

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Third Session — Fourteenth Legislature
22nd Day

Monday, March 26, 1962.

The Assembly met at 2:30 o'clock p.m.

On the Orders of the Day:

ANNOUNCEMENT: MEETING WITH SASKATCHEWAN CHAMBER OF MINES

Hon. J.H. Brockelbank (Minister of Mineral Resources): — Mr. Speaker, before the orders of the day are proceeded with I have some information in which members of the House will be interested.

I met with the Saskatchewan Chamber of Mines on Friday last at Saskatoon. This was a very good meeting. Members of my staff and I met a special committee of the chamber and discussed a number of points in the regulations and procedures. Further study will be given to these matters and at least one other meeting will be held with the committee. Eastern mining companies are being contacted with view to holding meetings with them to discuss any points they wish. It may also be of interest to the committee to hear some of the remarks of Dr. W.E. Van Steinberg, Director General of Scientific Services for the Department of Mines and Technical Surveys at Ottawa. He said at the meeting at Saskatoon, "The growth in produced mineral wealth has been phenomenal in this province in the past several years. He predicted that the development of mineral resources would continue. While farm production is still of major importance, mineral wealth has increased manifold."

In regard to the Sun Oil Company, I can state that their office here in Regina, which presently has a staff of two, manager and secretary is being closed and the responsibility for the Saskatchewan district is being transferred to the area office of Estevan, which has a staff of twenty-two at the present time. This office will also have supervision of the Manitoba operations of the company. Mr. William Anderson, who is manager for Sun here, will be superintendent in charge of all western Canadian production at Calgary.

The exploration program of Sun Oil remains unchanged. It is interesting to note that the Estevan office has grown from a staff of seven to twenty-two in five years.

Canadian Fina has had a land office here with a staff of three or four, they are making no change in their land holdings or in their operations. What these companies are doing, Mr. Speaker, is some reorganization of their own business, consolidation, something similar to what the Leader of the Opposition did when he moved the office of the Liberal party into the parliament buildings here, in the interest of economy.

QUESTION: CO-OP OIL

Mr. A.H. McDonald (Moosomin): — Mr. Speaker, before we leave this point, I would like to ask the Minister of Mineral Resources if he is familiar with the fact that Co-op Oil is also closing their office in the city of Regina and moving to Calgary.

Hon. Mr. Brockelbank: — They have moved, they have had some staff in Calgary all the time, and they have moved one man I believe more to Calgary, a short time ago.

Mr. McDonald: — The office is closed here.

Hon. Mr. Brockelbank: — No, no, the office is not closed; the Co-op has a lot of offices.

QUESTION: KERR-ADDISON

Mr. A.C. Cameron (Maple Creek): — I would like to ask the minister one question, over the weekend were you able to arrange any settlement with Kerr-Addison which would induce them to remain in the province?

Hon. Mr. Brockelbank: — I just made a statement on that, Mr. Speaker, and I would suggest that the hon. member look at the record when it comes off, I don't like to repeat it to all the rest of the House.

QUESTION: BOND ISSUE

Mr. F.E. Foley (Turtleford): — Mr. Speaker, before the orders of the day are proceeded with, I note in the Saturday issue of the Saskatoon Star-Phoenix that Provincial Treasurer A.E. Blakeney told the Porter Royal Commission on Banking and Finance that the psychological limit of the Saskatchewan Bond Issues is based on “hunch.” It seemed to me a rather strange way for the government to be basing these bond issues, \$14 million last year and \$11 million this year. I would like the minister to explain his statement that the current bond issue is now being run on a hunch.

Mr. Speaker: — Order! We can have questions on the orders of the day, but we cannot have lengthy statements like this on statements that were made by members or ministers outside this House.

Mr. F.E. Foley: — Well, Mr. Speaker, I would ask the minister if he considered this a proper basis to run the financial affairs of this province, if he is correctly reported.

Hon. A.E. Blakeney: — Do you want me to make a speech on the basis that loans ought to be made in the province of Saskatchewan with respect to long term loans.

Mr. Speaker: — I think that question is out of order, it is on a speech outside.

Mr. Foley: — One additional question then, was the minister correctly reported by the press?

Hon. Mr. Blakeney: — Mr. Speaker, I have not read the report, I have read a number of reports on what I am alleged to have said before the Porter Royal Commission. The reports which I read were almost uniformly incorrect and I would not be surprised if this was among them.

Mr. McFarlane: — Uniformly incorrect?

SECOND READINGS:
(Adjourned Debate)

Bill No. 14 — An Act to amend The Saskatchewan Crop Insurance Act — 1960

Mr. J.W. Gardiner (Melville): — Mr. Speaker, when I adjourned this the other night you will remember that the objection that I made at that time was to the fact that agents have already been appointed by the Crop Insurance Board and are already making advances to farmers in this province and advertising the fact that they are agents under this particular act. The point I wanted to bring out was that if this has already been done, why now bring in a bill when it is already an accomplished fact? If these people have been operating illegally up to the present time without legislation, then I think the minister has an explanation to make to this House as to how they were authorized to carry on their operations up to the present time.

I think as well that objection can be taken to the fact that these individuals will not be licensed as regular insurance agents because of the fact that there are many of those engaged in the province at the present time and in all our communities that are engaged in insurance, some of them only in hail insurance, many of our elevator agents are engaged in the business of selling hail insurance to farmers in the province and if this government is going to authorize others to act as agents to the crop insurance board I think they should be licensed the same as any other insurance dealers are in the province. After all they are taking up some of the business of others that operate in the province at the present time and if they are going to make their income on this type of business, then I think that they should be licensed by the insurance branch of the government in this province for those two reasons, I think objection should be taken, not so much to the bill itself which will permit a sale to be made by individuals, but to the manner in which the government has carried the whole thing into operation in having these men authorized to advertise their particular business before this legislature had approved the move by the Crop Insurance Board, and secondly by asking that they should be treated in any other than all insurance agents are treated at the present time in the province. I think with those two objections, Mr. Speaker, I don't think there is anything too wrong with this particular bill.

Hon. I.C. Nollet (Minister of Agriculture): — In reply to the hon. member's objections, Mr. Speaker, I should say that board has authority now to employ agents and they are paid on a labour service basis and all the agents presently engaged by the board are operating on that basis and will do so until the 15th of April and if this amendment is passed this will merely authorize the board to pay agents on a commission basis. So the authority is there for the board to do what they have been doing up to the present time and they have authority to go on the present basis another year if they wish. To engage agents on a commission basis, is the reason for the amendment.

The Manitoba Crop Insurance Board engages agents on that basis, insofar as exemptions are concerned. I think there is ample justification for this, Mr. Speaker. Certainly it doesn't interfere with any other similar business and secondly they come directly under the jurisdiction of legislation and under the administration of Crop Insurance Board. The whole purpose of this is to decentralize the office work and make these agents responsible for premiums collection and servicing contracts rather than attempting to do this from the central office.

With this further explanation, Mr. Speaker, I would move second reading.

Motion agreed to and bill read the second time.

Bill No. 18 — An Act to amend The Department of Agriculture Act

Mr. L.P. Coderre (Gravelbourg): — Mr. Speaker, when I got up the other day to adjourn this debate, I was just wondering what had happened to the government. Have they got such poor public relations that they have to use force or some form to enter on the land for surveys, or are they resorting to the iron boot? For example the Saskatchewan Power Corporation, in order to go ahead and survey, have to ask permission of the people. Surely the Department of Agriculture if it requires to enter upon the land, can ask permission. Also I am sure that if you give a satisfactory explanation, if your public relations are good enough, there isn't a farmer that would forbid you from going on. I thin the government have been only too

anxious time and time again to infringe upon the rights of the individual. It has happened in this province where the police force have been instructed and have entered upon people's property by instructions of the government, that is morally wrong, Mr. Speaker.

Mr. Speaker: — You must confine your remarks to this bill.

Mr. Coderre: — I am leading up to there, Mr. Speaker. Just a thin edge of the wedge has been mentioned. I am very, very opposed to the principle of giving the government any right to enter upon anyone's property without the proper permission being given by the owner. I don't believe that in this respect anything is so pressing that the government can enter upon land without asking permission, without having to go to the courts of the land and getting permission to do so. If you make those provisions in the bill, get permission from the courts before you do, then it may have some advantages and might be somewhat acceptable. What is wrong with the courts, Mr. Speaker? Are we going to do away with them, with the process of law? Are we going to give a new process of law to a bureaucracy, to enter upon anyone's property? It has been done in the past and on these grounds I cannot vote for this bill in the least bit, because it is only another step in taking the rights away from the individual. Somewhere down the line we have to stop it, whether it is now or later and I am definitely opposed to giving that power to anyone to enter upon anybody's land or property without proper permission.

I oppose that bill, Mr. Speaker.

Mr. J.W. Gardiner (Melville): — Mr. Speaker, I would like to join with the other members on the opposition side of this House in raising objections to the bill that is now before us, with regard to providing the minister and his workers in his department, surveyors, engineers, agrologists, workmen and servants to enter upon any land to whomsoever belonging and survey and take levels of the land and take such borings and samples at surface or lower levels of the land seeming necessary for any purpose relating to the development and study or investigation of any irrigation drainage, flood control, water storage, underground water, land reclamation projects, the development and study and investigation of which he considers to be in the public interest.

As has been pointed out by the previous speaker, I believe myself that this is placing too much power in the hands of one individual; it leaves it up to the minister to decide in the first place as to which of these projects necessitate this action being taken. It places in the hands of one member of the government that in the future to decide for himself where action of this type should be taken and I think that in itself places certain circumstances at the present time existing in the province and I think the minister and this government have only itself to blame for the fact that they have not taken care of those circumstances in other ways in order to make this legislation that has been placed before us necessary at this particular time.

However, I agree with the other members when they raised objections because we know that in other legislation the minister himself has stated it, that providing you object to this we have powers like this in various legislation that already exists in the province. Well, that is one of the reasons why we are objecting to any more such legislation, just because of what has been done by the workers and by the government of this province since they have been in office, in operating legislation just the same as they are asking us to pass here today.

I can remember three times with regard to actions of the Department of Highways, in one little area of this province where surveyors went on the land three times in a row without permission. Once they even started in to cut down a farmer's bush and he finally went out and saw these fellows chopping the bush and he went and asked them what they were doing, and they said they were surveying for a road. On another farm on which survey stakes had been placed, the farmer hadn't been told and almost picked them up in this combine when he was going around cutting his crop. It is because of actions of this type that I feel that we should not place any more authority of this type in the hands of any government department unless they are prepared to place into that legislation assurance that the farmer will be first contacted and then if they cannot obtain his signature, then there might be a purpose and a reason for having recourse to taking certain measures without perhaps the lengthy delay that might be necessary through court action. I don't think there should be any action taken in this regard without the individual farmer being asked whether or not these people can go on his land and I think that is one of the inalienable rights that we have in a democratic country and that is the right for security

on our own property, and the right to refuse entry on that property to anyone if we feel that it is against our best interest, at least without having further actions taken.

