

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Fourth Session – Tenth Legislature**  
**27<sup>th</sup> Day**

**Friday, March 7, 1947**

The Assembly met at 3:00 o'clock p.m.  
On the Orders of the Day.

**SECOND READINGS**

Hon. J.L. Phelps (Minister of Natural Resources) moved second reading of Bill No. 40- **An Act to amend The Fisheries Act, 1944.**

He said: This Bill deals with the erection of a fish processing plant. It arises as the result of new regulations that have been in effect in the three western provinces for some considerable time. Last year at a meeting attended by representatives from the three provinces it was felt desirable in the interests of procuring a better quality product to make sure that white fish from lakes that are classified as 'B' lakes would, insofar as possible, be processed in the province of origin. We have found in actual practice that a certain amount of mixing has been going on in the past, and it was felt that for purposes of better administration that this action should be taken and therefore, Mr. Speaker, in order that our Act be brought up-to-date and conform to the new agreement that has been entered into with the provinces and with the Dominion, this amendment is felt desirable. I want to assure the House – inform the House – that it is not intended to protect the Government plants entirely but it is intended to apply to all the plants. That is, if there are fish in a certain locality adjacent to a plant, then under this Act it will be possible to direct the fish to that plant for processing and in that way improve the quality of the product and bring it up to a standard that will be acceptable for our own consumption and which it will be possible to export.

Mr. Speaker, I do not think that there is anything else that I can add...

**Mr. Procter:** — I notice the Act appears to govern all fish, and the Minister has spoken about white fish. Does the agreement cover all fish and is it the intention to have all fish covered by this Bill?

**Mr. Phelps:** — In actual practice it will cover all fish – that is it will be possible to bring any or all under this Act at any time in any particular locality. It was not intended that this would be applied as a blanket coverage over the province at this time but it is intended that in any locality it could be directed to the facilities that have been provided. We have found in actual practice, since the Member has brought up the point, that in the past fish have been taken to places for shipment where insufficient facilities are available to take care of the fish and keep it in good quality. Particularly more so now when more and more fresh fishing is being entered into and I want to inform the House (and the Committee will likely discuss it) that the tendency today is less frozen fish – that is round frozen fish in the natural state – and more

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processed or more fresh fish. It is felt that the one thing that we have experienced is the need to improve the quality; and at any time when private interests were engaged in fishing where there were insufficient facilities to take care of it, then it could be directed to points where they would have better facilities in order to take care of the fish and preserve the quality.

I think, Mr. Speaker, some time during the Session there might be some discussion on the fishing industry and it will be possible at that time to bring up the need of improving the quality of our product if sufficient markets are to be maintained. I want to assure the House that that is the one idea behind the passing of this Bill; to provide for a better quality product that we can put on the market with confidence. I move second reading of this Bill, Mr. Speaker.

**Mr. Hodge:** — Can any fisherman sell his product of his fishing to the Government?

**Mr. Phelps:** — Under this Act it will be possible to direct the fish to certain facilities. It will be possible to direct that fish to be delivered to certain points where they have facilities provided, whether they are Government facilities or private facilities – it may be either one or the other; but it is solely in the interests, as I said before of directing those products to where they will be processed, (in one case in regard to white fish from Three Lakes) and where there will be better facilities for preservation at others.

**Mr. Marion:** — Mr. Speaker, in the North there is just the one filleting plant. Would the people have to sell to that plant?

**Mr. Phelps:** — Mr. Speaker, I would suggest, I'm not adverse to answering these questions – but I would suggest that it might be advisable to take these matters up in Committee. However, I'm in your hands – whatever you would direct. As I say I have no objection to answering the questions if you so direct.

Motion agreed to and Bill read a second time.

Hon. J.L. Phelps (Minister of Natural Resources) moved second reading of Bill No. 52 – **An Act to amend The Game Act.**

He said: Mr. Speaker, in rising to move second reading of Item number 2, Bill No. 52, An Act to amend The Game Act, I wish to inform the House there are several points covered here. I'll run over them briefly. They are not altogether new – that is some of them are new to this Act. They are amendments that have been passed and have been incorporated in other Provincial Game Acts. One is (I'm dealing with them as they come) the matter of appointing unsalaried game guardians – deputy game guardians. It has been found desirable to appoint people from various parts of the province to assist in game preservation and enforcement. It is not possible, Mr. Speaker, to have on the public payroll the necessary amount of personnel it would take to patrol the Province of Saskatchewan. We have, on occasion, been requested for additional personnel, but the Government does not feel inclined to place on the public payroll of this province the number that would be necessary to

