

The Assembly met at 1:30 p.m.

Prayers

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Hon. Ms. Atkinson: — Thank you very much, Mr. Speaker. Mr. Speaker, I'm pleased to be able to introduce to the Legislative Assembly today a group of 12 Saskatchewan students who are delegates participating in the interchange of Canadian studies.

The interchange on Canadian studies has been an annual event since 1972 and this year it is being held in Corner Brook, Newfoundland, from May 1 to May 6. The theme of this year's conference is "Charting New Waters: Working in the 21st Century." The conference program will cover areas such as environmental issues and the economy of the 21st century; technology and its impact on jobs; and native people's concerns for a better economic future.

Mr. Speaker, these 12 students come from farms and towns and cities across our province. They were chosen at the regional level from the nominations put forward by high schools throughout Saskatchewan. I'd like to introduce them individually at this time.

In the gallery we have Derek Yasinski from Grenfell; Christy Hook, Oxbow; Clint Drever, Maple Creek; Carmen Holding, Gull Lake; Jordan McJannet, Davidson; Joni Samkoe, Regina; Jaime Lavalee, Saskatoon; Jeff Meister, Humboldt; Marie Christopherson, Kinistino; Carri Poncelet, Kinistino; Amber Arcand, North Battleford; and Amy Settee, Cumberland House.

They are accompanied by Ms. Pat Ferguson, Mr. Brent Toles, and Mr. Larry Gray from the Department of Education, Training and Employment.

The interchange of Canadian studies is recognized as a valuable program allowing young Canadians from all parts of Canada to meet and share their experiences. I'm sure that they will be fine ambassadors on the part of our province. I would ask all members in joining with me in welcoming these Saskatchewan young people to the Legislative Assembly.

Hon. Members: Hear, hear!

Hon. Mr. Anguish: — Thank you, Mr. Speaker. Through you to members of the Assembly I wish to introduce two distinguished guests this afternoon sitting in your gallery. We have with us today Mr. Vinuela, the Consul General of Argentina, centred out of Toronto. And with him is Mr. Erbar, who is the commercial consul at the consulate of Argentina, in Toronto.

While these gentlemen are in Saskatchewan, Mr. Vinuela will be meeting with the Lieutenant Governor and officials in the departments of Economic

Development, Energy and Mines, and Agriculture and Food. And he will also be meeting with the mayor of Regina and the officials from the Saskatchewan Wheat Pool and the Saskatchewan Chamber of Commerce.

The Minister of Economic Development and myself had the honour to meet with the delegation from Argentina last week — Mr. Mondino, I believe it was — and the representatives from the utility. And we had a pleasurable and I think productive meeting with them.

I look forward to meeting both of you later this afternoon and I ask all members of the Assembly to welcome these two distinguished gentlemen here this afternoon.

Hon. Members: Hear, hear!

Mr. D'Autremont: — Thank you, Mr. Speaker. I would like to join the Minister of Education in welcoming the interchange students to the Assembly; in particular Christy Hook who is from my constituency.

I'd also like to introduce to yourself, Mr. Speaker, and through you to the Assembly, a group of seniors seated in your gallery who are here from the seniors' education centre at the University of Regina. In particular, I'd like to ask everyone to welcome my mother and father-in-law who are seated in the very top row up there. And I'd like everyone to welcome them here today.

Hon. Members: Hear, hear!

Ms. Crofford: — Thank you, Mr. Speaker. I'd like to join in welcoming the seniors from the extension division of the University of Regina. This group is taking classes through the university extension division. And the education centre's a partnership between the Seniors' University Group Inc. and the university extension, University of Regina.

Each year the centre provides over 80 adult education courses in Regina and a variety of learning programs for and with seniors. Lorraine deMontigny, the director of visitor services, has been spending some time with their class on the history of the Saskatchewan Legislative Building, so today is their time to see the legislature in action.

I've been over to the centre; it's just an excellent place. I can hardly wait till I have time to go there.

And the photo will be at 2:15 and then we'll meet after for a visit. And I'm sure they'll have tough questions because they've really boned up on this subject.

Would you join me in welcoming them.

Hon. Members: Hear, hear!

Mr. Koenker: — Mr. Speaker, I'd like to introduce to

you and through you to members of the Assembly two guests who are residents of Saskatoon, in the west gallery today — Carol Levins and Merv Hey. Carol and Merv are here today for a board meeting of the Saskatchewan Water Corporation at 2 o'clock this afternoon. Welcome.

Hon. Members: Hear, hear!

Mr. Cline: — Thank you, Mr. Speaker. I'd like to join with the other members in welcoming the seniors here today, and in particular I see my aunt, Rosa Morgan, from the city of Regina. And I'd like to say hello and a special welcome to her. Thank you.

Hon. Members: Hear, hear!

Mr. Trew: — Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all of my colleagues in the Legislative Assembly 25 grade 3 and 4 students seated in the west gallery, Mr. Speaker.

These students are from St. Bernadette School which is four or five stone throws from our house. I'm looking forward to meeting with them and having a picture at 2 o'clock. Their teacher is Ms. Marie Flegel, who may be known to many of us, having been with guide services for five years, I believe. So no stranger to the Legislative Assembly; good to have you back visiting us, Ms. Flegel.

Accompanying the students and teacher are parents, Ms. Chadwick, Ms. Nagy, Ms. Verhelst, Ms. Evans, Ms. Miller, and Mr. Schweitzer. I ask all members to join me in a warm welcome to the group from St. Bernadette's.

Hon. Members: Hear, hear!

Mr. Langford: — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to the members of this Assembly, I'd like to introduce three guests in your gallery, Mr. Speaker. They have arrived from my constituency and P.A. (Prince Albert). They are Heidi Obradovich, and someone special to me is Kim Langford, who is my daughter, and her friend Corrinne Heidel.

I will be meeting with them after question period. So would you please welcome them here.

Hon. Members: Hear, hear!

Mr. Neudorf: — Thank you very much, Mr. Speaker. I too would like to introduce to the Assembly this afternoon three individuals that are very near and dear to my heart. And in the east gallery is my son, Dean, and his good wife and my daughter-in-law, Brenda.

And Dean always makes a habit of coming down once or twice a session. But the last time I introduced these individuals, Mr. Speaker, was almost three years ago, and the couple at that time was being introduced as just coming back from their honeymoon. They stopped back in here and I introduced them as being beaming but tired.

At this time however, Mr. Speaker, I am pleased to also introduce the third member up there, and that is my granddaughter Latraca, and Latraca is a granddaughter that would do any grandad proud. Mr. Speaker, I'm pleased to inform you that she knows her ABC's, can count from 1 to 20, knows all the colours including colours like grey and pink, and all of these kind of things.

And, Mr. Speaker, I just happen to have a couple of volumes of the baby pictures here. If we could get the camera to zoom in I'd be glad to share that with you people out there as well. But, Mr. Speaker, I know that that's not allowed. You expressed interest in what I had on my desk as you walked by, Mr. Speaker, and I'm pleased to inform you at this time I'll be glad to join you in your office and we can spend a couple of hours and I'd be pleased to show you through all the accomplishments, Mr. Speaker.

I would ask you, Mr. Speaker, and members, to help welcome part of my family here.

Hon. Members: Hear, hear!

The Speaker: — The only comment I could make about that is the grandmother must be very proud of an intelligent grandchild.

STATEMENTS BY MEMBERS

Day of Mourning for Workers Injured or Killed in the Workplace

Mr. Goohsen: — Thank you, Mr. Speaker. On behalf of the official opposition I would like to recognize this day of mourning for those workers killed or injured at the place of their employment.

Mr. Speaker, this week Saskatchewan residents were stunned to hear the news that a farm worker was fatally injured while at his place of work. Reports such as this make each of us realize how vulnerable we truly are to unforeseen accidents that result in injury and death.

To those who have suffered the loss of a loved one, I offer my deepest and heartfelt sympathy, Mr. Speaker. To those that have been fortunate enough to evade such a tragic experience, please take note and exercise extra care while on the job.

Our work environment has steadily improved throughout the years. When recognizing these improvements it is important to also commend employers who, through their own initiative, endeavour to secure the safety of their employees.

Mr. Speaker, this is an important day and I ask all members to join me in remembering the workers killed or injured across our province.

Some Hon. Members: Hear, hear!

Mr. Hagel: — Mr. Speaker, as I arrived at the

legislature this morning, I recognized that the flags on this building are flying at half-mast. And that is as the result of Saskatchewan having been the first jurisdiction in Canada in 1988 to declare in statute that April 28 is officially a day of mourning for workers killed or injured on the job.

April 28 is acknowledged by the Canadian Labour Congress and the Canadian government as a significant day in the history of Canada. Because it was 80 years ago, on April 28, 1914, that Canada's first workers' compensation program was introduced for injured workers.

Mr. Speaker, on this day we in this Assembly declare our sympathy to the families of Saskatchewan workers who have died or become permanently injured on the job. But more importantly, on this day we in this Assembly pledge ourselves to continue to work toward the noble goal of becoming a province free of workplace fatalities and in support of occupational health and safety.

In that regard, on this day I acknowledge the positive amendments to The Workers' Compensation Act and the new Occupational Health and Safety Act passed by this Assembly last year. We did the right thing for the right reasons.

And finally, Mr. Speaker, I will ask that this Assembly grant leave before orders of the day to continue our tradition of the past six years to observe a moment of silence in respect for workers and the families of Saskatchewan workers who have been killed or injured on the job, and to affirm the personal pledges of our hearts.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mrs. Bergman: — Thank you, Mr. Speaker. I rise today also to recognize the annual day of mourning for Saskatchewan workers killed or injured on the job.

Next month marks the fourth anniversary of the crane accident at the Shand power site that killed two workers and seriously injured seven others. Today the families of those that were killed, as well as the survivors and their families, continue to suffer.

They have tried unsuccessfully to get compensation for pain and suffering. We must all be concerned that justice has not been carried out. We must show compassion to those that have suffered and continue to suffer.

Saskatchewan Liberal Member of Parliament Bernie Collins has pledged to do whatever he can at the provincial and federal level to ensure that both governments come together and deal with the issue. I too would like to join the Member of Parliament and add my support to ensure that a quick resolution is reached to compensate the families.

At this time I would also like to acknowledge on

behalf of our Liberal caucus the many injured workers who come to us in frustration with problems relating to their encounters with Workers' Compensation. Of all the challenges facing our constituency offices, particularly in Regina and Saskatoon, these are among the most difficult to bring to resolution, given the bureaucracy faced by workers with difficult case files.

I hope that we can all commit to making improvements to the system which will untangle the bureaucratic web for so many of these individuals who find themselves at the mercy of the system.

Some Hon. Members: Hear, hear!

Tribute to the Salvation Army

Mr. Koenker: — Thank you, Mr. Speaker. I want to recognize the work of the Salvation Army today as they gather in Regina and Saskatoon to recognize the work of their citizens' advisory boards with annual appreciation celebrations.

The member for Regina Lake Centre yesterday went to a luncheon here in Saskatoon and tonight I will be at a dinner in Saskatoon. She was in Regina, I was in . . . I will be in Saskatoon tonight to participate in these observations.

Of course we're all aware of the work of the Salvation Army. These are people who convert talk into action and into human service; talk about love into practical service in terms of the fresh air camps for needy children, the Sunset Lodge, for parole supervision, and second language classes — these are just a few of the examples of the work of the Salvation Army.

Salvation Army often deals with those people that the rest of us don't want to deal with very often. They address the whole person. And they do this with funds generated not from government but exclusively from their own fund-raising efforts.

And so I'm sure that I speak on behalf of all members of the Assembly in expressing our appreciation and admiration for the work of the Salvation Army in our province.

Some Hon. Members: Hear, hear!

Onion Lake Treaty Land Entitlement Signing Ceremony

Mr. Sonntag: — Thank you very much, Mr. Speaker. I'm pleased to announce that the Treaty Land Entitlement Framework Agreement for the Onion Lake Band has been ratified and a signing ceremony will take place tomorrow, April 29.

This brings to conclusion many long months of negotiating . . . negotiations rather, dealing with very complex issues. This agreement would not have been possible if it were not for the cooperation, hard work, and leadership of the chief and council of the Onion Lake First Nation. Those involved in this process should be congratulated for their fine efforts.

I feel that our government should also be commended for its cooperation and concern for getting this agreement ratified. We had an obligation to provide Crown land to Canada under the National Resource Transfer Agreement and followed through on that responsibility. We are pleased that we could assist in sorting out this long-outstanding treaty debt.

Now that the agreement has been ratified by the members of the Onion Lake First Nation, they can receive settlement funds to begin purchasing land. The Onion Lake First Nation is entitled to 108,550 acres of additional reserve land, which is two and a half times greater than its current land base right now. It is obvious that this will bring many benefits to the first nations people, not only in Onion Lake but all over Saskatchewan.

Once again, Mr. Speaker, I am pleased on behalf of the Minister of Justice and myself to be a part of the signing ceremony tomorrow.

Some Hon. Members: Hear, hear!

Provincial Cribbage Championship

Mr. Draper: — Mr. Speaker, sir, an event occurred in Nipawin over the previous weekend which reverberated, if not around the world, at least as far as Woodrow and Lafleche in my constituency. That event was the Royal Canadian Legion's annual provincial cribbage tournament.

Two constituents and friends of mine, namely Bert Bradfield, the farmer, and Merv Rayner, the local co-op manager, entered the open doubles division of this championship. They had won the zone contest in Coronach in February and followed this with victory at the district level at Abbey in March. They won again at Nipawin making them provincial doubles champions at cribbage.

Not only does that demonstrate the provincial championships can be held in a rural area, but also that rural residents can win it.

Bert is 74 years of age, a veteran of World War II, active service and combat in Europe, and who can still cut the cards if not the mustard. I would like to congratulate Bert and Merv on their accomplishment; and not only that, I wish to issue a warning, sir, to you and to anybody in this House who's listening. Don't play cribbage against Bert Bradfield, sir; he'll beat the pants off you.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Dove Case Parole Application

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Justice. Mr. Minister, last year three individuals from the Whitewood area were convicted in the brutal beating death of William

Dove, a 73-year-old man from Whitewood. As a result of a plea bargain arrangement by your department, the murder charges were reduced to manslaughter and these three individuals received extremely light sentences.

In fact, Mr. Minister, it has come to my attention that one of the accused, having received a four-year sentence, has already applied for parole after serving only more than a year of this sentence. If parole is granted, he could be on the streets by July 12.

Mr. Minister, this is unacceptable and an outrage. What steps are your department taking to ensure that this parole application will receive a serious review and in fact be denied?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Speaker, the first thing that I want to say in response to the hon. member's question, is that it was not a plea bargain, as he well knows. It was a situation where the Crown could not prove a more serious charge and accepted a guilty plea which had been offered to it. But there was no bargaining in the sense that the member would have the House believe in the way he frames his question.

