

The Assembly met at 1:30 p.m.

Prayers

ROUTINE PROCEEDINGS

Hon. Mr. Shillington: — Thank you very much. Mr. Speaker, today in fact . . . the next item of routine proceedings is presenting reports. Today, in fact, I gather we do have a report. I wonder if it would be in order to, with leave, introduce guests before we deal with that report. I think that might work out better for most members.

Leave granted.

INTRODUCTION OF GUESTS

Mr. D'Autremont: — Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the House, guests from Minneapolis, Charlene and Becky Kopetski, who are sitting in the east gallery. And I would ask all the members to welcome them here today.

Hon. Members: Hear, hear!

PRESENTING REPORTS BY STANDING, SELECT, AND SPECIAL COMMITTEES

Standing Committee on Public Accounts

Acting Deputy Clerk: — Mr. Martens, chair of the Standing Committee on Public Accounts, presents the committee's sixth report, which is hereby tabled.

Mr. Martens: — Thank you, Mr. Speaker. I want to begin my remarks, and I know that it's going to be a little bit longer than I had anticipated, but I hope you won't be afraid of my speaking notes here.

I want to say that I want to appreciate very much the opportunity to present this report. It has a number of things that acknowledge the changes made by the government, but it also sets out some examples that the committee has recommended to the Assembly that the government make some changes. And I want to outline some of those to you, Mr. Speaker, today. At the conclusion of my remarks the member from Saskatoon Idylwyld will be seconding the motion. And I just want to begin.

No. 3 in the recommendations, Mr. Speaker, outline for you that the government should move toward disclosing in the summary financial statements information on its infrastructure investments. This recommendation is extremely important. It is difficult for members of the Assembly to realize that the volume of information that is provided to this Assembly, that 40 per cent of the information that should come to this Assembly regarding financial statements is not made available to this Assembly for discussion except through the annual reports that are tabled.

And what we need to have, Mr. Speaker, in the

recommendation from the Public Accounts Committee, is that the issue of allowing the information to be presented, not only as information but as an information item that we can talk about. And that is clearly what the auditor has suggested to the Assembly and it is your committee's recommendation that we go and include that as a format for the things that we do in this Assembly.

The second point I want to indicate to the Assembly is recommendation no. 5. It notes that discussions on the issue of giving the government as a whole an opportunity to make its presentation to the Assembly . . . As I said earlier, Mr. Speaker, 40 per cent of the work done by the government is not presented in a budget fashion to this Assembly and I believe, Mr. Speaker, that it's necessary for us to begin to do that. And that's the recommendation that the committee brought forward to the Assembly and is making available to the Assembly at this point.

I want to have the committee . . . note brought to the Assembly that item no. 7 and 8 is also of significance. It allows the opportunity for the people in the province to have the chartered accountants association be the standard that is made available to the Assembly, and that standard is to impact on how the budgets are presented and how the financial statements are made.

Recommendation no. 10 says this:

. . . considered the issue of unrecorded Government pension liability and agreed to accept the recommendations of the Provincial Auditor, the . . . (Canadian Institute of Chartered Accountants) and the Financial Management Review Commission (said) that the Provincial Government of Saskatchewan should record the liability for pension obligations and that this reporting be consistent across all . . . Departments, (and) Agencies and Crowns (throughout government) . . .

Mr. Speaker, the auditor recommended that and we are supporting his recommendation in view of that.

Item no. 12 recommendation recommends:

. . . that the interim report issued by the Government reflect the financial results of the Government as a whole . . .

And here again the auditor, through his recommendations, said over and over again that we needed to have the reporting to this Assembly done on the basis of the government doing it completely and not only the 60 per cent that they normally do through the departments. That's an important part of what the committee suggested.

One of the ways the committee suggested that it be done is by recommendation no. 13: the government should disclose for each government organizations the payments made employees and suppliers of goods and services. At this point, Mr. Speaker, they only do

this in departments and we need to have this translated itself into Crown corporations. And recommendation no. 13 says that they should begin to do that.

There is only one Crown corporation that does that, Mr. Speaker, and that's Saskatchewan Property Management Corporation. And incidentally, that was begun under our administration, and I think that needs to apply itself throughout the government and Crowns. And that, Mr. Speaker, is a recommendation by the Public Accounts Committee.

Timely reporting of significant transactions to this Assembly, and I believe that is something that needs to be done as it's recommended by recommendation no. 20 of the Public Accounts Committee:

. . . the Government present to the Legislative Assembly, in a timely manner, information on each significant transaction or commitment respecting:

- specific business or public policy objectives;
- financial implications;
- management process to be used;
- legislative authority under which a decision is made;
- (the) organizational structure;
- (and the) process by which the public will be informed of status or performance.

Item no. 22, Mr. Speaker, took a considerable amount of time by the Assembly — or by the Public Accounts Committee — and we did an audit review of the process that the Department of Health is taking to review the health boards.

I believe the auditor's office is reviewing six health boards and we, through the help of the Department of Health, went through some of these items. And I believe that we not only got an understanding of what was their expectation; the auditor had an opportunity to review with the Department of Health what his expectations were. And we believe that the Public Accounts Committee is going to have to review these spendings in a real way.

Item no. 23 in the recommendations was as a result of a special report given by the Provincial Auditor. He made up a group of individuals to help him provide an audit function for his special report. And they include the chartered accountants' association, Saskatchewan Government Audit Committee, the Provincial Auditor's office, and the Crown Investments Corporation. And the auditor is to be commended for his role in pulling that committee together.

The committee also recommended a change to the rules as it relates to the Rules Committee, that the appropriate legislative amendments be made to require reports to be released when the Legislative Assembly is not in session, Mr. Speaker, in the same fashion as section 35 of The Crown Corporations Act,

where documents are required to be tabled.

Recommendation no. 53, Mr. Speaker, dealt with estimates dealing with NewGrade under the agreements as expenditures. And item no. 53 said this:

(We want to review) the comments by the Provincial Auditor concerning a payment to NewGrade relating to royalty remissions granted to producers who supplied natural gas to NewGrade. By the terms of the remission orders, producers were required to assign to NewGrade the rights to the remissions made. In the opinion of the Provincial Auditor, the payment to New Grade in the amount of the remissions constituted a grant to NewGrade and, accordingly, was made without proper authority.

And he said that we should make that authority through this Assembly, and we agreed with him. And the committee also said that if the remissions of natural gas royalties are to be continued to be paid to NewGrade, the amount provided be included in the estimates and the Assembly consider these.

Mr. Speaker, there is, I believe, a significant amount of work that has gone into each of these items, and we dealt with about 80 recommendations, Mr. Speaker. We dealt with them I think in a forthright manner.

I want to say, I thank the Clerk's office. I thank the auditor's office. I want to give special recognition to the members of the Assembly who provided the information and worked together with me. I want to say that I think we had a certain degree of consensus built in Public Accounts Committee, which I think is commendable to the opposition, I think, mainly because it was less than confrontational, and I believe that it was as a result of goodwill between the members. And I want to say thank you to them for that, and I want to continue to work with them.

And I move now, seconded by the member from Saskatoon Idylwyld:

That the sixth report of the Standing Committee on Public Accounts be now concurred in.

Seconded by Mr. Cline from Saskatoon Idylwyld. Sorry about that, Mr. Speaker.

Hon. Mr. Romanow: — Mr. Speaker, may I ask for leave of the legislature to make a brief introduction of a very important guest.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Romanow: — And thank you, Members. I would like to introduce to you, Mr. Speaker, and to the members of the House, the Consul General of Japan located in Edmonton, Mr. Toshikazu Kato, who is accompanied, is standing there accompanied by Mr.

Art Wakabayashi, the honorary Consul General of Japan for Regina. Please stand, Mr. Wakabayashi; he's a long-time, well-known public servant.

This is Mr. Kato's first visit to Saskatchewan, and he'll be meeting with the Lieutenant Governor, departments of Energy and Mines, Economic Development, officials at the University of Regina, the mayor of Regina, and I'm also going to have the privilege of meeting with him following question period today.

I think all members understand the growing importance of Japan to Canada and particularly to Saskatchewan. Japan is now Saskatchewan's second-largest export market after the United States. Our exports to Japan were worth \$606 million in 1992. Our province was Canada's third-highest exporter to Japan after B.C. (British Columbia) and Alberta and slightly ahead of Ontario.

We very much welcome the visit of our distinguished guests, particularly the Consul General of Japan. I look forward to meeting with him and discussing matters of mutual interest and concern. I'd ask all members to extend a warm welcome to our special guest.

Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, I would like to join with the Premier on behalf of the official opposition in welcoming our distinguished guest, Mr. Kato, to our Assembly. We hope, sir, that your visit here is enjoyable. We also hope on behalf of Saskatchewan people that it is very worthwhile, and we know that your personal attention here is something that we really appreciate. So welcome, sir, to our Assembly.

Hon. Members: Hear, hear!

PRESENTING REPORTS BY STANDING, SELECT, AND SPECIAL COMMITTEES

Standing Committee on Public Accounts (continued)

Mr. Cline: — . . . speak on the report of the Public Accounts Committee. As the member from Morse said, under his chairmanship the committee has worked very cooperatively and I think has worked very hard and has come up with a long and fairly comprehensive list of recommendations which I think are very positive changes in terms of the accountability of government to the taxpayer.

The report speaks for itself and it shows that the committee has done a lot of work since last spring when the **Report of the Provincial Auditor** for the year ending March 31, 1992 was released, and I want to commend the committee members for this. Also the Clerk's office and the people from the Department of Finance, especially the Provincial Comptroller; and also the Provincial Auditor because he spends a great deal of time working with us.

The member from Morse indicated that he enjoyed working with the members of the committee and we certainly have enjoyed his chairmanship; he does a very good job. And as I mentioned in the committee before, Mr. Speaker, I hope that he will be the chair of the Public Accounts Committee for many years to come.

Now I think what is quite remarkable and impressive about this report, I thought, and the transcripts of the hearings will bear this out, is that most of the recommendations of the Provincial Auditor with respect to the workings of the departments and the other government agencies have been complied with. We had quite a few departments coming in and we were questioning them about what the Provincial Auditor recommended, and most of the time the departments were able to say that they had implemented the recommendations of the Provincial Auditor or were in the process of doing so.

The report that we have presented has 18 pages of recommendations and observations concerning the Provincial Auditor's work. And I'm pleased to say that for the most part the Provincial Auditor's recommendations are being implemented; they are not being ignored. And that, I think, is what public accountability is supposed to be about.

So I want to congratulate the Provincial Auditor and the committee members, the Finance minister and her officials, the Provincial Comptroller, and the people from the Clerk's office who assist us.

And I want to acknowledge also, Mr. Speaker, just in closing, the help and assistance that the new members of the committee have had, both from the member from Thunder Creek when he was chair and the member from Morse who's now chair, and also the member from Regina Victoria who was the vice-chair previously and has now left our committee. But he was actually on the Public Accounts Committee for several years — I think about seven years — and was of quite a bit of assistance to me and to other people on the committee and did a very good job on the committee.

In closing, I just want to say that I feel quite positive, Mr. Speaker, about this process in the Public Accounts Committee and what we're doing. And I really am looking forward to the next **Report of the Provincial Auditor** and to dealing with that report in some detail over the months ahead.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Mr. Speaker, I would like to add a few remarks to the concurrence motion today. And it has been my privilege to sit on the Public Accounts Committee for over two years, and during that time the committee has presented six reports to this Assembly for concurrence.

This report and the *Report of the Provincial Auditor* for the year ending March 31, 1992 is an important step that we as legislators take on the road to

accountability. And we began this most recent task on February 26, 1993 when the auditor's report was referred to our committee by the Assembly. The intervening year has been one of much hard work and diligence by the committee members, as has been talked about previously.

For the most part, members approached this task in the spirit of cooperation and a sense of common purpose. I believe in the process of learning through our questioning of witnesses and the examination of documents that we have contributed to the learning of others while we ourselves have become more knowledgeable.

But we should not fool ourselves into believing that we have done all that we can do to serve the public. The distance already travelled on this trail is dwarfed compared to that which we have left to go. And this is not a recent phenomenon, for as the Chinese philosopher, Lao-tzu, said 2,500 years ago, and I quote: "A journey of a thousand miles must begin with a single step."

And so we take another single step this afternoon with the presentation of our report. And I want to urge members today that we must all commit to do more. There are so many small things that could be done at no cost to take the next few steps: things like changing the rules for tabling of annual reports so that if the House is not sitting, those reports could be tabled with the Clerk. This very small move would greatly improve accountability since access to information is only relevant when that information is timely.

And it should not escape no one's notice that in two days, the material contained in the auditor's report under review will be two years old. This is not the fault of the auditor, but of the system; a system that delays the tabling of annual reports until sometimes more than a year after it is received by the minister. This is a change that we as legislators must support, a move that is supported not only by the Provincial Auditor but by the Financial Review Commission.

I want to express my appreciation to the Provincial Auditor and his staff for the fine work they did with our committee. Their expertise, their knowledge, candour, and dedication are attributes which we should all acknowledge and appreciate in this House. And I for one am truly grateful for their help and advice.

A special note should be made of the diligence of the dozens of capable public servants who appeared before our committee to answer our questions. These individuals along with our legislative Clerks with their support staff whose work is out of our sight, often go unrecognized for the many hours of work that this committee and other committees often demand. Their commitment to their profession and to the people of this province is to be commended and acknowledged.

Mr. Speaker, in concluding, I look forward to further meetings on Public Accounts Committee and to the challenges that lie ahead.

Motion agreed to.

NOTICES OF MOTIONS AND QUESTIONS

Mr. Swenson: — Thank you, Mr. Speaker. I give notice that I shall on Thursday next move first reading of a Bill to amend the legislative and Executive Council Act (Board of Internal Economy powers).

STATEMENTS BY MEMBERS

Save Our Environment Guide

Mr. Trew: — Thank you, Mr. Speaker. Mr. Speaker, I'm pleased to report on the second annual CJME Z99 *Save Our Environment Guide* that was launched this morning with a breakfast. Many major businesses supported this guide. Major sponsors include Dairy Producers, WBM, Sherwood Credit Union, and Bi-Rite Drugs who are distributing, at no charge, the *Save Our Environment Guide*.

The guide, Mr. Speaker, is full of tips that are useful relating to composting, chemical-free gardening and yard work, water, electrical, natural gas, and automotive environmentally friendly tips.

I urge everyone to pick up your copy at any Bi-Rite Drugs location. There are environmentally friendly, money-saving ideas enough for everyone.

I thank CJME Z99 for sharing with me their praise for government departments and Crowns, but particularly for their praise for the Department of Environment. Congratulations, CJME Z99 and the many business sponsors of the second annual *Save Our Environment Guide*. Job well done.

Some Hon. Members: Hear, hear!

First Nations Community Policing Services

Ms. Stanger: — Thank you, Mr. Speaker. Today I'm happy to announce the recent signing of Saskatchewan's first tripartite agreement with our government and the first nations of Poundmaker and Little Pine for RCMP (Royal Canadian Mounted Police) first nations community policing services.

Under the agreement, existing RCMP first nations community policing services for the Poundmaker and Little Pine First Nations will be enhanced through the establishment of a new RCMP Little Pine-Poundmaker first nations community policing unit. The unit will be staffed by three first nations officers. To provide a true link to the community, elders will also assist police with their work and a police management board with local membership will be established to help set policing priorities and self-policed community accountability. This is the first agreement of its kind to be signed under a framework agreement put in place last year by the federal and provincial governments, and the Federation of Saskatchewan Indian Nations.

The five-year framework agreement paved the way for

negotiations of community tripartite agreements by some 72 first nations in the province. This is also a first step towards increased first nations control of their policing services. The goal is to ensure that first nation communities receive professional policing service that are culturally sensitive and responsive to the special needs of first nations.