And so I say that with other members on this side of the House, I feel that I have no alternative at the present time, unless the minister is prepared to place into this legislation some amendment which would make it necessary for any of these individuals to seek consent first from the individual owner of property, that unless they are prepared to do that I see no other alternative but to oppose any further legislation which will enable any employees of this government or any other government that might be in power in the future to walk over and take whatever action he wants with regard to the private land of any citizen in this province, and so, Mr. Speaker, I find that I cannot, in its present form, support Bill 18.

Mr. F.E. Foley (Turtleford): — Mr. Speaker, with regard to this bill I would like to associate myself with some of the remarks of previous speakers, and I would like to bring one more point to the attention of the minister. According to Clause 8A, part 1, it appears to me that investigations and the study of borings and of rock cores from the lower levels of the land, may reveal certain information about mineral strata. This is quite possible, and as far as I can see there is no provision in this act for giving to the owner of the land any such information. While I realize that the bill does not specifically state that investigations will be carried out with regard to minerals, I feel that this information should be made available to the farmer, whether it be with regard to possible minerals or with regard to any other type of information which may be of assistance to him in his farming operation.

I would suggest to the minister that consideration be given to including such a clause in this act.

Mr. G. Herman Danielson (Arm River): — It might sound rather ridiculous for myself to make this statement, but I am going to make it.

This looks very much like you were going back to the old Crown Corporation Act and putting an expropriation clause in this act which only applies to the farmers, not to any other people. Amendment to the Crown Corporation Act has removed it, then it applies to everybody.

Having had some experience and seen some of the actions of the Department of Highways the last few years, I wouldn't give any government, I don't care what they were, what brand they were of, what name they called themselves, any authority to tread upon the individual property of any citizens of this province, Mr. Speaker. I saw something when No. 11 highway was put through a few years ago. A crew comes one morning and sets their big grader into the field of a farmer. He had a fence stretching almost three-quarters of a mile, with creosoted posts and two wires, and they took this post and the wire and the whole thing and heaved it out in his grain. They never said anything to the farmer, it took him two years before he got a nickel out of this government for the damage that was done. Why didn't they tell this farmer, go out and tell him and say we'll be here in three days or a week's time, we are going to be down here and we have got to have that fence moved. That farmer would have moved the fence, every post and the wire and everything else. I would like to have the Minister of Highways go out in the grain field, with a big roll of dirt and the fence posts broken to splinters and the wire rolled up in the dirt and then clean it up so I could go through on my combine. I would like to have you do that and do it before breakfast in the morning. That is the situation.

This is the same thing, Mr. Speaker, some of these department employees are going to be given a car or truck or whatever vehicle they demand or need to go out there and drive in, no matter where it is, into the farmer's field or any place else and go to work. The farmer doesn't know anything about it, he might be away in town, and there might not be anybody home at the house as is frequently the case in summer time, when you go around the farm community, we fellows who have been out electioneering surely know something about that. So here we are, I just want to know if the minister would tell us if I am very far wrong, I don't think I am very far wrong, has this anything to do by confiscation and taking possession of the farmer's land along the Saskatchewan River Dam. I want him to answer that question before he puts this bill through second reading. For my part I am going to vote against it and I hope that every member on this side of the House votes against it.

Opposition Members: — Hear! Hear!

Mr. Danielson: — We have seen enough of this thing. This creeping socialism that comes on, little bit by bit and bit by bit

and at least everybody but the farmers know, they are going to have him at their mercy, they don't even deserve or rate as much as to ask his permission to go on his land, they don't have to bother with that anymore, he is only a farmer. Mr. Speaker, I am going to vote against this motion and I hope every member here does the same thing.

Mr. W.J. Berezowsky (Cumberland): — Mr. Speaker, in listening to the hon. members it seems rather a strange thing to take the attitude as they do, because whenever it is in the public interest, then it doesn't matter whether it is under a Liberal government, a CCF government or any other government the prerogative of the government is to acquire information, sometimes to acquire land and on other occasions to deal with more serious things than that.

I would like to point out to the hon. member that in northeastern Saskatchewan under a Liberal government some eight or ten years ago when the government of Canada needed a bombing range at Primrose Lake they acquired land from this province and then advised the people in that area in my presence, I mean that one of the employees of the federal government at Ottawa told the people at the meeting that I attended at that time that they had to get off the area and as far as being compensated, that could be arranged at a later date. As a matter of fact they offered a very small compensation at that time and it took years, a number of years before settlement was made.

Railway companies do not wait until they get the permission of a farmer or an owner of land before they build a railway. If it is in the interest of the public the government whether it is federal or provincial, gives permission of entry and railway companies come in and survey the land. Of course they ask the farmer first as well as the owner of the land but you can't stop entry. In the case of land for schools, under Liberal governments and under this government we know quite well that if an area of land is required then of course it is talked about and negotiated with the owner, but if the owner refused then the land was surveyed and appropriated and later on the man was paid, if he were willing to accept the sum that he could agree upon; if not then of course it went to the courts and the courts decided the matter. Now it is very nice to say that permission should be obtained from the farmer or the owner of land and that is what every government and every employee

working for the government would like to do, but I do know of cases, several cases such as have been mentioned by the hon. members opposite where in the case of the Power Corporation when the community wanted power lines one single individual just stood there with a gun and refused access, and held up the building of the service in the community.

Mr. Foley: — Do you believe in this bill?

Mr. Berezowsky: — I think the public, whether it is in Saskatchewan or any other province has rights and I think that if it is in the interest of the public to study or investigate certainly those interested should talk it over with the farmer but he should not be in a position to stop that kind of study or investigation.

Mr. McCarthy: — Nobody said they should.

Mr. Berezowsky: — That is the job we have got to do, see that we so legislate that the powers are there for the engineers and employees to do the necessary job that is in the public interest and if the owner of the land isn't satisfied the next section provides, (sub-section 2) quite clearly states that these people can arrange to accept damages and it says here very clearly that the government is prepared to pay the damages. We know that according to the laws of Saskatchewan if people are not satisfied then they can either arbitrate or go to the courts.

I can't understand the hon. members with the history that they have of doing exactly this kind of thing standing up and saying that they are going to vote against it.

Opposition Member: — Our people saw the farmer first.

Mr. E.A. Johnson (Kerrobert-Kindersley):

Mr. Speaker, I can't understand the opposition to this amendment, I think it is not only desirable but necessary. I told the House that I am a farmer and I certainly have no objection to any persons listed in this act going across my land to do what the act proposes, and certainly I think this is a slight on the characters of surveyors and engineers and the agrologists to imply that they would carelessly cross land and do the damage

March 26, 1962

that members opposite alleged. I am very well acquainted with these sorts of people, I have the greatest admiration for them and I have every reason to believe that they would not knowingly cause any unnecessary damage to any land or property. I see nothing wrong with this act at all.

Mr. Ross A. McCarthy (Cannington): — Mr. Speaker, the member for Cumberland (Mr. Berezowsky) proceeded to muddy up the water, he brought in a lot of things that aren't pertinent to this thing at all. No one is trying to stop progress.

Mr. Berezowsky: — You are.

Mr. Speaker: — Order!

Mr. McCarthy: — Surely a farmer is entitled to at least the courtesy of being asked. He said railways; I have been around this country when railways were being made and certainly the farmers were asked. I have been around the country when we located a lot of schools; certainly the farmer was asked and nobody objects to it. There is course of law, and if I don't want them to go across my land, there is law, but to say that they can go on to it without anything, without even being courteous enough to ask the farmer about it, is altogether different from the point that the member for Cumberland (Mr. Berezowsky) is trying to make. All we are asking is that in common decency that if they are going to go on to my land that they come and tell me.

Certainly if I say no, there is a legal course, there always has been and there always will be, but the idea of saying that a farmer hasn't a right to say whether certain people go on his farm or not. Now if it is in the public interest there is legal way at present to do it, it has been used scores of times, but no one is casting any aspersions on the engineering profession or anything else, but you know what a bunch of these young boys are. They get a truck and get out there and they have the right to go across this farm without asking the farmer and they are human, and they do a lot of damage, and I think that it is only proper, that it is only right that the courtesy should be extended to the farmer and as far as the member for Cumberland is concerned, he was just muddying up the water and saying a lot of things he didn't know anything about.

Mr. J.R. Barrie (Pelly): Mr. Speaker, insofar as this bill is concerned it appears to me that one of the greatest attractions we have in this country, one of the greatest attractions that brought thousands of people into this province was the right and privilege to own land. This is something that many of the people who immigrated from other lands didn't have in their own country. The fact that a man could come to Saskatchewan or come to Canada, buy or purchase or earn a piece of land and have the title to it, and of which he was master, this is one of the things we in a democracy, particularly in Canada take great pride in.

This particular act to me is, as some other speaker just mentioned a few minutes ago, the thin edge of the wedge and it implies that the right or title of any individual, his inalienable rights, are being threatened. I think this is setting just another precedent to do away with that privilege or asset, that particularly attractive privilege many of our people prize so much. One of the things I can't understand is that I have found in my experience, living most of my life in Saskatchewan amongst farm people, that they are about the most reasonable people any person could meet or deal with at any time. If they feel something is worthwhile, in the public interest I have no doubt that in very, very, rare occasions that the government or any department of the government deemed it necessary to go on to a farmer's land and drill or explore the sub-surface or the surface of that property and was properly presented to the farmer, they would have very little difficulty, in fact, most of them would welcome them to come on the land and probably give them their dinner into the bargain. In this respect we have, as the member for Cannington (Mr. McCarthy) just pointed out, where there may be the obstinate individual, who for some personal reason or possibly for some reason that nobody can see would like to hold up a project, then we have recourse to the laws of the land to see that public interest is taken care of.

Mr. Speaker, this particular bill threatens the ownership and title of every piece of farm land in the province of Saskatchewan. I certainly couldn't support this bill.

Hon. C.G. Willis (Minister of Highways): — Mr. Speaker, twice this afternoon the Department of Highways has been criticized for acts which I am certain

March 26, 1962

that, in my case anyway, is the first time that I have heard of the incidents mentioned on the other side.

Mr. Danielson: — You haven't been here very long.

Hon. Mr. Willis: — The people on the other side are certainly not doing a service to the people of Saskatchewan repeating information like this in the House without bringing it to the attention of the minister in advance.

Mr. Gardiner: — It has been lots of times.

Hon. Mr. Willis: — The Department of Highways, conducts a widespread operation, and I wouldn't be a bit surprised that once in a while our people do make mistakes, and any incident of this kind would be a mistake, because our people do not ordinarily act as the people opposite have mentioned. They have instructions to contact farmers in advance, and our people do that, regularly, efficiently and with courtesy. If at any time an incident such as has been mentioned on the other side of the House happens, I would be glad to investigate any charges that are brought to my attention.

In connection with the member for Arm River (Mr. Danielson), I am not saying that the incident didn't happen, but I am saying that he didn't mention whether this was a highway crew or was a private contractor who bulldozed the fence into the farm, and these things have bearings on the final results. I can assure the people opposite and the people of Saskatchewan as a whole that the Department of Highways does not go around bulldozing fences into farm land, wantonly destroying crops; in all our practices we attempt to contact all farmers wherever it is possible and to get his permission before undertaking any work on behalf of the Department of Highways.