The second thing is that parole questions are within the jurisdiction of the federal government. The Parole Board is appointed by the federal government and operates under federal guidelines and really has nothing to do with the province. So that there is nothing I can do along the lines suggested by the member.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker, and Mr. Minister. Mr. Minister, I have been requested to write a letter to the Parole Board requesting that this parole application be denied. And I will be taking a moment to write that letter, Mr. Minister. And I will be making it very, very clear that I do not believe that any individual accused of such a violent crime should be released after serving just 17 months of a sentence. I will be making it very clear that I feel that the justice system is failing when people convicted of serious crimes are put back on the street with nothing more than a slap on the wrist.

Mr. Minister, will you join in working to ensure that parole is not granted? Will you take a moment to write a letter to the Parole Board and talk to the federal Minister of Justice addressing this whole question?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — I think, Mr. Speaker, that the member must know that it would not be appropriate for me and my office to write such a letter.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Minister, Mr. Dove was killed because he went out of his way to offer help to individuals seeking assistance with a broken-down vehicle. And then we noted the process

that has taken place where a number of individuals received sentencing and, I might add, to many of the people involved and to the family, light sentencing.

In fact it would seem, Mr. Minister, that the justice system has basically worked . . . done more to help people accused of crime rather than the innocent victim.

Mr. Minister, there have been a number of questions in the last little while regarding the whole process of parole. When is the justice system going to start protecting victims and other innocent people instead of violent offenders? And what steps can be taken to ensure that individuals convicted of violent crime are forced to serve a more meaningful sentence instead of being eligible for parole after such a short period of time?

Hon. Mr. Mitchell: — Well I want to make it clear to the member and to the Assembly, Mr. Speaker, that I have a great deal of sympathy for Mrs. Dove and the other people, his friends and neighbours who were so deeply affected by this senseless crime. In no sense, do we have any . . . is it a question of sympathy for the perpetrators of the crime. And as I explained in such detail last year to the member in estimates as well as during question period, the problem was the evidence was developing in such a way that it was quite possible that the accused people could have walked free. Instead we were offered a guilty plea on manslaughter and we accepted that. And the court then levied the sentence.

Now as to parole, the member's political party has just finished a term of something like nine or ten long years as the government of this country, during which they could have made any changes to the parole system that the member might think appropriate. But they didn't do that, and so the Parole Board is operating in the way that it is today.

We in this Assembly have nothing to do with the operation of that board. Perhaps in another context in another country, these decisions would be made here, but under our federal system that falls within the jurisdiction of the federal government. So it does the member little good to petition me about it. Try the Leader of the Third Party and her contacts in Ottawa, and perhaps you can get your agenda achieved in that manner.

Some Hon. Members: Hear, hear!

Labour Legislation

Mr. Goohsen: — Thank you, Mr. Speaker. Today we finally see why the Premier and his government have brought forward two of the most backward labour Bills in provincial history. We had suspected this all along but today it's confirmed. Mr. Speaker, *The Financial Post* reports that Saskatchewan's Labour minister, Ned Shillington, recently introduced labour laws as a result of the greedy ruthlessness of business — the greedy ruthlessness of business. I quote, Mr. Speaker:

Shillington argues that the onset of the 1980s brought about the age of greed and the glorification of greed.

And my question, Mr. Speaker, is to the Premier. Mr. Premier, very simply, do you share the backward and ignorant views of your Labour minister? Do you believe that Saskatchewan business people are extremists who exhibit ruthless greed?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Well, Mr. Speaker, I'm pleased to take that question by the hon. member to say two things. First of all, I do not accept the statements or the premiss upon which that question is based, which is a news report that I have not seen; so therefore I do not, for the moment, accept this as a statement made by the Minister of Labour or by other members of the caucus.

I have always said that the business community in the province of Saskatchewan — and for that matter I think generally, but certainly in the province of Saskatchewan, an area I think I know best — is the most innovative, most hard-working, most ingenious group of people, especially when they're small-business entrepreneurs on Main Street who really provide the jobs and the economic growth in this province. We believe that trade union legislation is in effect an attempt to create a proper balance with respect to the interests of working men and women and those of the business community.

The legislation is before the House. I've said before, I repeat again: we shall entertain any reasonable requests for clarifications or improvements to the Bill as long as the objectives are achieved, and the fundamental objectives being ensuring that the concern for working men and women is protected and the economic growth opportunities of Saskatchewan are maintained. And I think they can be.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Well, Mr. Premier, it's too bad you don't know how to answer the question, but it would be nice for the business community if you would. Now you have a copy. And much like the member from Regina Rosemont who sat in his chair and said, good riddance to business who may have to move to Alberta, the Labour minister says that the ones that are still here are greedy bandits.

Mr. Premier, as a farmer and a small-business man, I find the Labour minister's comments about business insulting, and as a legislator I find your dictatorial approach to these Bills equally insulting.

With your government's anti-business attitude, is it any wonder why your government is incapable of reaching any reasonable consensus with anybody?

Mr. Premier, will you immediately denounce the comments made by your minister, ask him to

apologize, and join with us in support of Saskatchewan's businesses so that they can create the jobs that small business creates throughout this province instead of doing everything that you can to bring them down or drive them out? Will you do that, Mr. Premier; will you do that for the business people of Saskatchewan today?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I've already said that I don't accept for a moment the fundamental assumption of the question based on whatever newspaper report. I tell you, the position of the government is, as I said to you in the earlier answer, with respect to the capacity of the business community, in a province of a million people, we're all in the same boat together and we've got to work together.

This is not a question of business versus working men and women or the other way around. It isn't a question of urban versus rural. This is a question of a million people who have inherited a very, very, difficult fiscal situation, a challenging economic climate. And this government has responded.

We've responded in the *Partnership for Renewal* paper. We have indicated clearly that there would be a revision to labour laws. We've set out a specific game plan for the creation of jobs. Much more needs to be done, but there's some good indicators there as well. And I think what we have to do is keep our eye on that ball. I don't think it helps this House or the member or the official opposition opposite to continue to take every position of opposition to labour legislation going.

For example, I was very pleased to see somebody from the opposition side today in members' statements get up and pay tribute to the working men and women injured and killed on the job. I appreciate that; I welcome that, as we all do. But I also want to tell you — I know it's a genuine sentiment that you hold today — but I recall full well how you fought tooth and nail the changes to The Occupational Health and Safety Act two years ago, as you're fighting the labour relations, Labour Standards Act and also The Trade Union Act tooth and nail. Because in the eyes of the Conservatives and the Liberals it's Chicken Little, Chicken Little, Chicken Little — it's battle, confrontation; and should be cooperation.

Some Hon. Members: Hear, hear!

Mr. Swenson: — It's like watching someone die. Mr. Speaker, that's what George Bonneville said about the place where he works, the Woolco store in Moose Jaw. Today, Mr. Speaker, the employees of the Moose Jaw Woolco were given their lay-off notices. Mr. Bonneville said, and I quote: We'll be staying open until all the merchandise is cleared out, but it's a sad situation — half the store is empty.

My question is to the Premier — the Premier who is the so-called defender of the little guy in this province,

Mr. Speaker. Mr. Premier, I want you to stand in your place and tell this Assembly how strengthening The Trade Union Act, the very reason why these employees have been served notice of lay-off, is going to help job creation and investment in this province. Could you do that, sir?

Hon. Mr. Romanow: — Mr. Speaker, again if I may say so, I say this gently and respectfully, I think the opposition parties, both the Liberals and the Conservatives, would be very better off if they based their questions in at least some fact.

The reality is, with respect to Moose Jaw, that the decision taken by the Labour Relations Board is pursuant to The Trade Union Act as it currently sits, unamended and unaffected by any of the proposed amendments of this House. This is The Trade Union Act which you, sir, administered and were responsible for administration for the nine years that you were in office.

It is your Act; it's an Act which requires revisions, perhaps even precisely for the various points that you raise with respect to Woolco. It is exactly those reasons which prompt this government to take a look at the interests of working men and women.

So it does not help anybody in this legislature or least of all the unfortunate people in Woolco and Moose Jaw who are affected, to get up on the false presumption, the false — I won't say false because it may not be parliamentary — the wrong statement, the factually wrong statement that the decisions taken there are somehow premised on a Bill which is not yet even enacted, when he knows full well it was under your legislation, under your provisions of legislation and the Labour Relations Board acting under that old Act which we're trying to revise and modernize.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Mr. Premier, you just don't get it and you never will. If the legislation, Mr. Premier, that is currently in place denied those workers the right to decertify and have a job, then what your minister is proposing, sir, would guarantee that it would never happen ever, ever, ever.

Mr. Premier, your blind promotion of the union agenda in this province; the inability, sir, of people to have their own self-interests as the people in Woolco in Moose Jaw wish to have — they wish to have a job, sir; that was their self-interest, was a job — runs counter to the fact that your union friends, your union leader friends who fill your political coffers with money, sir, for election campaigns, aren't on the same agenda as people in Moose Jaw who want a job. That's the difference, sir, that you don't get.

Now you tell me how the fact that these folks who are shortly going to be out of a job, how their union card is going to buy the groceries, pay the mortgage, or educate the children, sir. That's what your Minister of Labour is foisting upon this province, workers without

jobs who cannot pay their bills.

Can you tell us today, Mr. Premier, how your labour legislation is going to give the folks in Woolco in Moose Jaw some hope. Can you do that sir?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Well, Mr. Speaker, I repeat again and I would invite specifically, in fact I would challenge, the Leader of the Opposition to deny my statement.

My statement is simple and it is clear: the decision taken by the Labour Relations Board — whether you agree with it or disagree with it — in the Moose Jaw situation is pursuant to The Trade Union Act that you, sir, administered for nine years. It has nothing to do with the amendments. These amendments are not even law yet. It is the old legislation.

Now in the amendments which are before us, the hon. member will know or ought to know that there is a provision which deals with respect to decertification as well where there are certain circumstances that are taken into account. We're examining that provision together with others, as you will be, as members of this Legislative Assembly, if and when we get . . . and when we get to the committee clause by clause, Committee of the Whole.

But the basic fact remains un rebuttable. That is, the unfortunate circumstance in Moose Jaw is the result of the old Trade Union Act. It is the need to revise The Trade Union . . . not the new Act, it is the need . . . and the Tory Act I might say, as some of my colleagues are saying, because you amended it in 1983-1984.

So let's just simply say that if there is any blame to be cast here, it is not because of our legislation, it is because of the legislation that you had. And I will avoid making comments about filling coffers, about the unions filling our coffers; that may or may not be the case. But I'll tell you, it isn't the big multinational corporations who filled your coffers.

Some Hon. Members: Hear, hear!

Gambling Addiction

Ms. Haverstock: — Thank you, Mr. Speaker. My question this afternoon is for the minister in charge of Gaming. In your March 4 release of strategy to help problem gamblers, your budget was set at \$550,000, Mr. Minister. This is to include training, education, and a 1-800 hot line. How many gambling addicts do you actually intend to treat within this budget?

Hon. Mr. Romanow: — Mr. Speaker, I want to answer the question, this particular question, on behalf of the government. To say, as the minister has said and as the government repeatedly said, we will be establishing, and are establishing as quickly as we can, the appropriate assistance with respect to problem gamblers.

There are a variety of estimates with respect to the level of problem gamblers. They are in statistical terms relatively small, but I don't hang my hat on that. Whether statistically it's small or not, the reality is you have to deal with these people as you do in other illness circumstances as best as you can. And I think once the program is fully established and we're able to measure, we'll know the impact of this.

But the reason that I want to add to is the question of casino and the position of the Liberal Leader in this regard.

The new executive director of the Liberal Party in Saskatchewan is one Mr. Emmet Reidy. Now Mr. Emmet Reidy in 1988 — and so far as I know to this current date — has been a strong proponent of casinos. Moose Jaw *Times-Herald*, 1988, says this, referring to Mr. Reidy. Quote:

The opportunities (referring to a casino) such an attraction create are endless. And most of them will be the tourist, hospitality, and retail sector which provides jobs for our young people in particular, he said.

"What we want is to bring a world-class casino to Moose Jaw."

I can give you other examples.

Now this is the person who runs your Liberal Party. I want you to tell the House: is the Liberal Party for casinos or against casinos? Are you with Mr. Reidy or are you on some other agenda? Where do you stand and what's your policy with respect to problem gambling?

Some Hon. Members: Hear, hear!

Ms. Haverstock: — It's a pleasure, Mr. Premier, that you are finally answering some questions in this House. On February 24, your minister in charge of Gaming agreed with the government study, Mr. Premier, that showed levels of gambling addiction at over 20,000 Saskatchewan adults, based on the current levels of gaming. It costs \$10,000 for a 30-day rehabilitation program for a gambling addict to be treated in South Dakota, Mr. Premier.

To treat gambling addiction, your government, your minister, has set aside a mere 1 per cent of all the gambling profits that you say you're going to get. If you spend every penny of the 1 per cent directly for treatment, that would mean less than \$22 per addict for treatment, Mr. Premier. Now \$22 will buy some Neo-Citrin, a bottle of Aspirin and some Kleenex — reasonable treatment for the common cold perhaps, Mr. Premier, but hardly a cure for pathological addiction to gambling.

Mr. Minister, what kind of treatment do you plan — or Mr. Premier — to offer at \$22 per person?

Hon. Mr. Romanow: — Well, Mr. Speaker, I am not going to allow the Liberal Leader to escape this

question period today without telling the Legislative Assembly where she stands on the issue of casinos and gambling.

She's already admitted to being a direct owner in a racehorse; we know that to be the case. We know that her executive assistants and her family — I don't condemn them — are involved in bingos, or were involved bingos. We know that her chief executive officer, who runs the Liberal Party, is and was a strong advocate of casinos.

Now you get up and tell us in this House whether you are for those operations. If the answer is yes and the argument is that the support for problem gamblers is not enough, then we can talk about this matter in an intelligent way.

You cannot walk both sides of the street. You cannot take the position that you're against it because of problem gamblers, but you might be for it because everything in your party and your chief executive officers say that you should be for it.

You tell us where you're at on this main issue. Then if you think that the problem gamblers is not enough, we're prepared to sit down with you and anybody else in this Assembly or in Saskatchewan to work out the appropriate problems.

Where do you stand? Come clean now.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Thank you, Mr. Speaker. After 27 long years in government, Mr. Premier, I'm sure that you recognize that question period is for you to answer the questions. And the problem with your government is that it's blinded by greed. That is the problem. You want the money from gambling profits but you won't take the responsibility that goes along with it.

