacek
Tchorzewski	Harper
Shillington	Kluz
Teichrob	Carlson
Goulet	Renaud
Kowalsky	Langford
Mitchell	Jess
Cunningham	Swenson
Upshall	Muirhead
Bradley	Devine
Lautermilch	Neudorf
Murray	Martens
Hamilton	Boyd
Draper	Toth
Serby	Britton
Whitmore	D'Autremont
Sonntag	Goohsen
Flavel	

Mr. Toth: — I move that we:

Amend clause 3 of the printed Bill by adding immediately after clause (b) thereof the following clause:

I'm not exactly sure, I've been trying to follow in light of the amendment the government brought forward, but I'll read this through:

“(c) by re-numbering section 2 as subsection 2(1);
and
(d) by adding immediately after subsection 2(1) the following new subsection:

(2) Nothing in this Act shall be interpreted as providing any right, privilege or status to any person or group of persons that is different from or exceeding the rights, privileges or status of any other person or group of persons in Saskatchewan.”

And the purpose of this amendment is to basically say that the status of individuals will not change from where it is today and that any group or individual that would come forward adding or demanding greater rights or privileges would not be granted more than what is already available to individuals under the present Human Rights Code.

Hon. Mr. Mitchell: — Thank you, Mr. Chair. I certainly understand why the member is coming forward with this clause, because there is at least one

group of people opposed to the Bill who have been characterizing these amendments as conferring special rights. The answer to that allegation is simply that the human rights legislation does not confer special rights on anyone. It attempts to ensure equal rights. And accordingly, there is simply no need for the amendment that the member puts forward.

It would be in that context that the courts would have to interpret the amendment; that is, the context that human rights legislation does not confer special rights but only equal rights. And the court, at the same time, would have to say, well the legislature must have meant something in passing this Act. And heaven knows where that line of thinking would take us.

So in the end, I have to tell you, Mr. Chairman, that the government is not able to accept this amendment.

The Chair: — The question before the committee then is the amendment moved by the member for Moosomin. And again, I wish to exercise the prerogative of the Chair to make such renumbering to this amendment as we deem necessary to make it consistent with the clause 3 as amended.

The division bells rang from 5:49 p.m. until 5:50 p.m.

Amendment negated on the following recorded division.

Yeas — 10

Swenson	Boyd
Muirhead	Toth
Devine	Britton
Neudorf	D'Autremont
Martens	Goohsen

Nays — 28

Romanow	Draper
Simard	Serby
Tchorzewski	Whitmore
Shillington	Sonntag
Teichrob	Flavel
Goulet	Crofford
Kowalsky	Knezacek
Mitchell	Harper
Cunningham	Kluz
Upshall	Carlson
Bradley	Renaud
Lautermilch	Langford
Murray	Jess
Hamilton	Haverstock

Mr. Toth: — Thank you, Mr. Chairman. Again, I would move that we:

Amend clause 3 of the printed Bill by adding immediately after clause (b) thereof the following clause:

“(c) by re-numbering section 2 as subsection 2(1);
and

(d) by adding immediately after subsection 2(1) the following subsection:

“(2) Nothing in this Act shall be interpreted as allowing or forming the basis for a court ruling that allows legal recognition of same-sex marriages.”

And again as we’ve raised the point in debate, Mr. Chairman, I think we’ve raised it very adequately. It’s a way of being firmer in what we believe over what the proposed amendments to the Human Rights Code are.

Hon. Mr. Mitchell: — Mr. Chair, the member and I have discussed this question on the record in this committee previously. In a nutshell the situation is that the capacity to marry, that is, a jurisdiction to define the capacity to marry, is within the federal jurisdiction under section 9126 of the Canadian constitution, and therefore it would be unconstitutional and totally ineffective for us to attempt to deal with it in the code. And for that reason the government is not able to accept the amendment.

The Chair: — Just again, I want to get the agreement of the committee that we can make such renumbering in this amendment as we deem appropriate. And also to point out that your first clause that “by re-numbering section 2 as subsection 2(1)” is redundant in as much as that is a change that has already been made to the Bill.

The division bells rang from 5:54 p.m. until 5:55 p.m.

Amendment negated on the following recorded division.

Yeas — 10

Swenson	Boyd
Muirhead	Toth
Devine	Britton
Neudorf	D’Autremont
Martens	Goohsen

Nays — 30

Romanow	Hamilton
Simard	Draper
Tchorzewski	Serby
Lingenfelter	Whitmore
Shillington	Sonntag
Teichrob	Flavel
Goulet	Crofford
Kowalsky	Knezacek
Mitchell	Harper
MacKinnon	Kluz
Cunningham	Carlson
Upshall	Renaud
Bradley	Langford
Lautermilch	Jess
Murray	Haverstock

Mr. Toth: — Mr. Chairman, I move:

Amend clause 3 of the printed Bill by adding

immediately after clause (c) thereof the following clause:

“(d) by adding immediately after subsection 2(1) the following new subsection:

“(2) Nothing in this clause shall be interpreted as requiring, allowing, or forming the basis for a judicial decision or quasi-judicial ruling that results in legal recognition of same-sex marriages.”

Hon. Mr. Mitchell: — The member will know the position of the government on this issue as well. There is an adoption Act in Saskatchewan which sets out in some detail the concept of adoption. That Act has been around for a long time and was re-enacted as recently as 1989. If we’re going to address this question, which the present Act does not, then we should do so within the context of that Act. And for that reason the government is not able to accept the amendment.

The Chair: — Again the Chair wants to just have the agreement of members that we make such changes including deletions and changes to the numbering to make it consistent with the amendments that have been made. And that is agreed?

Hon. Mr. Mitchell: — . . . I’m told that the member actually read the wrong amendment. I think he meant to read an amendment to . . .

The Chair: — Does the minister have a copy of the amendment or want to take time to consider this matter?

Hon. Mr. Mitchell: — I’m not certain that I do. I’m not certain that I have a copy of the amendment, Mr. Chair. I’ll just . . .

I have to speak, Mr. Chairman. I was speaking to the amendment relating to adoptions and this is . . . we’re still on the subject of same-sex marriages here. And again the government is unable to accept that amendment for reasons that I stated with respect to the previous amendment.

(1800)

The Chair: — I think I can safely say that the mover of the motion, the minister, and the Chair are agreed as to the amendment that is now before the House. Again I’m going to put the amendment with the understanding and agreement of the members that we make such changes to the amendment as we consider necessary to make it consistent with the amendments that have already been adopted. Agreed.

