

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Twelfth Legislature
33rd Day

Tuesday, March 31, 1953

The House met at three o'clock p.m.

SECOND READING

Moved by Mr. A.L.S. Brown (Bengough)

That Bill No. 100 — An Act to amend The Farm Implement Act, 1949 — be now read the second time.

Mr. A.L.S. Brown (Bengough): — There are at least one or two new principles involved in this Bill to amend The Farm Implement Act, and just a word or two of explanation might be in order. The House will recall that one year ago, the Committee which was appointed to inquire into the farm implement industry in Saskatchewan and its operations therein, had under consideration certain amendments to The Farm Implement Act. There were representations made to that Committee from farm organizations, from implement dealer associations, and from a couple of manufacturers' associations within the province of Saskatchewan, and the House will recall that, as a result of the report that that Committee brought down, there were several amendments made to the Act, amendments which, in themselves, clarified the Act and, it was felt, did give greater protection to the purchaser of farm implements in this province.

The changes that were made as far as protection to the purchaser was concerned, were made primarily in respect to the Form 'A' and Form 'B' in The Farm Implement Act. However, certain farm organizations and particularly the Farmers' Union of Saskatchewan have felt that the Act could further be strengthened providing, as they have argued, more needed protection for the purchasers of farm implements in the province of Saskatchewan. It is upon their request that I am introducing this Bill at this time, to amend The Farm Implement Act, in spite of the fact that the Act was under review by a select Committee of this august Legislation, one year ago.

Briefly, they suggest that the Act can be strengthened in reference to Section 18. The section, as it now stands, and has stood since 1949, provides that, where no contract is entered into in the purchase of a farm implement, it will be construed that the contract will be enforced as if it had been written and had been signed by the parties involved. The principle involved in the amendment is that where there is no contract entered into, or no signed contract entered into, on the purchase of a farm implement, then the purchaser or, as it would be in this case, the farmer, shall have the right to affirm that contract and get all the protection that is provided in that contract under Form 'A'. He will have the choice of either affirming it and getting the protection thereunder or not affirming it and obtaining the protection through other sources. Because of the fact that this provision will make for the possibility of affirming and therefore leave it in a position where there may be, at the time, no actual legal contract entered into, certain other changes had to be made in the Act to bring it in line with this proposed practice.

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The second change in principle involved where there is no contract, the vendor, if he allows the machine to be delivered to a farmer without a contract, he shall have no right to any claim upon the purchase price of that machine, but rather that his only claim is upon the machine itself and he must return the portion of the purchase price paid, if the machine is returned.

The third new principle suggested by the farmers' organization is that, in addition to all the protection provided under The Farm Implement Act as it will stand with these amendments, the provisions of The Sale of Goods Act shall equally apply, and any additional protection provided for purchasers who make purchases under The Sale of Goods Act shall be equally applicable to people who purchase farm implements.

I might suggest that in all of these amendments, the main purpose is to compel all implement dealers to provide a purchaser of a farm implement with a contract. If they fail to provide the purchaser of a farm implement with a contract, then that implement dealer, insofar as he is a representative of a manufacturing company as laid out in Form 'A' of the Act, that that manufacturing company and vendor would have to accept that responsibility as well.

I therefore move, Mr. Speaker, that Bill 100 be now read the second time and referred to the Select Standing Committee on Agriculture.

Mr. A. Lopton (Saltcoats): — I would like to ask a question, Mr. Speaker. Isn't that somewhat along the line of the recommendation of the Implement Committee of last Session?

Mr. Brown (Bengough): — No, these are more along the lines of the representation made by the Farmers' Union to the Select Committee, which the Committee in its wisdom did not decide to adopt at that particular time. They are in line with the representations made by the Farmers' Union — not in line with the recommendation of the Committee.

Mr. W.A. Tucker (Leader of the Opposition): — Mr. Speaker, before we pass this, I wonder if we are going to have any indication from the Minister of Agriculture as to his attitude in regard to this matter. I think that at the last Session he felt he had introduced what was required and proper in regard to The Farm Implement Act, and I just wondered if he has looked into this matter and has decided to take any attitude in regard to it.

Hon. I.C. Nollet (Minister of Agriculture): — The amendments that are being proposed now by the Saskatchewan Farmers' Union were submitted to the Committee, last year and, as Mr. Brown said, the Committee in its wisdom did not see fit to include all of these amendments to The Farm Implement Act, last year. Subsequently, the Farmers' Union made very strong representations and felt that these amendments should have been included last year. They felt keenly about it and they made representations to me about it, and I informed them that I would not want to bring in those amendments on my own responsibility, since a Committee of the Legislature had reviewed The Farm Implement Act only last year, but that the Bill could come into the House as being introduced and then submitted to the

Select Standing Committee on Agriculture for further review. Now that is how they get hearing now.

Mr. Tucker: — Thanks.

The question being put, it was agreed to.

The Assembly resolved itself into the Committee of Supply, and after some time spent therein, reported progress.

The Assembly then adjourned at 6.00 o'clock p.m.