Mr. McCarthy: — Mr. Speaker, I can furnish the minister with information that that same thing was done and in writing.

Mr. Speaker: — Order!

Mr. McCarthy: — Not during your time.

Mr. Gardiner: — On a point of privilege, I was one of the ones the minister was referring to with regard to his department and I would just like to tell him that his department and the minister were contacted on three . . .

Mr. Speaker: — Order! Order!

Mr. Gardiner: — . . . different occasions with regard to the person I was mentioning.

Mr. Speaker: — This is not a point of privilege.

Hon. Mr. Willis: — I have not this information.

Mr. B.D. Gallagher (Yorkton): — Mr. Speaker, before the minister gets up to close the debate on this bill, there must be some reason why the bill is being brought in at this time in its present form. I might inform you that I am not going to support the bill. I would like him to tell us how many times in the last ten years and for what reasons have employees of his department been refused access to farmer's land. If he could show us that there was a need that they run all over a farmer's crop without having the decency of asking him first, then we might be able to vote for the bill but surely you can't just say that a farmer hasn't got enough brains to know whether or not these people should be on the farm, that is just what it looks like.

Hon. R.A. Walker (Attorney General): — Mr. Speaker, I don't want to make any lengthy contribution to this debate, but I do want to say that this is a matter which causes anxiety and distress to any government interested in carrying out the wishes of the people. This is a highly sensitive area, Mr. Speaker, the business of expropriating private rights. It is an area which is fraught with a lot of difficulty for governments and a lot of anxiety for private citizens. There is nothing new about this problem. It is a problem that has existed ever since the days of William the Conqueror and I must say that when I look back at some of the practices that are enshrined in our statutes today I expect that many of the practices date back to that time.

I think, Mr. Speaker, that this is an area which governments must seek to find more democratic solutions.

I am very sensitive to this particular problem also, because I believe that one of the areas where the minister has had difficulty in carrying out surveys has been in my own constituency, and this does cause me some distress. In fact, about two-thirds of the farm lands in this particular Broderick area east of Outlook have been tested and surveyed for future possible irrigation development and probably about one-third of the lands in the area have not been surveyed or tested for future irrigation development and this creates a problem.

It is the right of the two-thirds who have willingly encouraged the survey of their land for irrigation, — and their right is not to be denied, to have irrigation. This is particularly so after the province has spent something like \$70 million on this whole project at Outlook, — about \$25 million for a dam and another \$40 million or more for irrigation works. Is this project to be denied because a certain small percentage of farmers refuse to have their land surveyed and thereby make the project as a whole impossible in any economic way? Yet at the same time the minister ought not to have the right to deprive these people who don't want their land surveyed of their proper democratic rights.

It has been suggested already by the government that we are very cognizant of this problem and that the government has already announced an intention to try to put some twentieth-century concepts into the expropriation laws of our province. Saskatchewan has already indicated that it will be the first province to make a view to democratizing them, with a view to codifying the rights of the citizen and enshrining in some kind of Bill of Rights recognizing equality and fair play between himself and the crown.

Well, Mr. Speaker, dealing with this particular subject I would like to refer the House to some of the statutes we already have in Saskatchewan permitting the crown to expropriate. We have a Community Planning Act, where there are powers similar to those contained in this bill; there is the Expropriation Act to which reference has already been made; there is the Highways and Transportation Act and there the expropriating formula is similar to this and was passed by previous governments. There is the Irrigation District Act, similar provisions; Municipal Expropriation Act; Municipal Telephone Act; the Pipelines Act, (that is one passed by this government — there were no pipelines in Saskatchewan to speak of that I know of prior to 1944). The Power Corporation Act;

(the Power Corporation Act prior to 1944) with expropriation provisions; the Public Health Act; the Public Works Act; the Saskatchewan Railways Act; the Rural Municipality Act; the Rural Telephone Act; the Saskatchewan Government Telephones Act; Town Act; Village Act; Water Users Act. With only three exceptions these acts were all passed by previous governments; they all grant the power to the crown to expropriate for public purposes.

Mr. McCarthy: — Nobody is disputing that.

Mr. Speaker: — Order! Order!

Hon. Mr. Walker: — One or two of my hon. friends opposite I am sure with no deliberate intention to mislead the House, have misstated the position somewhat. They have said that this is really just a matter of the department approaching the farmer and having a chat with him and then everything is all right. This isn't what this legislation is aimed at doing.

Mr. McCarthy: — No it sure isn't.

Hon. Mr. Walker: — In those cases, there is no problem. This legislation is aimed at the cases where the landowner refused after he has been approached and talked to. This legislation is to deal with the individual, isolated cases where a whole project might fail because of the failure of one land owner to consent to the surveying of his land for the project.

This legislation is not aimed expressly at farmers as the hon. member for Arm River (Mr. Danielson) seemed to think; there is nothing here which restricts it to farmers. The minister may be surveyors, engineers, agrologists, workmen, servants enter upon any land "to whomsoever it belongs." It could be a lawyer, it could be a doctor, including members of the legislature. My hon. friend is not right when he says that this only applies to farmers. Neither is my friend right when he says that even without this legislation, all the government has to do if the land owner doesn't readily consent to it all, is to go to court and make an application to the court. The member from Saltcoats (Mr. Snedker) made the same statement the other day.

Mr. Speaker, if this was for the purpose of building a railway, or the purpose of building a public

telephone line or for the purpose of building a highway, or for the purpose of an office building, or for the purpose of doing any of these other things, the crown has got the right now. But under the Department of Agriculture Act for the purpose of surveying for an irrigation ditch, for the purpose of surveying for a drainage ditch, or for the purpose of flood control, the department does not now have that right, and will not have that right unless this legislation is passed.

Mr. McCarthy: — That is not true.

Hon. Mr. Walker: — Well I say my hon. friend it is true.

If there is any law or any statute by which the Department of Agriculture could now go on land for the purpose of surveying, for the development ditch, drainage ditch, irrigation ditch, flood control, the member for Saltcoats (Mr. Snedker) was expressly asked what that authority was. He refrained from stating any authority, Mr. Speaker. The fact is, I don't blame him for refraining for there is no such authority, there is no law now which will permit the Department of Agriculture to do this work at the present time.

So, Mr. Speaker, I say the government is most reluctant to pass legislation extending the powers of expropriation but the government is recommending this to the House with the understanding and in the full knowledge that we have already undertaken a complete review of expropriation procedures and formulae, to completely review these procedures wherever it is in the interests of the private citizen.

We are most anxious to preserve these rights and when the Minister of Highways says that there will be no encroaching on people's land without their consent . . .

Mr. McCarthy: — He is wrong.

Hon. Mr. Walker: — . . . he undoubtedly says what he believes to be true. But I am just as sure as my hon. friends opposite that there are undoubtedly cases of public servants who have exceeded their instructions, who have cut down fences, and gone onto land without consent. I am just as sure as my hon. friend from Melville (Mr. Gardiner) that that has happened, and it is one of the jobs of government to try to so restrain and curtail the activity

of these officials that that sort of thing does not happen. But the way to prevent it, Mr. Speaker, is not to prevent the passage of this one little bill that deals with one aspect of government activity but it is to deal with problems in the manner which the government suggested we were willing and ready to do, — that is to do a complete study and analysis of the expropriation procedures to come to this legislature at the next session, if possible, with a new Bill of Rights for delineating the citizens rights in dealing with the crown on such matters. Where this power now exists for the benefit of the rural telephone companies, the pipeline companies, the municipalities, the cities, the railways, are we going to say to the farmers who want irrigation projects that we are sorry we can't do the engineering work for your irrigation project because there are two or three farmers right in the path of these ditches who won't let us survey. Well, Mr. Speaker, it is a public responsibility where mass sums of public money are invested that the whims of one or two or even ten individuals are not to deny the whole community of the benefits of a particular project.

Mr. Speaker, I must say that on my behalf I do have some feeling of reluctance. I will vote for this bill because I know that the government is sincerely and conscientiously intending to do something in a general way to deal with all problems of expropriation and not just in this tiny little area that is before the House at this moment.

An Hon. Member: — Don't put the cart before the horse.

Mr. A.H. McDonald: — Before the hon. member takes his seat I wonder if I might ask him a question? You went through a list of acts during your comments and outlined the different acts that allow expropriation, and then you indicated to the House that if this act was passed it would give the Department of Agriculture the power to expropriate, is that true?

Hon. Mr. Walker: — My hon. friend misunderstood me. What I said was if you want to build a rural telephone line you have to list survey lines there to expropriate the land to put the line on. If you want to build a highway, you are authorized under that act to survey the highway through the man's land and then come on later and build the highway

and expropriate the land. You are already authorized under the Irrigation District Act now to expropriate land to build irrigation ditches but there is one omission or flaw in the procedure. You have no authority to go on previous to building the irrigation ditch and to survey the site where you are going to put it. Now this is one area where there is a deficiency. The Minister now has the power to build the ditch, the drainage ditch, the irrigation ditch and to expropriate the land. He has no right to go on it to survey where it should be.

You don't solve the problem of the arbitrary use of the powers of expropriation by depriving the minister of a chance to go and survey an irrigation ditch before it is built. We can lick that problem by studying the entire field and we hope that this will be done. We do want at the next session to be able to come in with an overall formula to deal with this matter to provide adequate public protection.

Mr. A.C. Cameron (Maple Creek): — Mr. Speaker, I would like to pass one comment on the remarks of the Attorney General. He got up with this bill in his hand and talked about the reason of giving the power to go on anybody's land without permission without even knowledge and then he says that it is in keeping with all expropriation acts. Then he proceeded to give a whole speech on expropriation. The word 'expropriation' is not mentioned in this bill anywhere, it is an entirely different subject, purposely put up with the idea of leading you astray from the topic so that the logic of the need of expropriation by public bodies could be brought to the legislature. No one disagrees with that right; public bodies must have that right — municipal, provincial and power and telephones and highways and so forth, because that highway must be put through in the public interest. Therefore one man cannot stop them in their progress. That is a different topic altogether.

It is very well to say that I am going to support this bill, because I happen to be in the cabinet and know that at some future date that we are going to straighten out all of these things and going to bring in a genuine Bill of Rights to see that the farmer's rights are protected. That doesn't sell that to me.

If the purpose of this bill is to give the government the right to proceed in the Saskatchewan River Development area, that is in the public interest, then I think they should draft a bill that would restrict it to

that particular area and use every power that is necessary so that no impediment is put in the way of development in that area. I think we would go for it, if that is the purpose behind it let's be specific in it. In order to proceed with the development with the Saskatchewan River area must you include every farmer all across the province? We know that the Minister of Agriculture is very interested in testing for water in the province.

Hon. Mr. Walker: — Mr. Speaker, on a point of privilege, if I may just interrupt my friend for a moment. My hon. friend said that this was restricted to South Saskatchewan River area, I didn't say that, I said that this was one specific problem at this time but the bill had general application.