The division bells rang from 6:01 p.m. until 6:04 p.m.

Amendment negated on the following recorded division.

Yeas — 10

Swenson
Muirhead
Devine
Neudorf
Martens

Boyd
Toth
Britton
D'Autremont
Goohsen

Neudorf
Martens

D'Autremont
Goohsen

Nays — 31

Nays — 29

Romanow
Simard
Tchorzewski
Lingenfelter
Shillington
Teichrob
Goulet
Kowalsky
Mitchell
Cunningham
Upshall
Bradley
Lautermilch
Murray
Hamilton

Draper
Serby
Whitmore
Sonntag
Flavel
Crofford
Knezacek
Harper
Kluz
Carlson
Renaud
Langford
Jess
Haverstock

Romanow
Simard
Tchorzewski
Lingenfelter
Shillington
Teichrob
Goulet
Kowalsky
Mitchell
Cunningham
Upshall
Bradley
Lautermilch
Murray
Hamilton
Trew

Draper
Serby
Whitmore
Sonntag
Flavel
Wormsbecker
Crofford
Knezacek
Harper
Kluz
Carlson
Renaud
Langford
Jess
Haverstock

Mr. Toth: — Mr. Chairman, I move an amendment 0-38-3(e):

Amend clause 3 of the printed Bill by adding immediately after clause (c) thereof the following clause:

(d) by adding immediately after subsection 2 the following subsection:

“(3) Nothing in this Act shall be interpreted as allowing or forming the basis for a court ruling that allows the adoption of children by homosexuals or lesbians.”

And as we've indicated before, Mr. Chairman, the intent of this amendment is to state in the Bill the concerns that the public of Saskatchewan have brought forward and to bring it up very firm and declare very firmly the public's perception and the commitment that we have made to stand up for the public on Bill 38.

Hon. Mr. Mitchell: — I've made the government's argument with respect to this proposed amendment. One would have thought that question could have been addressed in 1989 if the members opposite had felt that strongly about it. If there is to be a change in the law, it should be made within the context of The Adoption Act. And for that reason, the government's not able to accept the amendment.

The division bells rang from 6:08 p.m. until 6:09 p.m.

Amendment negated on the following recorded division.

Yeas — 10

Swenson
Muirhead
Devine

Boyd
Toth
Britton

Mr. Toth: — Thank you, Mr. Chairman. The amendment I'm moving is O-38-3(f):

Amend clause 3 of the printed Bill by adding immediately after clause (c) thereof the following clause:

(d) by adding immediately after subsection (2) the following subsection:

(3) Nothing in this Act shall be interpreted as requiring or forming the basis for a court ruling that requires homosexuals or lesbians be given access to family or spousal benefits.

And as we've had the discussion over the past number of weeks, Mr. Chairman, the intent of the amendment is to lay out very clearly what the Act is really defining as being acceptable behaviour and benefits that couples can apply for and same-sex partners.

What we're saying here, Mr. Chairman, and what we want for the sake of the public to realize that we stand up, we've raised the issue. Now the minister has continually argued that it's beyond his control and out of our jurisdiction in a number of areas, and a number of these issues are presently before the court. But a lot of the court decisions that are coming down, Mr. Chairman, and Mr. Minister, are being based upon amendments that have come forward and based on the Human Rights Code and how it's being interpreted and how it's being presented to the public as well.

When you look at it, when we look at the amendment being presented here, I believe the amendment is very straightforward, it's very simple, and it's to the point and it reiterates the concern that the people have out there rather than to say no, it's beyond our responsibility. I think if I hear the minister right, we are the legislators. We are the supreme law-making body in this province, and it should be appropriate for us to indeed lay out the guidelines and the principles by

which we believe the areas that we believe in so that people across this province will not just take and run with the Human Rights Code to make all the changes that people are afraid of.

Hon. Mr. Mitchell: — Mr. Chair, I have, as the member knows, stated the government's position at great length on this particular point on a number of occasions. The plain fact is that the amendment that is before the House does not speak to the entitlement to spousal benefits for same-sex partners and the question just simply doesn't arise. There is no basis for us to amend the Act to cover something that isn't covered by the Act.

So that's rather a shortened version of the long speech that I gave the other day, but the bottom line is that the government is not able to accept this amendment.

The Chair: — Again, I just want to get the agreement of the members that we can make such changes to the amendment as may be necessary to conform to the changes that have already been made. Is that agreed?

The division bells rang from 6:14 p.m. until 6:15 p.m.

Amendment negated on the following recorded division.

Yeas — 10

Swenson	Boyd
Muirhead	Toth
Devine	Britton
Neudorf	D'Autremont
Martens	Goohsen

Nays — 31

Romanow	Trew
Simard	Draper
Tchorzewski	Serby
Lingenfelter	Whitmore
Shillington	Flavel
Teichrob	Wormsbecker
Goulet	Crofford
Kowalsky	Knezacek
Mitchell	Harper
MacKinnon	Kluz
Cunningham	Carlson
Upshall	Renaud
Bradley	Langford
Lautermilch	Jess
Murray	Haverstock
Hamilton	

Mr. Toth: — Mr. Chairman, I'd like to move another amendment, or attempt to move another amendment, (0-38-3(g)).

Amend Clause 3 of the printed Bill by adding immediately after clause (c) thereof the following clause:

(d) by adding immediately after subsection 2 the following subsection;

“(3) Nothing in this Act shall be interpreted as requiring or forming the basis for a court ruling that requires any action taken in respect of curriculum or education in Saskatchewan.”

Now, Mr. Chairman, it could be construed that possibly this should have come a little later in the Bill, but I think it's appropriate that it's brought forward as this time.

In laying out a number of the arguments, and one has to wonder where the chief commissioner of the Human Rights Commission is right now when we look at the whole argument of the educational process, and the fact that she's already indicated publicly that the curriculum will have to be developed or an educational program will have to be developed to alleviate the public's fears, homophobic fears.

And, Mr. Chairman, what we're doing here in bringing this forward . . . And I believe the public, in general, have a very deep concern about the fact that the requests and the pressure are going to become even stronger, adopting a format in the family life program within our educational system that makes and basically portrays the homosexual lifestyle as something that is a natural and normal process, which we firmly disagree with and don't believe is normal and natural.

And therefore, Mr. Chairman, it is appropriate that we bring this out, trying to bring the concern of the public before the Assembly, hoping that the government at the end of the day will recognize this factor and will take a firmer stand rather than just going on what the minister has been basically saying all along — his arguments that he's made his commitment.