One of the main principles of the policy is that individual first ...

The Speaker: — Order, order. The member's time has elapsed.

Some Hon. Members: Hear, hear!

Passover Week

Ms. Lorje: — Thank you, Mr. Speaker. Saturday night at sundown marked the beginning of Passover week, the week of observance by Jewish people of the preparation for, and the flight out of, Egypt by the people of Israel as told in the Book of Exodus.

This is not the forum, Mr. Speaker, nor am I the person to comment on the religious significance of this or any other holiday. However I point out that we have had only two Jewish MLAs (Member of the Legislative Assembly) in Saskatchewan. The population of Jewish people in our province is relatively small. But a time of such historic, cultural, and moral significance to our society should not go unremarked.

It can be argued that many of the principles at the core of our collective existence grew out of this event. Our firm belief in liberty, justice, in religious freedom, and in religious tolerance is at the heart of the Israelites' struggle to be released from bondage. Our support of liberation struggles by people all over the world has its roots in the famous statement: let my people go.

Finally, Mr. Speaker, our yearning for harmony among peoples, rather than distrust and conflict is expressed in the 49th verse of the 12th chapter of the Book of Exodus. I quote: "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you."

These are ideals vital to all of us, regardless of our heritage or our religious belief system. Thank you.

Some Hon. Members: Hear, hear!

IMI Brokerage Anniversary

Mr. Jess: — Thank you, Mr. Speaker. Today I would like to announce the upcoming first anniversary of IMI Brokerage on April 1, 1994. The Duck Lake-based and Indian-owned insurance brokerage firm has been doing quite well in a tough area of business. IMI is concerned with the economic and insurance status of aboriginals across our province.

Joan Barmby-Halcro, president and marketing director, says her company meets the insurance needs of Indians and provides Indian bands with a vehicle

for economic development. The independent company looks for the best investment for the pension funds of various Indian bands and employers.

Mr. Speaker, this is another fine example of economic development and entrepreneurship of the native peoples of Saskatchewan. The people of IMI saw a void in the area of insurance needs for natives and they filled it.

I would once again like the Assembly to join with me in congratulating IMI Brokerage on its first birthday and wish them continued success in the future.

Some Hon. Members: Hear, hear!

Science Fair Awards

Mr. Knezacek: — Thank you, Mr. Speaker. For a number of years, the Department of Economic Development and the Department of Education have sponsored trophies and awards for the best overall winner in each Saskatchewan regional science fair for grades 6 to 12. In addition, the fairs are co-sponsored by ASTEP, Awareness, Science, and Technology Education Program Incorporated, and SaskEnergy. This year a total of 11 regional science fairs were scheduled in the province, including northern Saskatchewan.

Last Saturday I had the honour of presenting the best overall winner award at the Yorkton region science fair, with nearly 80 entries from surrounding schools — up from 30 three years ago. Several of these entries were from the Saltcoats constituency. This was the third consecutive year the science fair was held in Yorkton.

I congratulate all participating students for their enthusiasm and keen interest in explaining their excellent displays and projects to the public. I also commend parents, teachers, judges, and volunteers for their time and guidance. And SaskEnergy must be recognized for its role in the science fair.

I especially want to congratulate this year's first place winners, Shawn Sanderson and Amber Chernipeski, and Mitchell Stewart who placed second — all students from the Yorkton Regional High School. These students earned a trip to the Canada-wide science fair to be held in Guelph, Ontario. Three other winners earned a trip to the science symposium in Regina, to be held later this year.

Thank you.

Some Hon. Members: Hear, hear!

Ostrich Farming

Mr. Draper: — Thank you, Mr. Speaker. I'm going to try to make this statement with a completely straight face because, bizarre as it sounds at first, this is good and interesting news.

In Glenbain, near my constituency, three farmers with

a new and novel twist on entrepreneurship are into diversification in a way that will make your head spin around like an ostrich's. In fact they have converted their farm operations to ostrich farms. A fourth is changing over his hog farm to ostriches at the moment.

Just recently the three hosted an information day in Swift Current in which they fed to those in attendance, ostrich soup and ostrich steak. They also explained that ostrich hides can be used for shoes, boots, and briefcases, and that the eggs can be painted and used for unique decoration.

Also, if you're only allowed one egg per week, Mr. Speaker, sir, this is the egg for you. Strangely enough, these African birds appear to be highly adaptable to our climate and are thriving in the brisk air, just as the CP (Canadian Pacific) pamphlets of a century ago said immigrants to our fair province would do.

The three farmers are young, they're working together cooperatively to expand their herds, or flocks, whatever you want to call them. And not surprisingly, their farms have become tourist attractions in a way that hog farms could never be.

Mr. Speaker, sir, this is good news, and I do not believe we should hide our heads in the sand when we have something like this to announce.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Moose Jaw Woolco Closure

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Labour. Last Friday, Minister, we heard your Premier give us quite a lecture in here about how we should stand up for people and we should stand up for the workers of this province.

Today, Mr. Minister, I want to tell the people of Saskatchewan exactly how your NDP (New Democratic Party) government stands up for workers in the province. Yesterday about 140 employees at the Moose Jaw Woolco store got word that their store will probably be closing and they will soon be receiving termination notices because of the way your government stood up for them. Mr. Minister, you could have prevented this; you had a choice. You chose to let these people lose their jobs.

Mr. Minister, why didn't you prevent this? Why didn't you just let those workers have the decertification vote that probably would have saved their jobs?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — That is nonsense, and the hon. member knows it. They had a vote and a majority of them chose not to decertify, and the will of the majority was respected.

I want to say, with respect to the closure of the store, there is some indication that the store may be reformatted, I think was the expression that was used. We look forward to working with them to open the store in a different form. But the majority of the workers made the decision there, as they will elsewhere.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Same minister. Mr. Minister, I have the notice here, and it's very clear, and I would quote you what it says:

... Woolworth is hereby giving you notice that your employment will be terminated at or prior to the time that the inventory in this store is fully sold. In order to comply with Provincial Legislation, written notice will be given to each of you in the coming days.

Now, Mr. Minister, you like to talk about driving a wedge between business and labour. It's you who are driving the wedge, sir. You're driving a wedge between these people and their pay cheques is what you've done.

Mr. Minister, the workers at the Moose Jaw Woolco believe that a decertification vote would have saved their jobs. You, sir, had the power to grant that decertification vote; you did nothing.

Mr. Minister, as your colleague is wont to say, there is the law and then there is justice, Mr. Minister. What justice have you given the 140 Woolco employees in the city of Moose Jaw? Would you tell us that?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — I think Winston Churchill might have called that a prevarication. The member knows full well that the workers did take a vote and a majority of them decided they didn't want to be decertified. I have no power to interfere in that, nor should I. That's their decision.

We do look forward to working with the employees and the owners of the store to reopening in a different form. The view of the majority of the workers was respected.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. It's obvious that the minister is stuck in the same old ruts, so I'll ask the Premier the question. Mr. Premier, a short time ago you asked people all around this province — myself, the Leader of the Liberal Party, and others — to join with you in saving the air base at Moose Jaw; to do everything that we could to save those jobs and save that federal presence. And I think, sir, you were very successful in putting that all together.

Today the Moose Jaw Woolco is in a situation of losing 140 jobs; the community of Moose Jaw, 140 jobs. Your Minister of Labour gives the same old, tired

answers that you and I both know are two years old. The Minister of Economic Development, sir, does nothing; your minister from Wakamow does nothing.

Mr. Premier, how about you taking the lead once again and standing in your place on behalf of those employees, which I remind you, sir, is a huge amount of the workforce in Moose Jaw, and let's get about saving those 140 jobs. Would you do that, sir — take the responsibility?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — How about the Leader of the Opposition stop playing cheap politics with what is a very serious issue for the people of Moose Jaw? This government is prepared to work with the employer. We're prepared to work with the employees. We are prepared to work with the members opposite, even though they don't want to stop talking long enough to listen. We're prepared to work with the people of Moose Jaw, with the employees, and with the employer with a view to continuing this business and operation.

But the facts which the opposition leader assumes in making his comments just simply do him a discredit. The member knows that's not accurate.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Mr. Premier, that minister continues, continues to mislead this Assembly. Those workers have never had a decertification vote — never. And you know it, sir. They wanted one and they were never allowed to have one. And now those 140 jobs are at risk. And he says that they had one — they didn't, sir.

Would you, sir, take the lead on ensuring that these people get what they democratically should have in our society? Would you do that, Mr. Premier?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — Well I'll repeat my comments for the benefit of the member opposite. A majority of them did not indicate that they wanted to decertify. And the will of the majority is respected. We are prepared to work with the community, with the employees, and with the owner with a view to keeping the store going.

I think that is a constructive approach. I frankly don't think the member opposite who seeks to play cheap politics with what's a serious issue for these people . . . I frankly don't think that is much of a contribution.

Some Hon. Members: Hear, hear!

Labour Standards Amendments

Mr. Goohsen: — Thank you, Mr. Speaker. My colleague from Thunder Creek has shown what kind of damage a one-sided labour policy can cause. Jobs for 120 families in Moose Jaw are on the line because

the government opposite supports the notion that unions must come before jobs.

Mr. Speaker, there is another labour policy which the government has introduced in this legislature which will have even more of a devastating effect to jobs in this province — The Labour Standards Act.

My question is to the Minister of Labour: Mr. Minister, it is becoming increasingly apparent that your consultation process was a complete lark. Each day my office is flooded with letters, faxes, and phone calls from small-business people, people which you should have talked to in the first place. They tell me that you have betrayed them over The Labour Standards Act. They are saying that you told them it was going to be one thing then delivered another. Now that's the old bait-and-switch ploy, Mr. Minister.

Just who did you talk to? Would you supply a list of the people that were allowed a meaningful input into this legislation?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — I'm not sure whether the member wants to be remembered for his comments now that we consulted too little, or his comments in estimates that we consulted too much. He appears to want to have it both ways.

The truth of the matter is that we did consult very broadly with this. Those who attended meetings felt they had been heard and we attempted to accommodate some of their concerns. We continue to do that.

Unlike members opposite who seek to divide and conquer, we seek to bring people together. We have sought to get labour and management working together to resolve mutual problems. And I think, notwithstanding the best efforts of the member opposite, we're having some degree of success.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. As usual, Minister, you talk too much but you didn't listen. That's what we said last night.

Now, Mr. Minister, as usual the rhetoric is thick but the answers are very thin. This is too important an issue for Saskatchewan business and Saskatchewan jobs to be playing games. So I ask you to simply answer the question. If you had truly consulted, you would have heard their concerns and wouldn't have introduced such backwards legislation.

One small business from Melfort said:

No one will gain from this move. Small business is expected to pull us out of this depression. Why are you trying to kill it?

The potash industry has said:

Not only will it deter any enterprises who have thoughts about establishing a business in this province, it will drive away many that are in operation now and will have an adverse effect on the workers of Saskatchewan.

Now, Mr. Minister, in your massive consultation tour, did you hear any concerns such as those being expressed by nearly every small business in Saskatchewan? If you did not, would you listen to their concerns now, Mr. Minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — I note the member opposite is now referring to the consultation process having been massive. Indeed it was. And one of the things that became crystal clear in that is that everybody . . . most reasonable-minded people agree that there are some problems which have to be resolved. Most reasonable-minded people, be they management or labour, want to work with the other to resolve those issues. We have provided them with that opportunity both before this legislation was brought here, and afterwards in the drafting of the regulations.

We think that has received broad support from reasonable-minded people in the centre. The extremists, of apparently which you count yourself as one, we have not satisfied. But we think we've satisfied the majority of people in the middle.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Minister, did you talk to the Battleford Chamber of Commerce? I doubt it. Because if you did, you would have heard this, and I quote:

Existing businesses with head office jurisdictions in other provinces with less demanding labour legislation will be seriously looking at withdrawing their services from such a demanding workplace atmosphere. We respectfully submit to you that the proposed changes to the provincial Labour Standards Act will increase unemployment.

Mr. Minister, this is what you would have heard had you really been consulting with small-business people. But I submit to you that you either weren't listening or you didn't tell the full story.

Now let's start with something simple, Mr. Minister. Will you wake up, give your head a shake, and take a long, hard look at what your Act will be doing to the working people of this province? Will you do that for us today, Mr. Minister?

Hon. Mr. Shillington: — As a matter of interest, I did meet with the North Battleford Chamber of Commerce. I felt them to be a reasonable group, and I felt their suggestions were reasonable. As was the case everywhere where reasonable suggestions were made, we tried to incorporate them into the proposal. In some ways that happened.

With respect to the whole issue of whether or not this legislation is going to inhibit economic development, as I said last night in estimates, it has forever been the cry of those who for whatever reason don't want to do anything, that it will drive away jobs. Well we say that's just not good enough. There are some problems here which have to be resolved. We think, and we think the majority of people agree, that these problems can be resolved without creating any unemployment and without in any way inhibiting the recovery which is now in progress.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Minister, it is obvious that you didn't talk to the quick food service industry. I did, and they told me that they didn't hear a thing from you or your department. If you had heard what they had to say about your legislation, you wouldn't have proceeded with it. No one with jobs as their priority would have brought it forward.

Mr. Minister, you have said over and over that your changes will cost business about \$9 million. Well that's absolute bunk. The quick service industry tells me that they have 325 restaurants in Saskatchewan with 15,000 employees and a payroll of \$130 million. Just one section of your Act dealing with the mandatory pay for statutory holidays will cost that industry several millions of dollars.

Now, Mr. Minister, how can you tell the working people in this province that this is good for them when they won't be able to find jobs? Shouldn't your priority be to create employment rather than line-ups at either the unemployment or the welfare offices?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — Thank you very much. I want to say that I appreciate the member's input and assistance when dealing with general principles. I do react very cautiously when the member starts to deal with figures. I've never seen any evidence that members opposite can deal with one zero, never mind five or six, as was in your figure.

As a matter of interest, I'm going to be meeting with some people in the fast food industry. I'll be interested in getting their views. I think they will find after we've had a discussion that the legislation is something that they can live with, and at the end of the day they will be reasonably satisfied with where they're at.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Thank you, Mr. Speaker. My question as well is to the Minister of Labour today. Mr. Minister, the Price Waterhouse study indicated that changes to labour standards would cost employees \$9.5 million annually. At a meeting of concerned businesses Friday evening in Saskatoon, a Price Waterhouse representative admitted that the study had not accurately costed some of the provisions in the Act because calculations were based on a draft of

a Bill which now differs dramatically in content and in intent from what they had to work with originally.

Mr. Minister, your department is quoting as gospel a costing analysis which its own creators admit is incomplete. Will you agree to withdraw the amendments to The Labour Standards Act until a comprehensive costing study and a full consultative process with business and workers has been undertaken? Will you agree to reintroduce this Bill later after this has been done?

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — I say to the Liberals opposite, who on this issue as on so many are indistinguishable from those on your right, I say to the Liberals opposite, there are some problems here which need to be resolved. We think this legislation provides a reasonable process and a reasonable framework for resolving those issues.

We had a costing done by a reputable firm; we rely upon their figures. I want to remind the member opposite that the cost of this is about one-tenth of one per cent of payroll. Let's suppose they're out by 50 per cent. That makes it one-sixth of one per cent of payroll. That is still a manageable figure.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Mr. Minister, I met yesterday with 12 representatives of the fast food industry. And as you've been told today, they represent 15,000 people in Saskatchewan as their employees.

Most of their employees are part-time workers whose jobs may be put at risk as the result of your legislation because it will force employers to offer additional hours to seniority employees. Now these part-time workers are at risk because the proposed seniority and scheduling rules will force employers to eliminate the flexibility that they offer to students who need that flexibility, and to working mothers.