The Associate Minister of Health, your Associate Minister of Health, indicated that in Saskatchewan, and I quote him directly, sir: Considerable expertise already exists in the field of problem gambling, both within and outside government. End of quote.

Mr. Premier, the fact is that gambling addiction requires specialized treatment. And the fact is that to date only three Saskatchewan people have been sent to Minnesota for one-week training courses. The problem is that your program is going to fund three jobs for gambling addictions workers at up to \$40,000 a person. And your recent job ad doesn't even require experience or training in gambling addictions.

Given that your program has no fully trained counsellors in gambling addictions and your funding is absurdly inadequate, why should the people of the province of Saskatchewan have any confidence in your treatment program?

The Speaker: — Order. Before I let the Premier answer, I want to again reiterate to members who are

in close proximity of the questioner to please not interrupt while the questioner is asking the question. If members don't heed to that warning I'm going to start naming some of those members. I've done so in the past. I've warned some members three or four times; they don't seem to pay any heed. And I'm warning those members for the last time.

Hon. Mr. Romanow: — Mr. Speaker, the Hon. Leader of the Liberal Party says that question period is not a period where she has to answer any questions. She is technically right about that, but the reality is that in order to give her questions credibility, she owes it as a duty to this legislature, as a duty, to tell us the basic, fundamental policy upon which the questions are predicated.

Because if you say there should be no casinos, no gambling, no horse-racing, that you deny Mr. Reidy's position, you deny Mr. Houston's position, you deny Premier Savage's position in Nova Scotia — Liberal — opening two casinos, end of issue. Your problem with respect to problem gamblers is gone. Because if that's your policy when you get elected to office, there will be none of that. There will be none of that and therefore no problem gamblers.

Now that's the first thing, that you've got to do this. When is going to be about 25 years from now — that's when it's going to be when. Yes. And the polls show the same thing and the member knows it as well.

But I don't care even if it's tomorrow if you come in; I don't care if it's tomorrow. Tell us where you're at. Because if you're against all of that, then you've got the problem gamblers' problem solved.

But you won't. You ride both sides of the fence. You walk both sides of the street.

Where does Mr. Savage get off in Nova Scotia on helping the problem gamblers? What does Mr. Reidy say about problem gamblers? That is the key issue.

And I say to the Leader of the Liberal Party, you are being totally misleading, you are playing old-style politics of the worst case, and you are not telling the people of Saskatchewan the truth.

I challenge you: are you for casinos and gambling? Yes or no. Tell us once and for all.

Some Hon. Members: Hear, hear!

Moose Jaw Woolco Decertification Vote

Mr. Swenson: — Thank you, Mr. Speaker. My question is to the Premier. Mr. Premier, the question of judges' salary has recently come up in this province. Less than 50 judges were concerned I believe, Mr. Premier, and your Minister of Justice stood in this House and he said there is the law and then there is justice — there is the law and then there is justice.

Mr. Premier, I was talking about 140 people, not 40 as in the case of judges, 140 people in the city of Moose

Jaw with a payroll running in the millions, sir, in the millions; far more than what we were talking about with your judges.

Your personally appointed Labour Relations Board denied them the right of a free vote, Mr. Premier. There is law and then there is justice. Maybe you should have your hand-picked board give these people some justice under the old rules, Mr. Premier. Would you do that for them then?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I ask the members of the House and the public to note what is behind this question. And by the way I will say, watching question period the last several days, disturbingly, as a pattern behind the Conservatives, a series of questions of this nature. It came up with Elbow yesterday. It keeps on coming up.

The implication and the fundamental assumption behind that question is that a quasi-judicial tribunal established by law to administer the law, such as it is — your law, your Trade Union Act — when the decision is not right, even if it's our board, that it should be the politicians who come in and substitute their decision for those tribunals. That's a position. That's what you say.

And I say to you, Mr. Speaker, that if any premier or government was to acquiesce to that position — there are many decisions I accept; there are many I do not accept — but if we were ever to acquiesce to a situation by political fiat, you would write the laws based on individual circumstances, then I tell you, you are into a circumstance of total anarchy and political patronage gone wild.

Mind you, following the nine-year history of the Conservatives opposite, I know exactly where those old-style politicians are coming from, but I don't buy it.

Some Hon. Members: Hear, hear!

BEFORE ORDERS OF THE DAY

Mr. Hagel: — Mr. Speaker, it has been a tradition of this House for the past six years on April 28, out of respect for the families and the Saskatchewan workers who have been killed or injured on the job, to observe a moment of silence in this Assembly. And, Mr. Speaker, I request leave of the Assembly to observe a moment of silence once again this year.

Leave granted.

The Assembly observed a moment of silence.

Mr. Swenson: — With leave, Mr. Speaker, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Swenson: — Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly, 22 grade 9 through grade 12 students from the Coderre School, and they are situated in the east gallery today, Mr. Speaker. They are in visiting the Legislative Assembly and other areas around Regina.

Today they are accompanied by their teachers, Arvid Lunning, Cleo Fleury, chaperon Darren Johnson, and bus driver Daniel Brin.

I will be having the opportunity to meet with the students after question period and allow them to grill me on what they've seen here today, Mr. Speaker. So I would ask all members to join with me in welcoming the students from Coderre, Saskatchewan.

Hon. Members: Hear, hear!

ORDERS OF THE DAY

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

Bill No. 46 — An Act to amend The Provincial Court Act and to enact certain other provisions

The Chair: — I will ask the Minister of Justice to introduce his officials to the members of the committee.

Hon. Mr. Mitchell: — Thank you, Mr. Chair. Beside me is Brent Cotter, who is the deputy minister. Behind Mr. Cotter is Ron Hewitt, the assistant deputy minister of registry services, and behind me is Doug Moen, the executive director of public law and policy.

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, it was interesting . . . first of all, welcome to the minister and his officials joining us this afternoon. Looks like he's got some hard-hitters with him and I think he'll need them once we get into this Bill. But, Mr. Chairman, it was interesting listening to the debate in the Assembly this afternoon when my colleague, the member from Thunder Creek, raised the question of employees at Woolco in Moose Jaw and also reminded the Premier of some strong arguments his Minister of Justice had indicated regarding law and justice. And then the Premier stood up and indicated that it wouldn't be appropriate to change any of the laws or rules regarding the Labour Relations Board.

And yet, Mr. Chairman, as we've noticed over the past few years, we've seen that there have been numerous occasions where the government has chosen and followed a route that basically if their legislation didn't quite fit in with their goals, they've turned around and, as on occasion, Mr. Speaker, changed the laws. And then the most hideous thing is they've retroactively changed the laws.

And we saw this regarding the Crown employees' contracts. We've seen this regarding individual contracts with farmers and GRIP (gross revenue insurance program). We've seen what happened with the NewGrade heavy oil upgrader issue, and now the judges. And as one newspaper column indicated: who's next?

And those are some of the questions that we want to raise with the minister, because I think it's very important that we establish who really is responsible; who is the law in this province; who gives the law and administers the law.

And I think, Mr. Chairman, the one thing that we need to raise — and I go back to the discussion the last time this Bill was before the House — the minister continually argues that this had nothing to do with law and order; that basically it was at an agreement, or an increase in salaries that the government couldn't live with. And I guess the most interesting comment was that, and I quote: this is not a question of politics, Mr. Speaker. At no point was this a question of politics.

Now I would have to disagree with that, Mr. Chairman. Because I think when you look at the minister's comments, just a little further down, he says: for that reason — he's talking about the decision that was made — and for that reason, Mr. Speaker, my party really believes in government. My party believes that government is the instrumentality by which so many of society's problems can be addressed and by which the human condition can be advanced. And he was . . . I think what he was trying to tell us, that it was the responsibility of government to make some of the serious decisions, and at the end of the day, the decision rested with them.

And I think as we look at the Bill before us, in that case then the minister should have given some serious thought — Executive Council and the government — before they even brought forward the legislation in the first place, and made the decision, the difficult decision that had to be made, rather than bringing forward a piece of legislation establishing a commission which at the end of the day they realized they couldn't live with.

And I begin to wonder if they weren't aware of the problems that might be associated. And I think we had a lot of discussion on that when the original Bill was brought forward.

But coming back to the politics side of it, I would have to argue that the minister . . . for the minister to say that this wasn't politics . . . When the minister stands up and says, we couldn't live with 24 per cent. Why couldn't he live with 24 per cent, or 24 per cent over six years, which was 4 per cent on annual basis. But the minister relates it to, oh as if it's a 24 per cent increase on an individual or one-year basis.

And the minister said, we've been working towards building a consensus, a consensus whereby many people in the province of Saskatchewan have

accepted very minimal wage increases. And on that basis then we couldn't accept this.

Well if that isn't politics I don't know exactly what it is, because, Mr. Speaker, the minister was aware of what had been taking place. And there's no doubt in my mind that the minister in his office was probably getting a lot of letters. We had a lot of letters in our office regarding the whole question, regarding the increase to the judges. We also have been receiving a number of letters where people have been looking at the other side, and that avenue of law and order and justice has been coming through from people.

And so when you look at the whole principle of the Act that we have before us, it seems to me we have two views here we must be very mindful of. Number one, yes, people across this province, in fact the farming and business community for a number of years, through the '80s, have been facing some very difficult times. And there have been some difficult decisions that have to be made. But they've made their decisions based on the principles that they had to work with on a daily basis.

Certainly the public sector across this province has seen that there's some difficult decisions they've had to meet. I would even suggest that labour isn't totally happy with a lot of the decisions, certainly the decisions made prior to 1991. And on some basis, since 1991, they haven't been totally happy with everything the government has done, although we find that they're speaking out against the government has certainly backed off since The Labour Standards and The Trade Union Act have been brought before this Assembly.

But what I would say, Mr. Chairman, that what we have before us is a piece of legislation that goes against all the fundamental principles of law. And I think on that basis we must ask the minister why the government chose to take this route in the first place, knowing the hazards that may arise, that may be out there, in the implementation, number one, in bringing forward a piece of legislation calling for a commission, and a commission that would make recommendations that would be binding.

And I would like to know, Mr. Minister, in light of a number of the things that I've raised today: why did the government, why did your government choose to bring forward the original legislation? Because I'm sure there must have been a lot of questions and concerns in your mind, even upon the introduction of that legislation.

(1430)

Hon. Mr. Mitchell: — Mr. Chair, the member raises a number of points that I would like to address in response. And I'll begin at the beginning of his remarks. My understanding of the Premier's answers during question period was that The Trade Union Act needed change and hence we have a Bill before this legislature to change the Act. Now I don't think we need repeat the exchange that took place but clearly it

was a matter there of adapting the trade union law to modern circumstances and modern conditions and modern problems.

On the second point, which was the question of whether politics had played any part in the decision, I guess it depends upon how you define politics. In a broad sense of course all of the public issues that we deal with in this legislation are politics. It is the study of public issues and the attempts to resolve public issues that is the essence of politics.

But I want to say to the member this: the point I was addressing when I made the remarks that he quoted is that the popularity of the decision was not something that drove this exercise. It was not the determining factor by any means. Politics was not the decisive factor. We had no way of knowing what the political reaction would be to a decision one way or the other.

There is a powerful argument on each side, on each of the two principles involved here. And people have to make up their mind according to that. On the one hand you have the very important principle that governments act in accordance with the law and in accordance with their agreement. On the other hand you have the dilemma that we have in Saskatchewan caused by our debt and our deficit.

And I spoke at some length in the House and outside the House about the consensus that we had been able to establish during our two and a half years of government around the principle of restraint and around the principle of eliminating the deficit and putting the finances of this province back on a solid footing. That consensus exists and we are grateful to all Saskatchewan people for it. Everybody's chipping in, everybody's doing their share, everybody is sacrificing, and it is working — it is working.

The risk posed by the award of the commission with respect to judges' salaries is that if we had accepted it, it could easily have destroyed that consensus. It could have easily destroyed the fragile consensus that we have built around the idea of restraint and deficit elimination, and we were not prepared to risk that — we were not prepared to risk that.

As we saw it, as we looked across the piece, across the things that government does in this province, it wasn't just a question of wages, although that was one of the things, because we've been pretty tough, we've been pretty tough on the wage front. And the workers in the public sector in Saskatchewan have sacrificed a great deal by accepting the wage package that we negotiated during the last round of collective agreements.

But it goes beyond that. It applies to everyone, every organization, every municipality who is in receipt of government funding, government grants, payments of one sort or another, all of which, I think, all of which have been affected. At least the vast majority have been affected by our restraint measures since this government came to office. And it was that entire community out there, wage-earners, municipalities,

grant recipients of every nature and kind, who form part of this consensus.

Each one of those has a case to make. Each one of those groups believes that their case is just as good as, if not better than, the judges. And if we were to make an exception, as we would have to make in the case of the judges' award, and allow that, then as we saw it there was just no end to the demands that would be made upon us. Group after group, individual after individual, would be coming to us saying, now just what's going on here? If you can make an exception in the case of the judges, then you can make an exception in our case. And that was the concern that we had as we were debating this matter.

Now the third question, Mr. Chair, was why the government passed this legislation in the first place. And you have to really go back behind that and say why did we make this agreement in the first place. And that is also a matter that I have addressed inside the House and outside the House.

The judges approached the government shortly after the election and what their approach was, was that they wanted the Schmeiser report, delivered to the then Justice Minister Lane, back in the previous administration, they wanted that report implemented. It provided for a 14 per cent increase.

We said to them, we can't afford a 14 per cent increase; we can't afford anything like it. And the negotiations proceeded from there.

Eventually we concluded that the previous award, the so-called Schmeiser award, would be just forgotten about. We would just not implement that at all; it would just be put on the shelf and forgotten. And we would have a new process involving a new commission to look at the question of judges' salaries.

Now in order to put that package together, in order to make that deal effective, we had to agree with the judges that the result would be binding. We did it in the expectation — and I freely say this to the House, as I have here before and outside — never dreaming that we would get the kind of award that we got.

We thought we would get an award that was in line with the circumstances and conditions that exist in this province. And that was a mistake. That was a mistake. I've acknowledged it in this House; I acknowledged it outside this House. The government has acknowledged it — it was a mistake.

And so we have to accept the consequences of that. We've got people criticizing us for making that mistake. Fair enough. I admit it. And then . . .

An Hon. Member: — Now you're making a bigger mistake.

Hon. Mr. Mitchell: — The member says now we're making a bigger mistake. Now I have to address that. That keeps me on my feet for another few minutes here.

We then were faced with this award of 24 per cent over three years and we decided we couldn't pay it. Well then, what are you going to do? You can't just not pay it. You have to take some steps because we're bound by statute to pay it. And we're bound by our agreement to pay it.