Mr. Cameron: — I didn't say that it was restricted. You intimated that your major problem was in the South Saskatchewan River Development area and I presume it is, but then you could draft a bill pertaining to that particular area which would give you all the authority you want, which wouldn't include the right to trample over every farmer's field and in his yard anywhere in the province. Looking for water, testing for water, doing sampling of the under surfaces of the ground requires bringing in rigs, test drilling, going down in. All that entails a great deal of work, a great deal of equipment, and men, and force, and machinery that is driven over the farmer's land. Why make it so inclusive when you could have brought in a bill pertaining to the project that you have in mind? That is why we object to it.

Then he says that we are trying to bring this legislation up in keeping with the twentieth century. Well if that is the thinking of the twentieth century that government should have the right without consultation with the farmer, to walk over his field, to go into his back yard, next to his barn, go around all his buildings, and say to the farmer, so what! Then I can't go along with such thinking. We talked about the old days in history, yes, some of the things that William the Conqueror did, I notice that even in William the Conqueror's day in British history there was always an understanding that a man's home was his castle, even in those days they didn't invade a man's home. No one dared invade a man's home or property without a duly sworn search warrant to do it, because they respected that man's castle. That is where a man could hide away from the world and its problems. You would destroy all that because you think you are in keeping with the twentieth century outlook of things.

I say that I am not going to prolong this. It isn't necessary; it is too wide in its scope; it is giving complete authority to the Minister of Agriculture to have anyone at anytime run over anybody's property without even a rap at the door and asking permission to do so. Such sweeping legislation I cannot support.

Mr. J. Staveley (Weyburn): — Mr. Speaker, I believe that I would like to add just a word to this debate. I have been listening to the discussion with a great deal of interest and there are several points of interest that I think were mentioned. The hon. Attorney General spent quite a long time dealing with expropriation and as has been pointed out by the hon. members of the opposition, the word expropriation does not appear in this amendment.

That is quite true, but I feel there is an implied expropriation of legal rights of ownership of property. If anyone, any servant of the Department of Agriculture, can go on anyone's land at any time, under any conditions, that man might just as well not own that property. At the present time a man can post a no trespassing sign on his property. These won't be worth the time that it takes to write them. I think the hon. Minister of Highways pointed out something that should be pertinent in this case, when he said his department operates on the basis that employees contact property owners before they proceed on his land, and I see no reason why the Department of Agriculture in this case could not proceed on the same basis. I notice too that the hon. member from Kerrobert-Kindersley (Mr. Johnson) said that this legislation is both necessary and desirable, and I suggest it is neither necessary or desirable. It is certainly not necessary to the government, and I know it is not desirable as far as the property owners are concerned. This legislation is much too arbitrary and certainly I will not support it in its present form.

Mr. Speaker: — Once again I warn the House that the minister is about to close the debate.

Hon. I.C. Nollet (Minister of Agriculture): — Mr. Speaker, I am truly amazed at the tempest in the teapot that has been raised over the mildest piece of legislation of this kind I believe that has ever been introduced in this House, and I must take exception to the extreme statements made by the hon. members opposite by

trying to read meanings into this legislation that do not exist at all. I am truly amazed. They have done a disservice to the public interest rather than a service in defending what they term people's individual rights.

Mr. Speaker: — Order!

Hon. Mr. Nollet: — May I suggest again, as I did regarding the hon. member from Saltcoats (Mr. Snedker) that these unreasoned statements ought not to have any place in this legislature. People ought to have some ability to reason with wisdom. Now there have been certain objections raised: one was why do you want this legislation? Well the reasons are obvious — there is no one that ought to have the right to stop anyone who wishes to make surveys merely, investigations, for any kind of project that are to the public interest or the majority of the number of people who might wish to initiate beneficial projects. These are things that we must look at, and I want to make this very clear at once. This legislation has nothing to do with acquisition of property or expropriation as such; there is other legislation that can be utilized for that purpose. The purpose of this legislation is merely to permit investigations and surveys that will be of benefit to farmers. The hon. member for Turtleford (Mr. Foley) in his own immature manner suggested that we might find some minerals in the course of our investigations.

Opposition Member: — Is this not possible?

Hon. Mr. Nollet: — And that this information might be withheld from the farmers. We are not looking for minerals — we are looking at soils for the purpose of irrigation for crop production and for engineering surveys on the basis of which ditches will be constructed. All of this information is for the benefit of farmers and he doesn't need to say to me it should be made available to the farmers. This is the purpose of the investigation.

It is to make this information available to the individual farmer as well as the farmers as a whole.

Opposition Member: — It doesn't say that in the act.

Hon. Mr. Nollet: — These objections, Mr. Speaker, are completely phony and without foundation.

Opposition Member: — Oh don't . . .

Hon. Mr. Nollet: — Sit down until I am through and then you can ask your questions. I have listened to enough.

Mr. K.F. Klein (Notukeu-Willowbunch): — I just want to ask the minister in how many cases have you been refused by farmers to enter and do your surveys?

Hon. Mr. Nollet: — We have not been to my knowledge refused entry, although there has been some posting of land, and as the hon. Attorney General said in an area where we are committed to irrigation under agreement with the national government. I hope hon. members opposite will not take objection to the fact that we went on with the South Saskatchewan Project. This is a commitment that was made on behalf of the people of Saskatchewan, with a national government, and we are committed to it, and there are people in the area who wish to engage in irrigation and some also who take a dim view of it, but we do want to get the information as to soil suitability and engineering data that is necessary to do any construction at all, and this is the kind of information we require.

Insofar as public relations and department is concerned, they have been the very best with the farmers we serve. We are a department that is very conscious of public relations. We are primarily an extension and a service agency to agriculture. I know of no case where deliberate entry has been refused to our people, and this matter of writing public relations into this in the act, — you don't write public relations into legislation, Mr. Speaker. This is not necessary in twentieth century and proper administration of legislation. Proper procedures and good relationships with people should first of all be established by asking permission, and I think the hon. members should read the legislation — read it. We are just seeking the right to enter the man's land. There is no arbitrary action involved; there are no penalties involved whatever; not a . . .

Mr. J.E. Snedker (Saltcoats): — Yes there are . . .

Hon. Mr. Nollet: — I will give the hon. member from Saltcoats (Mr. Snedker) something to think about in just

a few minutes, and I want to say to all hon. members, including the hon. member from Arm River (Mr. Danielson) and the hon. member from Maple Creek (Mr. Cameron) who can make a mountain out of a molehill, better than any other man in this legislature. I want to tell them a few things in just a moment of time. I am going to suggest to them when I get through demonstrating the kind of legislation their government passed they ought en masse to leave the Liberal party and come to this side of the legislature, if they feel so keenly on these matters. Heaven help them, but I just get a little weary and tired of this opposing for the sake of opposing, without any foundation in fact whatever.

Now, Mr. Speaker, let us compare this very meek and mild piece of legislation that befits the characteristics and disposition of the hon. Minister of Agriculture perfectly with some Liberal legislation in the same regard. You will recall, Mr. Speaker . . .

Mr. Speaker: — I think you are aware of the fact that you cannot introduce any new materials in closing the debate.

Hon. Mr. Nollet: — I am not introducing new material. I am going to reply to the charges that have been levelled and the points that have been raised without any substantiating evidence, by comparing this legislation with previous legislation passed in this House and I hope I have the right to do so, Mr. Speaker. Now I told the hon. members when I introduced the legislation that we could have done this under other legislation, it must be borne in mind too that the information we require is prior to the establishment of a local authority, either an irrigation district, a water users' district, or a conservation and development area. Once these organizations are established they have power to expropriate and go on land, but we do not have that power previous to the time that a application of the legislation has been provided because it needs to be broad in its application. You couldn't confine this just to one project, because if in time we developed other projects, we would have to amend legislation again. As a matter of fact I told the House that there was other legislation on the statute books, restricted legislation confined to a certain area of activity at the present time. We could have used that legislation, it is chapter 205, it is an Act to provide for the Acquisition of Land Required for the Rehabilitation of Drought and Soil Drifting Areas. The hon. members ought

to be familiar with it; this was passed in the 1940's, or prior to that time, and let us take a look at some of the provisions passed. Under this legislation, if the hon. member from Melville (Mr. Gardiner) will just keep quiet he will get his questions answered . . .

Mr. J.W. Gardiner (Melville): — You are off the bill.

Hon. Mr. Nollet: — This legislation had only to do with PFRA projects. Now we could have used it, but let us look at some of the provisions contained in it, Mr. Speaker, to prove that the legislation that I have introduced is not arbitrary in any manner, it doesn't interfere with the courts, it leaves free access open to the courts, it is not restricted for enforcement to the provisions of the irrigation districts act or any other act. Hear this . . . Mr. Speaker, under this legislation the word project means any project heretofore or hereafter undertaken under the authority of the PFRA including the establishment of community pastures and grazing reserves.

Mr. Speaker: — Order! The minister cannot start discussing a detail of the legislation. I think we must take the minister's own bill, and I appreciate his trying to go into the questions raised but not into the details of other legislation.

Hon. Mr. Nollet: — Mr. Speaker, I am dealing with the principle of the legislation involved in the bill I presented to the House and principles of previous legislation approved, and to indicate there is a precedent . . .

Mr. Gardiner: — Mr. Speaker, on a point of order. This bill that is before us now doesn't refer at all to expropriation, and I contend that the minister is out of order. This bill has nothing to do with expropriation . . .

Hon. Mr. Nollet: — Mr. Speaker, I didn't say the bill had anything to do with expropriation.

Mr. Gardiner: — You said your bill and it hasn't.

Hon. Mr. Nollet: — It has to do with two things — access and surveys.

Mr. Speaker: — The minister will confine his remarks to the parts of the bill.

Mr. Gardiner: — This is . . . expropriation . . .

Hon. Mr. Nollet: — Let me refer to Section 3 of a previous act which gives this authority to the minister. "The minister may by surveyors, engineers, foremen agents workmen and service may enter upon and take possession of any land in whomsoever vesting which may be required for or in connection with any project." And it goes on, "The minister for the purpose of vesting such land in Her Majesty the provisions of section 78 to 81 of the Irrigation Districts Act, shall apply . . .

Mr. Gardiner: — That is expropriation.

Hon. Mr. Nollet: — Under this previous legislation recourse to the courts is denied. Settlement must be made under a provision of this legislation. We didn't like to incorporate this provision into this bill, and therefore we didn't use this legislation and preferred to use more general legislation to provide the authority under the Department of Agriculture Act. Now one other precedent, Mr. Speaker, I would like to refer to the House.

Mr. Speaker: — I cannot permit too wide a range, Mr. Minister.

Opposition Members: — It has nothing to do with this bill at all . . .

Hon. Mr. Nollet: — I will say that I must have an opportunity to answer the charges that have been made and I intend to do it, by showing previous legislation has established a precedent for everything that has been proposed in this legislation, besides a great deal more.

Mr. Gardiner: — Mr. Speaker, again on a point of order. The minister is definitely out of order. We are not dealing with the matter of expropriation. Under expropriation perhaps every member in this House would agree with these particular measures, but this is not dealing with it. The bill he is presenting to us has nothing to do with expropriation.

March 26, 1962

Mr. Speaker: — On the point of order which was made by the member from Melville (Mr. Gardiner) — I have said the minister is not allowed to introduce new subject matter. In closing the debate he must only answer the question raised in speaking to the bill. Now as long as he can show he is answering questions raised by any hon. member on behalf of this bill, he is in order, but he is not in order to introduce new subject material, he can only answer questions raised when speaking to his bill.