Mr. Minister, exactly what consultation did you have with workers in the fast food industry about the implications of these proposed changes on their lives? The workers, Mr. Minister. And can you tell me exactly what efforts were made to bring part-time employees in this province together to hear the pros and cons of this legislation which is going to change their lives?

Hon. Mr. Shillington: — I don't know, Mr. Speaker, the extent to which it's appropriate to continue to discuss the details of legislation in question period — legislation which is before the House. Let me say that in most communities we invited the local chamber of commerce to organize a meeting at which I would speak and at which I would take questions, and we did both. And in most communities that's what happened. The chamber of commerce invited their membership to come out to the meeting and they did, and we had a useful exchange.

So if the hon. member opposite believes that the meetings were unrepresentative, then you're accusing the chamber of commerce of organizing unrepresentative meetings because in all cases it was they who organized the meetings. And in almost all cases they were useful meetings and there was a useful exchange of information.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Mr. Minister, owners of major fast food operations in Saskatchewan are warning that the seniority and scheduling provisions of this proposed Act may force them to eliminate between 30 and 35 per cent of their part-time positions, positions that are held largely by women and by students. These employers are absolutely incensed that not one of their operations was surveyed or consulted about this legislation at any time and they unequivocally have stated, at any time, Mr. Minister.

Have you ever invited the individual owners of restaurants and fast food operations to meet with you for a consultative session on this legislation? Yes or no.

Hon. Mr. Shillington: — I said earlier, if the member had been listening instead of preparing her comments, I said earlier that in fact I was meeting with them tomorrow, and I will be meeting with them tomorrow. I said that earlier in the question period.

I want to say to the hon. member that, as was the case in first reading when you voted against it without seeing it, you now argue strenuously against it without knowing how it's going to operate. I really suggest the members opposite might take some time to consider how the Bill's actually going to operate.

It is not going to . . . it is not a doomsday. The members opposite might try to be a little less political about this issue and a little more understanding of the complexity of the issues involved.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Mr. Minister, there's only one group in this House that's being political.

The Speaker: — Order, order. Last question to the member from Saskatoon Greystone.

Ms. Haverstock: — Mr. Minister, there's only one group who's being political in this particular Chamber, and it's not on this side of the House.

What I find most interesting is that your idea of consultation is what's called retroactive consultation. Retroactive consultation people don't want; they want to be talked to and listened to beforehand.

On the one hand, Mr. Speaker, you would have us believe that this will come at minimal cost to business and will not destroy any jobs in Saskatchewan. On the other hand, dozens and dozens of businesses who employ thousands of people, most of them part-time, businesses who pay millions of dollars in taxes

annually, are telling me that you did not take the time to consult with employers or with workers. They say that you're ramming this through without hearing their concerns. In fact, all of them said, all you did was speak; you never . . .

The Speaker: — Order, order. Will the members please come to order. Order. Just for the edification of the Government House Leader, there really isn't a supplementary question. She asked a new question; the member's entitled to ask her question. Order.

Ms. Haverstock: — Mr. Minister, you indicate that now after the fact you're going to be meeting with these people tomorrow. Would you agree to meet immediately with people who are both employers and employees who are going to be affected by this legislation?

Hon. Mr. Shillington: — I don't know when we're going to complete the process, Mr. Speaker, just remove that narrow aisle between the two parties. They operate in complete unity on this issue, as they operate on all others.

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — I want to say with respect to the Liberals and Conservatives opposite, we have sought to get workers and management together and get them working together to arrive at a solution to some mutual problems. You seek to divide and conquer. I ask Liberals and Tories opposite, who's being political?

Some Hon. Members: Hear, hear!

Establishment of Group Home in Regina

Hon. Mr. Pringle: — Thank you very much, Mr. Speaker. Mr. Speaker, I would like to respond to two questions the Government House Leader took notice of on Friday, March 25, regarding Dales House children's home. The member from Regina North West had asked this question, two questions, and I was meeting in Saskatoon with the Children's Council, Mr. Speaker, so . . . the founding meeting of the Children's Council which will advise us on the child action plan, so I apologize for not being here.

The two questions the member asked, first question was: what consultations took place before the decision was made to purchase the home in the neighbourhood? Mr. Speaker, as the member knows, I met and went over this in detail with her on March 3, but I'm quite happy to review it again here.

Realtors took — working for the SPMC (Saskatchewan Property Management Corporation), Mr. Speaker — did a search in the city. They located four potential locations as sites for this children's group home, and identified that Normanview was the best alternative. Once the site was determined and prior to the zone finalization from the city, the director of the Dales House advised the community association of our interest in the property and asked for his advice on

how we could work with the community.

The president suggested a mail drop and this was done, Mr. Speaker. The director and the assistant director also met with the president and several others in the community association after we did the mail drop. The following day we attended a community meeting, public meeting, Mr. Speaker . . .

The Speaker: — Order. Order. I think the minister knows that he cannot take a lengthy period of time in asking . . . Order. The member cannot take a lengthy period of time in coming to this House and answering a question. He must answer it in the same period of time as if a question were asked in the House directly to him.

I want the member to . . . I will give the Government House Leader just a few seconds just to calm down. Would he? I ask the Minister of Social Services to please put his answer.

Hon. Mr. Pringle: — Mr. Speaker, I'm sorry. This is a very serious issue and has been a fairly high community profile on the issue. I'm trying to answer it as best I can. And I would repeat, I mean I don't have to answer it at all because I've met with the . . .

The Speaker: — All right, next question.

Labour Standards Amendments

Mr. Goohsen: — Thank you, Mr. Speaker. My question is to the Minister of Economic Development. Minister, McDonald's Restaurants has recently written to us asking for assistance. They have told us that, and quote: the implementation to the food services industry of your labour legislation that is coming up . . . and they have said that, and I want to quote:

It is clear that the proposed amendments will result in significant increases to labour costs, making it almost impossible for businesses to operate to sustain their current employment levels.

Alex Marion says in his letter that in fact their early indications are that your legislation you are trying to impose could result in a lose of 40 jobs per restaurant — 40 jobs per restaurant. And that's only for one chain, Mr. Minister.

Now, Minister for Economic Development, surely this is of some interest to you. If jobs is your priority, will you admit that your cost of employment analysis is fundamentally flawed? Pull this legislation, Minister. Have your Minister of Labour pull this legislation, start over, start from scratch, and let's have some meaningful consultation and start over.

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — These questions are beginning to sound an awful lot alike, whether they come from the Liberals or the Tories.

I want to say with respect to members opposite, all of you who are all asking the same questions, the member from Saskatoon River Heights and I did meet in fact with the food services and restaurant operators in Saskatoon. We met with them, we received some comments from them, and indeed, the proposal which came forward was modified as a result of that in order to accommodate their needs.

I think we have accommodated the needs of that industry. We will see when I meet with them. But I think we've largely accommodated them.

And I think members opposite who try to fan fears and fan flames, I think, are creating a good deal of unnecessary expense and a good deal of unnecessary worry. I think if the members opposite took a little more time to understand what we're doing and spent a little less time trying to create mischief, the community in Saskatchewan would be better off.

Some Hon. Members: Hear, hear!

ORDERS OF THE DAY

WRITTEN QUESTIONS

Hon. Mr. Lingenfelter: — Mr. Speaker, as it relates to question no. 44, I request that it be converted to motion for return (debatable). And further, I would table the answer to question 45.

The Speaker: — Forty-four, convert (debate), and 45, the answer has been tabled.

MOTION UNDER RULE 16

Board of Internal Economy

Ms. Haverstock: — Thank you, Mr. Speaker. I rise today to speak to a motion that is fundamentally important, I think, to everyone in this House. And I will move that motion at the end of my remarks.

My motion today is a result of recent events that have come to light regarding the functioning of the Board of Internal Economy. We have a situation in this province where the body that is entrusted with making the rules for all members has no power to enforce those rules.

What is this creature we know as the Board of Internal Economy? Well according to our *Members' Handbook*, and I quote:

In May 1981, through an amendment to *The Legislative Assembly and Executive Council Act*, the Board of Internal Economy was created to emphasize the responsibilities of parliamentarians for the general administration of the Legislative Assembly. The establishment of the Board also served to reaffirm the independence of the legislative from the executive branch of government.

Currently, The Legislative Assembly and Executive

Council Act sets out the membership and parameters of operation for the board in sections 68, 50, and 58.1.

I think it important to review for all members those sections, starting with section 68.7, entitled, board established. This section prescribes the make-up of the seven-person board. And for the record, Mr. Speaker, in accordance with that section of the Act, the current membership of the Board of Internal Economy is chairperson, the member from Saskatoon Nutana; and six members: the member for Melfort, the member for Moose Jaw Palliser, the member for Prince Albert Northcote, the member for Humboldt; and from the opposition, the member for Thunder Creek and myself.

Mr. Speaker, section 68.7 goes on to describe what constitutes a quorum of the board, and the amount that members of the board will be paid for attending meetings.

The next section, section 68.8, further describes eight functions of the Board of Internal Economy that fall into these three categories.

First, the administration of the Legislative Assembly office, the office of the Legislative Counsel and Law Clerk, and Legislative Library. Second, the allocation of space within the Legislative Building and the provision of maintenance, furnishings, and services required in this building. And thirdly, the provision of a security system in the Chamber and members' offices.

In section 50(3) of The Legislative Assembly and Executive Council Act, we find the following additional functions of the Board of Internal Economy pertaining to members' allowances. The board may issue directives determining the amount, the method of calculation, and manner of payment of: first, an annual expense allowance; second, a per diem expense allowance; thirdly, a travel allowance; fourth, a telephone allowance; fifth, an allowance for office expenses or secretarial expenses; and lastly, for both an allowance for postal, advertising, and other communication expenses as well as several other less notable allowances.

The role of the board is further defined in subsection (4) of section 50 of the Act, and I quote directly:

The board may issue directives prescribing any terms and conditions that it considers appropriate on an allowance determined pursuant to subsection (3).

And lastly, the Board of Internal Economy functions are detailed in section 58.1 which deals with benefits that the board may establish regarding group life insurance, long-term disability insurance, and other insurance, and the superannuation plan.

Which brings me to the point of this discussion so far, Mr. Speaker, which is, what is wrong with this picture? Well I'll tell you what I see wrong.

It has recently become evident that nowhere in The Legislative Assembly and Executive Council Act is there any provision whatsoever for the Board of Internal Economy to enforce the powers that the Act has given it.

To me this begs the question, how could this board operate for 13 years without ever being required to enforce its rules and directives? And I would like to think that the legislators who are responsible for this Act were optimistic and trusting souls who never anticipated any abuses and therefore never provided for any enforcement.

But in manners concerning the expenditure of public funds in the most direct of ways, we as legislators, law enforcers, and public servants, cannot afford to have any ambiguity about how we conduct business at the very core of our system. It is unfortunate that there are two sitting members who are currently before the courts regarding alleged breaches of the very regulations that the Board of Internal Economy is charged with administering.

And I will not discuss those cases, as they are, as I've said, before the courts. But I think we need to look at these situations and ask ourselves this question, Mr. Speaker: how could we have prevented those situations from developing?

I believe that there is some onus on the government to provide a stronger statutory framework on which the Board of Internal Economy operates; one that would remove the ambiguity that continues to surround payment of allowances and the rules that guide those payments.

And now we're faced with a third situation where a member has been accused of using his communications allowance for producing material of a, what is "blatantly partisan nature," contrary to section 8 of the communication directive no. 4 issued by the Board of Internal Economy, as well as being accused of using material which solicits donations to a political party or attendance at a political function.

As members will know, this matter first arose on March 8 of this year when the member from Moosomin brought it to the House as a point of privilege. In a ruling on March 9, Mr. Speaker, you made the following points with respect to the Board of Internal Economy and the reasons why this matter should not be dealt with by this Assembly.

The salient portions of your ruling that pertain to my motion today are, and I quote:

The Board of Internal Economy is not a legislative committee . . . And further, the Board of Internal Economy does not have the basic powers of legislative committees, that is, the power to call for persons, papers and records and to examine witnesses under oath.

And so, Mr. Speaker, the next step in the events that have led us here today was the calling of a meeting of

the Board of Internal Economy on March 17, where members of the opposition attempted to raise this alleged breach for discussion and investigation.

At that meeting I asked for clarification of where the statutory authority for the board to establish rules is found and where the authority for the board to enforce rules is found.

The answer to the first part of my question is, as I've already outlined, found in sections 50, 58.1 and 68.7. But the answer to the second part of my question, Mr. Speaker — where is the authority for the board to enforce its rules found? — was staggering in its simplicity. There is none. There is no authority with which the Board of Internal Economy can even investigate the current charges against the member from Yorkton, much less any authority or enforcement mechanism to penalize any breaches if they were proven.

Mr. Speaker, at the conclusion of that meeting, the board recommended that your staff seek to obtain from other jurisdictions their determination of what partisan communication means. I believe that this is a positive move toward clarifying our communications directive no. 4. However I must say that given the restrictions that are inherent in our mandate, we could do little else. And so I maintain that we've merely addressed a symptom without getting at the real problem we face.

The Board of Internal Economy, we learned, did not have the statutory authority to call the member in question to explain the circumstances or to order any form of restitution, should the board determine that that was warranted. This has created a highly questionable situation that is unfair, not only to the member from Yorkton, but to every member in this House.

Clarification of what is partisan communication and what is not will not correct this serious deficiency in how the Board of Internal Economy operates. That issue is merely a smokescreen that is being used to deflect what the real issue is here — where is the accountability of members of this House to the people we represent if we cannot be held to the simplest of guidelines regarding our own expenditures?

Members of this House from all three political parties collectively wring their hands over the poor perception that much of the public has about us and the work that we do. And all three political parties have made statements about their commitment to democratic reform. But, Mr. Speaker, it'll be our actions that speak much louder than words.

Since the first day that I sat on the Board of Internal Economy, which was January 6 of this year, I've attempted to bring forward the matter of an independent commission to examine all aspects of indemnities and allowances paid to members of the legislature. My attempts have been met with personal attacks, with stalling, and outright subterfuge by the government members on the board.

And I must sometimes remind myself that these members sit on the same side of the House as does the Minister of Finance who on her recent budget summary card makes the following claim, and I quote:

Three basic steps are helping us to achieve our goal.

And what is the no. 3 on that card, Mr. Minister?

Making government more accountable to the people it is elected to serve by:

appointing an independent commission to review MLA salaries and benefits;

And where is this commission, I ask. For three months I've been waiting for the member for Prince Albert Northcote to honour his commitment to call a meeting just to discuss the terms of reference of this proposed commission. But when reading the Minister of Finance's statement, one would think the commission was already in action, doing its work.

Mr. Speaker, we have only to look next door to Manitoba where an independent commission has just delivered a report on this very matter. And I'll be sending a copy of the terms of reference to the Premier and members of the Board of Internal Economy in the next few days so that we can at last begin to lay the groundwork for the task at hand.

We as members have everything to lose and nothing to gain by continuing to wrangle about details such as, and I quote: what is the definition of partisan? We must move immediately to clean up our collective act without regard to the ownership of the democratic agenda.

In the process of contacting other jurisdictions regarding their enforcement mechanism for the Board of Internal Economy, my office has spoken with the Clerk's office in Manitoba. We were advised that two years ago their equivalent of the Board of Internal Economy, which they called the Legislative Assembly Management Commission, received information that a claim had been paid to a member that contravened the guidelines that their commission had set. That payment was for office renovations in the amount of \$3,500.

According to the spokesperson from that Clerk's office, there is no statutory authority in The Legislative Assembly Management Commission Act to adjudicate and enforce its rules. But there is a policy and there is a will to do the right thing, and the right thing was done. The Management Commission reviewed the evidence, concluded that a breach had occurred, and ordered the member, a cabinet minister, to pay restitution in the amount of \$3,500.