So we had to bring a Bill to this legislature. Having made that decision, we had no choice but to go back and make the changes that were made in this Bill. While we were at it, we cleaned up the mistake that we made about agreeing to the process in the first place — simply saying that process no longer applies. And that flows just naturally from the decision that we made with respect to the award.

I don't regard it as a mistake. The mistake, Mr. Chair, the mistake was in agreeing to the process in the first place. We ought to have . . . I don't know how we could have anticipated what award might come down but in retrospect, with the perfect vision that one has from the perspective of hindsight, we should have anticipated that an award like this was possible and taken some safety-valve measures and built them into the statute.

I doubt whether we could have got agreement on that from the judges. That was certainly not their approach. But with the benefit of hindsight, that's what we should have done. That's where the mistake was made. Having made that mistake, that's the one that we have to now correct, and I don't regard the correction of that mistake as being a further mistake.

Mr. Martens: — Mr. Minister . . . Mr. Chairman, and Mr. Minister, I guess from the discussion that you've initiated, I'd like to ask you what you gave as terms of reference for the commission when you set that up so that you decided that this was a good thing to do. Did you give them the terms of reference in relation to the restrictions and the qualifications?

You gave the commission that dealt with the boundaries of this province some very, very, very, very restrictive conditions to consider. What did you give as conditions for the commission to have for terms of reference?

Hon. Mr. Mitchell: — The terms of reference, Mr. Chair, were set out in the legislation which was Bill 88 of last year, of 1993. And in section 5.1 which was enacted by that legislation, the terms of reference were as follows:

The commission:

(a) shall inquire into and make recommendations for the three-year period commencing on April 1 of the year the commission is established with respect to (a number of matters) . . .

I'm just trying to interpret the legislation that I have here. I'm sorry for this delay but I'm just trying to clarify . . .

My officials have . . . this is why we have officials here to assist the committee, the minister more particularly. Yes, I was saying make recommendations with respect to the salary paid to the chief judge, to the associate chief judge, to any other judge, and the remuneration for administrative duties, and the northern allowance, and the professional allowance, and vacation leave.

And we also mandated the commission to inquire into and make recommendations with respect to support staff, facilities, equipment, and security of the court, and the benefits to be provided to judges. This was the mandate. There were no limitations placed on it.

Mr. Neudorf: — Thank you very much, Mr. Chairman. While we're waiting for the Justice critic, to get back on the issue that he raised with the minister this afternoon during question period about the Dove case, we want to pick up on that same theme, I think, that the minister was just talking about when he said, we made a mistake. And I must fess up that I was the one that said yes, but you are going to be making a bigger mistake with this legislation.

And I want to pick up on that theme a little bit, Mr. Minister. Because I don't think that while admitting that you made a mistake, which is admirable quality, but that does not justify you in making a bigger mistake to rectify your original one. Because what you're doing, Mr. Minister, is compounding the issue and the mistakes that are being made.

I'm going to ask you a relatively simple question because this is, in a nutshell, how I'm beginning to feel about you and your government. And it is this: you are a strong proponent, obviously, of the saying that the end justifies the means. Because your actions have supported that premiss over the last couple of years — the end justifies whatever means you have to pursue in order to accomplish that objective.

Now I'm convinced of that, Mr. Minister, because if I take a look at your record over the last number of years, almost exclusively it revolves around one component and that is, namely, money. Money seems to be what is driving your government — the deficit.

Now I recognize that the restraints imposed, the fiscal restraints imposed on any government of this time is rather strenuous. And I understand also the machinations that you and your government and Finance ministers go through to make the deficit look tremendously great — the debt perhaps would be a better word, the accumulated debt — so you can show the province how you've managed and how you've handled and how you've grasped and grappled and wrestled that monster to the ground in time for the next election.

But, Mr. Minister, I believe fundamentally that you are making a mistake by hanging your electoral success on that almighty dollar. And what I'm premissing my remarks on is your track record of dealing with money-related issues and the justice-related issues.

Because I can go back to the original problem that you had that cost the minister of Agriculture his job, which is the GRIP issue where you said it's too expensive; we can't afford it; so therefore even though we made 60,000 contracts with the farmers of this province, that is not significant. The significant thing is that it's going to cost us too much money so we will change those contracts; we will deem that that letter was sent out informing the farmers of the change even though everybody knows, and you recognize as well, that there was no letter sent out in compliance with the regulations, in compliance with the law, in compliance with the contract. You overrode all of those things and just simply said, that contract is not significant.

We have the personal services contracts of members of the government when you took over, and you overrode that and say, well we can't afford it because it's too expensive; these contracts are too expensive, so therefore we're going to renegotiate them, we're not going to have anything to do with them.

(1445)

Then you have embarked upon an attack on the cooperative movement in this province and said, the upgrader in Regina here, that's not a good deal for the citizens of this province. And so under threat of legislation, you cause them to bow under as well.

We take a look further, Mr. Minister — and I'm just citing examples that come to my mind right now — and the next one that comes to mind is an issue that the member of the third party brought up today and that is the gambling in this province . . . (inaudible interjection) . . . And the minister says the critic of Justice is back now, but I'm on a roll here, Mr. Minister, so just be patient.

The other issue is the issue of the gambling dollar. And again I go back and say, you folks over there have got dollar signs in your eyes, and any action that you contemplate is predicated on money. Now that's important, it's significant, and I'm not downplaying the essence of it. But I'm certainly not putting it on the pedestal that you are, where the end justifies the means. And that's what I'm coming back to, Mr. Minister.

Now the concomitant question that I would like to ask you with the end justifying the means is the example of Woolco. There's money involved there, but it happens not to be government money with the employees at Woolco that today got their walking papers. Now the reason that culminated in that type of fiasco there is simply because of you and your Premier's hand-picked Labour Relations Board that made that decision. That's fundamentally the cause of it.

Now you have it within your mandate, you have it within your power. If you're going to break laws, if you're going to change laws to suit the end that you're trying to accomplish, why couldn't you have saved those 140 jobs in Moose Jaw with simply with a stroke

of the pen, if it was your will, if it was your desire?

But no, unfortunately this time you had ideological barriers to doing this come to play, and then your labour union friends and the labour union leaders are the ones that are calling the shot, and the Minister of Labour jumps to the tune all the time. So I think if you wanted to at least be justified in what you're doing, then go a step beyond and actually help out some of the people of this province, Mr. Minister.

So unless I'm wrong, I have made this conclusion: that if your end needs something done to accomplish that objective, the end justifies the means — any means. Is that not correct, Mr. Minister?

Hon. Mr. Mitchell: — No, Mr. Chair, it is not.

The member is correct when he talks about the importance of the debt and the deficit situation in this province, and he is correct when he says . . . summarizes our priorities by saying that control of the deficit has been the major priority of this government. And there is just no question about that. We have explained that in this House times without number, as we have the length and breadth of this province and indeed this nation.

And we do that because we believe only by getting the fiscal situation in this province under control will the people of this province have any future worthy of the name. And if we don't get this under control, then we have done an enormous disservice to our children and to the member's grandchild who was in the gallery today. For her sake we have to get on top of this problem.

So the member is correct that this has been a major priority of this government. But that does not mean that the end justifies the means. And I don't think that that's a fair charge. I think the member, in his recollection over events of the two and a half years, has made a wrong conclusion when he suggests that.

Now I know he regards it as his political function to make that sort of a statement, and I understand why he does that and I accept it within that framework. But the fact of the matter is that that is not the case.

I tried to explain in the House, and I think that the members understood what I was saying, the importance of the principle that governments are bound by their legislation and by their agreements. And I said that only in extreme circumstances could you justify a departure from that general principle.

I said, and I say again, that the circumstances surrounding this particular award constituted those kinds of extreme circumstances. The award of the commission was, by any test that is relevant to our fiscal situation in Saskatchewan, unconscionable — unconscionable.

You simply can't pay that kind of award and do what we have been doing across the piece with the municipalities, urban and rural; with the health care

system; with all kinds of non-government organizations who depend upon government funding for their existence; for all of the people who work for government or are in receipt of any of their livelihood or the operations of their programs and they're relying upon provincial government money. We just simply couldn't pay it, in all conscience. And that constituted the kind of extreme circumstances that just drove us to the conclusion that we could not accept it. The risks of accepting it were too great.

Having made that decision, then there was only one thing to do and that is what we are doing in this Bill. To reach back and fix the law. Change the law in such a way that the award would be ineffective.

Now we're not prepared to pay it, and it's as simple as that. And that's the question you have to ask yourself, am I going to pay this award or not? If you decide not to, then you have to do what this Bill does.

Now just let me touch on the Woolco matter before sitting down. There's been a lot of criticism from the opposition directed mostly at the minister for reasons that I can't understand. As the Premier indicated in his answers today, he can't understand it either. It's not the minister who directs the Labour Relations Board. Members opposite know that — members opposite know that.

The board is appointed — and that has been the case for the last 50 years in this province — labour relations boards have been appointed and they have operated free from political control. So it's not the minister who can fix it nor is it the Premier who can fix it.

But I want to raise this question: isn't it strange that in all those questions that have been hurled across the floor at the minister, not once has it been mentioned that it is the Wal-Mart company that decided it wasn't going to buy the Moose Jaw plant and operate it as a store because it was subject to a certification order certifying a trade union as the bargaining agent for the employees in that store.

All they had done — all they had done in that store in Moose Jaw, Mr. Chair — is to exercise a right that they have under The Trade Union Act and a right that they have under the constitution of this country. That's all they had done.

And it is the Wal-Mart store who said, we will not buy any store that is organized. We will not buy any store that is subject to a certification order. There wasn't even a collective agreement in Moose Jaw, not even a collective agreement. They could have come in and paid whatever they pay. And then . . . And the fact is that it was the Wal-Mart decision, the Wal-Mart decision that closed the store.

What does this tell you about that company? Not prepared to recognize that employees have a legal and a constitutional right to do what they have done and to close a store on that ground. Now you'd think that that factor could have been a part of the questioning from the opposition, rather than to go

after the minister who they know has no power to affect this situation.

There are procedures established in this province for the certification and the decertification of trade unions. They are not different in principle from the provisions of every other jurisdiction in this province, provincial and federal. It is pretty much the same right across the piece. In every province it is administered by a board similar to our Labour Relations Board. That is common throughout the country.

The decertification application that was made failed on grounds that would have failed anywhere, anywhere in this country. It's not just a product of this particular Labour Relations Board. It is an application that would have failed anywhere.

So not only is it unfair to attack this minister for a decision which is in no way his, but it is unfair to attack the Labour Relations Board in respect of a decision which would have been made anywhere.

The Chair: — Order, order. The item before us is clause 1 of Bill No. 46. And it is the tradition of this House to allow a fair amount of latitude in the questioning and responding to questions, and the Chair does recognize that. By way of example, a question was raised and that was responded to.

But I do want to caution all members that the Bill before us is Bill 46, An Act to amend The Provincial Court Act and to enact certain other provisions, and to direct their scrutiny of the Bill to the subject of the Bill.

Mr. Toth: — Thank you very much, Mr. Chairman. Mr. Chairman, I certainly thank the minister for his response because certainly his response has just added some more wood to the fire . . . fuel to the fire, I guess, if you will.

Now when we look, and respecting your ruling, Mr. Chair, I must indicate that the whole argument about the Wal-Mart case can be directly related to the debate that's taking place in the House right now. The Minister of Justice had indicated at one time in this House that there was law and there was justice.

Now his argument that it isn't fair . . . that the government has the right to change the law regarding the judges, but at the same time when it comes to the Labour Relations Board all of a sudden now, no, they will not accept the right to give or accept the responsibility of giving the employees at Woolco the opportunity to have . . . and all they asked for was the ability to have that secret ballot so they could decide amongst themselves, rather than being coerced into forming a union. And the debate about unions, we'll certainly get into the major portion of that debate in The Trade Union Act.

But I think there was a principle there and I think the minister's comments at the end of his recent remarks certainly indicate that there seems to be some contradictory response regarding the whole Bill that's before us today and the government's actions in

certain matters.

I'd just like to bring to the minister's attention some of the comments, some of the quotes he made when he introduced the Bill back in June of '93 . . . or last May. Last May, the Justice minister quoted the Supreme Court, saying that it was necessary to take the veto power away from government in regards to deciding salaries, pensions, allowances, etc., of judges.

The Justice minister said the focus of his amendments were to ensure that benefits for provincial courts and the method of determining those benefits adequately respect the independence of the court and the judges of that court. And that the fact that an independent commission with the ability to make binding recommendations will be considering matters of judicial compensation, will help to ensure that judicial independence will indeed be preserved.

He even quoted the Supreme Court in his second reading speech:

The essence of such (financial) security is that the right to salary and pension should be established by law and not be subject to arbitrary interference by the Executive in a manner that could affect judicial independence.

And, Mr. Chairman, we agree with this. We agreed with the minister at the time when he introduced the legislation that appointed the commission. We agreed with his comments that there should be judicial independence. That the government of the day, be they Liberal, New Democrat, or Conservative or any other party, should not have the ability just to override any wage increase that would be coming to the courts or to certain portions of the public sector of our province.

But there are certain areas of our province and of our jurisdiction that there should be some independence because the courts basically act independently of this House; they administer the laws and the rules of this Assembly.

So it would seem to me that the minister has made a number of contradictory statements even in this House. And I'm wondering how the minister can justify the actions that he's taken today in view of the comments he made back in May of 1993 regarding the whole process that established the commission.

(1500)

Hon. Mr. Mitchell: — Mr. Chair, the member has me on the hook here and I freely admit it. I made one of the great speeches in the history of this Assembly when I introduced that Bill, in my view. And I did it with pride and it was a principled approach. By that Act we had attempted to assert a degree of judicial independence on the question of salaries and benefits which was unparalleled in the history of this country.

It was in a real sense a bold and new experiment. It

went far beyond the needs to respect the principle of judicial independence. Mr. Chair, I want to emphasize that to the member — the provisions of the legislation in 1993 went far beyond the recognized principles surrounding the idea of judicial independence.

In other words, the courts recognized that there are some limits to the idea of judicial independence when you talk about money for judges. And there is jurisprudence on the point; there is decisions of the Supreme Court of Canada on the point.

For example, I have cited the Beauregard case previously in this House, which had to do with judges' pensions and an attempt by a government to reduce the amount of the pensions that are payable to judges. And that case shows that there are limitations on it. You can't single out judges for special salary treatment.

And I would point out to the member that other provinces have within the last year or two either lowered the salaries of judges or are proposing to do so. Alberta, Manitoba, our neighbours on either side, have moved or are moving to lower the salaries of their provincial court judges. And there are freezes declared by the government for judges' salaries in Ontario and in Nova Scotia and indeed in the federal jurisdiction as well where there are many, many judges affected by the freeze.