Mr. Gardiner: — You had better ask the Attorney General — he brought this up.

Mr. Speaker: — Order!

Mr. McCarthy: — On the point of order, I suggest if he is going to go through the whole expropriation act we should have an opportunity to reply to it. If he is going to introduce new material and be allowed to do it, we should be able to reply.

Mr. Speaker: — Order!

Mr. Danielson: — I just want to take a minute. The minister is dealing with expropriation act that is on the statute of books of this province, and some dominion legislation. That is what is wrong with that bill; it isn't expropriation — absolutely . . .

Mr. Speaker: — Order! Are you speaking to the point of order?

Mr. Danielson: — I am speaking to his statement.

Mr. Speaker: — You have already spoken in this debate once — so you are out of order.

Mr. Danielson: — He has no business bringing expropriation . . .

Mr. Speaker: — Order! You have spoken on this debate once . . .

Mr. Danielson: — I have done so and I also have the right to some . . .

Mr. Speaker: — Order! Will the hon. member please take his seat?

Mr. Danielson: — All right. You have no business to bring things up . . .

Mr. Speaker: — Order! Will the hon. member please take his seat. The hon. member is well aware . . .

Mr. Danielson: — When I get good and ready I will take my seat.

Mr. Speaker: — I have ruled that the minister can only answer questions raised by any member of the House, and cannot introduce new material.

Hon. Mr. Nollet: — Mr. Speaker, the hon. member from Melville (Mr. Gardiner) mentioned authority under PFRA and I think I am perfectly within my rights to speak on these matters raised by the hon. members opposite. Therefore, if the hon. Attorney General ranged over a whole field in principle and dealt with expropriation legislation I can't see why I should be denied the right in making reply to hon. members opposite to refer to some precedent in legislation and principle to existing or proposed legislation that is under consideration, Mr. Speaker, and with reference to that . . .

Mr. McDonald: — Mr. Speaker, on a point of order.

Hon. Mr. Nollet: — Oh I know they don't like to hear it.

Mr. Danielson: — I know you don't like to hear it but you are going to hear it.

Mr. McDonald: — Mr. Speaker, I would like to draw to your attention that when the Attorney General spoke on this bill, he referred to the expropriation acts, and at the close of his remarks I rose in my place and asked the Attorney General if there was anything in this field dealing with expropriation and he got up on his feet and said no. Then the Minister of Agriculture, when he gets up to close the debate, at the beginning of his remarks said that

department already had any authority for expropriation. They already had the power to expropriate. This bill has nothing to do with expropriation and when the minister attempts to bring into this House to confuse the issue, bills that have been passed by previous administrations, and some that he has passed as well, dealing with expropriations, I contend he is entirely out of order. This bill has nothing to do with expropriation on behalf of this government, the federal government or anybody else. This bill is dealing with the right of individuals to go on property to make surveys, and nothing else, and I contend the minister should get down to that point of view.

Mr. Speaker: — That is what I have requested him to do — answer the questions under the bill but not bring in new . . .

Hon. Mr. Nollet: — Mr. Speaker, I made no statements that the Department of Agriculture as such had authority to expropriate, we as a department do not have that authority, but under certain legislation I read, if the hon. members would listen, under that legislation authority is given under the Irrigation Districts Act to permit the Minister of Agriculture to expropriate under that act. Under the bill that is before the legislature there is no expropriation involved at all. It has been raised by hon. members opposite that there was expropriation involved. An hon. member has stated that this is the thin edge of the wedge, this is a threat to private ownership of property, the hon. member for Arm River (Mr. Danielson) said the same thing; the hon. member for Saltcoats (Mr. Snedker) raised the same point, and Mr. Speaker, is it going to be suggested to me that I don't have the right in closing the debate to answer these silly charges, and I hope to do so by reading excerpts from legislation that is presently on the statute books to demonstrate that this kind of legislation is on the statute books, but wasn't necessarily for the purpose of surveying to talk about expropriation in connection with this legislation must be replied to.

Mr. Gardiner: — Nothing to do with this legislation.

Hon. Mr. Nollet: — Just listen — I know some of the hon. members don't like this.

Mr. Gardiner: — We don't mind it . . . we don't mind it.

Hon. Mr. Nollet: — For their information, perhaps in the future they will not so readily condemn a piece of legislation of this kind as being a threat to private ownership . . .

Mr. Gardiner: — We don't mind expropriation if it is necessary.

Hon. Mr. Nollet: — . . . as being the thin edge of the wedge, of socialism and taking property away from people. I want to demonstrate that the legislature of this province has passed legislation that gives extraordinary powers.

Opposition Member: — We agree with that.

Hon. Mr. Nollet: — It is fairness to compare the powers that were previously given to this legislation under a Liberal government to the meagre powers that are granted to the minister under this proposed legislation.

For example, Mr. Speaker, under section 6 of the Land Utilization Act, they set out these powers of the Lieutenant Governor in Council and they are (A) direct that any land within an area shall be dealt with in such manner that appears or appears to be advisable for the benefits of the residents of the area; and (B) close up road allowances in an area; (C) order any compromise of taxes in respect of any land, and (D) order that from a specified date any rural municipality within an area shall be dissolved.

Opposition Member: — Oh, no . . . we can read . . .

Hon. Mr. Nollet: — . . . and upon dissolution exercise all the powers and duties conferred or imposed upon the council prior to dissolution, including the enforcement of the payment of taxes and the recovery of monies owing to the municipalities. These are the powers that were given the Lieutenant Governor in Council under this legislation.

Opposition Member: — Hey Toby . . . there is restriction . . . restricted items . . .

Hon. Mr. Nollet: — Back in 1940 — just keep quiet and keep still and you will do yourself a favour.

Mr. Gardiner: — You are out of order and we don't have to listen to you in the first place.

March 26, 1962

Hon. Mr. Nollet: — . . . Generally do all such acts and things that may be deemed necessary or advisable for carrying out the purpose of this act . . .

Mr. Speaker, under this legislation the Lieutenant Governor in Council could delegate this power . . .

Opposition Member: — Nobody is opposed to expropriation . . . follow the rules of the House.

Hon. Mr. Nollet: — Mr. Speaker, I am perfectly within my rights and I intend to exercise my rights.

Mr. Speaker: — Order! Order! I am sure the minister will stay within the scope. He must not range too wide. I ruled on this.

Hon. Mr. Nollet: — Well I must accept your ruling. I do hope, Mr. Speaker, that I have at least provided enough evidence to the hon. members opposite to convince them that there is nothing arbitrary about this legislation, and all the legislation I have quoted provides fines up to \$500 fines against people if they didn't cultivate land properly and imprisonment besides. There are no penalties in this legislation. For the life of me I can't understand how any member in this House could take exception to this legislation, particularly when precedents are so clearly established, and if one wants to think in terms of arbitrary legislation I suggest to them, tonight when they go home to read chapter 205, the Expropriation Rehabilitation Act.

Mr. Gardiner: — Oh no . . . nobody.

Opposition Members: — Hear! Hear!

Mr. Speaker: — Order! Order!

Hon. Mr. Nollet: — . . . and they will blush with shame and will come back in humility and support, Mr. Speaker, this very mild legislation that I am proposing to the House at the present time.

Mr. Gardiner: — Order! Mr. Speaker, nobody is opposing expropriation, for necessary purposes.

Hon. Mr. Nollet: — May I once again appeal to a little common sense and good judgment in offering criticism of legislation that is presented to this legislature.

Opposition Member: — We won't get it from you.

Hon. Mr. Nollet: — And not wander all over the place. That is the reason why they even wander to the Soviet Union in an endeavour to read fear and ulterior motives in every piece of legislation that is placed before this House.

Mr. Danielson: — Yes you have — yes you have.

Mr. Speaker: — Order!

Hon. Mr. Nollet: — . . . common sense in the debate in this House, Mr. Speaker, I move the second reading and I hope this legislation will receive the unanimous support of this legislature.

Opposition Member: — It won't — it won't.

Mr. Speaker: — It has been moved by Hon. Mr. Nollet that an Act to amend the Department of Agriculture Act be now read a second time.

Is it the pleasure of the House to adopt the motion?

Motion agreed to on the following recorded division, and bill read the second time.

Yea — 32

Messieurs

Lloyd	Willis	Perkins
Meakes	Brown	Thiessen
Williams	Wood	Snyder
Blakeney	Erb	Stevens
Brockelbank	Nicholson	Dahlman
Walker	Stone	Michayluk
Nollet	Whelan	Semchuk
Kuziak	Thibault	Kluzak
Cooper (Mrs.)	Berezowsky	Peterson
Strum (Mrs.)	Kramer	Brotan
Davies	Johnson	

Nays — 17

Messieurs

Klein	McFarlane	Horsman
McCarthy	Gardiner	Coderre
Barrie	Staveley	MacDougall
McDonald	Foley	Snedker
Danielson	Guy	Gallagher
Cameron	Boldt	

SECOND READINGS

Bill No. 17 — An Act to amend the Child Welfare Act

Hon. A. M. Nicholson (Minister of Social Welfare and Rehabilitation): — Mr. Speaker, I trust that Bill 17 will not be quite as controversial as the bill we have just disposed of. There are three amendments proposed.

At the present time section 7 and section 15 are amended — at the present time unless a child comes to court under clause J of section 4, a child born out of wedlock, the department must serve the municipality and the court must make an order against the municipality of not less than \$3.50 per week. This amendment, if passed, would give the discretionary power to the director as to whether or not the municipality should be involved. Occasionally there are cases where it is the feeling this levy should not be made on the municipality.

Section 62 is repealed and section 136 substituted. Section 62 dealt with the safeguarding of confidential information and stated that no one could be compelled to testify on matrimonial causes. This meant the worker could not be subpoenaed to disclose information which would be evidence in divorce or separation. This protection has not been sufficient. Twice this year the director has been subpoenaed to give evidence that a putative father admitted paternity. This was to be used in obtaining an affiliation order. Clients therefore are not protected when the department is carrying on negotiations for affiliation agreement, and other instances, although a lawyer would be. This protection to a client is necessary if our work is to be carried out adequately.

Then 694 is amended. In the present legislation the judge when making an affiliation order against a putative father may order only \$100 for maintenance of the unmarried

mother. This was probably sufficient at the time this section was written, but with increased costs of living it is no longer adequate. This section has therefore allowed the judge to order sufficient amount covering the period of time, three months, rather than have the amount tied to a fluctuating dollar value. I move the second reading of this bill, Mr. Speaker.

Mr. L.P. Coderre (Gravelbourg): — Before the minister sits down I should like to ask a question. With regard to section 2 I think he mentioned the fact that a child apprehended under the Child Welfare Act, that they need not give notice to the municipality. Does that mean to say to the municipal government or to the people or the parents within the municipality?

Hon. Mr. Nicholson: — To the municipal government.

Mr. Coderre: — Thank you.

Mr. D.B. Gallagher (Yorkton): — Mr. Speaker, I would like to ask the minister a question.