Now why is it so difficult for us to find the will to simply do the right thing? My request today is simple. I'm asking that the Board of Internal Economy be

given the authority, through an amendment to The Legislative Assembly and Executive Council Act, to allow the board the ability to require the attendance of any member of this House to appear before the board when questions regarding the member's expenditure of allowances arise; and to make an order of restitution from a member where the board has determined that a breach of the directive has occurred. By making the Board of Internal Economy a standing committee of this Legislative Assembly, we would accomplish these objectives.

There is precedent for this, Mr. Speaker, in Alberta, where the Member Services Committee is one of eight standing legislative committees; and incidentally, where expenditures from members' communications allowances are made only after an item being purchased, be it a newsletter, advertisement, or sign, has been examined to determine if it meets the non-partisan criteria of the guidelines.

Mr. Speaker, I urge members of this House to speak with a common voice today and support the following motion:

That this Assembly urge the government to act immediately to address the deficiencies in The Legislative Assembly and Executive Council Act regarding the functioning of the Board of Internal Economy, specifically to allow: (1) the board to be classified as a committee of the legislature with the powers and abilities of all other legislative committees; (2) the board to be empowered to enforce the rules and directives that it creates.

I so move.

(1445)

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I would like to take my place in this Assembly today to speak in favour of the motion brought forward by the member from Saskatoon Greystone. As the member has laid out . . . and I'm certain that your office and certainly members from around this House, certainly members on the opposition side of the House have spoken out very loudly regarding this whole issue.

The problem that has been raised was brought to the attention of this Assembly by our caucus some time back, and we certainly appreciate the fact that the Leader of the Third Party has also joined with us in publicly bringing forward this resolution to bring the concerns that we've been raising and many members of this Assembly have been raising.

Mr. Speaker, we have spoken repeatedly in this House about the changing nature of politics in this province and indeed across the country. We find, as we found at our recent annual meeting, in fact was just last Saturday, three or four days ago, the public is calling us to a higher standard than in the past. They are calling for greater accountability by their politicians.

And I think, Mr. Speaker, and I believe that that is

something that will continue, and will continue on until we as politicians come to the point of indeed basically putting out everything as open and as publicly as we possibly and physically can.

One of the most glaring examples in the past of the abuse of parliamentary privilege and of the lack of public accountability has been the operation of the Board of Internal Economy. Mr. Speaker, the ability of the members of this Assembly to set our own wages and perks in secret was perhaps the biggest single feature that was bringing the operation of parliamentary democracy into disrepute in the public's eyes. That even the government recognized the need to correct this shows how urgently this and other reforms are needed.

Mr. Speaker, without the confidence of the people in the process and the politicians who use it, government cannot be expected to function properly. To make the operation of the Board of Internal Economy open to the public and subject to verbatim review by the press and by everyone else in the province was a small and easy step to take, but very significant in the eyes of the public.

It would take only the smallest measure of further courage and forthrightness on the part of the government to adopt the recommendations of this resolution. And I trust that this is not too much to ask of the members opposite, at least I sincerely hope it isn't.

However, Mr. Speaker, this motion isn't exclusively or even particularly about the wage-setting function of the Board of Internal Economy. This motion refers to the various serious matters of the disciplinary functions of the Board of Internal Economy, brought to public attention by our caucus.

For politicians to be able to regain the trust of the public, we must act forthrightly. Yet to do that, there must be clear guidelines and clear penalties for misconduct. Without clear guidelines, we will continue to wander in the dark, never knowing when we will stumble over a rock that we did not know was there.

Mr. Speaker, as a member of this Assembly I have sought on numerous occasions guidance from the individuals working in legislative accounts. And I appreciate the guidance that they have given. The reason being, Mr. Speaker, as MLAs, as individuals, sometimes it would seem to be easy to look at rules and say this is what the rules mean.

But when the rules are somewhat vague and ambiguous, you always want to check with someone else to get their understanding so that in applying the principles of the rules and certainly making use of the allowances that are entrusted to our care, Mr. Speaker, we are doing it in the best possible manner that we have available to us so that the public can look back at each one of us and understand that we have done the best we can, that we have indeed used the funds entrusted to our care very carefully, and that we are indeed putting ourselves well above disrepute.

Mr. Speaker, it is important that there be some corrective guidelines established. Not only must we the politicians be more accountable, but the entire structure, functioning, and officers of the Board of Internal Economy must likewise be accountable.

As it stands, Mr. Speaker, we have two members, one from each of the opposition parties, whose names have been dragged through the mud . . . pardon me, Mr. Speaker. As it stands, we have two members, one from each side of the House, whose names have been dragged through the mud — and I don't want to get into another area that was going through my mind — who have been hampered in their ability to function to their full capacity as members because of accusations levelled against them, and investigations eternally pending, over their heads.

Whether these accusations are right or wrong, only time will tell. But until there are clear guidelines uniformly enforced, these sorts of situations could happen to any of us.

The government continually ignores this situation. It seems to be determined to stand behind the enforcement of rules only when it suits their purposes. Although I must say it is extremely difficult to see how their actions of late have done them any good at all.

Were clear guidelines in place, we would not have to endure the spectacle of the member from Yorkton trying to maintain that his letter to his constituents was not of a partisan nature. In spite of what some members opposite might think, we have no vendetta against the member from Yorkton. Had the rules and their enforcement been clear and uniform, he could simply have admitted a mistake, apologized, and paid any monies in penalties he had owing. As it stands, it is completely mysterious to us why his case should be treated differently than any of the other cases.

Last weekend, Mr. Speaker, one of the government staff, a Mr. Ted Bowen, got a letter printed in the *Leader-Post*, and I would like to quote a bit from it. He says:

Does anyone around this place remember anything? Ten years ago, when rookie MLA Gordon Currie used ministerial stationery to invite his constituents to a Tory picnic, he was told he shouldn't do it. So he stopped . . .

When rookie NDP MLA Clay Serby either did or did not use a small portion of his communications allowance in an inappropriate manner, Dale Eisler writes verse 50 of his venal politicians' song . . .

Let's get some perspective . . .

Indeed, let's get some perspective on how the rules of this House are set and enforced. What Mr. Borden . . . or Bowen missed in his letter is the fact that Mr. Currie admitted his mistake, apologized, and stopped. The government still refuses to require the same from its

members.

Mr. Speaker, the operations of the board to date have been atrocious and the opposite of normal standards of justice that any citizen would expect. We are unable to get a judgement in advance of actions we would like to take, letters we wish to send out, and so forth. Then if an offence is made, there is no uniform interpretation of the rules or means of enforcement, or redress other than to darken a member's reputation.

Mr. Speaker, we on this side of the House would like to see this changed as much as I'm sure the government would. We have no fear of a Board of Internal Economy with teeth. Nor do we as MLAs have any fear of the board's deliberations going on in public. If we do not fear these things, then I fail to see why the government members, who at the end of the day are ordinary MLAs like us, would fear them.

Such a move would benefit all members, would allow us to conduct our affairs in the ethical manner we would all like without the fear of arbitrary and unfair retribution, and would improve the public's confidence in the integrity of legislative activity.

The benefits, Mr. Speaker, in short, are enormous. I challenge anyone on either side of this House to find a downside that comes close to outweighing these benefits. Thank you, Mr. Speaker.

Mr. Hagel: — Thank you very much, Mr. Speaker. It is with much interest that I have listened carefully to the words of the Leader of the Third Party and the member from Moosomin as they have entered into debate. And, Mr. Speaker, as I listened carefully to the black cats and the white cats join together in a façade of non-partisan debate — and it can be concluded to be nothing other than that, Mr. Speaker — I find myself wondering if this motion that comes forth today is . . . if it's misinformed or if it's frivolous or if it's misdirected or if it's malicious. Which of those is it? Because clearly it is one or more of those in some kind of combination.

I find it kind of interesting, Mr. Speaker, that the black cats and the white cats join together. And as I listened carefully to the words of their debate, it becomes obvious to me that there is a distinct intention to forget about history, to disregard the facts of the matter.

The facts of the matter are that there have been a record of enforcement of board directives over a large number of years and there is no denying that. There are processes that have been followed, largely administrative, including the involvement of the Speaker of the House, who is the chair of the committee.

And it's been not uncommon over the history of the committee for the Speaker to come to the committee for a determination of the principle of a question brought in terms of the use of members' allowances. That's the fact of the matter. Fact of the matter also, Mr. Speaker, is that the board itself has asked for a review of other jurisdictions in order to deal in an

informed and considered kind of way with the matter of enforcement of regulations.

Both of the members, Mr. Speaker — both the Leader of the Liberal Party, the Leader of the Third Party, excuse me, and the member from Moosomin, also in an attempt to put up a political smokescreen — suggesting that really the only matter of substance or of importance that the board deals with are the remunerations and the allowances of the MLAs. Well that's the version as they see it; and then I note as well that the Leader of the Third Party calls for the board members to serve as judge and jury. That's her solution.

Mr. Speaker, in dealing with this question as to whether the board should serve as a committee of the legislature, we have to ask ourselves, what in the world does that mean? A committee of the legislature reports to the legislature and has its report adopted by the legislature and exposes itself, appropriately so, Mr. Speaker, to the scrutiny and the debate of the legislature.

Now when I look at where the Board of Internal Economy, from where it has come, as the Leader of the Third Party pointed out in her remarks, it was a creature that was born in 1981. Up until that time the subjects that are dealt with by the Board of Internal Economy were dealt with in the Treasury Board, Mr. Speaker. They were dealt in Treasury Board of the government of the day — by the Liberal government of the day, the Conservative government of the day, or the New Democrat government of the day.

And the decision was made in 1981 to take a certain segment of the spending of government that has to do with the function of these chambers and the members within, and the officers who serve this Chamber, and to put scrutiny of the budget and their operations to the Board of Internal Economy so that there were decisions made in a non-partisan way, not only by the government of the day but by all parties, if there were three parties represented in the House.

And so, Mr. Speaker, directives have been issued by the Board of Internal Economy on statutory obligations — statutory obligations related to the remunerations of the members. But I point out that it is only those who are frivolous or who are malicious or seek to be politically opportunistic, who choose to ignore the history or the reality or the purpose of the Board of Internal Economy, who say that all that it deals with that's important is the allowances and the remuneration of members.

Mr. Speaker, in this Assembly I am offended in this debate that both of the previous members who have spoken have involved the Speaker in their debate in this House. And that is a rule that is a long-standing rule that should ought not to be considered to be appropriate, for good reason. The Speaker is not to be included in the debate of the House. Neither is the Clerk, neither is the Sergeant-at-Arms, neither is the Legislative Law Clerk, neither are the pages, neither is the Ombudsman, neither is the Conflict of Interest

Commissioner.

Mr. Speaker, the Board of Internal Economy deals in advance of the setting of the budgets which all of those officers of the Legislative Assembly of the province of Saskatchewan . . . in advance of the setting of the budget. And as a result of a decision made by the Board of Internal Economy, the Minister of Finance takes the figure without question and with alteration and puts that into the budget brought into these legislative chambers.

Now for someone to suggest that it is appropriate that members of the legislative chambers should be engaging, should have the opportunity to engage, in partisan debate which is the role of this House, on the officers who are assigned to serve all members of this Assembly equally and without bias — the Speaker, the Clerk, the Sergeant-at-Arms, the pages, the Legislative Law Clerk, the Conflict of Interest Commissioner; the listing goes on to the library, the auditor, the Ombudsman, the Conflict of Interest Commissioner — Mr. Speaker, that is frivolous, it is politically opportunistic, and it is irrelevant to the function of this Assembly if it is our intention to restore trust. Because you don't restore trust by playing games with the institution and protecting the impartiality of those who serve the Chamber.

(1500)

Mr. Speaker, this does not mean that it is beyond scrutiny because in fact the budgets that are decided by the Board of Internal Economy go to the committee of Estimates which is made up . . . it's a committee of this legislature and it reports to this legislature — after that budget has been determined by the Board of Internal Economy.

Mr. Speaker, it was with wisdom that the Board of Internal Economy was created in 1981 and a strong argument can be made that it should ought not to be open to the public as is the case in a large . . . the majority of jurisdictions of Canada; however, here in Saskatchewan we have recently decided to open it up in the interest of trying to preserve or enhance the integrity of the process.

But we must be cautious in doing that, that we do not bring under attack the officers who serve this Chamber and whose independence of partisan influence must always be preserved. That's what it's about. And I for one am not going to be a part, I am not going to be a part of taking any of the officers of this Assembly and putting their independence in jeopardy in order to gain some sort of partisan advantage. I will not be a part of that unethical and immoral process.

So, Mr. Speaker, if I haven't made it clear so far, let me state abundantly clearly that I stand opposed to this ridiculous motion brought to us by the white cats and the black cats and they can decide who's which colour. But cats they are. Cats they are. And Tommy Douglas told the people of Saskatchewan how to think about cats in mouseland and who to trust.

So, Mr. Speaker, because I am uncertain as to whether this motion is misinformed or frivolous or misdirected or malicious — it doesn't matter to me which of those that it is — I stand opposed, Mr. Speaker. I stand opposed to this motion on the grounds that it would try to acquire for the board authorities which are redundant with committees that already . . . the Estimates Committee of the legislature that already exists.

And it is brought, I think, Mr. Speaker, because the black cats and the white cats are attempting today to gain some partisan political advantage with the consequence of putting in jeopardy in advance of the determination of the budget, the independent officers of this Assembly and, Mr. Speaker, I am opposed.

Some Hon. Members: Hear, hear!

Mr. Kowalsky: — Thank you, Mr. Speaker. Mr. Speaker, I want to speak briefly as well to this motion that's at hand because it gives us an opportunity to debate a little bit about how we handle our business of running the legislature, that is, our internal business, and how the money that is used for the purpose of running the internal business of government as opposed to the external portion, the part that we do on behalf of the public, and how that is done.

I want to make a few remarks on that. And I want to endorse, first of all, the comments made by my colleague, the member for Moose Jaw Palliser, about the apparent lack of thinking that's gone into this motion. It appears to me as if what's happening here is the member opposite, the member for Greystone, is trying to jump the queue on the Board of Internal Economy, which has already got a process into place, looking for work and looking for advice from other jurisdictions, searching out attempts to resolve what is perceived at this stage to be a problem.

But, Mr. Speaker, at first blush when I looked at this, I was very tempted to agree with the member opposite. I was very tempted at first to agree with the motion because what it would do, following the proposal that they set up, is it would provide me and other members with a third place from which I could sit on high on a mountain top in judgement and ask questions of the members opposite as to why, for example, she continues to take her 37 per cent increase from the Legislative Assembly when all cabinet ministers, and the Leader of the Opposition, and the whips and the deputy whips, voluntarily reduced their pay from the Assembly by . . .

An Hon. Member: — And House leaders.

Mr. Kowalsky: — And House leaders. And House leaders, the member said opposite, reduced voluntarily their stipend. And I would have liked to have an opportunity to do that, to ask her these questions — why that increase, which is even bigger than the increase she's proposing that the judges get, the 24 per cent that the judges would get, why she refuses to even budge on that. It is an option, a voluntary option that's open to her right now. And I

wouldn't question it, but the temptation was there, Mr. Speaker, to provide for that third opportunity just to do that.

Mr. Speaker, it was also tempting for me because it would give me a third opportunity to ask in the House and in committee, questions related directly to estimates with respect to legislation. And when you turn to the legislation, there's one place here, Mr. Speaker, where it identifies the amount of money going to a third party, increasing from \$54,000 to \$172,000 this year, Mr. Speaker — an increase of over 218 per cent or about three times.

Now part of that increase is deserved by the rules, Mr. Speaker, because part of it was because they elected a second member. But part of it was because of a member crossing the floor. And there are many people in Saskatchewan that would wonder whether that member who crossed the floor and was elected by one party ought to be allowed to take the money with him to another party.