All of that I cite in support of my proposition that what we did a year ago was a bold new experiment and went beyond what the law requires as a matter of constitutional imperative when you're talking about the independence of the judges.

What we did, Mr. Chair, by the legislation of last year, was put beyond the control of the government, the salary of judges. And I have acknowledged that that was a mistake, and it's a mistake that we're trying by this legislation to correct. What makes it a mistake is that at the end of the day in our system of government it is the elected government that must account to the taxpayers for the expenditure of taxpayers' dollars.

And we are responsible for it and it is just not appropriate in circumstances like this that we are delegating that power to a third party. Now you can do it in certain circumstances, I suppose, but in the fiscal situation where we are in, where we're asking so many people to make such large sacrifices, it is just not appropriate that we delegate that function to outside people. And that was the mistake.

And the proof of the pudding is always in the eating. This pudding just was not consumable, was not digestible. And so we have to haul it back and fix it as we're doing by this legislation.

Mr. Toth: — In other words, Mr. Minister, that was detestable.

Mr. Minister, I was looking back at a Bill last year and just reflecting back on the commission that was

established by the former minister of Justice, the Hon. Mr. Lane, and certainly the judges have indicated that the guidelines that were established in May of 1993 were a lot more impartial than the former commission, as it was a political appointment; whereas this one was made up of appointments from government and the court and quite independent.

And at that time we're aware of the recommendation made by the Schmeiser commission which recommended 104,000 in the first year, 1990, with percentage increases in the next two years, which would have brought the judges' salary to roughly \$112,000 by 1993.

And as we reviewed the recommendations of the new commission, it seems that their recommendations weren't that far off — basically a little higher. I think if you look at the numbers and the fact that the increase wasn't granted or accepted or a decision made prior to the last election, if you look at those increases, you look at what the Schmeiser commission went . . . or the new commission went just a little further.

The salary increases weren't all that significantly large, considering the fact that in the offices of government, and certainly in many of the departments . . . now maybe the minister's salary hasn't increased *per se* as far as his executive salary over the last couple of years — I just can't remember all the facts — but we have seen a number of increases that have taken place in the public sector that even far exceed what was offered here to the judges.

And the minister likes to hang his hat on the fact that . . . and the government, that there wasn't a debt in the province of Saskatchewan back in 1982, and that they really didn't have an idea of what it was in 1991 when the Premier even acknowledged in the debate of 1991 that the debt was possibly in the overall figure of roughly 14.6.

The minister also brought out the fact that Manitoba and Alberta, the jurisdictions of Manitoba and Alberta, would be rolling back or looking at rolling back. And I think when you look at the scenario they're using there, both of those provinces have . . . and are rolling back salaries of all public sector employees. It's not just confined to one group. It's basically saying if we're doing it for one, then we're doing it for all public sector employees.

So I can buy the argument that maybe 4 per cent might have been a little high — and the minister would like to use the ballpark figure of 24. But I have difficulty in buying the argument that the government may not or couldn't have been aware of what the commission would come up with.

And I think that's what the judges are saying today, is the government was aware of what the Schmeiser commission came up with. They appointed a commission which was, as far as the judiciary believed, really as close to independent as you could get. And they came up with the recommendation that the government is telling us now that they really

couldn't live with. And what the judges are saying, the government must have been aware.

Mr. Minister, you must have had a pretty good idea of what may be coming down the pipe in light of what the Schmeiser commission had relayed and in view of the fact that we were looking at a six-year salary grid, not just a one-year grid, and that the new commission would be looking at this six-year period going back to 1990 and projecting it into, say, 1995.

So, Mr. Minister, I think it isn't really fair of you to say that you would have no idea. I'm not exactly sure how you as minister or your Executive Council would not have had in the back of your minds some questions as to the type of salary increase that would be coming down.

And based on that, it would seem to me that there should have been some — as we indicated earlier — some limitations in the original piece of legislation that would have set out some stricter guidelines so the commission would have known exactly what the government was expecting of them in view of the arguments the government has been presenting all along about the debt and how we control the debt and the fact that we need to work within those guidelines. Wouldn't you agree, Mr. Minister?

Hon. Mr. Mitchell: — In our discussions with the judges following the swearing in of this government, we had made it perfectly, abundantly clear that we couldn't pay the 14 per cent, or let me put it . . . we couldn't afford to pay the Schmeiser award. So the judges knew that and knew why. And that was really the starting point of those negotiations, as I have described earlier in the House today.

And I want to tell the member frankly that we didn't . . . it never occurred to us that we would get the kind of award that we got. We thought we made perfectly plain we can't afford 14 per cent; we certainly can't afford 24. And the whole thrust of our submission to the judges . . . one of the main thrusts of the submission was this fact of our fiscal problems and our inability to pay and what we were paying everyone else.

We showed in our material, for example, that since 1982 the salaries in the public sector generally had increased by some 34 per cent, and the salary for judges over the same period had increased by 52 per cent. We drew that to the attention of the commission and in some detail laid out the zero, zero, two and a half per cent policy of the government and why we had followed that.

The award of the commission is instructive on this point. In two places in the award, the commission recognizes or pays — I don't want to be offensive at all — but pays lip-service to the points that we made about our fiscal problem. The commission said at page 10:

The economic condition of our province and its people must be a factor in our

recommendations on judicial compensation.

And at the bottom of page 10 and again I quote:

Local conditions, the ability to attract suitable candidates, and the ability of resident taxpayers to pay must all be considered.

But those two statements have to be taken in the context of what the commission said on page 9 of the award, which I will quote to the member because of its importance:

The commission agrees with the judges' association assertion that "a viable independent court cannot be randomly made to accede to political fiscal policy measures on the plea of poverty. Moreover, the logical extension of the ability to pay argument is that the executive does have the ability to pay but chooses not to, in order to target its fiscal resources to other priorities in accordance with political policy."

Now the commission accepted that submission from the judges. We had never expected that to be the result. We thought it was perfectly clear and we tried to make it so in our submission, and indeed it had been made so in countless speeches by the Premier and by the Minister of Finance as to the fiscal realities in this province and the need for restraint and the general need for restraint and, as I have mentioned so often now, the building of a consensus around the need for constraint which the commission swept right by.

Now I'm not pouring any kind of scorn on the commission or being critical of it. They did their job and that's fine. I am not attacking them in any way, shape or form, but I am trying to reinforce the point, that the government just had no clue at all, no thought, that any award like this would be coming down. We expected one that would pay attention to and would respect some of the urgent fiscal problems that we in this province are facing. We expected that the award would perhaps not exactly mirror the public sector settlements, but at least would take them into account in such a way that it would not violate the conscience as far as their size is concerned.

(1515)

So the answer to the member's question is that we didn't have a clue. We acknowledge and I acknowledge again today that this is an excellent court, that it is staffed by judges who are the full measure of any provincial court judges in this country. We also acknowledge that the court is on the cutting edge of progress on some very difficult issues that courts of its kind face right across the country. And I cite its relationship to the aboriginal community as being one of those.

We also acknowledge that the court is underpaid. At the time of the Blakeney administration the court was among the highest paid of its kind in the country. It is

now the lowest paid of its kind in the country. They need a wage increase. They probably deserve a wage increase more or less like this award is, but in this fiscal climate we can't pay it.

To pay it would threaten, would threaten all that we've tried to do over our two and a half years. If we were to pay the judges, we would lose our moral authority to reject the claims of literally hundreds of organizations, of municipalities, of working people who work for the government or one of the Crown corporations, and we would have lost that gain. If we were to do that, that would do incredible harm to the future of our province.

Mr. Toth: — Thank you, Mr. Chairman. Mr. Minister, I think your last couple of sentences in your comments reflect the fact that this basically came down to politics at the end of the day versus what was really right and wrong and following the actions then that you had laid out in the original piece of legislation that would have taken your hands off of . . . basically took your hands off of the decision and asked the commission to come up with a binding agreement.

Mr. Minister, you also alluded to the fact that certainly the Provincial Court is one of the lowest paid in Canada. One of the questions that has been raised, and as we've found out too, it has been acknowledged that there are two levels of courts and judges, judiciary, in this province; one is federal and one's provincial. And the one point that continually is brought to our attention is the fact that there is getting to be a larger and larger spread between the two courts. And not that the Provincial Court is asking to be brought on par with the federal court, but I think they're asking for fairness.

Mr. Minister, you continue to rely on the fact that your government is trying to bring about some fiscal responsibility. Yet while you and your colleagues were on this side of the House fiscal responsibility was a foreign word, in fact it may have been a swear word at that time. There was no such thing as fiscal responsibility in the demands that were being made as opposition members.

Now when I look at the commission that was appointed, and you had the ability, the government did appoint one commissioner, and in view of the comments that you made about fiscal responsibility and about the problems that you're facing with the debt, I'm wondering, Mr. Minister, if it wouldn't have been appropriate to at least maybe have appointed the deputy minister of Finance to this commission rather than as we saw we ended up with three legal minds on the commission. The deputy minister of Finance would have had a pretty good understanding of the economic climate that the province was facing and maybe would have brought some of those points a little closer to bear at the time.

A couple of questions I do have here, Mr. Minister: when we look at the commission, did the commission make its decision unanimously? Were there any dissenting opinions on the commission's decision?

And I wonder when I say that, Mr. Minister, did the government representative at least bring to the forefront in the deliberations some of the concerns and what the government was attempting to do and the whole basis of fiscal and financial responsibility in addressing the debt?

Hon. Mr. Mitchell: — I don't know the answer to that question because the commission worked of course . . . the commission worked in private when it was putting together its award.

I recall clearly the member himself making some points about the constitution of the commission during the debate of the original legislation last year. And one has to pause and ponder over the suggestion that three lawyers were not an appropriate composition for this board. I have no response to that. I don't know how I can respond to it.

I can say that we were very careful about the question of selection, and it was not a decision that was casually arrived at. The government's nominee is well known to me as a long-time law partner, something like eight years or so. And I know her to be tough and resolute — and I use that term in its best sense — stubborn as anyone can be. And those are qualities that are desirable in a board member in this kind of a situation.

And Marty Irwin, the chair in Saskatoon, has an excellent reputation and is a . . . If I were repeating history, I'd probably agree to his appointment again. I'm not criticizing them personally; I just can't live with the award that they produced.

Now if I were naming them all over again with the benefit of hindsight, I think that we would take other factors into account and perhaps look for a sort of broad occupational mix on the board and bring the different perspectives to light.

But that is not to criticize the members of this commission. I am not criticizing them. They are honest, honourable people and they acted according to their best lights. We just can't accept the result.

Mr. Toth: — Well thank you, Mr. Minister. Mr. Minister, we certainly could belabour and extend the debate on this question but it's not my intention to do so.

However, I might like to add . . . And certainly I want to thank the officials for the help they have been, even in the past as we've been discussing some of the questions and certain questions with regards to justice.

But I'd like to add, Mr. Minister, that the one thing, and maybe the one major mistake with that last piece of legislation, was the fact that you made that piece of legislation binding. I think if we would have established the commission and left it wide open, it would have given you and your colleagues the opportunity then to review the recommendations of the commission. We wouldn't be sitting here today

and retroactively changing legislation, changing the law because it fits the government's agenda to change the law on this particular matter but on other matters where we need to change the law, where other people are affected, the government hasn't moved.

And not that I'm trying to get you off the hook, Mr. Minister. I think at the same time the argument that was brought up time and time again, and I continue to reiterate, is the fact that as the senior law official in this province, and as I raised earlier on in the day regarding the whole process of justice and the parole system, there are a number of questions out there. It's very imperative that as lawgivers and law people and personnel, that we establish some principles and guidelines and that we live by those guidelines if we intend and if we expect the average public or the general public to adhere to the laws of the land.

And so, Mr. Minister, my final comments regarding this would be that as I indicated earlier, probably the biggest mistake that was made was that this original piece of legislation was made binding. And I would just ask you, as you were reviewing the recommendations made by the commission and realizing that you had established the commission with a binding . . . making it a binding process, the commission must have given some consideration . . .

I guess what I would ask, did the commission give you any avenue to work with rather than just saying, we recommend a strict, straight 24 per cent over the period of time? Did they give you some variations or variables that you could have worked with that would have fit within the guidelines of the legislation that you could have made a decision on and would not have put us in the position we're facing today? Was that made available to you, Mr. Minister? And thank you.

Hon. Mr. Mitchell: — Okay, I just want to say to the member that he's right, you know, he's perfectly right on the point that we ought not to have made it binding. That's right. That's why we're here — to correct that mistake.

I also want to say to the member that he's perfectly right on the question of the principle of the importance of the government following the law. And this kind of retroactive legislation is as odious to us as it is to you, as it should be to anyone. It's just that in some circumstances you have to do that in order to do what you have to do.

In this case, as I've said so often to the member and to the press, your decision is whether you're going to pay the increase or not. If you decide not to pay it, then you have to do what we're doing here. You don't like it but you're just left with no choice. But I accept the member's points and his criticism without qualification.

Mr. Swenson: — Thank you, Mr. Chairman. I've only got one point I wish to discuss with the minister and then we can dispense with this — the issue that I raised earlier today, Mr. Chairman, in question period, I

want the minister to put on the record for me, as a Minister of Justice and a former deputy minister of Labour and someone who understands these issues I think fairly clearly.

Afterwards, Mr. Chairman, I met with my school group and they asked me a number of questions, as did members of the media. And all of them asked the same question of me, and I would address this to the minister.

On one hand we have a commission struck with quasi-judicial powers to look at the issue of judges' salary under a binding agreement, appointed by order in council. On the other hand, we have a Labour Relations Board dealing with employees in a Woolco store in Moose Jaw — once again a board with quasi-judicial power, appointed by order in council — with the ability to administer or deal with the issue of whether people have the right to a secret ballot vote on decertification or certification.

And, Mr. Chairman, today my students, all of whom are high school, could not understand what the difference was, other than the fact that in the case of judges they are fairly highly paid as compared to the rest of the population, they are appointed by political parties while in power to the position of judge, and in fact many of them have political pasts.

And I have the same interpretation here, Mr. Chairman, and I say this to the minister. Those small group of individuals in our society, because of their economic status, their reputational status, and in some cases their political status, I believe are far easier to pick on than are, for instance, the people involved in the Labour Relations Board who are appointed by government. And in fact the whole issue of the Woolco employees . . . most of whom are part time and fairly low on the economic wage scale compared, for instance, maybe to the rest of the province, but whose union leadership are fairly highly paid and have considerable influence.

And it is much easier for the minister and his party to pick on 40-some individuals, do away with the binding part, do away with legally struck laws of the Legislative Assembly. And yet his leader and his Premier says to me in response in question period: I could no more interfere with the powers of the Labour Relations Board . . . in fact he accused myself and my political party of somehow trying to undermine the very fabric of our society by even suggesting that.