Mr. Speaker: — It is in order if it is a question on the principle of the bill. If it is a question on detail you had better ask it in committee.

Mr. Gallagher: — It will be all right in committee.

Motion agreed to and bill read the second time.

Bill No. 20 — An Act to prevent the Pollution of Certain Waters

Hon. A. G. Kuziak (Minister of Natural Resources): — Mr. Speaker, this is a new bill and it replaces the Pollution of Streams Act which applies to only running streams. In this new act it will provide for the prevention of the pollution of standing waters, as well as running streams.

The other sections are self-explanatory and could easily be taken care of in committee. I therefore move the second reading of the bill.

Mr. Speaker: — It has been moved by the Hon. Mr. Kuziak that an Act to prevent the Pollution of Certain Waters be now read a second time.

Mr. L.P. Coderre (Gravelbourg): — There is a point which I don't altogether agree with but the principle of the bill is fine. It probably could be discussed in committee but you find when it comes to the question of dealing with penalties, you have different penalties for different types of people. I suggest that this has a tendency to show some discrimination to various types of people and I think that possibly at some future date or in committee that should be discussed more thoroughly. I think it is important in that respect and probably we could deal with this in committee.

Motion agreed to and bill read the second time.

Bill No. 21 — An Act to amend The Provincial Parks and Protected Areas Act, 1960

Hon. A. G. Kuziak (Minister of Natural Resources): — Mr. Speaker, in this case there is no particular change in the principle. There are a number of minor amendments, for example, it provides that parks and protected areas may be designated by order instead of by proclamation. Another amendment broadens the scope for the protected areas. Another amendment is designed to prevent vandalism and pollution of water and soils in parks and protected areas, and then another amendment provides for the change in regulations to permit control of vehicular traffic in parks. The powers are very similar to that conferred on towns or villages.

With that explanation I would move second reading, Mr. Speaker.

Motion agreed to and bill read the second time.

Bill No. 22 — An Act to amend The Saskatchewan Loans Act

Hon. A.E. Blakeney (Provincial Treasurer): — Mr. Speaker, this is an amendment to the Saskatchewan Loans Act, and it is a very small amendment. The present act provides that all the sales of securities of any kind, bonds, debentures, or treasury bills, must be approved by the Lieutenant Governor in Council. Members

may know that we have adopted a new method of selling short term treasury bills on a weekly basis, every Monday morning as it turns out. And when we do this we only have a very short time to accept the offer of the investment dealer — he makes a bid on our treasury bills, and we have a couple of hours to accept the offer. This happens every week and there is no realistic way that the Lieutenant Governor in Council can make this decision. So this bill provides that where treasury bills are issued, maturing not more than one year from the date, then the Lieutenant Governor may authorize the Provincial Treasurer to set the price. This is to apply only to treasury bills.

With respect to other issues of bonds where we can take the time to do it, it will still be the Lieutenant Governor in Council who decides. With that explanation, Mr. Speaker, I would move the second reading of the bill.

Motion agreed to and bill read the second time.

Bill No. 23 — An Act to amend the Automobile Accident Insurance Act

Hon. A.E. Blakeney (Provincial Treasurer): — Mr. Speaker, this bill is to amend the Automobile Accident Insurance Act, and while it is fairly long it does not contain any major matters of principle. It has seventeen or eighteen sections. The bill primarily comes to the House because in 1960, members may recall, there was a bill introduced to amend the Saskatchewan Insurance Act. The Saskatchewan Insurance Act is the act which governs all insurance companies in the province, all the private insurers. Now it has been the custom to make the Automobile Accident Insurance Act very similar to the Saskatchewan Insurance Act in its terminology, in the wordings of the statutory conditions in the act, so as to make it fit in as closely as possible with the insurance which prevails in other provinces, (because insurance acts are virtually the same all across Canada), and with the private policies which are written in Saskatchewan. Accordingly there are a goodly number of changes in the bill which are simply designed to bring the Automobile Accident Insurance Act wording into line with the new provisions of the Insurance Act of 1960.

There are a couple of small changes which I think I ought merely to mention. There are some changes in the description of public liability, bodily injury, and property damage insurance, — I think they are of no consequence. There are some slight changes in the

definition of department as it appears in part II of the act. Members may recall that part II of the act is the part which deals with the accident insurance, the part whereby anyone who is riding in a vehicle in Saskatchewan may collect certain specified amounts regardless of fault, may collect \$25 a week or so much for an amputated thumb and all the rest. I think members are familiar in a general way with these provisions. Benefits are paid in respect of dependents when there is a death, and the definition of dependent is to be changed. The wording is to be slightly changed, and I think it would be fair to say that the definition may be — (and we can argue about the words in committee,) but it may be slightly more restrictive.

I just call the attention of the members to that because they may want to raise it particularly in committee. There are a number of changes in wording, and I don't think any of them is at all major in principle. I think I have mentioned the only one that could be considered a change in principle, and I think the rest of the changes would best be discussed in committee.

Most of them are simply rewording of the provisions to make them conform with the Insurance Act of 1960. With that explanation, Mr. Speaker, I will move the second reading of the bill.

Motion agreed to and bill read the second time.

Bill No. 24 — An Act to amend the Minimum Wage Act

Hon. C.C. Williams (Minister of Labour): — Mr. Speaker, there are three points in this bill, an amendment to the Minimum Wage Act. It first refers to the eight legal holidays that we have throughout the year, Christmas day, New Years, July 1st and so forth. In the present bill there is provision whereby a union may agree with their employer to change the observance day of any of these particular holidays. For example the first of July is on a Wednesday, the union and employer could agree to observe it on a Monday instead and that satisfies everybody. But there is no provision for a non-union group. For instance a store with fifteen or twenty employees, where there is no union would not have the same privilege of observing a holiday on a different day. If a holiday falls on a Wednesday, perhaps they would prefer Monday, to give them a long weekend, so the provision here says that if a majority of employees and the employer agree, then they can have the holiday on the day they agree upon.

The second point refers to the payment of wages. The act is not very clear on this point, and we recently had a case in Saskatchewan where a magistrate heard a case of an employee having been dismissed without the legal six days' notice. By a strict interpretation of the present wording of the act the magistrate considered that he had no right to insist that six days' pay be given to the employee, although he did agree that the employer was guilty of infringing the act. This amendment will not plug that loop-hole, so that the employee will be entitled to the benefits as was intended all along, and has been in effect for many years.

The third point is an increase of from \$25 to \$100 — the provincial magistrate and justice of the peace may order the employer to pay a reasonable counsel fee to the complainant's solicitor.

Now there has been no change in the act since 1940, and the amount at that time had been set at \$25. Apparently lawyers were cheaper in those days, and it has now been raised to \$100. The amendment does not say it must be \$100, but up to that amount.

So, Mr. Speaker, I move second reading of Bill No. 24 — An Act to amend the Minimum Wage Act.

Mr. Speaker: — Moved by the Hon. Mr. Williams that Bill No. 24 — An Act to amend the Minimum Wage Act, be now read a second time. Is the House ready for the question?

Mr. L.P. Coderre (Gravelbourg): — There are very good points to this act. I don't know whether I am completely in order in bringing this up, but they say there is no harm in trying until you know whether you are or not. I understand there is a possibility of an announcement of a new Minimum Wage Schedule. This is a rumor that is quite prevalent in town, and I was wondering whether possibly when the bill comes in, that you are likely to bring in further amendments, or if that is the only change you propose to make in regard to this act.

Mr. Speaker: — This bill does not cover the minimum wage itself and I think you would be out of order in bringing that discussion on this bill.

March 26, 1962

Mr. Coderre: — On a point of order, Mr. Speaker. Am I not correct in assuming that when a bill is brought before the House that it is open to the whole aspect of the act itself?

Mr. Speaker: — Yes, any part of the act, but there is a Minimum Wage Board as I understand it. The committee could answer that question; it is not my job to answer it. That is why I would think it is not in order under this bill because there is a Minimum Wage Board. If you would have asked the minister a question before he took his seat it would have helped the Chair too.

Mr. Coderre: — I will accept your ruling at the moment, Mr. Speaker.

Hon. Mr. Williams: — I will be glad to indicate the policy, Mr. Speaker. The Minimum Wage Board I think as we know meets every two or perhaps three years and hears representations from various groups, makes recommendations to the cabinet, and they either agree with them or don't, and if they agree then they change the orders. It is not necessary to come to this legislature.

Mr. Speaker: — Are you ready for the question?

It has been moved by the Hon. Mr. Williams that Bill No. 24, An Act to amend the Minimum Wage Act be now read a second time.

Motion agreed to and bill read the second time.

Bill No. 25 — An Act respecting Rural Telephone Systems

Hon. C.C. Williams (Minister of Labour): — Mr. Speaker, this is quite a lengthy bill revising the Rural Telephone Act. The objective is to bring the act into line with present day needs and accepted practices in the field of telephone service, and to encourage the improvement and the extension of service in the rural areas.

The act has not been revised since 1913, although a few amendments have been made.

Opposition Member: — Good Liberal act.

Hon. Mr. Williams: — Changing conditions, problems and needs make it necessary to bring the act up to date.

The first act was passed in 1908 and the present act was passed in 1913, to replace the old act, and as I say it has not been changed very much since that time. Obviously I think the revision is overdue and we plan on going through it from start to finish.

I have a few of the basic principles enumerated here, and I will try and not be too long. We wish to provide a more up to date vehicle to meet the changing needs of rural telephone companies in their efforts to keep abreast of changing rural conditions, and the rapid development of the communication industry. We wish to establish a more equitable division of cost between the farm subscribers, non-farm subscribers and non-occupied lands, to establish a more equitable division of capital costs between the farm subscribers themselves, and a recognition of desirability of continuing the land levy method of financing and securing borrowed funds. This practice has been in existence for almost twenty years. This is also a recognition of many practices which have been accepted or followed by most rural telephone companies, even though not always in conformity with the present act. We do know that a few years ago quite a few years ago, 40 or 45 years ago, the Department of Telephones had a general manager, a superintendent I guess was the title at that time, who, when a company would come to him with a personal request, would say something like this, "Well what you gentlemen want to do is not in accordance with the act, but go ahead and do it, I won't say anything and I won't put anything in writing," so you can see with a situation of that kind, many practices not governed by the act have grown up in many companies throughout the province. These of course will now be eliminated and we will get everybody on an even keel.

Next recognition is the basic responsibility of a rural telephone company to provide service to all farmers desiring same, without discrimination and subject to reasonable and equitable rates.

There is here a recognition of the need to provide for amalgamation of companies on an equitable and central basis. Of course we have been encouraging these amalgamations for many years, and from 1,100 companies a few years ago, we are now down to 944.

And last existing outstanding provincial loans and the telephone levies required for repayment therefore continue to be governed by the relevant provisions of the present act.

It is a very large act and I can give you a lot more information, but I think with that explanation of the main points of the bill, Mr. Speaker, I will move the second reading of Bill No. 25, An Act respecting Rural Telephone Companies.

Mr. Speaker: — It has been moved by the Hon. Mr. Williams that Bill No. 25 an Act respecting the Rural Telephone System be now read a second time.

Is it the pleasure of the House to adopt the motion?