So when I looked at that in first blush, Mr. Speaker, I thought that perhaps it might be kind of all right to sit up and ask these questions, questions that people want to know the answers to. But when I looked at it more seriously, Mr. Speaker, it occurred to me that there are already three places where these things can be debated.

First of all, there's the Board of Internal Economy, which I suppose if I went to and asked the questions the board would probably in all likelihood grant me the privilege of asking these questions. So there is that place.

The Board of Internal Economy's recommendations then go through, Mr. Speaker, to the committee of Estimates. And at the committee of Estimates there is another opportunity for any member to come and ask questions. That's the second place. First of all, right in the Board of Internal Economy; secondly, at the committee of Estimates.

And thirdly, the committee of Estimates reports to the legislature, and here any member can stand up during that report and make a comment or ask a question of the House. And then we all vote on it, Mr. Speaker, then we all vote on it.

So there are already three ways, three opportunities for members to ask questions like about the 37 per cent that the Leader of the Liberal Party has taken as an increase, and she's asking for a fourth opportunity. I do believe that to be wasteful, Mr. Speaker; I don't think it's necessary.

Mr. Speaker, if you're going to change something, if you're going to change some rules, obviously either you have to assume that something has not been done correctly or you want to improve something. You have to clearly identify the need. You have to identify the need.

The member from Greystone attempted to identify a

need. I'm open to the process, to the debate here today, listening, seeing if there really is a need. And one of the needs that was identified by the member opposite was to review and to have another place to review this.

Now these items that are already under review by the Board of Internal Economy, my colleague, the member from Palliser, identified that in the case of the Ombudsman and in the case of the Clerk, Law Clerk, in case of the auditor, in case of the Conflict of Interest Commissioner, librarian, the page, and the Speaker, that this already does take place. And their budgets are set through the Board of Internal Economy.

There are other items that are set by statute, by law, that ordinarily there are no rules to set, they're down there and they've been in for years. And these are also identified very clearly in the budget book. And you can turn to the budget book at any time and see which are in there by law and which are there to be set by the Board of Internal Economy.

I think the process is always open to review, but you have to have a reason to change it, Mr. Speaker. So does the member really want to have another place to debate the issue of how much an Ombudsman should be paid? Does she want another place to debate the issues that are in statute? Or does she see a parade and want to get to the head of the parade? And that parade being the parade of democratic reform. Does she see that our government has already done and is doing a lot of things in the way of reform, and is trying to clamour her way on top of it, using one or two individual examples which are already being dealt with.

I say, Mr. Speaker, that in her rush to lead a parade, the member opposite ought to be cautioned, ought to be cautioned as to what it will really lead to. Does she really want people getting into a committee and asking questions, asking them to define what is blatant, what is political, what is partisan?

Does the member want somebody to hold up literature in committee that she has produced? And I read from it. And this piece of literature says, in the middle of one of the pages: being Leader of the Saskatchewan Liberal Party . . . Does she want somebody to come into that committee and ask her to prove that that is not partisan or not political? Now let's get real.

And that's exactly what the motion would lead to. Or the member from Shaunavon, in material sent out to his constituents. And I quote: I have been warmly welcomed into the Liberal Party. Now when you use the word Liberal Party, does that . . . Does he want somebody to come in there and ask him the question: well, is that not political?

Mr. Speaker, the answer is obvious. It's silly to go into a committee to ask those kinds of questions. It's absolutely silly, Mr. Speaker. It's absolutely silly to set up a vigilante group that would go around and asking questions whether or not members of political parties

should be political. Absolutely ridiculous, Mr. Speaker.

So, Mr. Speaker, I stand with the member from Moose Jaw Palliser . . .

The Speaker: — Order. The member's time has elapsed.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Speaker, I listen with some interest today to the debate on the question at hand. And I think it's quite clear today that members would rather skate around the questions rather than deal with them. I take some issue with the member from Moose Jaw Palliser in the way that he described the issue at hand about different colours of cats. I think the . . . I've heard the member give that same speech in Toastmasters many years ago and it was more appropriate at that time than it is today, Mr. Speaker.

Simple fact is . . . and I would challenge all members, Mr. Speaker, to read the verbatim of March 17, 1994 in the Board of Internal Economy. And I would think they would realize through that entire verbatim that there was no attempt at partisanship by anyone in the committee, of which the member from Moose Jaw Palliser is a sitting member; that the issue at hand is one that is very serious to the well-being of this Legislative Assembly, to the well-being of the elected members who are fortunate enough to serve here.

(1515)

And the question is something that the public is demanding an answer to. Now, Mr. Speaker, we can dance around it and we can drag the officers of the Assembly into the question and I believe we can abrogate our responsibilities as members of this Assembly and sort of hope that this thing goes away; or we can deal with it in a meaningful way.

Now I'm not sure why the member from Saskatoon Greystone has the topic on the order paper today, but as a member of the committee I think she's entitled to discuss the issue as we all should. But clearly I think it's something that we have to be mature enough about in this Assembly to deal with and that's politically mature — I mean we're all politicians and I understand partisanship. But if we don't put our minds to solving the issues at hand then I would say that the entire system, Mr. Speaker, is under a great deal of suspicion.

We have currently, and I've said it before here, Mr. Speaker, we currently have sitting members of the House involved in legal questions under directive #4 of the Board of Internal Economy. Now whether the board actually has the power to enforce its directives or not is an issue that we'll have to sort out and certainly how those directives apply to us in our everyday working lives in here are issues that are of utmost importance.

That's why, Mr. Speaker, today I gave notice of the introduction of a Bill dealing with that very matter, and that was not without prior warning to members of the government. I take this issue very seriously. It is something that needs to be dealt with in something beyond the partisanship round that often goes on in here.

I think if, Mr. Speaker, we can have a good, honest debate about what is necessary to give us the comfort that everyone will be treated fairly and, at the same time, that the taxpayer and public of this province will have comfort in how we adjudicate ourselves, we will have served this Assembly well.

For instance, Mr. Speaker, it was pointed out in the board on March 17 that other than the members on the board, no member has the right to speak. Well certainly, Mr. Speaker, without moving actually into the realm of the House, which I don't think anyone wishes to see happen because that would mean holding a Board of Internal Economy in here, that we need to come up with some method. But if a member, for instance, does have a problem complying with a directive, there has to be a mechanism for them to come before their peers and explain themselves without actually having to have the permission of the sitting members.

It should be a fundamental right, Mr. Speaker, of any member of this Assembly, whether they be government or opposition, to appear before any body of its peers in committee or otherwise and speak their piece; that they should not be denied the right to speak. I mean, Mr. Speaker, in the committee, in due deference, our officers of the Assembly have the right to speak at the Board of Internal Economy, but members do not.

And I think it's these issues that we have to put our minds to if we are to come up with an equitable solution to the problems in front of us. And yes, the public does expect us to be mature enough to adjudicate what is partisan and what is not partisan vis-a-vis how we expend public dollars. I really do believe that they believe that is absolutely necessary.

And the only comment that I would have more than that, Mr. Speaker, on the issue before us is . . . And if it will move this issue onward to some type of resolution, then this matter should come to a vote today. If it cannot be dealt with in a way that we're all comfortable with, then I suppose it will not be.

But I would hope, Mr. Speaker, that when the Bill comes before the House, that it would be proper to sit down and think and debate the Bill and come up with a resolution, or at least indicate that we, as members of all different political parties, are prepared to sit down and come up with a resolution.

Because, Mr. Speaker, if we do not, then I honestly believe that the public won't have the confidence that they should have in us to adjudicate these matters as a peer group, in a civil way, without simply having to have these things thrown into the criminal justice

system.

And, Mr. Speaker, I honestly believe that all members would rather have that as the process, rather than currently what we have, which is a state of limbo.

And I, just in closing, say to all members: I challenge you to read the verbatim of March 17, 1994, and if you can find any black or white cats in there, I'll be very surprised. Because members have got to put their minds to solving these problems — not simply cheap political rhetoric because it feels a little bit uncomfortable — as part of that problem-solving process.

Mr. Upshall: — Thank you, Mr. Speaker. Mr. Speaker, I want to add a few words to this debate. And starting out, I want to talk about why it's not necessary to have the Board of Internal Economy be a committee of the legislature. It's not necessary because we have a process, a long-standing process, a process that has evolved with decisions of board members over the years, a process whereby we set the budgets in the Board of Internal Economy for this legislature, for all the people in this legislature including members of this House.

The process then moves forward and is reviewed by the committee of Estimates, and basically then accepted by the Minister of Finance. So there is a long-standing process that has evolved.

Unfortunately some people in this House, Mr. Speaker, are interpreting this process in a different way. And the Leader of the Third Party is basically using her colleagues to catapult herself onto a political pulpit, supported by the members of the Tory caucus.

Enforcement of an Act of the legislature, Mr. Speaker, as this is governed by, is the same as any other piece of the legislature. It is the law; the laws are to be interpreted by those people who are put in place to interpret them. This body makes those laws; the judges and the court system interpret those laws. So there is a process. There is an enforcement process. And it's always been there as the laws of this land have always been enforced and interpreted by those people who we put in place to do so.

But as my colleague from Moose Jaw Palliser said, the Leader of the Third Party wants to be judge and jury. She thinks she's more qualified, that the people of this Assembly are more qualified than the policing institutions and the court systems that we have put in place over the history of this province.

Mr. Speaker, I have sat in this legislature for a number of years now. I have seen many able people speak on the floor of this Assembly. But over the last couple of years, Mr. Speaker — and this is part of the problem we're running into here — the ablest person that I have ever seen speak or ever seen on the floor of this Assembly, the ablest person is the person that the Leader of the Third Party thinks she is. And that's the problem. And we've seen it from day one.

We have had a Liberal government in this province who didn't see fit to even have a Board of Internal Economy. It was done through the Finance minister's office, behind closed doors, the Treasury Board.

We've seen the Progressive Conservative Party in power, and all of sudden there seems to be . . . for a number of years now, there's a revelation that they should somehow want to change things.

Well, Mr. Speaker, I ask why this motion is on the floor. I have here the Board of Internal Economy *Hansard* from March 17, 1994. And without reading the verbatim, I'll shorten it up, Mr. Speaker, by reading from the review provided in the first page of the booklet.

Now on March 17 the Board of Internal Economy met and the board was going to do a number of things, and I'll read:

The Board requested the Legislative Assembly Office to gather information . . .

And I want the Leader of the Third Party and the Leader of the Tory Party to listen carefully. On March 17:

The Board requested the Legislative Assembly Office to gather information, at their earliest convenience, with respect to other Legislative jurisdictions in North America, regarding:

- (1) What directives, bylaws or rules they have in place regarding MLA communications expenditures,
- (2) How they monitor communications; and,
- (3) What recourse the Board has when a Member is found to be in contravention of directives.

And that was on March 17. And that was agreed to by the Board of Internal Economy.

Now, Mr. Speaker, we see on March 29 a motion by the Leader of the Third Party that wants to prejudge any finding that the Board of Internal Economy might get from the research that's being done. They want to ignore that, bypass that, again — again — showing the attitude and the arrogance of that member.

What's happening, Mr. Speaker, is that she's ignoring the institution. We have two members, opposition members, on the Board of Internal Economy. They both want to be premier. One's the Leader of the Liberals and one's the Leader of the Tories. They're the two members on the Board of Internal Economy, they want to be premier.

I say they're bypassing the traditions and the customs in this legislature, using the Board of Internal Economy to catapult themselves onto the front pages of the daily papers at, I might add, the expense of their

colleagues. And that is hypocritical and disgusting.

Mr. Speaker, who do they want to judge next? Which officer of this Assembly will come into question?

An Hon. Member: — I think you've been out of the country, Eric.

Mr. Upshall: — I have been out of the country. Mr. Speaker, the member says I've been out of the country. He's right. I was at a Commonwealth Parliamentary Association meeting in London. And you know what we talked about? This institution that has been in the world for hundreds and hundreds of years. And there is a reason we have procedures. There's a reason we have ministers and committees of this legislature and boards of this legislature. And the reason is because there are customs and there are traditions and there are rules and regulations that we have to go by to ensure the integrity of the institution. And that was driven home when I was out of the country, as the member across said.

(1530)

And what's happening here, Mr. Speaker, is that by this motion, 10 days after an agreement was made by all parties to go forward and do some fact finding, they want to circumvent the whole process that has been established over the years of this institution from Westminster around the world and including the Saskatchewan legislature. They want to circumvent that and do away with it.

Now that is the problem that we have here. It's the attitude, the arrogance, and, Mr. Speaker, the fact that the two opposition members are using the institution for personal gain. I mean it's obvious, it's obvious, because of the timing. And I say that that is the wrong use of the institution.

They're using the board . . . the Board of Internal Economy had been a board that met without public scrutiny because it dealt with members of this legislature, it dealt with the staff of this legislature, and it worked very well. But in the board's wisdom they saw fit to open, at request, sought to open the Board of Internal Economy. And now what's happened? The two want-to-be premiers are using the board, using the process, for personal gain.

Mr. Speaker, if we allow this — this is my point — if we allow this type of abuse of an institution such as the Assembly of Saskatchewan, or any other Assembly in the world, then we are opening ourselves up to be scrutinized by the public, we're opening ourselves up to be accused by the public of the misuse of power. And that's exactly what this whole process is leading to, the misuse of power.

Mr. Speaker, in terms of the motion, the motion saying:

the board to be classified as a committee of the legislature with the powers and abilities of all other legislative committees;

Well that, Mr. Speaker, I've explained how that is not necessary because we already have a process.

The second one that:

the board be empowered to enforce the rules and directives that it creates.

Well as I said, the Leader of the Third Party, the Liberal leader and the Tory leader want to be judge and jury. And they want to circumvent it, and they want to use the institution to promote themselves into a leadership authority.

The Speaker: — The member's time has elapsed.

Some Hon. Members: Hear, hear!

Mr. McPherson: — Thank you, Mr. Speaker. I'm proud to second that motion today. And I guess, to use a little bit of my Shakespearian knowledge, I'd have to say, they doth protest too much methinks. In fact this is the government . . . that is the government that claims to be an open and honest and more accountable government. And today . . .

Some Hon. Members: Hear, hear!

Mr. McPherson: — Today, Mr. Speaker, they have an opportunity to bring that to another step, but instead they're fighting it with all they can. When we looked at what they did after they formed government in the 1991 election, brought forward the Gass Commission recommendations, and I guess the people of the province really thought they were trying to move government into a better working condition and make sure there were no more chances for some of these grey areas to, you know, put a bad flavour on government.

Besides that, Mr. Speaker, they had the Provincial Auditor's recommendations which Public Accounts and Crown Corporations committees have been dealing with. And actually the all-party committees that I just mentioned, Mr. Speaker, have done a great deal of work, good work, in addressing a lot of those recommendations by both of those commissions and the Provincial Auditor.

When I take a look at what happened here today, Mr. Speaker, the member from Morse stood up and gave a report from the Public Accounts commissions. I think there was some 50 or 60 recommendations, seconded by one of the government members from Saskatoon. You know, here's an all-party committee which supported the 50 or 60 recommendations that were talked about in the legislature here today. And we didn't see all the problems that a few of the members opposite were complaining that would be, you know, would come about as all-party committees.

And in fact when I look at what's happening with the Crown Corporations Committee, the wrapping up the '92 year which was under review, Mr. Speaker, the all-party committee of the Crown Corporations too,

you know, had full-party support on moving forward with the recommendations and the recommendations of the auditor. And still the sky never fell in, as the member from Moose Jaw Palliser and the member from Prince Albert Carlton claimed would happen.

In fact, Mr. Speaker, I question how you can possibly have a body that has the power to set rules and guidelines but no power to enforce or follow through on what they recommend. And I think the motion today would really do a lot in making this government more open and honest, as they claim they are.

You know, when I listen to the member from Moose Jaw Palliser . . .