As we've indicated before, the minister's commitment may not be the next minister of Justice's commitment or the next government's commitment. And I don't think those arguments are strong enough or good enough. I think we need to have something within the Bill that alleviates the fears out there.

Hon. Mr. Mitchell: — Mr. Chair, the member will of course know the position of the government on this because of all of the discussions that have taken place with respect to it.

The mandate of the Human Rights Commission is a very limited mandate when we talk about educational programs. It is defined in section 25 of the Act and it is restricted to programs designed to eliminate discriminatory practices and those practices are referred to in the code itself.

The code does not deal with school curricula. The choice of curricula is done by locally elected school boards and working with the department, and has no reference to the Human Rights Code at all. So that the problem that the member is trying to guard against in the amendment simply doesn't exist. For that reason the government is not able to accept the amendment.

The Chair: — The question before us then is the amendment moved by the member for Moosomin. And again can we have the agreement of the members to make such changes as we see necessary to make it conform to the amendments that have already been adopted? Agreed.

The division bells rang from 6:20 p.m. until 6:21 p.m.

Amendment negated on the following recorded division.

Yeas — 10

Swenson	Boyd
Muirhead	Toth
Devine	Britton
Neudorf	D'Autremont
Martens	Goohsen

Nays — 26

Simard	Draper
Lingenfelter	Serby
Shillington	Whitmore
Teichrob	Sonntag
Kowalsky	Flavel
Mitchell	Knezacek
MacKinnon	Harper
Cunningham	Kluz
Upshall	Carlson
Bradley	Renaud
Lautermilch	Langford
Murray	Jess
Hamilton	Haverstock

Mr. Toth: — Mr. Chairman, regarding amendment O-38-3(h):

Amend clause 3 of the printed Bill by adding immediately after clause (c) thereof the following clause:

(d) by adding immediately after clause subsection 2(2) the following subsection:

“(2) the Saskatchewan Human Rights Commission shall have no jurisdiction to conduct any hearing or make any ruling touching on the definition of marriage, spousal and family benefits, the adoption of children, or teaching in so far as such matters may include consideration of sexual orientation.”

Here again, Mr. Chairman, it's a matter by which we attempt to put a more firm commitment and identify our feelings regarding the whole process here and the fact that I don't believe it's in the power of the jurisdiction of the Saskatchewan Human Rights Commission to begin to hold its own hearings or make any rulings outside of this legislative body. And that's why it's imperative that we have this amendment in the Bill, reiterating our stand on the issue and not allowing the commission then to decide that they can

now make their own interpretations of how they view Bill 38 as the government are presenting it today.

Hon. Mr. Mitchell: — Mr. Chair, the substance of this proposed amendment has of course been dealt with in the last few amendments on which the Assembly has voted. I might point out to the member that the commission doesn't conduct hearings or make rulings as a commission. It investigates complaints. And if the commission finds that there may be an infringement, then it acts as the complainant's lawyer to attempt a settlement. And if a settlement can't be achieved, it acts for the complainant before a board of inquiry. All of those things of course you will know. But if you look at the proposed amendment in that context, then the amendment is out of tune with the scheme of the Human Rights Code.

For those reasons, the government is not able to accept the amendment.

The Chair: — The question before the committee then is the amendment. Again can I have the agreement of the members to make such changes as we see necessary to conform to the amendments that have already been made? Is that agreed?

The division bells rang from 6:26 p.m. until 6:29 p.m.

Amendment negated on the following recorded division.

Yeas — 11

Swenson	Toth
Muirhead	Britton
Devine	D'Autremont
Neudorf	Goohsen
Martens	Haverstock
Boyd	

Nays — 25

Romanow	Whitmore
Simard	Sonntag
Lingenfelter	Flavel
Teichrob	Wormsbecker
Kowalsky	Crofford
Mitchell	Knezacek
MacKinnon	Harper
Cunningham	Kluz
Bradley	Carlson
Murray	Renaud
Hamilton	Langford
Draper	Jess
Serby	

Clause 3 as amended agreed to.

Clause 4

Mr. Toth: — Clause 4-O-38 and 4:

Amend clause 4 of the printed Bill by adding immediately after clause (b) thereof, the following clause;

“(c) by adding “including those persons of differing political affiliation,” after “Every person and every class of persons””.

Mr. Speaker, when you look at the debate that takes place in our province and being as we're a province where people are very politically astute and involved in politics, there are many occasions, Mr. Chairman, where unfortunately a lot of times politics may enter into a lot of the decisions.

Because a person should stand up and choose to represent one party or the other on an issue, I don't believe it should be a matter that is an interference in their ability to do business in the province of Saskatchewan.

If indeed it does take place, then I would suggest in light of the intent of the Bill, that is discrimination and what we're doing here is saying that that shouldn't enter in. Discrimination shouldn't be a factor in that, in a person's decision regarding their differing political views, on how they do business or deal even with government in the province of Saskatchewan.

Hon. Mr. Mitchell: — This is a very serious amendment that the member proposes, and one that we have given consideration to. In the early years of the code back in 1979 it was considered at the federal level for inclusion in their code and at least at the time that I was involved with the federal government, and rejected. It's a complex matter and the government is not able to accept that amendment today.

The Chair: — Order. The principle of Bill 38 as approved in second reading prohibits discrimination based on sexual orientation, family status, or on the receipt of public assistance. The amendment before us goes beyond the scope of the Bill in removing other provisions already part of the Saskatchewan Human Rights Code. An amendment which seeks to add to the Bill something that goes beyond the scope and the intent and the principle of the Bill is not in order, and I would refer members to Beauchesne's **Parliamentary Rules and Forms**, 6th Edition, paragraph 698 (1) which reads as follows:

An amendment is out of order if it is irrelevant to the bill, beyond its scope or governed by or dependent upon amendments already negated.

And for these reasons I find the amendment out of order.

Mr. Toth: — Mr. Chairman, I have to accept your ruling but it seems to me that it must have been an amendment that was thought of long before we even brought it forward to the Assembly, just from the comments made by the minister. And I think legal counsel had certainly raised some of the issues when we asked for his interpretation of the amendment.

However, I will move on to 0-38-4(a) and:

Amend clause 4 of the printed Bill by adding immediately after clause (b) thereof the following clause:

“(c) by adding “, including those persons who refuse to endorse or participate in therapeutic abortions,” after “Every person and every class of persons””.