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conduct the enforcement on that basis. I would also point out to the House on this point – as a matter of clarification – that there seems to be some misunderstanding and some people seem to be under the impression that it is the duty of the Government to enforce our game laws, and our fisheries laws and the various other laws in connection with the Department of Natural Resources and other departments. That fact is – and I think that the House is well informed and that it is well understood here – an erroneous idea. We have an agreement with the Royal Canadian Mounted Police to police the Province of Saskatchewan and they do so under contract and one of the conditions of that contract is that they shall enforce all our provincial laws, including our game laws, our Game Act, our fisheries laws and all the rest. Therefore, Mr. Speaker, it would only be a duplication to appoint additional people all over the Province of Saskatchewan to carry on all that enforcement work. It is true we do have a certain number of people engaged for special game work – enforcement work and the improvement of game conditions generally, but they are not only policemen by any means. They are there to improve game conditions in the Province of Saskatchewan and this new amendment will provide for the appointing of additional voluntary deputy game wardens.

Now they will not be given the complete powers of a regular game guardian who is on the public pay roll. Our provincial game guardians have quite wide powers. Under this, voluntary game wardens will have restricted powers. They will be restricted to certain capacities within which they will be permitted to work under the Act, but with sufficient powers to give them all the necessary authority to deal with the many matters that might arise in their various districts.

Now the point I would like to bring to the attention of the House is that the matter of outlawing automatic shot guns be provided for – that is outlawing them for use in their present conditions. Now, Mr. Speaker, it was suggested by a Member that the ordinary pump gun would be limited to the same extent; but after a good deal of discussion and a good deal of thought, it was decided (and which I am in wholehearted agreement with) that this would be confined at least for the present to automatic shot guns only. There is, at the present time, quite a substantial decrease in upland birds and there has been quite a wave of sentiment in favour of restricted hunting, quite recently, in preparation for next season's hunting. I hardly felt, and the Game Branch was in agreement, that going about it that way would obtain the desired end. Therefore, we are only asking at this time that the House consider restrictions on the automatic shot gun.

One other point that I would draw to the attention of the House in connection with this Bill is that the House would consider an amendment to the Act that would provide a minimum penalty of a seven day jail sentence, without the option of a fine. Mr. Speaker, that is a similar clause that is in our Act today which governs drunken drivers. I wonder sometimes if the House is fully informed regarding the seriousness of night hunting. There has been some very serious accidents in that regard and it has become quite prevalent in certain parts of the province and the sportsmen organizations including the Fish and Game League have requested that a much more contingent method be applied in this particular regard.

In a joint meeting with the Fish and Game League in

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preparing these amendments and I want to inform the House that all these amendments to the Game Act have been discussed with a joint committee we have between our department and the Fish and Game League and I want to at this point pay a tribute to the work that the Fish and Game League has been doing and the very wholehearted support they have given our Department in these methods and that they are wholeheartedly in support and have asked us to make this amendment to the present Act.

Another point I would like to bring to the attention of the House is a new clause to the Bill to provide for the hunting of predators particularly coyotes and timber wolves from moving vehicles. Mr. Speaker, under the old Act it was illegal to shoot from a moving vehicle under any circumstance whatsoever. I think the House has possibly known of many instances in the past few years where coyotes have been hunted from automobiles and a good number of coyotes no doubt have been taken by that method. It has been quite outside the law under the Act to do it but we feel when we are paying a bounty when there is a wide-spread demand for the cause of many to reduce predators particularly coyotes and more particularly timber wolves that provision should be made for this sort of thing, therefore, provision has been made in the Act. The House has been asked to consider the amendment which would provide for this thing which would make it legal in the future and also of course include hunting coyotes and timber wolves by airplane. There is a provision in the Act at the present time where the Minister can make a special authorization but I feel, Mr. Speaker, rather than the Minister to be given that authorization in these cases, it ought to be provided for in the Act and therefore we are proposing that to the House for your consideration.

One other new section in the Act is the provision of making it unlawful for any person to sell or barter sitting rights. Mr. Speaker, some cases have come to our attention where we have found people putting shooting signs such as, "No shooting", "No shooting allowed", "Shooting prohibited", and then they sell the rights of shooting on that area to certain other individuals. We are seeking an amendment of the Act that will not permit continuation of such kind of thing. In other words, after this, if the amendment passes the House it means if a person puts up no shooting signs it will become in actual practice a bird sanctuary, that is, it will become automatically a reserve, he will not be compelled shooting rights from anyone else.

Now there are two other points, Mr. Speaker, which I might bring to the attention of this House, one that provides a time limit, a time when a prosecution can take place. In the old Act there was no time limit and a person would be apprehended and it could run along for quite some time. We are proposing an amendment to this Act that if anyone is arrested for a period of 15 days it will give the person prosecuting in the Department wherever it is, 15 days to start proceedings and if they don't get started within that time we feel that the case or the person involved ought to be excused.