The Speaker: — Order, order. Order. The time for the debate, the 65 minutes has elapsed. And as agreed to by members of the legislature, there will be the opportunity of a 10-minute, up to a 10-minute question period.

Let me remind members that it is a question period on the content of the speeches that were given and can be directed to any of the members that spoke in the debate. It will now open for questions.

Mr. Kowalsky: — Thank you, Mr. Speaker. Mr. Speaker, we've had our debate, and I have a question for the member from Saskatoon Greystone, because presumably when you brought this motion forward and you catapulted the motion over and beyond the work that was being done by the Board of Internal Economy, you must have had a reason for it. You must have felt that you had some kind of a solution to offer.

So my question to you is, how do you see that this body would function in terms of enforcement and what kind of processes it might go through? How do you see it functioning?

Ms. Haverstock: — Thank you, Mr. Speaker. I do thank the member for his question.

As was stated in my remarks, we have been in contact with different provinces, and I had indicated that earlier on as well when I was sitting on the committee. And there is a precedent already.

And I think one of the things that was brought forward in our last Board of Internal Economy meeting were things that had been presented by the House of Commons, which is one of the reasons why I find it so shocking that the member from Moose Jaw Palliser and the member from Prince Albert Carlton view this with such disdain. It's as if what one is saying, what you are saying, Mr. Member, is that somehow we would not be capable of carrying out what other jurisdictions are currently doing.

A precedent has already been set. And what has been demonstrated by Manitoba is that even though they were left with similar problems with their equivalent to our Board of Internal Economy, one of the things that they found out is that they had the will to make changes when they found that in fact there was a

breach of their rules and their directives. And they took it upon themselves to deal with this in-house.

I find it extraordinary that you find it much more acceptable if somehow someone had come forward and signed an affidavit against the member of Yorkton in order to take that concern into our courts rather than trying to settle that concern within our own Assembly. If it in fact is because we are too vague in our directives . . .

The Speaker: — Order, order. I think the member has taken sufficient time.

Mr. Kowalsky: — It's not really a question, Mr. Speaker. The member from Greystone then has cited examples from other jurisdictions and says that there are precedences elsewhere. Now the record shows in the March 17 debate of the Board of Internal Economy that the committee has agreed that they should be looking at other jurisdictions.

So I'm asking the member then, are you prepared to follow the directions set out by the Board of Internal Economy and follow this process through? Let them collect the information, bring it to the board — you'll be there and so will the other members — and have a look at it, and then from all of that, compile the best possible solution.

Ms. Haverstock: — Thank you, Mr. Speaker. I find it interesting that the reasoning behind the member from Moose Jaw Palliser objecting to the motion that had been brought forward by the member from Thunder Creek at the Board of Internal Economy was because it would be precedent setting. There have been precedents set all across the nation.

What are we then going to do? Wait for people to come forward with all of their precedents, or are we going to make decisions based on what we think is right and proper in our own Assembly? I find this rather astonishing that the approach that you are willing to use is one that somehow sets aside all of our responsibilities.

And just to clear this rather grey area, I do not think that it would be advisable for us to simply give the board the power to enforce rules without making it a committee of this legislature. And the danger in giving it . . .

The Speaker: — Order, order, order. I think, members, if questions are asked, if we are going to answer them, I think we need to stay on the topic of the question that is asked. And I would warn members that in the future, if we're going to make this a productive session — we're experimenting with it — but I think that if the question is asked, then we should attempt to answer the question, if you're going to answer it. But I'm in the hands of the members. I know we're experimenting with this.

Mr. McPherson: — Thank you, Mr. Speaker. Mr. Speaker, I'd like to put a question to the member from Moose Jaw Palliser. The question has to do with the

fact that, as the member from Greystone had mentioned, the member was opposed to this sort of motion and such in the Board of Internal Economy because he was afraid it was precedent setting. And yet today he has another reason, and that be that the motion was being brought forward because of malicious intent.

Now that the member realizes that other provinces, in fact the federal government have come forward and dealt with these kind of problems, then does the member from Moose Jaw Palliser feel that some of the other provinces and the federal government also dealt with malicious intent, or could he maybe explain himself.

Mr. Hagel: — Thank you, Mr. Speaker. I thank the member from Shaunavon for his question and I assume that he asks it with the best of intentions, Mr. Speaker. This place operates, as does every Assembly throughout the Commonwealth, with precedent being a very, very significant part of the way things are properly ruled upon.

The fact of the matter is, Mr. Speaker, that the Board of Internal Economy has existed for some 13 years, and in that period of time there has been decision making being made as to whether what members are doing is appropriate or not.

We do have precedent. We have 13 years of precedent in the province of Saskatchewan. It has involved largely an administrative decision-making process that has been outlined on at least two occasions to the Board of Internal Economy. It has involved the intervention of Speaker. As I said in my remarks, it has involved as well the Speaker coming to the board with a question, without name of member, and then seeking for direction from the Board of Internal Economy.

Mr. Speaker, we should ought not, in my view, be moving off in some other direction without giving credence to our own precedent and without carefully weighing what is happening in other jurisdictions. It's not my judgement that knee-jerk reactions serve the public interests well, and that we should think them through and decide them carefully and appropriately.

Mr. Toth: — Mr. Speaker, I listened intently to the member from Prince Albert Carlton and the member from Moose Jaw Palliser. And I find it very interesting that both members happened to take the old view, the old view of how this House operates. In fact I just want to remind the members of one thing. It was when they were here in opposition they continually said through the 1989-91 period, that they would make this House ungovernable.

Now what the members on this side of the House attempted to do today, in bringing forward this motion, was to bring forward to the Assembly the importance of establishing a committee that actually had some teeth, that could set its rules and actually have the ability to enforce those rules so that as members we knew how we were operating.

I'd like to ask the member from Prince Albert Carlton if he is totally opposed to the motion.

Mr. Kowalsky: — Mr. Speaker, thank you very much. I'd like to say to the hon. member that I'm very pleased that this motion was actually before the House today because it gave us an opportunity to discuss this issue in a format other than where we've had before.

But I am opposed to passing the motion here in the House, of course, because that would make the work that is being done in the Board of Internal Economy now totally redundant. And why should we have that?

There is already work being done in the Board of Internal Economy. Research is being done. They'll weigh out the research, weigh out the good, weigh out the desirable from the undesirable, precedents that seem to work best, and then come forward with the recommendation to the Assembly as to which way we should go on enforcement or whatever with respect to the directives.

Mr. Martens: — Thank you, Mr. Speaker. I have a question to the member from Moose Jaw Palliser. How does the member provide to the committee an opportunity to have another member express, without privilege, his opinion on his view of what transpired in . . . let's say there's a problem with his communications allowance or travel allowance or any of the other allowances, and how does the member who is a member of that committee pass a verdict without privilege in that committee?

(1545)

Mr. Hagel: — Mr. Speaker, I want to respond to the hon. member's question by referring him to his seat mate who answered that very question, as a matter of fact, in the Board of Internal Economy committee meeting about three weeks ago when he said that the appropriate course of action that he would recommend — and it's on verbatim transcript; the members can review it for their own information — that the best way to do it is through their caucus representatives and the Board of Internal Economy. So that if a member wants to make representation there, that's the effective way of doing it.

If the members of the . . . MLAs of the Conservative caucus don't trust their representative, or the MLAs in the Liberal caucus don't trust their representative, then they have a way of remedying that, Mr. Speaker. But the remedy is simple and it's the same way it's always been.

The Speaker: — Time has elapsed.

PRIVATE MEMBERS' MOTIONS

Resolution No. 44 — Integrity of the Justice System

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I'm pleased to again stand in the Assembly to speak to this resolution. This resolution, and I'll read it into the

... for the Assembly:

That this Assembly recognize the significance of the provincial government's need to set an example in respecting the rights and freedoms of individuals and respecting justice and the laws of the land and to uphold all of these fundamental elements of the justice system and to recognize that no government, no arm of government and no individual is above the law and its penalties thereof.

Mr. Speaker, the reason for the resolution before the Assembly today, I think, is very evident. And certainly the ... what has transpired over the past few weeks in this province regarding the judicial system, regarding law and order, and regarding the law and justice, I think it's important that we take the time to review this matter.

Mr. Speaker, I think we are all saddened by some of the events that have taken place recently, even across our nation and across our country. Last night on the news we were reminded of the fact that some of the atrocities that we might expect to come out of areas such as Los Angeles or Florida or Third World countries or even Europe, actually took place in our nation's capital; where an individual or individuals rampantly went across the ... through the city of Ottawa, randomly shooting at individuals. And unfortunately a 27-year-old man lost his life.

Mr. Speaker, I also took a moment to listen to a phone-in show that took place this morning in the province of Saskatchewan here. And it was interesting to listen to the comments being made by individuals regarding law, regarding justice, and regarding the penalties that are handed out to individuals in regards to the crime that they may have committed. And, Mr. Deputy Speaker, very clearly, people, not only around the world but even in this country, are becoming very cognizant of the problems we have in our judicial system.

And I think what the motion does, Mr. Deputy Speaker, is reminds us of the basic principle that as individuals we were elected, and we here represent the laws and the legal and law-making community of this province and of this country. One of the basic principles in a democratic society is the right to elect representatives that will work on behalf of the people's interests.

Mr. Deputy Speaker, governments in this country and in this province are also democratically elected to ensure law and order and good government in the land. No government, no arm of government, and no individual, is above the law, the law and its penalties.

But, Mr. Deputy Speaker, what happens when the government no longer honours the laws it passes and strips the rights of individuals to challenge its decisions? Most people in Canada would think that that sort of thing would not happen in the democratic ... the democracy that we live in, this democracy of Canada. We might perceive this happening in other

areas of the world such as places like Cuba, but never here. Unfortunately this is exactly what is happening with the present government.

Mr. Speaker, we just saw recently a Bill brought before this Assembly to retroactively change the rules, to amend legislation. The members opposite amended The Provincial Court Act last spring in order to set up a commission to review judges' salaries, allowances, and vacation leave and bring these recommendations to the provincial government. At the time, Mr. Deputy Speaker, the Justice minister stated that such a commission was necessary in Saskatchewan. He even quoted the Supreme Court of Canada by saying:

... that the right to salary and pension should be established by law and not be subject to arbitrary interference by the Executive ...

Executive meaning the Premier and cabinet. That's from *Hansard*, May 25, 1993.

Mr. Deputy Speaker, we know what commissions are all about because the former minister of Justice also appointed a commission. He appointed a commission, and his commission was totally independent. It was made up of individuals totally outside of the legal profession and they came up with the recommendation that even at the time the former minister of Justice found difficult to live with.

And I think, Mr. Minister, what the minister was referring to, that it was difficult and that the executive branch of government, or government itself, should not interfere in the judicial process, but should set some principle and guidelines by which we all can live and survive.

And I must remind the minister that at the time, the commission set up in 1989 was asked to come back with recommendations, but their recommendations weren't binding. The minister of the day didn't make a binding agreement in his legislation. He left the door open to accept, to go with, to proceed with, or to choose another alternative.

The minister the other day also said, later the minister added, and I quote: it wasn't right for the judges to be at the mercy of the executive arm of government. As a result, the NDP government took out the veto power of the provincial government and replaced it with a clause that states the recommendations of the independent commission were to be binding.

And as I've just indicated, the former member or minister of Justice in his commission, in his legislation, didn't make it binding. And I believe when the Minister of Justice put that clause in, making his legislation and the recommendations of the commission binding, he put himself in a very awkward position.

And I must also remind the House that when we were debating this Bill, we had suggested to the minister that maybe he should look at some alternatives. Did he realize what his Bill was going to do? Did he realize

the power that he was giving to the commission? And as, unfortunate to say, Mr. Deputy Speaker, some of the warnings we gave back in May of 1993 have certainly come true.

Mr. Deputy Speaker, the members opposite were ready to accept and act upon whatever recommendations were made by this independent commission because they said it was the right thing to do. They said it was necessary that government should not interfere in any way in the decision making of judges' salaries, pensions, and allowances.

Months later, Mr. Deputy Speaker, what do we find? The independent commission brought forward a recommendation that judges receive a 20 per cent pay increase to place them in line with judges from other provinces.

Mr. Speaker, that may not be all that wrong. The commission, I'm sure, took the information they had, looked back over the period of time that the judges were raising and questioning regarding salaries and regarding the time period in which they didn't have a salary increase. And this commission unfortunately happened to be made totally of legal people. But at the end of the day they came up with a recommendation that, it would appear, added basically another two years to the recommendation of the 1989 commission.

And it's certainly fine and dandy for us to stand here and no, judges should not receive a salary increase of 24 per cent. I'm sure, Mr. Speaker, or Mr. Deputy Speaker, that the government did some polling. I'm sure they asked people to call in. And the question probably was: should the judges receive a salary increase of 24 per cent? And lo and behold, what was the response? I'm not exactly sure what the percentage of response was, but I would think that there isn't a person across this province who would say yes to that question. They would say no, definitely not.

However, Mr. Speaker, what would the government have received in response if the question would have been: should governments arbitrarily break the laws that they establish? What kind of a response do you think we would have received, or the government would have received to that kind of a question? Do you think it would have been a 10 per cent response in favour or against? I think it would have been overwhelmingly against governments turning around and abusing the powers invested in them.

So, Mr. Speaker, although the NDP's legal obligation was to abide by this recommendation, they decided to ignore the law and in fact to break it. And as the Minister of Justice has indicated, they did it because the public was on their side. It depends which question you were asking whether the public were on their side. They decided to once again rewrite history and wipe the slate clean, pretending the last law didn't exist.

Mr. Speaker, as I've been arguing, I don't believe

anyone would disagree that a 20 per cent raise is an exorbitant pay hike. And in fact many people have called me and raised the same concern, raised the same question. They have indicated, maybe you took the wrong side. But when you start to explain the issue and the fact that there is a principle here we must stand behind, we must stand for, then they began to say yes, that would be difficult.

But in light of the fact that there must be an example set — someone should be setting the example — so there are laws that we must abide by. We all must abide by the laws. Maybe you have a point there.

In fact when I look at the increases, brought to my attention that this increase, in the minds of the commission, the minds of the judges, goes back over basically over a period of six years. And when you look at that and take a 24 per cent increase over a period of six years, Mr. Deputy Speaker, that works out to 4 per cent a year.

It was very interesting, Mr. Deputy Speaker, that through the freedom of information, we find out that the deputy minister, Mr. Cotter, had his salary raised by \$6,300 at this time from a salary of 105,000 to 111,300, an increase of over 6 per cent — 6 per cent in one year — while at the same time he was making the recommendation that no, do not accept the commission's suggestion or recommendation; give the judges a 2.5 per cent increase.

And through that same freedom of information Act, Mr. Deputy Speaker, we find that there are many other individuals on the government side . . . or not on the government side of the House, but in the executive arm of government, deputy ministers and people working in government offices, that have received the same type of increase. Is that fair?

Mr. Speaker, what we've seen in the end, the government decided to try to score political points rather than adhere to the laws of this province, their own laws. Let's however set aside the politics and the dollar signs and think about the implications of the government's actions.

Mr. Speaker, we have a provincial government that has been willing to break laws at the drop of a hat. A government that when faced with issues they don't agree with say, oh well, let's just break the law and then change the law.

I would think that it's very obvious why the Minister of Justice cancelled his trip to Ottawa to meet with all the other Justice ministers across the country. I can just imagine what the Justice ministers from other provinces would think of our minister appearing, and he's breaking his own law, when they're trying to determine how they are going to set some principles and guidelines and set laws that we as ordinary, law-abiding citizens of this country and of this province, can live by.