And, Mr. Chairman, the reason for this amendment is the fact that there have been situations in this province and in other jurisdictions where people have been threatened or even been discriminated based on their moral views on this very important issue. And I think if we're looking at addressing discrimination on the basis of housing and employment, the choice a person makes in their life should, regarding issues of values that they stand for . . . they should be able to make that choice without being forced to go against their best wishes. And that's the reasoning behind this amendment.

The Chair: — I want to also rule this amendment out of order. Again the principle of Bill 38 as approved in second reading prohibits discrimination based on sexual orientation, family status, or on the receipt of public assistance. The amendment which has been moved by the member for Moosomin seeks to add another provision which goes beyond the scope and the intent and the principle of the Bill as agreed to in second reading.

And again I would refer members to Beauchesne's *Parliamentary Rules and Forms*, 6th edition, paragraph 698(1), which reads as follows:

An amendment is out of order if it is irrelevant to the bill, beyond its scope or governed by or dependent upon amendments already negated.

And for those reasons I find the amendment out of order.

Clause 4 agreed to.

Clause 5 agreed to on division.

Clauses 6 to 14 inclusive agreed to.

Clause 15

Ms. Haverstock: — I wish to speak to my amendment, please, 38-15.1. I move:

That clause 15 of the printed Bill be amended by deleting the words “sexual orientation” where they appear in clause (c).

I so move, and I'd like to speak to this, Mr. Chair.

Section 25 of the code, in other words clause 15 of this printed Bill, has nothing to do with housing and employment. And this amendment, when inserted into the code, removes any possibility that sexual orientation will be the subject of educational

programs within the school systems of the province of Saskatchewan. And although the Minister of Justice has said that the code has nothing to do with school curriculum since it is the domain of the Department of Education and local school boards, I do believe that by this amendment we will remove any ambiguity with this matter.

Hon. Mr. Mitchell: — Mr. Chair, the government is not able to accept this amendment. Section 25 mandates the commission, as I've said earlier, to develop and conduct educational programs designed to eliminate discriminatory practices, and that is something that we think is a valid function of the commission, an activity that they should continue to undertake and that it should apply to all of the prohibited grounds for discrimination.

So as I say, and for that reason, the government's not able to accept the amendment.

The division bells rang from 6:40 p.m. until 6:47 p.m.

Amendment negated on the following recorded division.

Yeas — 11

Swenson	Toth
Muirhead	Britton
Devine	D'Autremont
Neudorf	Goohsen
Martens	Haverstock
Boyd	

Nays — 31

Romanow	Trew
Simard	Draper
Tchorzewski	Serby
Lingenfelter	Whitmore
Shillington	Sonntag
Teichrob	Flavel
Goulet	Cline
Kowalsky	Wormsbecker
Mitchell	Crofford
MacKinnon	Knezacek
Cunningham	Harper
Upshall	Kluz
Bradley	Carlson
Lautermilch	Renaud
Murray	Jess
Hamilton	

Clause 15 agreed to.

Clauses 16 and 17 agreed to.

Clause 18

Hon. Mr. Mitchell: — I move that section 18 of the printed Bill be amended:

by striking out section 18 and substituting the following:

“Section 47 amended

18 Subsection 47(1) is amended by striking out 'race, creed, religion, colour, sex, marital status, disability, age, nationality, ancestry or place of origin' and substituting 'race, colour, sex, disability or ancestry'”.

And I wish to speak to that, Mr. Chair.

One of the issues that has arisen during the consultations with respect to Bill 38 is the question of: in what circumstances the Human Rights Commission would order an affirmative action . . . or at least it would approve an affirmative action program submitted by an employer. And the House will know that that's how that process works. The employer submits the plan; the commission considers it and approves it, or otherwise. The commission has in the past, in Saskatchewan and in other jurisdictions, approved affirmative action programs with respect to persons of aboriginal ancestry; with respect to women in non-traditional occupations; with respect to disabled people; and with respect to visible minorities.

This amendment to section 47 clarifies that those indeed are the circumstances in which the Human Rights Commission may order, or at least approve, an affirmative action program.

I so move.

The Chair: — I'd like to make a ruling with respect to the proposed amendment. The principle of Bill 38 as approved in second reading prohibits discrimination based on sexual orientation, family status, or on the receipt of public assistance.

Clause 18(a) of Bill 38 provides for sexual orientation as the basis for the application of programs designed to reduce disadvantages to certain individuals or groups, affirmative action. The minister's amendment removes sexual orientation as a basis for the establishment of such programs, and that is in order.

The amendment, however, goes beyond the scope of the Bill in removing other provisions, already part of the Saskatchewan Human Rights Code, on which such programs can be based. Provisions such as creed, religion, age, marital status, nationality, and place of origin are being removed from the Act as a basis for establishing these programs. These provisions do not relate to sexual orientation, family status, or the receipt of public assistance.

An amendment which seeks to remove such provisions goes beyond the scope, the intent, and the principle of the Bill as agreed to in second reading. This amendment seeks to amend other provisions in the parent Act which are not part of Bill 38.

I refer members to Beauchesne's *Parliamentary Rules and Forms*, 6th Edition, paragraph 698(1) which reads as follows:

An amendment is out of order if it is irrelevant

to the bill, beyond its scope or governed by or dependent upon amendments already negated.

For these reasons I find the amendments out of order. Such an amendment can only be proceeded with by unanimous consent. I would ask at this point: is there then unanimous consent for the amendment? There is no unanimous consent.

Ms. Haverstock: — Thank you, Mr. Chair. I move:

That clause 18 of the printed Bill be amended by deleting the words “sexual orientation” where they appear in clause (a).

I so move and would like to speak to this, Mr. Chair.

The amendment put forward by the government goes much further than the one that I propose. As with the previous comment that I made regarding section 25 of the code, section 47 has nothing to do with housing or employment, and therefore a sexual orientation amendment should not be included in this section.

The code as it stands provides that affirmative action programs may be undertaken for, and I quote: any group of individuals when those disadvantages would be or are based on or related to the race, creed, religion, colour, sex, marital status, disability, age, nationality, ancestry, or place of origin of members of that group. End of quote.

And the government’s amendment means that affirmative action programs may be undertaken for, and I quote again: any group of individuals when those disadvantages would be or are based on or related to race, colour, sex, disability, or ancestry of the members of that group. End of quote.

My amendment is definitely not as sweeping as the government’s. The government’s means the elimination of creed, religion, marital status, age, nationality, and place of origin from this section. And one has to question what the implications of the removal of these terms will be.