And, Mr. Chairman, it wasn't lost on the school children here today in the gallery and it wasn't lost on the media, and I would like the minister's response of how he squares those two things. How he can square them as a professional in the legal society, in the legal world; as a former deputy minister in the public service; and today as the highest law officer in the province of Saskatchewan, how you can square those two things when I see them as being very, very similar, Mr. Chairman, in the way that they deal with the lives of individuals in our society.

And I say that the minister, if his will was there, and his government, could do exactly the same thing on behalf of people in the Woolco store in Moose Jaw as they have alleged to have done on behalf of citizens in our society by saying there is law and then there is justice. And, Mr. Minister, I would like that explanation.

(1530)

Hon. Mr. Mitchell: — The first labour relations law creating of an independent board to determine questions that arose under the Act was established by Mackenzie King during the Second World War by order in council, as the government has a fair amount of power under the War Measures Act and that's one of the things that his government did.

It was patterned on legislation passed by President Roosevelt in the United States around about 1936 and it was called the Wagner Act, put forward by the senator from New York I believe. And that has been the way of administering that statute in the United States ever since. And that has been the pattern for administration right across Canada and it remains so to this day.

Those boards are I think without exception appointed by order in council. And so we know from our experience that the make-up of that board varies over time, and I suppose that's natural considering the way in which governments operate.

Some things just haven't changed from the beginning, and that is one of the things that haven't changed, is the basis upon which these boards certify trade unions as the bargaining agent for employees and how they rescind those orders which we call decertification. They've established a whole body of jurisprudence over years and years as to in what circumstances they will or will not make those orders.

I made the point earlier during the work of this committee and I'll make it again, that the application in the Woolco situation in Moose Jaw where the board refused to order a vote, as the member said, refused to decertify, was a result that probably would have been reached anywhere in the jurisdictions that I mention.

If the case had come up in Alberta, it probably would have had the same result because they're applying the same law. It is a question of looking at the circumstances and determining whether there has been any interference, and looking at the measure of employee support, and listening to whatever evidence has been tendered. And the result would likely have been the same in New Brunswick as in Newfoundland as in British Columbia as in Saskatchewan.

Now it seems to me that what we ought to be looking at in this situation is the purchaser of the Woolco chain and ask ourselves the question, why is it that any company operating in Canada, in North America in the 1990s, would decide as a matter of policy that we we're not buying any union stores because we don't

deal with unions.

And to that employer I say, take a look at this country, take a look at the history of this country, take a look at the constitution of this country. The constitution of this country guarantees to all of us freedom of association. It means that we are entitled to join trade unions. It means that we are entitled to exercise that freedom through the representation in collective bargaining by a trade union of our own choosing. And it is embedded right in our constitution.

We in Saskatchewan, as is the case everywhere across this country, give expression to that freedom through something like The Trade Union Act or The Labour Relations Act. It's part of our system. And we could ask ourselves why it is that a company would come in here and deliberately as a matter of policy say, I'm not buying that store because there is a union certification covering its employees.

As I've pointed out to the committee, Mr. Chair, there isn't even a collective agreement there. There isn't even a collective agreement laying down the terms and conditions of employment, which gives this employer a great deal of latitude as to the personnel policies that it will establish when it starts business.

But I haven't heard a word from the opposition mentioning that fact. I haven't heard a word. Instead I hear criticisms of the Minister of Labour who's got no control at all over the decisions of the Labour Relations Board — the member knows that because he himself was a member of Executive Council and he knows how improper it would be for the minister to interfere in any way, shape, or form with the decision making of that board. And yet the minister has been freely criticized.

The law is criticized, and I point out to the member that it is the same law in substance as exists right across this country and right across this continent. And so the situation that we have in the Woolco store in Moose Jaw is the way the system works. It's the way the system works.

Now that is to be contrasted to what we experimented with with the judges' salaries. I characterized it as a new and bold experiment, and I introduced it in this House myself with pride, pursuant to an agreement which I had signed with the judges. And I was proud of it. It went far beyond what had existed anywhere in this country at any time.

And now I come before the House and say it didn't work. It seemed like a good idea at the time but it didn't work. It was a bold new experiment that just simply didn't work. It produced a result with which this government can't live. And so we have to take the kind of action that we're taking now.

Now that's a far cry, that's a far cry from the proposition that we should amend the labour relations legislation in this province in a way that doesn't exist anywhere else across this nation or across the United States in order to retroactively achieve a result in the

Woolco store in Moose Jaw. That was a result, I repeat, which stemmed . . . which flowed directly from the decision of the purchaser of the Woolco stores across Canada to not purchase any plants that were subject to a union certification or a collective agreement. That decision is the one we should be examining, and not the decision in the ordinary course of business from a Labour Relations Board.

Mr. Swenson: — Mr. Minister, Mr. Chairman, you just don't get it. And I'm afraid, Mr. Minister, it's because you are so hidebound, so hidebound, that you can't see some days, in all due respect, beyond the end of your nose, sir.

I suspect when the Wagner Act came in the United States, it was new and innovative, too. And you know what? Mr. Sam Wal-Mart there went out and started a little store and built the largest retail chain in the United States and in North America, along with the Wagner Act, Mr. Minister. And you know what? He doesn't have a unionized employee in the whole darn shebang and he's got the Wagner Act, bless its little soul, right there, side by side all through his life. That's what Sam Walton did, Mr. Minister.

So don't tell me about the Wagner Act as some justification for the way you people operate. It was new and innovative back then. What you tried with the justification, sir, of Supreme Court of Canada and constitutional arguments galore one year ago as to why you had to give the judiciary in this province the independence to operate beyond the politicians. You, yes, you did set a precedent, but you were most eloquent, Mr. Minister, in defending the constitution of this country and this judiciary to no end.

And you know what? I think you were right. I think most legal minds in this country, Mr. Minister, across this country agree with you. I suggest you probably set a precedent that will be followed in province after province as time goes on, because the weight of decision after decision will come down on your side. Maybe they'll call it the Mitchell Act, and it'll be like the Wagner Act and we'll have it right up here.

Now, Mr. Minister, the simple fact is though that you appointed by OC (order in council) those three individuals, even though you were told at the time that it probably would cause you grief, if you chose three lawyers, as you picked the individuals that sit on the Labour Relations Board, sir. And I would suggest to you that as I view these decisions across Canada, province by province, it does have some bearing on who the government is and who appointed the commission as to the type of decision.

In general, they follow certain principles. But there have been decisions across this country, Mr. Minister, that are different in this province as they are in others. And I mean one of the greatest criticisms I heard during the 1980s, as I sat in this House when you people were over here, was the fact that there were some terrible decisions being made by the Labour Relations Board because of the type of people we put on it.

Well you now have your people on there. And I suspect your people have about the same bias that you have exhibited in this House today. And that's why I can't . . . I say to you in all honesty, Mr. Minister, I don't think you can see beyond here some days. Because if a bunch of school children coming into this House can pick out the similarities and wonder why the contradiction, then I would suggest to you, Mr. Minister, a lot of people across the province are figuring that the same contradiction exists.

Now I for one don't want to see you interfere in that board. I believe that as it happens in United States of America, where the people that are in those positions go before confirmation hearings of the U.S. (United States) Senate, that the people that sit on the Labour Relations Board should sit in confirmation hearings of this House. That would be my preference, Mr. Minister — that a committee of this House would ask people to come before it and explain to us and the public their preferences in how labour legislation would be administered. I think then you would know ahead of time what you're getting. And when a person stakes their reputation on those hearings of confirmation, they then would probably also continue through their life on that board.

I think that would be the preferable position for all of us as legislators to take, and then we would never have this "you did when you were in" and "I did when I was in" sort of thing that we go through every time you OC someone onto those boards.

But the simple fact is, Mr. Minister, I don't believe that the principle of 50 per cent plus 1, of democratic rights and free votes and secret ballots in the situation that I refer to have been exercised. And I would say to you, sir, that there is similarities in the situation and you've set a precedent last year in this House that will be followed across Canada.

Why don't you start right now and set some precedents on the other side that would give people in this province some comfort that you simply can't pick on a particular group because they are small in number, because of the type of position they hold, or because of the salary they make. But in fact they do have certain basic rights as human beings guaranteed by law in the constitution and you seem to take that away and not do it in other cases. And I think that is an inconsistency, Mr. Minister, that is going to dog you for the rest of your days. I really do.

And you can answer or you not can answer, Mr. Minister, but I see an inconsistency and so do a lot of other people.

Hon. Mr. Mitchell: — Well I don't agree with the member obviously, and I see no purpose in repeating my previous arguments.

I do want to say though that I reject the idea that we are picking on the small group of judges. I mean it happens to be judges, but it could be another group . . .

An Hon. Member: — Farmers or civil servants.

An Hon. Member: — That's what worries people — it could be anybody.

Hon. Mr. Mitchell: — But the principle is, though, the principle is the threat to the consensus, the threat to the restraint program and the impossible situation we're in — if we were to pay the award and then be faced with an avalanche of perfectly legitimate demands from the rest of the community.

And every one of them think their case is as good as the judges. In fact I think probably everyone of them think their case is better than the judges. And it's just simply not a question of political heat as the member suggested. It is a question of having the moral authority to be able to say no. The moral authority to be able to manage the program so that we can get the fiscal situation of this province back on its feet. That's the point.

I want also to say this, that I haven't checked the composition of the board lately, but I think that most of the board is the same board as was in place when this government assumed office. I believe that almost all of the employer representatives are the same ones that were there, and a good number of the trade union representatives are the same. Now I'm subject to correction on that because it's been some time since I checked into it.

Now the Chair is new, but the Chair is a person of exceptional ability and I think all members of the House know that. Beth Bilson is a law professor from Saskatoon and her knowledge of the field is huge. She's an author of note; she's published text books; she is a person of exceptional quality and exceptional intellect.

(1545)

And I have not heard any credible criticism of Ms. Bilson in the performance of her duties on the board, with one exception. There is a major trade union in this province — and I won't name who it is; I shouldn't — who is extremely critical of the decisions that she makes. But I have not heard similar criticisms coming from any other group, either the trade unions or the employer organizations.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

Clause 5

Hon. Mr. Mitchell: — There is a House amendment to section 5 in the definition of agreement, clause (a). Do you wish me to read it, Mr. Chair? Yes?

I move that the committee:

Amend section 5 of the printed Bill by striking out clause (a) and substituting the following:

“(a) ‘agreement’ means any agreement, contract or understanding, including any amendment to any agreement, contract or understanding, entered into, arrived at or concluded before the date this Act is assented to between:

(i) the Government of Saskatchewan, any present or former member of the Executive Council or any present or former officer or employee of the Government of Saskatchewan; and

(ii) the judges of the Provincial Court of Saskatchewan, whether represented by the Saskatchewan Provincial Court Judges’ Association or in any other manner;

and includes any enticement, inducement, offer, promise or representation made by the Government of Saskatchewan, any present or former member of the Executive Council or any present or former officer or employee of the Government of Saskatchewan to the judges of the Provincial Court of Saskatchewan, whether represented by the Saskatchewan Provincial Court Judges’ Association or in any other manner”.

Mr. Swenson: — Thank you, Mr. Chairman. I just . . . obviously the minister is strengthening the particular clause in question. I wonder if he would explain to us why he felt he needed to add on these extras to something that already was very onerous.

Hon. Mr. Mitchell: — Mr. Chair, and to the member, the amendments are technical and driven by the draftspersons in the Department of Justice. If the member looks at the Bill that was before the House, the original wording, Bill 46, section 5(a), we have added the terms, the words “contract or understanding” after the word “agreement”.

So it broadens the sense from an agreement, which is capable of being defined narrowly, to include contracts or understandings that may not be formal agreements. And this is done out of an abundance of caution and recommended by the draftspersons so that there is no possibility of any agreement slipping through the Act, slipping through the slats, as it were, and having legal effect because it is not an agreement but is a contract or understanding.

Secondly, the previous wording talked about an agreement entered into, and we add the words “arrived at or concluded”, which are very similar words. But again it is out of an abundance of caution so that someone else in interpreting the Act will give it a broad meaning.

Thirdly, we have removed the date, October 31, 1991, and simply say that this applies to any agreement entered into before the date this Act is assented to. That again is a matter of caution and is recommended by the draftspersons in the Department

of Justice.

The final change is . . . there’s a structural change there with the introduction of clauses 1 and 2, but after the words “Saskatchewan Provincial Court Judges’ Association” the words “or in any other manner” is added. So that is whether the judges were represented by the association or were represented in some other manner, perhaps by counsel or agent. And the words “or in any other manner” is intended to cover those situations as well as the agreements entered into with the judges.

So it’s all sort of . . . it’s technical and again it’s driven by the draftspersons in Justice, similar to Wal-Mart.

Mr. Swenson: — They’re curious words, Mr. Minister, here — enticement, inducement, offer, promise. I mean the way I read this, and I don’t have the benefit of your education, Mr. Minister, but it would seem to me what we’re dealing with here are maybe some verbal commitments that were made by members of Executive Council to certain individuals that were trying to make sure we keep out of the glue. Because those types of words only indicate to me that there was a lot of bargaining going on on the side here beyond what the commission recommended. And that’s why you have to get so broad here; is that obviously there were conversations involving members of Executive Council that need to be covered off beyond any ability of legal recourse.

Otherwise, you tell me why you would use words like that. Was somebody trying to entice the judges into something? Were there offers made, were there promises made that people couldn’t live up to and now they have to be rectified by legislation? Just being a lay person, Mr. Minister, that’s the way I would have to read that.

Hon. Mr. Mitchell: — Well there certainly was no parallel process going on while the commission was working, but there was a good deal of negotiation leading up to the agreement of February ’93. And it is in that context that we introduced these words.

We don’t know of any, but a lot of things are said, and Mr. Cotter was representing us at that time. It may be that he said something that was interpreted as a promise or an inducement — enticement is included because that’s a heading of possible liability — and that sort of thing.

So we’re just taking that whole event, that whole series of events, the negotiations that led to the agreement and eventually led to the legislation, we’re grabbing a hold of all of that and saying no, that’s not . . . we’re not bound by that.

I agree it’s wide-sweeping, but we want it to be so because we don’t want to create a situation where someone may try to characterize these . . . what passed as being representations or promises or inducements or enticements or anything like that.

Amendment agreed to.

Clause 5 as amended agreed to.

Clauses 6 and 7 agreed to.

Clause 8

Hon. Mr. Mitchell: — I move that the committee:

Amend subsection 8(3) of the printed Bill by striking out “None” and substituting “Without limiting the generality of subsections 8(1) and (2), none”.

I so move.

Amendment agreed to.

Clause 8 as amended agreed to.