(1600)

And as I was thinking about this question, Mr. Deputy Speaker, an area of concern that certainly has been brought to my mind and to my attention is, if I as a resident of this province happened to jump in my car and drive a half a block and forget to put on my seat-belt and there happened to be a police officer standing by and noted that, guess what, Mr. Deputy Speaker? I would probably receive a ticket and have to pay a \$70 fine, if that hasn't increased.

And, Mr. Deputy Speaker, as a law-abiding citizen, I may not like that, I may not appreciate that, but the law states that we must wear our seat-belt, and I would pay the fine. I would be a little annoyed, but I would pay the fine because those are the laws, those are the rules of this country; rules that are helping and trying to prevent us and protect us from accident and injury.

What an editorialist says, and I quote:

Someone has to take responsibility for this mess the Romanow government got itself into over salaries for Provincial Court judges. In this case, the buck stops with the justice minister. The notion of ministerial responsibility, which is central to our system of parliamentary government, must apply.

Suddenly, Mr. Speaker, we find the judges found out firsthand how 60,000 Saskatchewan producers felt when the NDP government did the same thing with GRIP (gross revenue insurance program) contracts — people in the judiciary, people in the court system.

And I think the interesting part about the debate that took place two years ago regarding GRIP, Mr. Deputy Speaker, for the larger portion of the province, the people in general, it didn't really affect them personally. So at the end of the day they may have said, well the government had no alternative. The government laid its hat on its debt problem, a debt problem that they knew was there all along. And because they didn't like the piece of legislation and the safety net that was laid out by the former government to help farmers through the lean times, work themselves, build for the prosperous times down the road, the government decided no, we're going to change the form of safety net. And because they missed the deadline, we will just pass a law and change the contract.

And, Mr. Deputy Speaker, as I've said, many people probably thought, well that's a little thing, that's just a little thing. That's just like me going and arguing that, were you sure I didn't have my seat-belt on? How can you give me a ticket? You didn't really see whether or not I released my seat-belt. You know, those are some of the little things we can argue, Mr. Deputy Speaker. And yet at the end of the day 60,000 Saskatchewan producers lost their access to a safety net that had the ability to be built upon.

And at the same time, Mr. Deputy Speaker, what do we find today?

The government's argument was, GRIP is going to cost

us a bundle and it's going to have a deficiency in the fund. The government changes the Act, changes the legislation, changes the safety net. Today we have a \$43 million surplus in the fund, and by the end of this year, as the premiums are paid in the federal portion, the matching portion comes in, possibly a premium fund balance of some 300 to \$350 million.

Mr. Deputy Speaker, I think what that says, it points out that in the end the GRIP program, even though it was facing deficiencies in the first one or two years, had the potential in the long term of being a sound, solid, safety net program that any individual . . . And the good part about GRIP, Mr. Deputy Speaker, was that farmers weren't forced into it. It was a matter of choice.

Mr. Deputy Speaker, what we have here with the judges — the judges have been advised that they have a strong court case against the government. In fact, I'd just like to read an editorial, or from an editorial, *Leader-Post*, Friday, March 25. And it says, the headline, "Wrong message from Mitchell."

Saskatchewan provincial court judges should do more than *consider* legal action in their contract dispute with the provincial government. They should actually file suit to ensure, as they correctly point out, "the sanctity of the law and the sanctity of the contract".

A little further on it says:

In reversing a legally binding decision, the justice minister — more accurately, the NDP government, since this was a decision of cabinet and not Mitchell's sole doing — breached the law and sent a clear message to the Saskatchewan people that arbitration is a satisfactory contract settlement mechanism only if the results favor government interests.

And it ends up with:

All governments are expected to act within the law and abide by the agreements into which they enter. Certainly the NDP government asks no less of the residents of this province. Perhaps, it is time for the courts to remind this government that its word must be its bond.

Mr. Deputy Speaker, we have heard time and time again of how the men and women who settled and built this great province, truly their word was their bond. My parents can remember times . . . In fact there are still a few occasions where a handshake means something. When you give a handshake with a neighbour and say that you're going to do something, it means something. Your word is your bond; that handshake is your bond.

And I think it's time that the supreme lawgiver, an example in this province, indeed set the example. Maybe it would be difficult — if I could use the word — crow, to eat; maybe it's difficult. But there are laws and guidelines which we must all adhere to and abide

by. And as I've indicated, the judges — and I'm not exactly sure, I believe the judges were making a statement today and I haven't had the opportunity of hearing that statement — but the judges have a sound case.

And it would almost seem to me that at the end of the day, if the judges decide to take on the government, they probably will have an inside road to get to the Supreme Court a lot quicker than GRIP contract holders. And I think, Mr. Speaker, what the government has done regarding this Bill and regarding the example they're setting, if indeed at the end of the day the judiciary decides to seek the avenue of the courts, if indeed the courts rule in their favour, what we're saying again, Mr. Deputy Speaker, is the fact that many more people are going to start looking at legal action against this government over contracts they have changed retroactively and made them retroactive to take away not only the rights of individuals but their ability to even come and challenge in the courts the actions of this government.

Mr. Speaker, this kind of unilateral breaking of contracts that are legal and binding is indeed breaking the law. It erodes the very foundation of democracy as we have known it in Saskatchewan and Canada for years. What is worse, Mr. Speaker, is that the Saskatchewan New Democratic government has been making a habit of breaking the law for some time now.

In addition to GRIP, they've broken contracts with civil servants, Federated Co-op, and the list goes on. In fact one of the headlines today, an editorial said, the editorial reads: "Question of the day: who is next?" Who is the next group on the list? Who is the next person that is going to be challenged? Because the government finds it a lot easier to break the law rather than to set the example and be the example.

Mr. Speaker, the government has rewritten the law, and at the same time, taken away the rights of individuals to go to court over individual rights that have been violated — rights, Mr. Deputy Speaker, that have been implemented in this country for a number of years, rights that a great prime minister, born in the province of Saskatchewan, stood for and fought for and established in the charter of rights. Those rights are at issue, the rights that the Rt. Hon. John George Diefenbaker stood upon; and when he became prime minister, stood for and established in his term as prime minister, rights that you and I have the privilege of enjoying.

Mr. Speaker, if the public cannot trust the government to uphold the laws they write, who can they trust to uphold and enforce the law? Obviously not this government. The NDP's actions send a clear message to the people of Saskatchewan: the members across the way believe they can do anything. They believe they can break the law and ignore the consequences. They believe their actions are justified and above the law. They believe the end justifies the means.

Mr. Deputy Speaker, that is not what my wife and I

have been teaching our children, and I don't believe that is what other parents are teaching theirs. Mr. Deputy Speaker, there are principles we must stand on. What we have seen and what we have been viewing in the past few days is a government that has proven that it does not respect democracy, and I fear for that. This government has proven that it does not respect justice and the people of our province.

Mr. Speaker, I think what the minister has said in his actions is that he and his government have proven that they do not respect the very foundation on which this country and this province was built. And I think we, as legislators in this Assembly, should be very fearful, we should be very careful.

Mr. Speaker, I don't believe that we want to set an example whereby young men and women and young people across this land can look to the leading officials and the lawgivers and say: yes, but he can do it; why can't I? He can break the laws; why can't I? I think too many people are breaking the laws nowadays. I think too many people have looked at examples around them that haven't been solid examples, and it is the responsibility of elected representatives when they set laws and enforce laws to be the example to follow.

Mr. Speaker, I therefore move, seconded by the member from Souris-Cannington:

That this Assembly recognize the significance of the provincial government's need to set an example in respecting the rights and freedoms of individuals and respecting justice and the laws of the land and to uphold all of these fundamental elements of the justice system and to recognize that no government, no arm of government and no individual is above the law and its penalties thereof.

Mr. Thompson: — Thank you very much, Mr. Deputy Speaker. I rise to speak on the motion put forward by the member for Moosomin, motion no. 44. And after my remarks, Mr. Deputy Speaker, I want to move the following amendment, seconded by my colleague, the hon. member from Cut Knife-Lloydminster. My amendment would read:

Remove all the words after "Assembly" and replace with the following:

acknowledge that the Government of Saskatchewan is making significant gains in achieving financial stability to ensure fair treatment to all the people of Saskatchewan, must continue to be vigilant in ensuring that expenditures are in the public interest.

Mr. Deputy Speaker, in the motion by the member from Moosomin, he talks about setting examples and respecting the rights and freedoms of individuals and I fully agree with him that this government has to set examples. And I want to explain.

That is really what we are doing, Mr. Deputy Speaker.

We're making significant gains in achieving financial stability so that we can bring fairness to all our citizens. And, Mr. Speaker, I think that's the thrust of my amendment — is to bring fairness to the citizens of this province.

And I want to indicate to you that we still have a long ways to go. And I want to give you some examples of the type of unfairness that we have in our province. And I give you some of the examples in my own constituency. And I want to compare these examples of the example that the member from Moosomin was using when he spoke and defended, I might add, the 24 per cent increase to judges. And he tried to somehow water that 24 per cent increase down as being fair.

And he worked it over a six-year period, and indicated that if you take 24 per cent for six years, that they would only amount to 4 per cent per year. And I will get back to that and show you just how unfair that is to the rest of the citizens of this province.

Up in my constituency I have individuals who are unemployed pretty well all year round, and they wait for the fire season to come around so that they can get a job fighting fire. And you could go into some of the communities and you will see large line-ups of individuals who are waiting for a fire to start so that they can go out and get a job and make a few dollars.

And just to show you how degrading this is to individuals up in my constituency, they can be called out, they'll go out to a fire, they're hauled out to the bush where the fire is and start fighting the fire and fight for a couple of days. And then a rainstorm comes along and the fire's out, they're all picked up and hauled back into town, and they're unemployed again, waiting around for the next fire.

(1615)

And this is the type of situation that we have in Saskatchewan and specifically in my constituency of Athabasca. And it's something that we have to all work as a group of legislators to try and solve these problems. Just no way that we can continue to operate and have the type of poverty and dignity taken away from individuals in the examples that I have given you.

Another example, and I compare this to the salary that the member was talking about from Moosomin, the judges' salary and the 24 per cent. Individuals who go out and work and they work on welfare jobs, and they go around and they take small jobs, work for 20 weeks, and after the 20 weeks is over, then they're out of a job. And they go from that job, from a 20-week job onto UIC (Unemployment Insurance Commission). And from UIC then they go back to the welfare jobs.

And I say, Mr. Speaker, that this is degrading. And when we start comparing jobs of this nature, who are there working for minimum wage, they only work for 20 weeks and then they're laid off. And then the member from Moosomin has the nerve to stand up in

this House and indicates that, well 24 per cent for the judges is not bad because it works it out — he has his own formula — four years at 6 per cent per . . . 4 per cent per year. Well I'll tell you that there's a lot of individuals in this province who would just love to have a 4 per cent increase a year in their wages, and there's a lot of them who would just love to have a job.

And I speak of the minimum wage earners and part-time wage earners. And you can just take a look at the individuals around this province who are trying to make a living — they're trying to feed their families, trying to put food on the table — who work part time. Thousands and thousands of them who work in the superstores, who work at McDonald's. They'd just love to have that type of an increase in wages of 4 per cent per year.

I think when he spoke that we as a government were breaking the law, well I don't accept that. I think that what has taken place is a mistake was made. And when you make a mistake, you have to admit that and you have to rectify that mistake. And that's what we've done here; we've rectified the mistake.

And I give you examples. We asked the SGE, Saskatchewan government employees, the employees to take zero increase in '91, zero in '92, and 2.5 in '93. We're asking health workers, we're asking nurses, we're asking teachers. They're all taking zero, and some of them are taking roll-backs. Up in the forest industry there's a number of individuals who have taken a roll-back of a dollar sixty an hour in their wages just in order to have a job. And that's a fact of life.

And it's not just the provincial government who is taking part in this attack on the economy and trying to get our economy under control. It's the federal government also. And I give you an example of the RCMP. The RCMP right now are working with a five-year freeze in their salaries. They cannot get an increase in the RCMP now for five years. There is also a two-year freeze on increments. So you can see it's not just the provincial government; it's the federal government also. And I commend them for taking those steps to try and solve the serious economic problems that we have.

And we as governments, we have to set examples. All governments have to set examples, and this government in particular. And we have freezes on MLAs' salaries and expenses; we have roll-backs for cabinet ministers.

We are setting examples and we are respecting the rights and the freedoms of individuals to have a job. And that's what we all have to work for — the right to a job. And when you have that right and you have that job, comes freedom to raise your families and to do what you want to do.

Mr. Speaker, I asked that member from Moosomin where the justice is. Where does he see justice in indicating that judges should receive a 24 per cent increase in salaries? I asked him where that is.

When one segment of society is given 24 per cent raise on \$90,000 a year when the rest of society who are working are asked to take small increases, zero increase, and some segments of our society actually taking roll-backs, and for the thousand who are unemployed or are living on welfare, I asked him where the fairness is in that. And I just say this to you, Mr. Speaker, there is absolutely no fairness in that.

We are facing tough economic times. We all have to make sacrifices. Some segments of society will suffer more than others. All of us who are on a higher end, income end of the pay scale should be prepared to do what we can to make life better for those that are on the lower end of the scale. And you take 24 per cent of \$90,000, that's a lot different than getting 2 or 3 per cent or zero for individuals who are earning 10 and \$15,000 a year.

One has to take into consideration what we're talking about here. We're talking about a group of individuals who are at the highest scale in our province and we want to give them a 24 per cent increase in wages. And I think we as a government just cannot do that.

And if we do that, Mr. Speaker, then I say quite clearly what we are creating here is a class society, and that's something that we do not need, is a class society in this province. That's exactly what we would be doing.

Mr. Speaker, with that I just want to indicate quite clearly that I cannot support this motion and I want to move this amendment, seconded by the hon. member for Cut Knife-Lloydminster:

Remove all the words after "Assembly" and replace with the following:

acknowledge that the Government of Saskatchewan is making significant gains in achieving financial stability to ensure fair treatment to all the people of Saskatchewan. We must continue to be vigilant in ensuring that expenditures are in the public interest.

I so move.

Some Hon. Members: Hear, hear!

The Speaker: — I find the amendment in order and the debate will continue on the motion and the amendment.

Order. Why is the member from Rosthern on his feet?

Mr. Neudorf: — A point of order, Mr. Speaker. I was not able to hear the member read it, and you did not read the motion to me so that I could hear it, so I would appreciate it if you would reread that motion.

The Speaker: — The member makes a valid point of order. Order. The member from Athabasca has moved an amendment, seconded by the member from Cut Knife-Lloydminster:

That all the words after "Assembly" be replaced by the following:

acknowledge that the Government of Saskatchewan is making significant gains in achieving financial stability and to ensure fair treatment to all the people of Saskatchewan, must continue to be vigilant in ensuring that expenditures are in the public interest.

And I recognize the . . .

An Hon. Member: — Mr. Speaker, on a point of order.

The Speaker: — What's the member's point of order?

Mr. Neudorf: — Thank you very much, Mr. Speaker. In relation to the amendment as proposed by the member from Athabasca, I would submit to you, Mr. Speaker, that the amendment is not in order simply because the main motion as such, makes absolutely no reference whatsoever to any financial agreements or any financial situations whatsoever. It's entirely a justice- and law-related matter, as the member from Moosomin has moved.

And, Mr. Speaker, I further submit to you that the amendment as such, as its fundamental premiss simply indicates that there is a financial stability, and what this motion then does is reverts from law and order to an economic, fiscal, financial stability kind of a situation.

Mr. Speaker, I submit to you that in Beauchesne's 6th Edition, page 175, dealing with amendments, under the main section of "Motions" no. 568., does indicate quite clearly, Mr. Speaker, that:

It is an imperative rule that every amendment must be relevant to the question on which the amendment is proposed.

And then further on, Beauchesne's continues, Mr. Speaker, on page 176, under the heading of "Inadmissible Amendments" no. 579., subsection (1):

An amendment setting forth a proposition dealing with a matter which is foreign to the proposition involved in the main motion is not relevant and cannot be moved.