Will my amendment of simply removing the term sexual orientation while allowing the others to remain, including family status or receipt of public assistance by members of that group, not be a simpler and safer way to approach this clause?

And what I assume that the government is trying to do with this amendment is to remove behaviours and personal choices as grounds on which affirmative action programs can be based. And I think this seems sensible, in fact almost too sensible, and I continue to wonder why it is this was not considered during the drafting as far as the drafting stage of this Bill was concerned.

Hon. Mr. Mitchell: — The section 47 includes in it all of the prohibitive grounds, and clearly the Human Rights Commission would not approve affirmative action programs in respect of a number of them. For

example, they would not approve an affirmative action program with respect to a particular religion, or with respect to a number of other items there — a creed, for example.

What is required is, I think, a rewriting of section 47 along the lines of the government amendment that has just been ruled out of order. So I think that what we would prefer to do is to come back to the Human Rights Code and to section 47 at a later stage and deal with the problem at that time. So for that reason, we will not be accepting the amendment.

The division bells rang from 6:56 p.m. until 6:57 p.m.

Amendment negated on the following recorded division.

Yeas — 11

Swenson	Toth
Muirhead	Britton
Devine	D’Autremont
Neudorf	Goohsen
Martens	Haverstock
Boyd	

Nays — 30

Romanow	Murray
Simard	Hamilton
Tchorzewski	Trew
Lingenfelter	Draper
Shillington	Serby
Teichrob	Whitmore
Goulet	Sonntag
Kowalsky	Flavel
Carson	Cline
Mitchell	Crofford
MacKinnon	Kluz
Cunningham	Carlson
Upshall	Renaud
Bradley	Langford
Lautermilch	Jess

Clause 18 agreed to.

Clause 19

The division bells rang from 7 p.m. until 7:03 p.m.

Motion agreed to on the following recorded division.

Yeas — 33

Romanow	Trew
Simard	Draper
Tchorzewski	Serby
Lingenfelter	Whitmore
Shillington	Sonntag
Teichrob	Flavel
Goulet	Cline
Kowalsky	Wormsbecker
Carson	Crofford
Mitchell	Harper
MacKinnon	Kluz
Cunningham	Carlson

Upshall	Renaud
Bradley	Langford
Lautermilch	Jess
Murray	Haverstock
Hamilton	

Nays — 10

Swenson	Boyd
Muirhead	Toth
Devine	Britton
Neudorf	D'Autremont
Martens	Goohsen

Hon. Mr. Mitchell: — Mr. Chair, I move that the committee report the Bill with amendment.

Motion agreed to on the following recorded division.

The division bells rang from 7:06 p.m. until 7:07 p.m.

Yeas — 31

Romanow	Hamilton
Simard	Trew
Tchorzewski	Draper
Lingenfelter	Serby
Shillington	Whitmore
Teichrob	Sonntag
Goulet	Flavel
Kowalsky	Cline
Carson	Crofford
Mitchell	Harper
MacKinnon	Kluz
Cunningham	Renaud
Upshall	Langford
Bradley	Jess
Lautermilch	Haverstock
Murray	

Nays — 10

Swenson	Boyd
Muirhead	Toth
Devine	Britton
Neudorf	D'Autremont
Martens	Goohsen

Hon. Mr. Mitchell: — Yes, thank you, Mr. Chair. I would like to thank my officials, Madeleine Robertson and Ross Macnab, who has just stepped out for a moment, for being with us through these long sessions and assisting the committee in its work.

Some Hon. Members: Hear, hear!

Mr. Toth: — Mr. Chairman, I as well would like to extend my appreciation to the officials for their attendance in these discussions and for the information that they have presented to us. I'd also like to extend my thanks to the minister, although I don't totally agree with the whole process and his arguments, but certainly we appreciate his forthrightness in coming forward with his arguments. Thank you.

The Chair: — There being no further business before the committee, I want to suggest that the committee should rise, report progress.

Before doing so, I want to take this opportunity to thank the Clerks who have assisted the Chair — I'm sure I speak for the Deputy Chair as well — who have assisted us both in the conduct of committees during the course of this session; to thank the pages and the other officers of the House who have assisted us; to thank the ministers and the members of the opposition who have participated in the issues before the committee to make the committee function as well as it has on most occasions; and finally to thank the members for their attention and for their attentiveness during these proceedings.

The committee agreed to report the Bill as amended.

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

Hon. Mr. Mitchell: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 38 be now read the third time and passed under its title.

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

The Speaker: — Before I make an announcement about Her Honour, I wish to inform the Assembly that under page 4 of the appendices in the *Rules and Procedures*, of our book, under photographs, it is at the discretion of the Speaker to allow still photographs to be taken in the House.

I simply want to inform the members that during Royal Assent the ACFC (Association Culturelle Franco-Canadienne) have asked permission to take a still picture while Royal Assent is being done and I have given permission to do that. I simply want to inform the members that that is going to occur.

An Hon. Member: — Who's ACFC?

The Speaker: — The Fransaskois association of Saskatchewan.

Her Honour the Lieutenant Governor is here to give Royal Assent.

ROYAL ASSENT

At 7:16 p.m. Her Honour the Lieutenant Governor entered the Chamber, took her seat upon the throne, and gave Royal Assent to the following Bills:

- Bill No. 53 — An Act respecting Natural Resources
- Bill No. 42 — An Act respecting the Creation and Supervision of certain Crown Corporations
- Bill No. 85 — An Act to amend The

- Saskatchewan Medical Care Insurance Act
- Bill No. 86 — An Act to amend Certain Health Statutes and to repeal Certain Other Health Statutes
- Bill No. 87 — An Act to amend The Mental Health Services Act
- Bill No. 39 — An Act to amend The Education Act
- Bill No. 55 — An Act to amend The Workers' Compensation Act, 1979
- Bill No. 56 — An Act respecting Occupational Health and Safety
- Bill No. 49 — An Act respecting Correctional Services
- Bill No. 77 — An Act respecting the Implementation of Certain Treaty Land Entitlement Settlement Agreements
- Bill No. 78 — An Act to confirm an Agreement between the Government of Canada and the Government of Saskatchewan varying the Saskatchewan Natural Resources Transfer Agreement
- Bill No. 88 — An Act to amend The Provincial Court Act
- Bill No. 59 — An Act to amend The Education Act (No. 2)
- Bill No. 1 — An Act respecting the Conduct of Members of the Legislative Assembly and Members of the Executive Council, respecting Conflicts of Interest and to enact Consequential Amendments resulting from the enactment of this Act
- Bill No. 90 — An Act to protect the financial viability of NewGrade Energy Inc.
- Bill No. 2 — An Act to recognize Jean-Louis Légaré/Projet de loi No. 2 — Loi sur la reconnaissance de Jean-Louis Légaré
- Bill No. 79 — An Act to Provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly
- Bill No. 38 — An Act to amend The Saskatchewan Human Rights Code

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

- Bill No. 91 — An Act for granting to Her Majesty certain sums of Money for the Public Service for the Fiscal Years ending respectively on March 31, 1993 and on March 31, 1994

Her Honour: — In Her Majesty's name, I thank the Legislative Assembly, accept their benevolence, and assent to this Bill.