Motion agreed to and bill read the second time.

Bill No. 38 — An act to ratify an Agreement Between the Government of Canada and the Government of Saskatchewan

Hon. A.E. Blakeney (Provincial Treasurer): — Mr. Speaker, this is a bill to ratify an agreement between the government of Canada and the government of Saskatchewan with respect to the School Lands Fund. There are four bills that are part of virtually the same transaction. They are presently on the order paper, and they are Bills Nos. 38, 39, 33, and 29. I don't intend to speak to all of them. This bill is to ratify the agreement which will have the effect of transferring the administration of the School Act fund to the province. Then the next three bills tell you what the province intends to do by way of setting up an administration for the School Act fund, and 39, which deals with the Treasury Department Act, (if you will excuse me, Mr. Speaker, I will just review this very briefly, and then I will come back to the bill in question.) Bill 39, the Treasury Department Act will set up a special investment fund wherein the balance of the money in the School Lands Fund will be placed, except for \$2 million which will be covered under the Student Aid Fund Act, which also will be before the House. This will deal with the money in the Fund. Then there is the land, there is some land, a substantial amount of land, which is still school land as such, and this will be disposed of in the manner

provided in Bill No. 33, a bill to amend the Provincial Lands Act. That is the general pattern that members will be asked to deal with.

Dealing specifically with the first bill, which I think logically comes first in this sequence, the agreement between the government of Canada and the government of Saskatchewan, members will know that the school lands, the whole scheme of setting up school lands, was set up by the dominion government, I don't know when, but in the early part of this century, perhaps even earlier, but at any rate these school lands were set up. When the crown lands which used to be dominion crown land, federal crown lands as we would now call them, along with other natural resources, by the Natural Resources Transfer Agreement of 1930, it was provided that the school lands would continue to be administered by the province, under the provisions of federal legislation. This was true of Alberta as well I may say. The 1930 Agreement provided that the School Lands Fund be transferred to the province, and such school lands as passed to the administration of the province under this agreement should be administered or disposed of in accordance with four sections of the Dominion Lands Act. Now that was the situation up to the present time.

Now this bill provides that it is a bill to ratify the agreement — the nub of the bill really is that the School Lands Fund transferred to the province, and such lands as remain undisposed of shall be administered or disposed of in such manner as the province may determine. In other words, all federal control of the School Lands Fund is being wiped out. That really is the nub of this bill, and, as I have explained, while it is not in this bill, members will be asked to consider various ways of providing for the administration or the disposal of this fund and these lands by the province in the other bills.

Mr. Speaker, the agreement itself is very short, and I think members will have an opportunity to look at it — the bill we are now dealing with simply says the administration of these funds shall be turned over from the dominion to the province, that is the sum and total of this bill. With that explanation I would move the second reading, Mr. Speaker.

Mr. A.C. Cameron (Maple Creek): — May I ask the Provincial Treasurer a question before he sits down? I understand this bill is just a transfer of dominion rights to the province. I understand there will be a second bill that will show the

manner in which the province wishes to administer and dispose of these funds, the School Land Fund as we know it today. Will there be a second bill following?

Hon. Mr. Blakeney: — Yes, Mr. Speaker, there will really be three. One deals with the turn-over from the dominion to the province, the administration which is being turned over from the dominion to the province deals with two things; one a fund — a sum of money, bonds, etc. and secondly some land — the disposition of the fund is going to be dealt with in an amendment to the Treasury Department Act and the Student Aid Act which are on the order paper. The disposition of the land is going to be dealt with under the Provincial Lands Act amendment which is also on the order paper, and this is what I was referring to.

Mr. Speaker: — It has been moved by the Hon. Mr. Blakeney that Bill No. 38, An Act to ratify the Agreement between the Government of Canada and the Government of Saskatchewan be now read a second time.

Mr. A.C. Cameron (Maple Creek): — Mr. Speaker, this bill in itself does not reveal the complete arrangement that is being made between the province and Ottawa. While this bill is imply a transferral, in brief it is difficult to assess whether or not you can agree with the principle of transferring these unless you know the manner in which these funds are going to be dealt with. Of course that information is not in this bill. I think the Provincial Treasurer said it would be in other bills before the House. The difficulties we are facing here is to assess this bill on the basis of what ultimately is going to become of these funds in the School Land Trust Account and the School Land Funds which now must go into the trust account and be used for school purposes. As it is today these funds must all be used for school purposes. Nothing else. Under this agreement, as I take it, the School Land Trust Account and other funds may be used by the government in any way it deems fit and thus the other amendments will be brought in showing the manner in which you apparently intend to deal with it. Am I correct in this interpretation because it is confusing me as to the three bills? I have no objection to the bill on second reading but I would want this clarified before we proceed with it.

Mr. Speaker: — If any of the members have any questions they should put them before the minister closes the debate.

Mr. Ross A. McCarthy (Cannington): — With regard to this transfer, if I am right on it, this fund was transferred to the province with certain restrictions. It could only be used for certain purposes. Now in your new agreement with the dominion government are all these restrictions removed — could you apply it on a deficit or anything else?

Mr. A.H. McDonald (Moosomin): — Mr. Speaker, could I ask the minister this. Is it not true that back in 1931 when the natural resources were transferred to the province that if the deal had been completed as it ought to have been this would have taken place at that time. But it didn't take place and the federal government have had certain control over this portion of the natural resource that actually they ought not to have had from 1931 to date. Is that not true? But now the province is getting control of this asset which was the only one that wasn't given to us in 1931. Is that right?

Mr. Speaker: — It is my duty to inform the House that the minister is about to close the debate.

Hon. A.E. Blakeney: — I think I can deal with the questions. With respect to the comments of the hon. member for Moosomin (Mr. McDonald), I think he is entirely right on this. I am not sure what the intent may have been back in 1930-31 but I think it can be said that this was an anomaly — this was an odd arrangement. All the other natural resources of all kinds were turned over to the provinces but for some reason, while these school lands and the fund were turned over to the provinces, it was provided that they had to be administered in accordance with section 37 to 40 of the Dominion Lands Act. I can't imagine why this was done — it is really anomalous.

With respect to the member for Cannington (Mr. McCarthy) and the member for Maple Creek (Mr. Cameron) the answer to their questions is yes. I want to make one qualification later. Yes, the complete administration of these lands and the School Lands Fund is being turned over to the province and the province can do anything that it wants to with them without let or hindrance from the federal government. The answer to that is yes. Whether the government can, meaning the treasury benches can deal with the lands and the fund

without further legislation, I frankly don't know. I can assure members that there is no intention of doing that because the method of administering these is laid out in the bills which are on the order paper — the case I was mentioning — Bills No. 38, 33, and 29 . . . 39 being the Treasury Department Act, 33 being the Provincial Lands Act, and 29 being the Student Aid Fund Act. These set out the scheme and frankly I don't know whether, if none of these were passed, there is enough power in other legislation to deal with the lands and the fund or not. I can assure members, that that is not the intention.

Motion agreed to and bill read the second time.

Bill No. 39 — An Act to amend The Treasury Department Act

Hon. A.E. Blakeney (Provincial Treasurer): — Mr. Speaker, we now move on in the scheme of things to indicate what disposition is intended. I should say this is an amendment to the Treasury Department Act and it deals with two quite separate and distinct things. Section 2 deals with the special investment account and this is part of the scheme of disposing of the School Land Fund. Members, therefore, considering this scheme should be taking into account section 2. Section 3 of the Treasury Department Act deals with an entirely different subject and is not part of the scheme dealing with school lands. It just happened that we were going to make this amendment to the Treasury Department Act anyway and we are bringing that in.

To deal firstly with the first subject . . .

Mr. McDonald: — Pardon me a moment, could I just ask a question before you go any further. Which part did you say we are bringing in irrespective of this transaction . . .

Hon. Mr. Blakeney: — Section 3 — Section 3 is just a list of types of securities. Section 2 is the one which says that all monies and securities transferred from the fund known as the School Land Fund to the consolidated fund — (there doesn't seem to be any way to do this, Mr. Speaker, except to refer back to the fact that when we come to the Provincial Lands Act it is going to say that the money in the School Land Fund is going to be turned over to the consolidated fund) — all monies and securities transferred from the fund known as the School Land Fund to the

consolidated fund shall be kept separate from other monies and securities and placed in an account designated as a special investment account. The monies in this special investment account constitute a cash reserve and no part of the principal shall be disbursed except for the purpose of investing in securities. The Provincial Treasurer may from time to time invest in this list of securities set out in the next section in which the Provincial Treasurer is entitled to use for all treasury accounts. This list isn't only for this special investment account.

So you can see what is being done here. There is going to be a special investment account set up for all the money that is presently in the School Land Fund, subject I should tell you, to some \$2 million which is going over to the Student Aid Fund. This money is to be held as a cash reserve and it will be used for investing in securities.

Members may know that this is what the School Land Fund has been used for. It has been held as a cash reserve and it has been used for the purpose of purchasing securities and latterly it has been used very substantially for the purpose of purchasing local government securities. Members may know that there is a policy whereby those local governments which are having difficulties, particularly smaller ones — difficulty selling their securities — the treasury department has been buying substantial amounts of these and the fund which has been buying them has been the School Land Fund. It is intended to continue this. It is intended to, by and large, take the School Land Fund and keep it in tact and use it for investment in the same way as it has been used in the past. This is what I think section 2 does with respect to the existing corpus of the School Land Fund.

Mr. McDonald: — Could I ask a question? There is no provision to get any money out of this special investment account.

Hon. Mr. Blakeney: — No. I think that the income from the fund will go into the consolidated fund. The income from the fund has always gone into the consolidated fund. It has always gone into accounts to pay for education. The income from the school land fund has always gone to pay for education. This bill says; 'no part of the principal shall be disbursed except for buying these bonds etc.' This is what section 2 says.

Mr. Danielson: — Could I ask a question? I want to know — the principal won't be used for any other purpose but what about the interest?

Hon. Mr. Blakeney: — The scheme is that the interest will simply go into the consolidated fund. In the past it has gone into the consolidated fund and I think a special education account has existed. The income from the school land fund has theoretically gone to the Department of Education. Now it is only \$2 or \$3 million a year — that is a lot of money . . .

Mr. McDonald: — What's \$2 or \$3 million?

Hon. Mr. Blakeney: — . . . but in the scheme of the budget of the Department of Education it is really irrelevant whether this \$2 million goes for education or not. The accountants tell us that they would prefer to have as few little pockets as possible so we thought we would simply put this money into the consolidated fund. There are no prospects in the foreseeable future of the allocation for the Department of Education ever being less than \$2 million or \$4 or \$8, or \$10 or \$20 million either.

Mr. Cameron: — Mr. Speaker, may I ask the Provincial Treasurer a further question? Would it be fair to say under this legislation and the amendment thereto that in brief what you are doing is doing away with the School Land Fund — the School Land Trust Account. There will be no policy whereby the School Land Account — any revenue derived from a quarter section that is being rented must go into this reserve and that the earnings from all of this School Lands Trust Account must be spent for education. Therefore you are taking out all connection of the former School Land Fund for educational purposes. It just becomes another fund of the government and under this bill you are setting up an investment account whereby you will invest the principal but you will be free to use the earnings in any way that you see fit. No relationship to the schools at all any longer.