Another clause I would bring to the attention of the House is a new provision again to have a pheasant season in the Province of Saskatchewan which only applies to the male pheasants and as I've found in practice that the Act has not been clear and therefore the point of this is to clarify and make it possible to prosecute the shooting of female pheasants.

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Another clause here I would bring to your attention is a matter of having been in poultry possession after the season is closed. Now that's something that has developed as a result of modern cold storage facilities. It is quite possible under our Act to store game. You may shoot game in the season and be quite within your rights, right with the law in every way and have that game stored in a fresh frozen freezing locker and you may keep it there for months in its natural state and then take it out for human consumption. Now it has been difficult – there has been problems, some doubt when people have been found with game in their possession and every indication of it being fresh game, but the argument had been advanced that it was game that they had in cold storage and therefore according to the amendment which is being proposed the owners will be on the perch to prove that they had had that in cold storage by certificate or receipt. Maybe it wasn't clear before. I think, Mr. Speaker, those are the main clauses in the Bill, there are a number of other minor ones which can be discussed in the Committee of the Whole.

Mr. Speaker, I move second reading of Bill No. 52, An Act to amend The Game Act.

**Mr. A.T. Procter (Moosomin):** — In view of the remarks of the Hon. Minister, I feel I should be allowed to pass some challenge in this House. First, let me say this: I think that all of us are completely in accord with the Minister and his desire to protect game and game birds in the Province of Saskatchewan. That is perhaps one of our greatest aspects for the future, one that is being depleted not only by men but by nature and one that requires the very earnest consideration of the Minister and all those in the province who take an interest in game and the preservation of game. I do feel however, Mr. Minister, that it would be apparently wrong to allow the impression to get abroad that it is not the duty of the Government to force the laws of the Province of Saskatchewan be they in connection with game or be they in connection with any other thing as stated by the Hon. Minister. Personally it would appear to me that we in this House are wasting our time in passing laws if it is not to be the duty of the Government to enforce those laws when they are passed and I certainly cannot exceed to the interpretation of the duty of the Government to respect the importance of law stated by the Hon. Minister.

The second point that I want to bring to the attention of the House is one which, on which I do not know the provision, the attitude of the Fish and Game League. I do suggest, however, that the attitude of the people of the Province of Saskatchewan is entirely different in respect to this clause 18(A) which introduces the principle that no person shall directly or indirectly sell, trade, barter or offer for sale, trade or barter the hunting or shooting rights over any land whatever. I suggest, Mr. Speaker, that that's an entirely unwarranted interference with the rights of the owners of tenants, as the case may be, of land. I noticed with interest the explanation of the Hon. Minister in which he said that the effect of posting land after this clause was passed would be to create a game preserve. I sincerely hope that that is not going to be the case because there are certainly some of us who own land may desire to preserve that land for our own shooting and not for the shooting of the general public. There are those in the province who have taken steps both by the propagation of pheasants and pheasant eggs and Hungarian partridge and Hungarian partridge eggs

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to increase the supply of game on their land. I see too, Mr. Speaker, no reason whatever why this particular clause should be acceptable to the people of the Province of Saskatchewan or should be a measure undertaken for the protection of game. It appears to me that it's exactly the reverse of such a measure. I can and would point out that for those in the rural areas every fall have done absolutely nothing towards the assistance of the preservation of the game or the propagation of the game on the farmed land. They quite often are strangers. They have no interest in breeding stock and the game is simply wiped out. Some of them are not even from this country, some of them are popularly known as game hogs and the taking away from an owner the rights that he now has in respect to game on his own land and the letting of shooting or other fishing rights or so forth is going to be one of those things that is simply going to do away with the interest of owners to protect the game on their land. You yourself, Mr. Speaker, are well aware of the fact that quite often the owners of land in rural areas go to a great deal of trouble to protect and feed and look after the game. Now the Hon. Minister is going to say to them, you can't do anything with this game, you can't let shooting or fishing rights, you can do nothing and I am certainly going to oppose both those principles of this bill, Mr. Speaker.

**Mr. Phelps:** — I will rise to reply to points raised. Again, I want to bring to the attention of this House the need of, and I think the Hon. Member who has just taken his seat realizes the need for drastic action regarding the protection of our game. All the provinces are beginning to realize the extent to which depletion has taken place and I might point out to the House, the Game Commissioner has just now returned a few days ago from a conference in the East which I was unable to attend. He went in my place and he said that one of the main topics discussed there was how they can better protect the game and particularly upland game of this country.