Her Honour retired from the Chamber at 7:20 p.m.

MOTIONS

Adjournment of the Assembly

Hon. Mr. Lingenfelter: — Mr. Speaker, before I move a motion dealing with adjournment of the Assembly, I would just like to make a short comment, first of all to thank all members of the Assembly for the hard work and diligence that was put into this session. It was obviously a good session in many ways.

I think the opposition did a good job of putting forward their ideas and concepts. Members on the government side I think worked diligently here in the Assembly and out.

I want to thank you, Mr. Speaker, for the hard work and your tolerance many days in the Assembly. I want to say as well to the staff of the Assembly, to the pages as well as the commissionaires and to the Sergeant-at-Arms, we appreciate very much the effort that went into this session.

So with that I'd also wish all of you a very pleasant summer. Maybe we can take a week or two with our families and do some of the more enjoyable things.

But, Mr. Speaker, I move, seconded by the member from Churchill Downs:

That by leave of the Assembly, that when this Assembly adjourns at the end of this sitting day it shall stand adjourned to a date and a time set by Mr. Speaker upon the request of the government, and that Mr. Speaker shall give each member seven clear days notice if possible of such date and time.

I so move.

Mr. Neudorf: — Thank you very much, Mr. Speaker. I should at the outset of my remarks indicate to members opposite that my remarks cannot be quite that brief because my pool time happens to be 8:05, so . . . However, Mr. Speaker, I do have some remarks.

I do want to give members opposite and the members of the public our impression of what this session has been all about. But before I begin with those remarks, I want to join with my colleague, the Government House Leader, in recognizing, Mr. Speaker, your role in this Assembly.

It's a difficult role, and from time to time we have maybe had a few disagreements in terms of what should and should not be done.

I want to commend you, sir. I want to commend the people sitting at the Table here, the clerks who have done a tremendous job, have always been readily available for advice, and we appreciate that. I want to say that to the three of you as well.

And certainly to the five pages, we've had a unique experience this session with the five gals as they have ministered well to the ministers' needs and so on, and I want to commend you for a job very well done as

well.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — I think I would be remiss if I did not . . . Well if that's how I get applause in here, I will continue in that vein for a little while.

The security people, Mr. Speaker, I think should not be omitted on this; they do a very commendable job. The janitorial staff has kept my office spic and span, and that is certainly a challenge to anyone, Mr. Speaker. And I want to recognize also the cafeteria staff, and I think many of us are walking testimonials to the job that those folks can do for us as well . . . (inaudible interjection) . . . Now the Premier's asking for accolades, Mr. Speaker, and I can assure you in a few moments he will wish he had not drawn attention to himself because I do have a few comments that I would like to pass on as well.

Now having done the niceties, Mr. Speaker, I just want to give now, as I indicated at the outset, the impression that the opposition has had in so far as proceedings that have occurred. And I notice that the House Leader is already getting a bit nervous, Mr. Speaker. I do not know of any regulation or rule that says that I cannot speak for as long as I desire to speak on a motion.

So having done that, Mr. Speaker, I want to at the outset say that as a child I used to . . . (inaudible interjection) . . . Listen, you guys, I'm going to get serious here in a while, but I'm not going to do a panoramic view of my life. But I do want to say that as a child I did have a panoramic view of a present that my parents bought me for Christmas, and that was one of these 3-D viewers — perhaps some of you got them as well — where you'd click through and everything was in three-dimensional.

And I've already indicated to some of the media that what we have witnessed here over the last four months, since February 25, I believe, is a 3-D approach. But it's not certainly three-dimensional that I'm talking about, Mr. Minister, Mr. Speaker, because what I'm talking about is the three D's of deception, destruction, and dictatorship.

Now, Mr. Speaker, I want to review for you in our opinion of what has happened. Mr. Speaker, in this session a majority of MLAs, NDP MLAs, voted to remove the rights of co-op members to seek justice in the courts.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — In this session, Mr. Speaker, a majority of MLAs, NDP MLAs, voted to eliminate freedom from arbitrary search and seizure in several new laws that have been passed.

Mr. Speaker, in this session the NDP government passed laws against the will of the people and dismissed the democratic aspirations of our citizens.

Mr. Speaker, in this session we witnessed a Premier and his government break every single promise he ever made, destroying the trust of the people of Saskatchewan in the political system.

Mr. Speaker, in this session we have witnessed a cabinet in disarray, bouncing from resignation to shuffle, to excuse and complaint.

Mr. Speaker, in this session we have watched as minister after minister stands in imitation of the member from Riversdale, denying any responsibility for government in this province, denying any responsibility for any duty to the people for what is happening to our economy, our political system, and indeed, Mr. Speaker, to our society. We have seen a government go into business with people alleged to have connections to organized crime and then refuse to answer any question of substance about that questionable partnership, Mr. Speaker.

We have seen ministers with economic portfolios, including the Premier himself, boldly state that the Canadian Federation of Independent Business represents no one, that the Saskatchewan Chamber of Commerce represents no one, that the construction association represents no one. We have seen, Mr. Speaker, ministers of Health, both of them, claim the people of Vanguard have no idea what they are talking about, the people of Leader, the people of Eston and on and on. None of the people have the intelligence to understand their own health care needs.

Mr. Speaker, we need to acknowledge that this session has seen a government unwilling to listen, unwilling to bend, and unwilling to be responsible for anything other than the partisan fortunes of the NDP. Indeed, Mr. Speaker, this session we have witnessed an orgy of patronage appointments, of massive salary increases to political appointees, of moving political hacks into various departments and Crown corporations, Mr. Speaker.