And then 579., subsection (2), further, Mr. Speaker, indicates:

An amendment may not raise a new question which can only be considered as a distinct motion after proper notice.

Mr. Speaker, I submit to you that this amendment, as proposed by the member from Athabasca, is not in order.

Hon. Mr. Lingenfelter: — I shall be very brief, Mr. Speaker. We don't want to take up all afternoon on the amendment. I would submit to you that it is in order. The subject matter of the two is the same, the issue is

the same. The amendment suggests a different approach to the same problem. There's a time honoured tradition in this House of allowing such amendments. The subject matter, it is the same issue; it is simply a different approach.

The Speaker: — Order, order. I have re-examined the amendment and I've listened to the points of order raised by the member from Rosthern and also the explanation given by the Government House Leader. And I do think that the member from Rosthern makes a very valid point of order.

The main motion speaks very, very clearly on the rights of individuals and respecting justice and the law. The amendment deals entirely with the financial aspects and brings an entirely new realm of debate. And I find the amendment out of order and the . . . order! — find the amendment out of order and the debate will continue on the main motion.

(1630)

Mr. D'Autremont: — Thank you, Mr. Speaker. I'm pleased to rise today to speak on this resolution, Mr. Speaker, because it is indeed a very important motion that has been presented to this House.

I would like to reread the last portion of the motion:

. . . no arm of government and no individual is above the law and its penalties thereof.

Mr. Speaker, and that's what this issue is all about. It's not about money; it's about the rule and sanctity of law. The members opposite and the minister have tried with smoke and mirrors to camouflage what the real issue is. But the real issue is not how much money the judges make. Because if it was an issue of how much money the judges make, then the same value in money could be saved by the provincial government if they simply eliminated one of the cabinet ministers. It would be almost an identical amount of money.

And, Mr. Speaker, if they were to eliminate one of the cabinet ministers, they could do so without breaking the law. And that's the important point — without breaking the law. Because what the Minister of Justice has done in this particular case is indeed has broken the law.

The member from Athabasca spoke of the desperate situations in his own constituency dealing with finances. He spoke of the various groups that have taken roll-backs or zero per cent increases in their salaries, and of which MLAs are one. I believe the last time the MLAs received a salary increase was 1986.

But if it's a question of increases and if it's a question of how much money can be saved, the public has to ask the question: how much money would have been saved had the NDP cabinet ministers' ministerial assistants not received a salary increase? How much money would have been saved then? They didn't have to pay that extra amount and they wouldn't have broken the law had they not paid it.

The Minister of Justice, Mr. Speaker, gave the deputy minister of his department a salary increase. The government has tried to say that because judges are well paid in our society that they don't need an increase. Well the deputy minister was earning 105,000 and has now had an increase to 111,000.

So, Mr. Speaker, even the government in their actions admit that it's not an economic situation; it's a situation of the rule of law and the fairness and the applications of law and justice in this province.

The government, in talking about the financial situation, is simply trying to justify in their own minds — because I think there are a number of members on that side of the House who feel guilty about this situation — they're trying to justify their own actions of breaking the law.

And, Mr. Speaker, no principle is more sacred in our system of government than the rule of law. If you look at Canadian society, Mr. Speaker, what is Canadian society based on? It's based on law, order, and good government. Law, order, and good government, Mr. Speaker.

And the first one of that is law. Our whole system of government is based on the rule of law. Now the French fought a revolution for liberty, equality, and fraternity. We didn't fight a revolution, Mr. Speaker, we developed through the British parliamentary system and we follow a system of law, order, and good government. But, Mr. Speaker, when a government breaks the law, that is not good government and that destroys order.

Mr. Speaker, the rule of law is a concept that is perhaps the proudest accomplishment of western democracy and the idea that no one — not the Justice minister, not the Premier, not even the Lieutenant Governor or the Queen — is above the law. Everyone, Mr. Speaker, is subject to the law and, should they break the law, is subject to its penalties.

The government doesn't need to take our word for this, Mr. Speaker. History and literature are full to bursting with authorities who are willing to stand up for the most basic, most necessary democratic ideal.

If the government will not listen to our words on this important subject, perhaps they will listen to the venerable voices of history. As Denis Deiderot spoke so wisely two centuries ago: "anyone who takes on himself, on his own authority, to break a bad law, thereby authorizes everybody else to break the good ones.

And that's indeed the case, Mr. Speaker. Once you sanction the breaking of a law, for whatever reason, then others can take that own authority onto themselves to break whatever laws it is they wish to break. Because when the Minister of Justice declares that the law he wrote himself is null and void because he doesn't like it, and he breaks the law, then what is to say that someone else who, in their own judgement,

decides that a law is no longer valid for them, and they break it, does that mean they are as immune from prosecution and the penalties of the law as the Minister of Justice is claiming himself to be?

In his breaking of the law and in his attempts to rectify the situation, or to make himself immune from the penalties of the law, he is denying those other members of society the right to approach the courts for justice under the law.

And justice is not what the Minister of Justice decides it is, it's what society decides is just. The Minister of Justice, while he is indeed the top legal official in this province, it is not up to him to make the judgements. That is up to those that society has appointed to sit upon the bench and to judge. And that, Mr. Speaker, is not the Minister of Justice.

The minister and the government, when they break the law, make themselves outlaws; they step outside of the law. And, Mr. Speaker, we've seen in this province, we've seen across this country, those who are prepared to take what is called civil disorder, that are prepared to stand up and break the law for their own particular purposes.

We see that happening today out in British Columbia, where protesters protest the logging, they break the law, the court's rulings, the rulings set out by the provincial government, and what happens? They are arrested, they're taken before a judge, and they suffer a penalty as a result. While they break the law, Mr. Speaker, because they do not agree with it, they pay the penalties of such action.

But the Minister of Justice says no, I'm above that. You are not allowed to take me to court. You cannot say that I have broken the law because, Mr. Speaker, the Minister of Justice is saying with his piece of legislation that the law no longer exists; that law was never there. Well, Mr. Speaker, the law was there. He wrote it and his government passed it. They all voted for it, Mr. Speaker, and it's on their heads that they break the law.

In debating this issue, Mr. Speaker, of the judges' dispute, in question period, the government spin doctors would like the public to believe that in opposing the government's actions we are supporting the judges' raise. The words by Deiderot however tell the truth and spell out clearly and simply what our position is, Mr. Speaker.

We don't expect the government to understand this, since to them justice and politics are one and the same. That this represents bad government was affirmed by Woodrow Wilson, past president of the United States a number of years ago, who once said: "Justice has nothing to do with expediency." And, Mr. Speaker, that is exactly what this legislation, presented by the Justice minister, is all about. He broke the law for political expediency.

He initially made the law for political expediency because he did not wish to make the determination,

his government did not wish to make the determination as to the salary concerns of judges. They determined that it would be politically expedient to give it to an independent commission, allow them to make a binding arbitration. And this is what the minister put into his legislation and this is what he agreed to in a written contract with the judges — a binding arbitration.

And, Mr. Speaker, because when the commission came back he did not agree with it, for political expediency he broke the law.

He broke the law, and then because he is in a position of power — he and his colleagues are the Government of Saskatchewan — he used the power of the majority, the tyranny of the majority, the tyranny of power, to pass another law stating that the first one had never existed. It was null and void and had not existed. And, Mr. Speaker, it doesn't matter how the Minister of Justice colours it, how his government colours it, they have broken the law.

Mr. Speaker, a little closer than Woodrow Wilson, John F. Kennedy once said about the United States, although it could apply to any western democracy:

Our nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law is the surest road to tyranny.

Or John Locke put it more directly:

Wherever Law ends, Tyranny begins.

And that's what we're seeing here, Mr. Speaker. We're seeing the tyranny of power: the fact that the Minister of Justice and his colleagues have the power to break and change the law. They are exercising it.

And it's not a question of the money. It's a question of using the power vested in them by the people of Saskatchewan to provide good government, that this government is breaking the law and then using that power to retroactively change and say that that law had never, ever existed.

And it's not a great revelation to the people of Saskatchewan, Mr. Speaker, that this would happen. Because we see before us unelected health boards. We see the bullying of interest groups — if they don't happen to agree with this particular government, they're threatened. Arbitrary measures taken against their wishes. They've known this for a long time.

Ever since 1991, Mr. Speaker, they have seen this happen with this government. And what is so surprising to us all though, is that the Minister of Justice, who seemed to be a reasonable man, would be so brazen in his contempt for the principles that MLAs are supposed to hold so dear, to the rule of law.

I carry on with one last quote from the Minister of Justice . . . that the Minister of Justice may be very familiar with. And this is from an article by A.V. Dicey

from his treatise on British parliamentary law, *Introduction to the Study of Law of the Constitution*. And this book was published in 1885 and is one of the most definitive works of the legal structure in concepts of British-style democracy and therefore one which I presume the esteemed minister has come across in his studies in becoming an officer of the court.

(1645)

And I quote:

It is now well established law that the Crown can act only through ministers and according to certain prescribed forms which absolutely require the cooperation of some minister . . . who thereby becomes not only morally but legally responsible for the legality of the act in which he takes part.

Hence, indirectly but surely, the action of every servant of the Crown, and therefore in effect of the Crown itself, is brought under the supremacy of the law of the land. Behind parliamentary responsibility lies legal liability, and the acts of ministers no less than the acts of subordinate officials are made subject to the rule of law.

And it's a long and lengthy quotation, Mr. Speaker, but it clearly lays out that the Minister of Justice is legally responsible, is not only legally but morally responsible, for the acts that he takes part in as part of this government and in bringing forward the pieces of legislation that he has.

He was legally and morally responsible for the piece of legislation he brought forward establishing the commission which provided the binding arbitration. And he is legally and morally responsible for the act of bringing in legislation which will deem that that original Act did not exist. That he broke the law, but because the Act will no longer exist when this piece of legislation is passed, that he had not have broken the law.

Well, Mr. Speaker, he is morally and legally responsible and we will hold him responsible for that.

Mr. Speaker, the commission that was set up provided for a binding arbitration. Both parts — the government on one side and the judges on the other — agreed to abide by whatever determination this commission came down with. Without regard to what the figures would have been, both sides agreed to abide by those.

There was a law. The Minister of Justice passed legislation in this House setting out this binding arbitration. The Minister of Justice also signed a legally binding contract with the judges that they would agree to whatever settlement was proposed by this legally binding arbitration.

But, Mr. Speaker, as has become the tradition with this government, contracts are only valid when they favour the government. Contracts have no

impediment upon this government when the government disagrees with them.

Because we've seen them break the contracts, legally signed, duly sealed and delivered contracts with civil servants, with farmers, with the Co-op upgrader, and now with judges.

And, Mr. Speaker, the question has to be, who will be next? Because surely, as these four examples demonstrate, there is no one in the province of Saskatchewan who can consider themselves to be sacrosanct from the machinations of the government opposite.

If they desire to break a contract with you, they will do so without conscience — without conscience, Mr. Speaker. Not one of the members opposite has felt that there was . . . or has at least stated that there was anything wrong with what the Minister of Justice has said; what the Minister of Justice has done. Not one, Mr. Speaker.

Mr. Speaker, we have to consider what other laws that this government might break. Sometime the government is going to be approaching a period of time when they are going to have to call an election. And, Mr. Speaker, if they carry on the way they have been, the possibilities of their re-election will be somewhat remote.

But what's to say that the Minister of Justice doesn't approach the House at that particular point in time and say, I deem the law that says you have to call an election every five years to be *ultra vires*, has never existed. We deem it out of existence and therefore we can sit here as long as we want. Oh yes, five years, Mr. Speaker. And the members opposite . . .

The Speaker: — Order, order. I noticed a number of unfamiliar faces on this side of the House, but they're sure noisy, and I ask them to please come to order, and let the member from Souris-Cannington continue. Order.

Mr. D'Autremont: — Mr. Speaker, what other laws might the government change because it doesn't suit their particular purpose to have those laws in place any longer? Because it is no impediment on them — at least it seems to be no impediment on them — to break the law.

Mr. Speaker, the member from Moose Jaw Palliser spoke earlier in a motion about the traditions and the precedents that parliamentary democracy has established. And indeed, tradition and precedents have been a large part of this House. But an even greater part of this House, Mr. Speaker, has been the rule of law. I would question the actual tradition that is being established in this House with the examples I gave earlier — the breaking of legal contracts with civil servants, the breaking of legal contracts with farmers, the breaking of contracts with the Co-op upgrader, and now with judges. And it's not just a tradition of breaking contracts; it's the breaking of the law.

And, Mr. Speaker, what needs to happen in this province is the Minister of Justice needs to be taken to court, and the government needs to be taken to court, because they have . . . and they continue to break the law.

And, Mr. Speaker, they will be judged accordingly by the public, not for the monetary concerns that they have, but for their disregard for the law of the land. They place themselves, Mr. Speaker, above the law, above the people. And by doing so, Mr. Speaker, they showed disregard, total disregard, for the people that they swore to provide good government to, the people that they swore that they would uphold the law for — not break it, Mr. Speaker, but uphold the law. And that is not what they're doing.

And they have, Mr. Speaker, a good number of legal minds on that side. And you have to question what they meant when they took their oaths. What did the Minister of Justice mean when he took his oath to uphold the law of the land? Mr. Speaker, he didn't swear to break the law; he swore to uphold the law.

Mr. Speaker, this is wrong. What the government is doing is totally, totally wrong. And if you look back on some of those quotes that I read:

Behind parliamentary responsibility lies legal liability, and the acts of ministers no less than the acts of subordinate officials are made subject to the rule of law.

Mr. Speaker, the Minister of Justice is not above the law of this land. He may wish to place himself above that law but he does so at his own impunity. And, Mr. Speaker, the people of this province will judge whether or not the minister and his government are right.

Mr. Speaker, the people of this province will not abide by a government who breaks the law. Mr. Speaker, we ask that the minister withdraw his legislation, admit that he is wrong in trying to break the law, and provide the judges with their financial reward and then proceed to do something about it after that point if he wishes. But he does so within the bounds of the law.

And, Mr. Speaker, when a minister of the Crown breaks the law and is held legally liable and subject to that law, there is only one action, only one which can repay, which can provide confidence to this House that the government is proceeding in the proper manner, and that is for that minister to resign. That is the only way that a minister who has broken his oath of office can redeem himself and allow the House to be cleansed of that influence.

Mr. Speaker, the only way is for that minister to resign. And, Mr. Speaker, if he doesn't resign, then the other course of action is for the Premier to demand his resignation and withdraw his appointment.

Mr. Speaker, that is the honourable and the proper course of action. That is the course of action as set out

by tradition and precedents as spoken about by the member from Moose Jaw Palliser. That is the tradition — not that you stand in the House and because you have the power of majority in the House to break the law and then change it, Mr. Speaker. The tradition is to resign if you break the law.

And, Mr. Speaker, it's not just the Minister of Justice who is breaking the law in this case, but he is doing so with the acquiescence of everyone of his members and perhaps they should be searching their consciences about breaking the law, Mr. Speaker. Mr. Speaker, I believe it comes down to a question, as I said earlier, not of money, but of law.

And, Mr. Speaker, what we have seen happen in this House on the day when the member, the Minister of Justice, brought forward his piece of legislation, and before that, when he broke from the law when he had 90 days to make his determination — 90 days, Mr. Speaker, to make a determination — and he didn't do so. And then he prevaricated and prevaricated; he put it off time and time again. He suggested that, tomorrow, tomorrow I will come to a decision. Well, Mr. Speaker, that's where he broke the law, and that's where he went wrong.

Thank you, Mr. Speaker.

Hon. Mr. Shillington: — I move the debate be now adjourned.

Debate adjourned.

The Assembly adjourned at 4:57 p.m.