Mr. Speaker, I want to correct the impression my friend apparently obtained from a statement I made regarding the enforcing. I didn't say that the Government was not prepared to enforce our laws, what I did say was that it's not the sole duty of the Government to enforce our laws. Certainly the Government and all Members of the Government and all the citizens of the Province of Saskatchewan are charged as a citizen of this country with the responsibility of seeing to it that our provincial laws are enforced. What I did want to convey to this House was that it seemed to be an erroneous impression which had gotten abroad in some sections that we are the ones and the only ones who are responsible for enforcing our game laws, that is the Department of Natural Resources, and I wanted to clear up that point quite definitely because there has been a number of letters written criticizing us for not having enough enforcement officers in certain areas and I hasten to explain to this House that it's not the sole job of the Provincial Government. We will do all we can and our officers are all charged with that responsibility as well as we as private citizens but I point out to the House again what I did want to convey was that we have a contract to police this country with the Mounted Police and it is their job primarily to do that work and I want to compliment them on the work they have done, Mr. Speaker. We have obtained wonderful co-operation from the Mounted Police of the Province of Saskatchewan. I have heard some objection in the past but it's

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certainly not so far as we are concerned. We have had splendid co-operation and it is working very good.

I want to deal with the other point raised by my friend. He wanted to know the attitude of the Fish and Game League regarding the matter of selling shooting rights. Well, I want to inform the House and my hon. friend that the Fish and Game League are very much behind us on this point, the moment that we adopt a policy of trafficking in shooting rights. Now that doesn't mean to say that a farmer can't go out and shoot on his own land, that's quite all right, Mr. Speaker; nor does it say that if a farmer wants to invite his friends he can't but when anyone, a farmer or anyone else starts to commercialize hunting, then we are going to oppose that. We are not only going to frown on it but we do not think that that is right.

Mr. Speaker, we on this side of the House and the Fish and Game League are in accord in believing that the game of this country is like any other natural resource. It doesn't belong to the person upon whose land it happens to be feeding on at the moment but it does belong to the people of this province as a whole and we do not believe and some of the older countries have found themselves in difficulties, and some of the provinces in the Dominion – by the way -- Mr. Speaker, through allowing this kind of thing to develop. It is just like topsy it just kind of grew and developed until in certain sections of the Dominion of Canada, Mr. Speaker, that our provincial governments find themselves in the position that even although they may sell licences to shoot, people get the licences and then can't find anyplace they can shoot unless they pay further fees to some local person. We believe that when we sell a person a licence that should be his contribution, not only to administration but that licence should be in such a way that provides his contribution to the game administration and propagation of the Province of Saskatchewan. Not only that, he has an interest as a citizen of this province, if he happens to be a citizen of it. If he is a visitor to our province, Mr. Speaker, then he will pay a higher fee and again in our opinion he has paid his ample share and in order to maintain good neighbors, Mr. Speaker, we believe that up to a point, at least so far as our supply of game will provide to a point, at least so far as our supply of game will provide, that to have a certain number of hunters from other provinces and other parts of the North American continent is a good move and, Mr. Speaker, again I want to say this move is endorsed wholeheartedly by the Fish and Game League and it is not intended to go to the extent that my hon. friend is under the impression.

Motion agreed to and Bill read a second time.

Hon. O.W. Valleau (Provincial Secretary) moved second reading of Bill No. 54 – **An Act to amend The Saskatchewan Insurance Act.**

He said. In this Act to amend The Saskatchewan Insurance Act probably the only new feature in the Bill is a principle, under which unless otherwise specifically provided for in an agreement of insurance for sickness or accident, that it shall be considered that monies paid under The Hospitalization Act or under The Health Services Act have been paid by the individual that has taken out the insurance. That is if the contract between the individual and the insured or between the insurer and the insured specifically says that they are not to be provided for then in the event that they are not mentioned at all the

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said hospital bills will be considered to have been an expense of the insured. I might say that the section is adapted from the Manitoba Insurance Act which has had similar provision for a considerable length of time.

**An Hon. Member:** — How does that apply?

**Mr. Valleau:** — It will apply that where a contract of accident, an insurance policy for an accident or an accident and sickness policy has been taken out, that in the event of sickness where the hospital bill shall be paid under The Saskatchewan Hospitalization Act, that it will be considered that the individual has paid that himself.

**Mr. Procter:** — Yet in that event will the individual get the money or will it be the Hospital Board?

**Mr. Valleau:** —The individual then will receive the money. It's in order to avoid confusion. If the company wishes to exclude it they can state it definitely in the contract but in the event that it is not so stated then we want to clear up any argument that there might be by stating it in this way.

I move second reading of Bill No. 54, Mr. Speaker.

Motion agreed to and Bill read a second time.

The Assembly adjourned at 6:05 o'clock p.m.