Clause 9

Hon. Mr. Mitchell: — I move that the committee:

Strike out subsection 9(2) of the printed Bill and substitute the following:

“(2) Section 7 of this Act comes into force on assent”.

I so move.

Amendment agreed to.

Clause 9 as amended agreed to.

Hon. Mr. Mitchell: — I had tabled an amendment to the preamble to correct a typographical error and I just didn’t want us to be passing over that. You’ve got that?

The Chair: — Yes. Thank you to the minister. The next item then is the preamble of the printed Bill.

Hon. Mr. Mitchell: — I ought to have known you had it under control, Mr. Chair. I move that the committee:

Amend the preamble of the printed Bill by striking out “respecting to” in the third paragraph and substituting respecting”.

I so move.

Amendment agreed to.

Preamble as amended agreed to.

The division bells rang from 4 p.m. until 4:10 p.m.

Motion agreed to on the following recorded division.

Yeas — 33

Van Mulligen	Murray
Wiens	Draper
Tchorzewski	Whitmore
Lingenfelter	Sonntag
Shillington	Flavel
Anguish	Roy

Teichrob
Johnson
Kowalsky
Carson
Mitchell
Penner
Bradley
Lyons
Lautermilch
Calvert
Renaud

Cline
Scott
Crofford
Wormsbecker
Stanger
Knezacek
Harper
Keeping
Jess
Langford

Nays — 10

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

The committee agreed to report the Bill as amended on division.

(1615)

Bill No. 2 — An Act to amend The Department of Economic Development Act, 1993

The Chair: — At this time I would ask the minister to introduce the officials who have joined us here today.

Hon. Mr. Lingenfelter: — Mr. Chairman, it is my pleasure to introduce to you, on my right, the acting deputy minister of Economic Development, Leona Gorr, and on my left, the director of trade development, Gerry Adamson.

Clause 1

Mr. Swenson: — Thank you, Mr. Chairman. Mr. Chairman, as I understand the Bill, it grants powers to the minister for him to establish a Trade Development Corporation. And I’m wondering, Mr. Minister, given the fact that this province has to trade very extensively in order to survive, a couple of questions.

Number one, what type of entities does he envision with the development of this particular new entity; what type of businesses or areas does the minister see being enhanced by having a separate Trade Development Corporation? We’ll let him respond and then I’ll ask him how that squares with some other things that his government is doing.

Hon. Mr. Lingenfelter: — Mr. Chairman, the member I think asks an important question in the fact of what are the areas of growth for export that will be affected by the development of a trade corporation in Saskatchewan.

Let me go back a couple of steps, Mr. Chairman, to say that the development of a trade corporation started out as a result of our discussions we had with business during the development of the *Partnership for Renewal* program, which has been in effect in the

province for about 18 months.

There were a number of small- and medium-sized companies that made it very clear that they had difficulty moving their product into the world market simply because of the very large cost of doing their own trade development. You can well imagine a small company with sales of a couple of hundred thousand dollars or even a couple of million dollars, the amount of money that is needed to make those trips into various parts of the world to find out whether or not first of all there is need for their product, and then the extra trips to go and actually sign deals. It's a very, very expensive project and program for small- and medium-sized companies.

The concept of a Trade Development Corporation actually came from the business community who said look, there is need in this province for an agency that would be run and managed by the private and public sector, that is a partnership between government and the private sector, funded by the private and public sector, that would assist us in moving our product into the world market.

I think very readily the areas that seem to appear to make a lot of sense are in the areas of agriculture, some of the export of our cattle and live hog animals, as well as value added agricultural products. If you look in some of the other biotechnology areas, you'll find that we have great ability to export some of that technology. In the area of telecommunications and information technology, I think that's another area that we expect to be able to work. But it's not limited to those areas, but what it will be is a corporation that will deal in essence with small- and medium-sized companies that see a need to move their product, or an advantage of moving their product into the world market.

Mr. Swenson: — Thank you, Mr. Minister. That certainly is something that I think everyone in the province would agree with. Those are areas that have long been identified and targeted as areas that both need help, and in some instances in the past have received a certain degree of government assistance in order to carry out their mandates.

One of the reasons that governments across Canada recognized the free trade agreement as being positive was because it took away the inability of others in other jurisdictions to interfere with the free flow of goods.

Now, Mr. Minister, your government and the members of your political party in the past have often been against this freer flow of goods and services both within North America and around the world. In fact for a long time you felt that protectionism was a better way to go than freer trade.

And I'm wondering how your recent pronouncements regarding for instance interprovincial trade or the NAFTA (North American Free Trade Agreement) square with what these companies are telling you, that they want to work with government to enhance their

ability to trade more freely around the world. I'm wondering how you square those issues.

Hon. Mr. Lingenfelter: — Mr. Chairman, I want to make it very clear that our government is very, very intent on increasing trade with other parts of the world. As the member will know, Saskatchewan as a percentage of their GDP (gross domestic product) does more trading and is involved more in trade than even the large trading companies of the world, whether it's Japan or Germany. As a percentage of our GDP, Saskatchewan depends more on trade than any other jurisdiction that I know of in the world.

So the thought of backing away from trade arrangements and trade deals is something that no Government of Saskatchewan could possibly be in favour of, and certainly not this government.

We stand adamantly that we are working for more trade arrangements. We have worked on trade arrangements where we are now exporting a large percentage of the pork going into the tourism market in Cuba. This is a brand-new market in Saskatchewan. Hog producers have virtually captured that.

I say that we have played a small part through our department in working with Sask Pork International. Jim Morris attended on a tour and trip that we took to Havana not long ago. And I think if you were to talk to Mr. Morris and SPI (Saskatchewan Pork International) they would very clearly indicate that the department officials have been very instrumental in helping them enter into that market.

Mexico, we're moving quickly to expand our market of pork. And right as we speak, there would be shipments of pork moving out of Saskatchewan into the Mexican market. And we're very excited about trade opportunities that exist right around the world for Saskatchewan products.

There's, I think, a misunderstanding that the member has that he would say that every trade deal is a good trade deal. I think this is where his argument breaks down. To say that people should work towards good trade deals is something we all agree with. We had trouble obviously on the negotiation tactics of the federal government when it came to the Canada-U.S. free trade deal.

We said that because of the powers of the President of the United States under section 22 of the Agriculture Act in the United States, that all the barriers being removed in Canada, there still was the fundamental principle that the President of the United States could step in at any moment and put up barriers to durum wheat moving into the United States. We said that clearly to your federal government, the government of Brian Mulroney. You absolutely ignored that and wouldn't admit that the President of the United States has these unusual powers that the Prime Minister of Canada has none of.

And lo and behold, today we see the attempt by the Americans, even under a free trade arrangement,

putting up barriers that they could do with the snap of the finger by the President of the United States, because the federal government did nothing to protect the Saskatchewan farmers against that kind of power by the President of the United States.

What it is is naïve bargainers on the part of Canadians and Saskatchewan farmers which you, sir, were when you were a member of the Conservative government in Saskatchewan, because you didn't lay out that problem for the federal counterparts. Just having trade deals doesn't necessarily mean they're in the best interest of Saskatchewan producers, and all business people know that. They're only good for Saskatchewan producers if they're in their best interest.

And I guess what bothers a lot of people in Saskatchewan, the reason you're not in government is because of your naïve support for the U.S.-Canada free trade deal — naïve, blind support with no criticism, no analysis; just saying yes, it's a trade deal; let's go for it. That's the reason that you now sit in opposition.

I think when you're working on trade arrangements you have to have sophisticated people. You need legal advice. You have to know the nuances of what the trade arrangements will be. And that's why it's important even now when we talk about trade barriers between provinces, you're not simply go out and say, we're going to remove all the barriers without knowing what you're talking about. You have to know how that would affect the northern miner who got their job because of affirmative action by the government in signing surface leases with the uranium companies.

For you to stand up in the House and say we should get rid of all barriers and not hire Northerners, tells you that you are again being naïve about trade deals and trade arrangements. They're very complicated, they're never ending, and if we came back to this House 50 years from now I would bet my bottom dollar that what they'll be talking about is new and better trade arrangements.

For you to believe that suddenly there's a panacea where you could sign a trade deal and that's the end of it and we never have to look at it again, it's never going to be that way. That, sir, is naïve and irresponsible to believe that that's how trade arrangements are made.

Mr. Swenson: — Thank you, Mr. Chairman. Well, Mr. Minister, I would say to you that your behaviour while in opposition particularly, and even since becoming a minister is irresponsible, because quite frankly it misleads the public. The President of the United States has had these powers under their constitution for eons. The simple fact is, Mr. Minister, that every time Canada has gone to the bi-national dispute mechanism we've won — whether it be on grain or on pork, on lumber, we've won.

And the simple fact, Mr. Minister, was before that agreement was in place, we didn't win any of them

because the President of the United States had that power, the Congress had power, governors had power. Every time some guy wanted to run for the Senate, we had the border shut down.

Now, Mr. Minister, let's be realistic. Anything was better than what was before. And you're right, trade has to progress along. And that's why we've seen the GATT (General Agreement on Tariffs and Trade) round concluded. That is why, once that is concluded, that the powers of the President of the United States will be curbed in certain areas. You and I both know that.

The simple fact is, Mr. Minister, we have won and won and won because of that agreement. And that's why our producers today have the confidence that they do to do all the things you're talking about. That's why SPI was formed, for goodness' sakes, Mr. Minister, and why they've been able to spread Saskatchewan pork all over the northern hemisphere and indeed are beyond that now.

They didn't do it listening to the rhetoric of you and your party in opposition, that's for sure. They said no, we're not going to listen to that nonsense; let's get on with trading, let's get on with expanding Saskatchewan's horizons.

Now, Mr. Minister, there's another point that you raised in your opening remarks that I would like you to respond to. You very clearly said that Saskatchewan business, and particularly small- and medium-sized business, need the ability to develop new markets. And that's because they often don't have the wherewithal.

Now, Mr. Minister, your government has embarked on a whole host of actions which impede that company's ability to generate capital. And I refer you, Mr. Minister, to the Crown corporations and the way that you have raised utility rates over and over and over again. I refer you, Mr. Minister, to the level of taxation in this province, which you promised in opposition that you wouldn't raise but in fact in government have raised.

And now, Mr. Minister, we have the situation where your seat mate, the Minister of Labour, is talking about changing Labour Standards and The Trade Union Act. And most of the people, Mr. Minister, that you probably were dealing with in developing your new trade concepts are the very people today who meet in Davidson on Monday and condemn your government roundly, condemn your government roundly for the moves you're making because you're going to increase the cost of doing business significantly in the province of Saskatchewan. And they're saying we may have to move out to other jurisdictions.

Now, Mr. Minister, it's one thing to say, I'm going to develop in concert with the private sector a new trade corporation for the province of Saskatchewan to go out and sell our products worldwide, and at the same time other agencies of your government are busy upping the costs of doing business significantly, to the

point where people are telling us, and I know they're telling you, that it is impossible for Saskatchewan business to be competitive because the cost of business has got so high here. You can develop all of the trade corporations you want but if your bottom line is such that you don't have any money left, you're not going to export anything.

And that's why I asked you, Mr. Minister, to show me some areas where you think there's possibilities to enhance trade. Those same areas, as I understand what your seat mate is proposing under his legislation, would raise the cost of doing business, Mr. Minister — raise the cost of doing business significantly for these people.

(1630)

Now I'm wondering how you can square, on one hand, raising utility rates across the board, raising taxes across the board, changing the rules of the workplace across the board to cost more money for every employer in the province of Saskatchewan, and how that is going to help them enhance their trade opportunities. It just doesn't square, Mr. Minister.

So could you . . . If you want to go sector by sector and show me where there is one new job, one new job, or one new opportunity for these people, I'd be pleased to hear it.

Hon. Mr. Lingenfelter: — Mr. Chairman, I want to mention to the member opposite, who just has a heck of a time keeping up with what we're doing in this government even though I keep reminding him, in the document *Partnership for Renewal* we made it very clear that we were doing about 31 initiatives that were called in order to create a positive environment for economic development.

And if you had that document with you, you would find that on page 16 we say — and business agreed with us — that we were going to rejuvenate the labour market policy. It's right there, written into the economic development strategy, signed off by business. Mel Watson, the president of the chamber of commerce, has said this document is the Bible for economic development.

In page 16 it says:

Review and update labour legislation and regulations including the Occupational Health and Safety, Pension Benefits, Trade Union, Workers' Compensation and Labour Standards . . .

This comes as no surprise to the chamber of commerce that we would be making changes to occupational health, to labour standards, to The Trade Union Act. They knew we were going to do it because it's part of the document.

Included in that document as well is a plan, and I quote to you, to "Develop a . . . Saskatchewan trade marketing development organization." That's what

we're doing here today.

So on one hand the Minister of Labour is doing what we promised the people in the election and in our *Partnership for Renewal* document, that is, improve the labour legislation of the province which was severely damaged by Bill 104 under your administration to a standard that will be more equivalent with the rest of Canada.

Now that will surprise no one. There will be a debate obviously between labour and business while they nudge and urge the government to move one way or the other — and that's totally expected. And in meeting with business people over and over, which I have done many times in the last few weeks, and I'm sure the Minister of Labour is meeting with people from the labour movement, we will work out labour legislations, as we did with occupational health, that will lead to strong exports from Saskatchewan.

And just so you know how we're making out so far: in 1991 we exported from this province \$5.2 billion worth of goods — \$5.2 billion. During that period from 1991-93 we updated the occupational health and safety. We redid some of the pension legislation. All of which you fought. Workers' Compensation, you fought. Did that stop exports? No, they went from 5.2 billion to 6.2 billion in 1993 — up by 20 per cent during that period; during the gloom-and-doom scenario that you painted how this was going to affect trade.

What do we expect will result from the amendments to The Labour Standards and Trade Union Act? I would expect that our trade will be up very handsomely when you come back and ask the question next year. Do I think it's going to hurt exports? Absolutely not.

Mr. Swenson: — Mr. Minister, to honestly believe what you just said is ludicrous. You full well know that the trading numbers that you quote are a direct result of trade agreements signed by a federal Conservative government with the backing of most jurisdictions in Canada at that time — 1991, 1992, 1993 — interest rates going down, inflation down, and more trading opportunities. Those were the reality, Mr. Minister. That's why Canadians were exporting bigger numbers. It had nothing to do with you people — absolutely nothing.

I'm wondering, Mr. Minister, when you were developing the document and . . . I'm glad you quoted Mr. Watson, the former president of the chamber of commerce. I'm wondering at the time you were developing that nice little scenario if the views of your Minister of Labour, which were quoted today from *The Financial Post*, were brought up at that time, where the minister in introducing ground-breaking labour laws and says these are needed to rid the workplace of conflicts created mainly by the greedy ruthlessness of Saskatchewan business.