Further, in this session we have witnessed a redefinition of the phrase, open government, as the NDP claims anything that could cast dirt on its opponents is the only thing that can or should be open. Mr. Speaker, we have seen, as the Premier abandoned the statements and the advice of the Gass Commission, of Justice Estey . . . and if anyone that did not seem to mouth the interests of the political party of the NDP . . . Mr. Speaker, we have sadly even watched and as once-respected NDP MLAs have converted from earnestly seeking more open and accountable government, and instead have turned to restricting the Provincial Auditor, becoming apologists for secrecy, and putting up walls of rhetoric justifying why certain various secretive policies should be supported.

(1930)

Now, Mr. Speaker, I think that one objective that I would have in the next few moments is that when this House does finally adjourn . . .

An Hon. Member: — Oh, no.

Mr. Neudorf: — And the Premier says, oh no, not yet. What I want, Mr. Speaker, is for the Premier to walk out of here with his ears ringing, not bell ringing, Mr. Speaker, but some admonition and some reminiscing of the promises that he made to get elected.

Mr. Premier, through you, Mr. Speaker, I'm going to tell the Premier why he's sitting in that chair. You are sitting in that chair because of what trust and confidence the people put in you depending on your promise; depending on your promise, fully cognizant and aware of the \$14.2 billion debt at that time of the election in October of '91.

Mr. Premier, along with the dictatorship that has been characterized in this session . . . has also been made . . . by the deception that I mentioned before and the destruction — the three D's, as it were. And I'm just going to lead you through a few of the whoppers that you told prior to 1991 election.

Mr. Premier, in 1991 you promised the people of Saskatchewan no new taxes. In fact you promised to reduce taxes by eliminating the PST (provincial sales tax). That's what you said. Mr. Premier, this was a promise you knew full well that you couldn't keep. You knew that you wouldn't be able to keep that. And what have been the results, Mr. Premier? Mr. Speaker, higher PST, higher income tax, higher gas tax, higher property tax.

In fact, Mr. Speaker, as a result of this man's and this government's policies, we now have the highest total tax burden in all of Canada. And jobs and growth and hope, Mr. Speaker, are draining out of this province. They're draining . . .

The Speaker: — Order, order, order. I would like to ask members to please come to order and let the member have his say. Order, order.

Mr. Neudorf: — Thank you, Mr. Speaker. The Premier does take this rather hardly, but we will continue. Mr. Premier, I'm saying to you that it is because of this betrayal that the people of Saskatchewan are turning their attention elsewhere, and that's why you're heading in the polls in the direction where you're heading.

But, Mr. Speaker, there's another whopper that I want to draw the public's attention to. You promised in that '91 election — and the reason why you're sitting there is — that you said you would eliminate poverty, Mr. Premier. Remember that? You said — and I'm going to quote you — you said, and I quote: we're going to tackle poverty, we're going to put an end to food banks; nothing else will do. End quote, Mr. Speaker.

Well what have you been doing on that promise, Mr. Speaker? I'll tell you what you've been doing. There are now 68,000 people in this province in the food bank line. That's 12,000 more than when you took office, Mr. Premier. That's your record, that's your legacy — 12,000 more in the food banks than when

you were elected on the promise that you would eliminate poverty.

Someone has once said, who's wiser than all of us in here, that the poor shall always be with us. You said you were going to eliminate that, Mr. Premier. You said that you would eliminate poverty.

I can find another whopper that was told in the NDP campaign promise graveyard that I found, and that's . . . said back in April, 1991. You stood in this House, sir, and you said, and I quote: to preserve and to protect our rural way of life . . .

Mr. Speaker, continuing on in this quote: . . . this, Mr. Speaker, means a commitment to the future of our small towns and family farms; not words, but a commitment, solid programs. New Democratics have that commitment. End quote of the Premier.

Well, Mr. Premier, I guess the people are asking you now: what programs were you talking about? Were you talking about your program to destroy GRIP (gross revenue insurance program)? Were you talking about your program to close down 52 rural hospitals? Were you talking about your program to close rural service centres? Were you talking about your program to close SaskPower offices? To cut teaching positions?

An Hon. Member: — To cut the bus routes.

Mr. Neudorf: — To eliminate bus routes — exactly. Which one of those programs fulfils your promise, Mr. Premier, and I quote again, "to preserve and protect our rural way of life" as you promised, Mr. Chairman . . . or, Mr. Premier. That's what I asked, Mr. Speaker.

I don't know if we're going to have to start calling you burger king or not, but you served up a few more whoppers.

And I want to make one more quote. And I quote again: New Democrats would continue the fight to restore social programs such as the dental and drug plans to their former place of leadership in Saskatchewan. End quote. You said that, Mr. Premier. That's your quote.

You also promised never to close hospitals. You closed 52 of them. And here's what you once said about education funding, Mr. Premier. And I quote again, Mr. Premier: Mr. Speaker, don't let any government tell you that they don't have enough funds for education. The money is there. End quote.

Do you remember that, Mr. Premier? That is exactly what you say, and now you're trying to say, where is it?

The Speaker: — Order, order. Will the Premier and the Government House Leader please come to order. I'm sure you'll have lots of opportunity to speak later on this evening . . . (inaudible interjection) . . . Well let the hon. member speak. I don't want to warn the Premier again. I don't want to call the other member to order either.

Mr. Neudorf: — Thank you very much, Mr. Speaker. Me thinketh the Premier protesteth too much, as the saying goes. But I guess when it hurts, it hurts.

I'm going to quote once more for you, Mr. Premier. See if you can remember this one, and here I quote:

... partisan people, party people, and defeated MLAs and candidates ought not to serve on (government) boards.

If we don't succeed in (this) and continue to appoint party hacks ... then I've gotten nowhere.

End quote of the Premier while in opposition.

An Hon. Member: — Graham Taylor, Eric Berntson ...

Mr. Neudorf: — Eric Berntson, Graham Taylor, who else? Who else? Now, Mr. Premier ... Mr. Speaker, I thought I had the floor.

The Speaker: — I would ask the hon. member to address his words through the Speaker and not through somebody else. Address your words to the Speaker; ignore the other members please.

Mr. Neudorf: — I'll address my words through you, Mr. Speaker, to the Premier, and that is what I want to do now, Mr. Speaker, because the big difference between our party that did those things that he says ... and he can get the list of our political patronage appointments, which happened as part of the political process, and under the Blakeney government, under Thatcher's government, it has been the law of the land, as it were.