I'm wondering, Mr. Minister, if the folks that believed in you 18 months ago when you put that document

together, still believe in you today after your Minister of Labour, your seat mate, accuses them of being ruthless and greedy and that they glorify greed and they, quite frankly, are very, very bad people because of the way that they've treated Saskatchewan workers; I wonder, Mr. Minister, how you square the comments of the Minister of Labour with your document there.

Hon. Mr. Lingenfelter: — Mr. Chairman, as the member will want to talk about the advantages that business has here in the province of Saskatchewan, obviously he'll want to refer to some of the tax changes that we have made that affect business and have helped with their stability in this province, and is the reason why people like Sears Canada have created 5, 6, 700 jobs here in the city of Regina because it is a good place to work and to do business.

We have obviously removed the E&H (education and health) tax off 1-800 numbers. This is far from being a tax increase, but a major tax reduction for many businesses. The small-business corporate tax has been reduced by 20 per cent; from 10 per cent to 8 per cent. We have established now the Saskatchewan Opportunities Corporation which we're about to pass here in the Assembly. We are establishing regional economic development authorities. We've established the Provincial Action Committee on the Economy which does a lot of work, and business people who are represented on that organization advise the government on a regular basis. And we've also established the Regulatory Code of Conduct by which government have to go through a serious and rigorous process in order to make regulatory change or to make legislative change for that matter.

And so I think business is relatively comfortable in Saskatchewan. Obviously we have a job to do in creating an atmosphere for positive economic development. Having a \$15 billion deficit, it's not easy to attract businesses to this province because they know they will become responsible for that debt left by your Conservative administration.

But even with that legacy of debt, when I go to Toronto I get a very, very positive reception about the new-found commitment to balancing the books in the province of Saskatchewan. And they're pleasantly surprised that the government represented by the New Democratic Party would be the first government in Canada to seriously take on the issue of debt reduction and actually make a commitment to balance the books in the province in 1996.

And so business people, while they will continue to urge us to make amendments to the various labour Bills, I think at another level are very satisfied with the work that is being done by this administration, and that's certainly reflected in the amount of exports that we have from the province which will be even enhanced further once we get the Trade Development Corporation up and running.

Mr. Swenson: — Well, Mr. Minister, they also congratulate the province to the west of us. They like the approach that Mr. Klein is taking. I hear business

people all over this province, certainly, in the face of what they are looking forward to here, but certainly there's comments in the national newspapers about Mr. Klein's approach of no new taxes but balancing the province's books.

And they applaud him also so you're not unique there, Mr. Minister, because governments across Canada recognize the fact that fiscal responsibility is part of the 1990s. Balanced budgets are good for business. No businessman will disagree with that, Mr. Minister — no businessman disagrees.

I'm wondering, Mr. Minister, under this legislation, as I read it, it seems there's the opportunity for you to incorporate other companies under the provisions of the Act. Are you envisioning anything else besides this particular trade entity to being incorporated under this Act?

Hon. Mr. Lingenfelter: — Mr. Chairman, not at this time. What this legislation will do is establish the Trade Development Corporation. And as I mentioned to the hon. member opposite, the Trade Development Corporation will be made up of private and public sector financing and will obviously be managed jointly. And we think this is what true partnership is all about, and we are in constant consultation with the business community as this legislation has come forward.

Mr. Swenson: — The question I asked, Mr. Minister, does this Act give you the power to incorporate other companies besides the one that you envision?

Hon. Mr. Lingenfelter: — The authority of this Act is to establish a trade development corporation. And it's my understanding if they then wanted to do certain other things, this would be the board of directors, which would be private and public sector, they could provide services that they would see fit.

Mr. Swenson: — So in other words, the board of the trading corporation could then incorporate other corporations without having to come back to this House. Is that true, Mr. Minister?

Hon. Mr. Lingenfelter: — Yes, I want to be clear with the member because the authority under this Act is to set up one corporation. And if there were any intent to set up any other corporations or parallel corporations, it would take an actual amendment to the Act.

Mr. Swenson: — Okay. But I ask specifically if the board decides to incorporate a subsidiary company, can they do that without coming to the House?

Hon. Mr. Lingenfelter: — I'm advised that no, they would have to come back. Like there would have to be another provision or amendment in order for another company to be set up. This gives the authority only for the establishment of the Trade Development Corporation.

Mr. Swenson: — That's very important because will this corporation be subject to review by the Provincial

Auditor?

Hon. Mr. Lingenfelter: — It's my understanding that it would, given the fact that there will be a continuation of government funding for the corporation, and the fact that at least initially there will be continued to be — and I would expect to be over the long haul — involvement by the government, along with taxpayers' money, that it would fall under the purview of the auditor.

(1645)

Mr. Swenson: — So that this corporation and any subsidiaries which the board wishes to form will be reviewed by the Provincial Auditor and be part of his report on an annual basis.

Hon. Mr. Lingenfelter: — There are no subsidiaries. But the workings of the corporation would come under the purview and the review of the auditor.

Mr. Swenson: — Do you feel, Mr. Minister, that that will be sufficient as far as how public funds are expended here? Are you anticipating the newly derived board doing anything like annual, semi-annual, quarterly reports — that type of thing? Is that envisioned that there will be steps beyond the Provincial Auditor to give the public accountability factors . . . give the public the assurance that this corporation is doing in fact what you said it will?

Hon. Mr. Lingenfelter: — There will be, obviously, because this will come back to the House as part of the spending authority under the Department of Economic Development; there will be the opportunity for these kind of questions to be asked.

The other thing that we will be doing is issuing an annual report and tabling it here in the Assembly, so that this can in fact go along with the estimates of the department. And questioning on how the corporation is doing or how it's meeting the expectations of the partners, certainly will come under the purview of the Assembly.

Mr. Swenson: — Mr. Minister, outside the House I've heard you talking about this initiative and you've invited private interests to invest in this particular thing. Why were not the specific provisions and the guidelines for that investment not spelled out in the Bill? The actual methodology that a private sector person like myself, for instance, who does export — I export commodities into the western United States from my farm — if I wish to invest in this, why wouldn't you put in the Bill the methodology that I would use to get involved in that?

Hon. Mr. Lingenfelter: — Just so you know, that it would not be normal process for fees and schedules to be in the actual legislation. It would be an unusual situation. Normally they're done by regulation, even in ordinary Acts. This being even more removed, given the fact that it is an authority as opposed to a line department, the fee schedule, for example, if there were to be a fee for service for yourself if you were

exporting grains or livestock and you used the service of the economic development authority, if they decided that they wanted some sort of fee for service as part of their structure, although they will be left to develop their own structure, that will be worked out within the framework of the Export Development Corporation.

However these will be relatively public documents, and obviously when the first annual report is tabled, members of the Assembly will be able to question or comment on how that process works.

Mr. Swenson: — I'm not necessarily referring to . . . I understand, Mr. Minister, how fees and services work vis-a-vis government departments and such.

I'm talking about you invited people to invest, and I would suggest to you they probably would invest as an equity partner or they would invest as a shareholder or they would invest as a stakeholder — in the entity, and that might entail a hundred dollars or it might entail \$50,000. But obviously you are asking for private sector stakeholders to invest on something larger than simply a fee-for-service basis, Mr. Minister. Otherwise your current department could provide that.

What I thought would have been in the Bill is that you would have a schedule. For instance, as a shareholder or as a person who's putting up risk capital or someone who is putting up fairly large pieces of money to be part and parcel of this, why wouldn't that methodology be in the Bill?

Hon. Mr. Lingenfelter: — Well simply put, that the export development authority will be producing a business plan and in there they will list out the way the mechanism for funding the operation will occur. I've mentioned that there will be ongoing funding from the provincial government. Rather than doing the export development within our department, our money will shift over to the export development authority.

Then there'll be two other ways that money will flow into the Export Development Corporation. There will be an annual membership fee, which will be based on the amount of exports that the given company who wants to join in the corporation will pay. And then there will also be a mechanism of a fee for service for those companies who want to use the service of the Export Development Corporation.

So you'll see the three streams of funding, at least initially, although as the business plan develops they may also want to amend or change in order to have other funding arrangements. But this will all be listed out in the business plan of the economic development authority . . . or the export development authority.

Mr. Swenson: — Okay, this is the first time I've heard about a business plan, Mr. Minister, from this board. Is that business plan going to be aired in here, or is this something that will simply be internal? Obviously with public money being part of the business plan, is the Legislative Assembly going to have any

opportunity to determine if those rules are applicable or not?

Hon. Mr. Lingenfelter: — The way this will work is not unlike other authorities. And if the member wants to look through the legislation on other authorities — the Meewasin Authority, or the one that's closer to you, the Wakamow Valley Authority — you will see in the department a grant that goes to that Authority. And then in the House the way it works, you are able to ask if you like about the increased spending, decreased spending, what's going on within that Authority, and raise the profile, or raise issues that you might be concerned about.

This will not be a great deal different than that. There will be a line in the budget of Economic Development that will say so many thousands of dollars for the Trade Development Corporation. And at that time, if you're not pleased with the amount of funding or if you're disappointed where the money is going to, you will be able to stand in the House and question the government on ways and means that the money is provided, and where the money is being spent.

So there will be an absolute recording mechanism on where the money goes, and also accountability session, obviously that happens with other authorities. This is not anything that is new or different for governments. There are just numerous authorities that exist and this will not be greatly different than that.

Mr. Swenson: — Well I can appreciate your argument, Mr. Minister, except you're asking people here to do a wholly different thing. I know the Wakamow Valley Authority and its mandate very well, and how they spend their money, which is in fixing up a river valley into a nice urban setting.

But what you're talking about here is people going out into the big wide world with trade initiatives, some of which will work and some which won't. And there will be, for every good one, there might be a bad one sort of thing. And business people understand that.

That's why I was asking you about the methodology of how they're putting their money in. I would suggest to you, some of them will be risking money because they see it as a potential benefit, so they'll put up some money and if it doesn't make the grade it doesn't make the grade. They'll do better next time.

Maybe you can answer it this way, Mr. Minister. What level of private investment are you expecting, in what form, and in what time frame? Maybe that would be a good way to get the discussion going.

Hon. Mr. Lingenfelter: — Yes, what we're looking at here is as I have said, is up front and at the front end of the program a business plan, and at the back end or at the end of the year an annual report which seems to be the right process.

The other thing that you have to appreciate is that this is a business-driven Trade Development Corporation.

The thrust for this Trade Development Corporation is not government wanting to simply go out and spend money on a Trade Development Corporation.

This is very much people who export asking the government and working very closely with them on a plan in many, many planning sessions to develop this kind of a concept. Really the legislation is just the tip of the iceberg. The work that has gone on in the private and public sector on development of this strategy has been going on for some 18 months now. And this comes forward after very, very many meetings where there has now been arrived at a consensus in the business community, and government, that this is the proper way to go.

And so what you see here is really a consensus of business and government on what the plan should look like. That is, funding jointly from the private sector and government, a reporting mechanism to the legislature, a business plan that will be basically open to the public, funded in three main ways — one stream coming from government, one from a fee for service where companies use the Export Development Corporation, and then an annual membership fee that will be allotted based on the amount of exports that the given company has.

Mr. Swenson: — Surely, Mr. Minister, you have some expectations of what that private sector investment will be, how it will probably start in the beginning, and how many of them will there be.

I mean, as you put this thing together in consultation with private sector people, there must be a dollar number or an expectation that keeps coming around to people, and I think we'd like to understand what your expectations are, say in the first year after the passage of the Bill.

Hon. Mr. Lingenfelter: — Yes, we're expecting in the first year of operation the numbers to be 1.4 million from government, which is sort of our traditional level that we're spending on trade development, and somewhere approaching 500,000 from the business sector; let's say about .4 million from the business sector. That gives you the ratio of how this will start out.

I think there's an expectation among business people that starting there, government's level of involvement will probably stay relatively constant, maybe grow at the rate of inflation, but let's say stay fairly constant. And that being put in the place by the private sector as the corporation gets up and running and providing a service will likely increase.

Mr. Swenson: — Will the proposed move of the functions of the Department of Trade to the new corporation go ahead if you don't come up with enough private sector investors?

Hon. Mr. Lingenfelter: — What we're doing here is moving ahead with it with some basic understandings and commitments that there will be a fair bit of public money . . . or private money entering the system.

I have to say to the member opposite, the 1.4 million that we're spending within government is being spent anyway and the simple fact is that we believe that whether it's 300,000 or 500,000 coming in from the private sector, that this still will be a much better system of doing export development than what we have at the present time.

Mr. Swenson: — Well I can appreciate that sentiment, Mr. Minister, and lots of things can happen out there. If you don't get the required amount — and obviously you've set a number in your head where this thing will work right as a beginning — if that doesn't happen, are you still prepared to keep the same amount of public money in there and transfer the . . . As I understand it, the requirement of the board to take a number of the people from your department is there and they have to follow the same agreements. They have to take these people at the salary that they're already at and all of the benefit packages and all those sorts of things have to flow across. If you don't get the amount of private sector investment that you anticipate, will all of those things continue on anyway?

Hon. Mr. Lingenfelter: — Yes. No, we're expecting to establish the Trade Development Corporation and we're certain that it's going to work. And so once we start down this path we expect, with the commitment we have by the business community and their involvement in setting it up, that there will be a great uptake.

And going on the basis of trade development corporations that we've studied and looked at around the country, but more importantly around the world, we find that if anything, most of the expectations are exceeded. And Saskatchewan being such a major trading province, I just don't share the pessimism that the member opposite has about the responsibility of business people in coming forward and being involved in the Trade Corporation.

Mr. Swenson: — Mr. Minister, it's not pessimism; it's just asking questions on behalf of Saskatchewan business people who are curious, to put it mildly, about what you're up to.

Will this corporation be run on a non-profit basis or a for-profit basis?

Hon. Mr. Lingenfelter: — It will be done on a non-profit basis. But what amazes me a little bit, Mr. Chairman, is the sudden caution by the member opposite. When he put \$21 million into Imp-Pak Packaging in Swift Current through SEDCO (Saskatchewan Economic Development Corporation), there was no such caution. When they were working on Mainprize Park down at the Rafferty dam, millions and millions of dollars building docks, building boat launches . . .

The Chair: — Order. Order. It being 5 o'clock the committee will rise and report progress.

Bill No. 46 — An Act to amend The Provincial Court Act and to enact certain other provisions

Hon. Mr. Mitchell: — I move that the amendments be now read the first and second time.

Motion agreed to.

Hon. Mr. Mitchell: — Mr. Speaker, by leave of the Assembly, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 2 — An Act to amend The Department of Economic Development Act, 1993

The committee reported progress.

The Assembly adjourned at 5:02 p.m.

THIRD READINGS