We never, ever were elected on the promise that we wouldn't do that, sir, and that is where the people of the province take umbrage with you — never, ever. You were elected on those whoppers. You were elected on the whoppers that you would never do it. That's why the people put their trust in you, and that's why they feel so betrayed.

Because having said ... I'm going to have to repeat this again, Mr. Speaker.

... partisan ... people, party people and defeated MLAs and candidates ought not to serve on (government) boards.

If we don't succeed in (this) and continue to appoint party hacks ... then I've gotten nowhere.

Now the Premier's coming up with our list of political appointees.

An Hon. Member: — Well I guess they've gotten nowhere.

Mr. Neudorf: — That's exactly right.

So having made that promise, Mr. Premier, where's the count right now? About 50 or 60 former candidates and high-profile party people you have handed out appointments to in spite of that promise, in spite of that promise. And I say to you, Mr. Premier, and this is where the people are backing us again, they know full well now that when you were making those promises and saying anything to get elected, that they put their trust in you because they thought there would be something different.

They weren't happy with us, were they? No, that's why we're sitting here as a small cluster of 10 people. We paid the price. And they thought that they were not buying a pig in a poke; they thought they were buying a gentleman's promise that he would keep. And I'm saying to you, you never had any intention of keeping those promises because you wanted that chair that you're sitting lower and lower and lower in as I continue on my remarks, Mr. Premier.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — But in spite of that, Mr. Speaker, there is some good that has been accomplished in this session. We have seen, Mr. Speaker, for the first time since 1981 an opposition that does not share the view of the member for Elphinstone that the role of opposition is to make the province ungovernable. We never set out to do that, as members opposite did in 1990. We have been, in my humble opinion, and some members of the public may disagree, but I think we have been a fairly reasonable opposition. We have gotten work done and we have passed laws and we have agreed with certain ones as long as they were in the best interests of the people.

But when it came time to oppose ... and the people in rural Saskatchewan and urban Saskatchewan from co-op members to whatever group there was, we have stood up for them and we have said to you, whoa up, come to your senses; listen to the people. We saw that today in Bill 38. You're not listening to the people. You're not listening to the people.

The big issue last year on publicly funded abortions, 63 per cent of the people said, we don't want it. You didn't listen to people. You're not listening to people.

So, Mr. Speaker, I think that we have seen an opposition that has worked earnestly with limited resources to provide meaningful input and, Mr. Speaker, to provide alternatives, alternatives. Because ... and the Premier in his excitement and his eagerness to get on his feet says another whopper. Well, Mr. Premier, when I said that we have made alternatives and brought them forward, it is on record right now that this opposition, small as it is, limited resources as we have, we have come forward with 200 amendments, 200 reasonable, well-thought-out amendments.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Mr. Speaker, amendments as an

alternative to your dictatorial approach where you're willing to do what is necessary to have your way.

Mr. Speaker, over 200 amendments have been presented to the various Bills. And sadly, the government has seen in each case, except the only very insignificant ones, we've seen that they have not seen fit to accept any of those.

Mr. Speaker, we have private members' Bills, we brought forward motions, we brought forward questions of serious purpose, and I think that has been the hallmark of the official opposition.

Mr. Speaker, in addition to those things, we have developed new methods, new methods that facilitate the work of the Assembly. Now I know to the Government House Leader this doesn't mean anything and to the Premier this doesn't mean anything, but we tried to facilitate the operations within this legislature.

But we have done that, including the new estimates process — new estimates process — where we work in this Assembly and we go to committee outside of this Assembly and work coincidentally and at the same time to make this operation more efficient, Mr. Speaker.

And I have to say here that the government was accommodating and the government did cooperate in that process, and I think that's one of the reasons why we're going to be getting out of here hopefully around the 8 o'clock mark. Otherwise it could have dragged on for another week or so.

So, Mr. Speaker, indeed we have, in my opinion, accepted the responsibility of being in opposition. And I want to speak just a minute on the responsibility of opposition. Because, Mr. Speaker, in our opinion, opposition is not just a series of new releases. Opposition is not what you say in a news conference or what you say in a speech. Opposition, in other words, Mr. Speaker, is not just words; it is action.

(1945)

Mr. Speaker, only action can testify to the validity of the opposition. Action alone verifies the conviction. I would say to you, Mr. Speaker, that it is the only authentic form of self-expression. When the official opposition, Mr. Speaker, told the rural communities we would fight the ill-advised and ill-planned NDP initiative to close 52 hospitals, we went into action. We helped to organize rallies. We helped to organize petitions, and we were helpful in forcing the government to hold off its legislative agenda until the most of the rural communities had an opportunity to speak out. That's action, Mr. Speaker, and that is what we did.

Now what I want to do is spend one moment examining the member from Saskatoon Greystone on this issue. She issued statements. She talked to the media, but I submit to members of this legislature, she did nothing else. When it came time to do something

about it, that Liberal member voted time after time after time with the NDP government to hurry the Bill through so that people would not have time to organize their resistance. That is what she did, Mr. Speaker; every time she sided with the government.

When she spoke to the rally outside of the legislature, Mr. Speaker, that opportunity would not have been there for her had it not been for the opposition party, this opposition party opposing the fast track that the NDP were trying to force in this legislature.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — And do you know what? She voted with the government every time on that issue. Every time she voted with them. And I'm going to say to you and to the people listening, that is not action; that's acting. That's all it is, political acting. That's taking advantage of a unique situation and position to say nice things but do none of the difficult, and sometimes, quite frankly, unpleasant work that is required by an effective opposition. And, Mr. Speaker, this opposition is proud to have helped rural Saskatchewan on this issue through our actions. And our actions do speak more loudly than whatever news release that member can ever put up.

To be in opposition takes work, and there's a duty. And I believe, Mr. Speaker, that this official opposition ends this session confident that it has honoured that duty and will continue to do so until the time comes a short . . . which maybe seem like a long time, but a short two years from now that we will . . . once again we will be trading places with members opposite.

Some Hon. Members: Hear, hear!

Mr. Neudorf: — Mr. Speaker, in conclusion, whether flying around the world on a don't-worry-be-happy tour or being involved in Dwain's world or cancelling fair tenders to do business with union bosses only or gathering together the fossils of decades past, the NDP, Mr. Speaker, has reduced government to something less than an august and respected institution.

Mr. Speaker, we hope to change that very soon indeed, Mr. Speaker. Thank you.

Some Hon. Members: Hear, hear!

Motion agreed to.

The Assembly adjourned at 7:49 p.m.