Hon. Mr. Blakeney: — I think that is a fair statement. I think I have already pointed out that the corpus of the fund will be kept intact and used in the same way that it has been used in the past but the hon. member is right in the sense that there will now be no statutory connection between this money and education. I think this is the point he was making and I think that is a fair statement.

Mr. Staveley: — Mr. Speaker, may I ask the hon. minister a question? Is there any point of contradiction Mr. Minister between section 28 subsection 2 and section 29 subsection a. Section 28 subsection 2 states "constitute a cash reserve and no part of the principal thereof shall be disbursed except for the purpose of investing." Going over to 29 subsection a and I realize this is to do with the consolidated account states "invest any part of the consolidated fund, not presently required for expenditures, in any of the following classes of securities." Is there any point of contradiction there.

Hon. Mr. Blakeney: — I don't know, Mr. Speaker. I think really this is a point which would be better dealt with in committee. I think the member is raising really a possible problem in the language and I think this is better dealt with in committee.

Mr. McDonald: — All the money that is now in the school land fund . . .

Premier Lloyd: — Mr. Speaker, I rise on a point of order. Members see where we are drifting. We have four or five questions answered in the process of the Provincial Treasurer speaking on the second reading and I hesitate . . .

Mr. Speaker: — I have permitted quite a bit of latitude in second reading. The bill is as yet not officially before the House. The members will have a chance to speak. I realize that it facilitates members if they can ask short questions but we can't have any lengthy questions because the minister has not yet moved second reading of the bill.

Mr. McDonald: — Could I ask one short question? Is it true Mr. Minister that all monies in this fund with the exception of \$2 million will now go into this new special investment account? Everything other than this \$2 million.

Hon. Mr. Blakeney: — Yes. Now, Mr. Speaker, I propose to turn to section 3 which as I say is a different subject connected only incidentally with the subject we previously discussed. Here we had in the act as it previously stood a list of securities in which funds of the government might be invested. We were going to add some more securities to the list so we provided for the section to be repealed and a new section to be inserted. The new section is the

same as the old section with the addition of three more types of securities which might be invested in. These are bonds, debentures or other securities issued by the Wascana Centre Authority and I will come back to this; first mortgages given as security for loans in respect of which insurance policies have been issued under the National Housing Act, 1954 and trust company deposits. I will come to each of those.

Dealing first with the latter one — trust company deposits. Here the proposal simply is to expand the range of securities in which the province may invest funds so as to get the best return from money. On occasion a trust company deposit, particularly a short-term deposit is the best way to make a parcel of money earn for a short period of time. The trust companies have urged us to make available — to put this legislation in. I hasten to say that I am not aware of any formal application by them but they have suggested to us that this would be of assistance to them and we believe it to be a sound way of using temporary money for short periods of time.

Now with respect to these NHA mortgages. I think members may recall that the government of Canada has introduced a new arrangement recently whereby NHA mortgages may be dealt with in large packages. They really amount to bonds — this secondary market in mortgages which has been referred to. I can assure hon. members that we are not intending in any way to get into the mortgage business, nor are we proposing to invest any of the money in mortgages in the ordinary sense. If anyone is interested I could go into the intricate details of how this is operated but by and large the Central Mortgage and Housing Corporation sells a package of the mortgages to some investor — agrees that they, Central Mortgage and Housing, will collect the payments, service the mortgages, foreclose them if necessary, and all the investor does is simply supply the money and he pays a fee for the servicing. If the interest an investor gets less the fees for servicing is greater than the amount of money he would get on bond interest — perhaps he should be investing in some of this. This is authority to do this.

The third one is bonds, debentures and other securities issued by the Wascana Centre Authority under the act. I can appreciate that hon. members will not probably want to pass this through committee before they see the Wascana Authority Act and they may well want to take this out if they do not approve of the Wascana

Centre Authority Act. I think they probably could agree with the idea in principle and if there is objection to it I think we could cope with that in committee. We have this problem of moving three or four horses and ask indulgence from the House. I think that that completes my explanation of the act and I would move second reading of the Treasury Department Act.

Motion agreed to and bill read the second time.

Bill No. 33 — An Act to amend The Provincial Lands Act

Premier Lloyd: — Mr. Speaker, the Minister of Agriculture isn't in his seat. But I think it is preferable for the handling of these bills that we receive them all 1, 2, 3, sorted in order. Actually the Provincial Treasurer, I think, has already explained the main points which are covered in this act. The one additional point is that the school land which hitherto has been handled as something separate from the ordinary provincial land. Because of the agreements and the designation of revenue from them and because of the restrictions under the agreement — had to be kept separate. This but makes it possible to put them together with the other provincial lands and we have just provincial lands to be dealt with according to the general policy.

Secondly it does provide that the sums which are collected from them shall be dealt with in the same manner as the funds from the provincial lands generally. It provides for the discontinuation of the School Land Fund, the appropriation of the \$2 million which the Provincial Treasurer has explained for the Student Aid Fund and the remainder of the money to form part of the special account in the treasury department which he referred to.

I would move the second reading of the bill.

Mr. Cameron: — Mr. Speaker, we are moving along at quite a fast rate and since this is in connection with the other bills we have been discussing I would like a while to consolidate my thinking on the whole matter. For that reason I would like leave to adjourn the debate.

Debate adjourned.

Bill No. 36 — An Act to amend The Highways Act, 1961

Hon. C.G. Willis (Minister of Highways): — Mr. Speaker, there are four minor changes to our Highways Transportation Act contemplated in this bill. One has to do with signing — where the minister now authorizes erection of signs, we intend to make a change where with the written authority of the minister, officials or other persons in the department may authorize signs.

Second, in the interpretation section — re official signs — provincial highways is changed to public highways so that signs for legal control, warning, guiding and directing regarding traffic may be erected not only on provincial highways but on any public highway where same are warranted.

The second change has to do with the regulations regarding weights to be carried on our highways. The act states now that allowable weight is that carried on an axle. Now this is not very clear, and we are changing the act to make it clear that the weight of the axle and tires are also included in the weight stipulated. At the present time the act reads as though eighteen thousand pounds were allowed on any axle. We are changing the act so it will be eighteen thousand pounds per axle applied on the highway and this includes the weight of the axle and tires as well.

The third change is where a highway is declared a controlled access highway there is lack of clearness as to whether or not the regulations and parts of the act apply to such controlled access highways. We are changing it so that where a highway is declared a controlled access highway the acts and regulations apply there too.

The fourth change has to do with arbitration which was proceeded upon under the former act. We are making it possible now where the awards have not been laid down by January 1st of this year so that we will be able to appeal such awards if we wish or the other party be able to appeal the award as well. At the present time we have no right of appeal and neither has the other party right of appeal. We are making it possible now, where these awards are not set out before January 1, 1962, either party has a right to appeal within 30 days after the act comes into force.

With this explanation of the four changes, Mr. Speaker, I move second reading of the act.

Mr. McCarthy: — Mr. Speaker, I would like to ask a question. you used two terms — provincial highway and public highway. Would you clarify that?

Hon. Mr. Willis: — Provincial highways are those roadways in the province which are declared provincial highways. This takes in all of our eight thousand odd miles of provincial highways. Now where the highway goes through a town or a city this is not part of the provincial highway system. They are designated as highway connectors. This change will make it legal for the Department of Highways to put signs on the highway connectors which go through cities. It will also make it possible for us to put a sign back on a municipal road, say one hundred feet off our provincial highway, where people who are approaching the highway want to warn them of the danger that the highway is so many feet ahead.

Mr. McCarthy: — May I ask a further question on this?

Mr. Speaker: — I think we wish to get the bill into committee.

Mr. McCarthy: — It is a short question. I was just going to ask him if public highways include municipal roads?

Hon. Mr. Willis: — Yes, any highway in the province which we think we have to put signs up, we get permission under this bill to put any signs on any highways in the province, which affects the traffic on our provincial highway system.

Mr. Speaker: — Moved by the Hon. Mr. Willis, that Bill No. 36, An Act to amend The Highways Act, 1961 be now read the second time. Is the House ready for the question?

Mr. McCarthy: — I didn't get the answer to my question. I asked you if the term public highway applied to municipal roads.

Hon. Mr. Willis: — It applies to all roadways in the province.

Mr. McCarthy: — All roadways in the province?

Hon. Mr. Willis: — That is right — all roads in the province. As I mentioned the only part we are interested in is the part adjacent to the highway where we have or want some control over the traffic going on our provincial highways.

Mr. Danielson: — You are taking power to put signs on the highways if I understand correctly, inside the town limits.

Mr. Speaker: — Order! I would suggest we make a list of the questions because we can't have this cross fire.

Mr. Danielson: — I meant, Mr. Speaker, to ask a question, which was all right.

Mr. Speaker: — I have said if we could get questions before I put the second reading. But when the minister rises to answer your question he is speaking again which will preclude someone else from speaking, so if he will take a list of the questions . . .

Mr. Danielson: — All I wanted from him was yes or no. That was all. I hope you will apply that to the other side.

Hon. Mr. Willis: — Mr. Speaker, with regard to the signs . . .

Mr. Speaker: — I would warn the member . . .

Mr. Danielson: — You don't need to answer my question — it was ruled out of order.

Hon. Mr. Willis: — Mr. Speaker, just for the general information of the House, at the present time the department does sign within urban centres, on what we call our highway connectors. Now we haven't the authority to do that at the present time. We do it but it is not legal. We are making it legal now to put signs up within the urban centres along the provincial highway connectors.

Mr. Speaker: — It has been moved by the Hon. Mr. Willis that Bill No. 36, An Act to amend the Highways Act, 1961, be now read a second time.

Is the House ready to adopt the motion?

Motion agreed to and bill read the second time.

Bill No. 37 — An Act to amend The Mutual Medical and Hospital Benefit Associations Act.

Hon. W.G. Davies (Minister of Public Health): — Mr. Speaker, on Friday last we gave second reading to a bill to amend the Health Services Act, so as to provide for refunds to persons that were members of certain health associations. This Bill No. 37 does the same thing with respect to bodies that are connected with the Mutual Medical and Hospital Benefits Association Act. It so happens that there is now only one association incorporated under this act, and that is the Saskatoon Mutual Medical and Hospital Benefit Association.

Now the proposed amendments to this act as I suggested are similar to those that are applicable to the Health Services Association Act. These cover as I think I mentioned last Friday general medical services. The proposed amendments here are (1) initially an amendment that applies to a member who has prepaid his assessment to the association, respecting a period immediately following the day of the commencement of the province-wide medical care plan; and secondly stipulating that the member would be entitled to a refund of that portion of the assessment applicable to such period if he requested it. The third case is where the request is not made until after the medical care plan is commenced. The member's refund then would be applicable only to that period commencing on the first day of the month which follows the date of that request.

This amendment, I may say in passing, Mr. Speaker, was discussed with the manager of the Saskatoon Mutual Medical and Hospital Benefit Association, Mr. Gilmour, and he has no objections to it. I think anything else could easily be discussed in committee.

I would move, Mr. Speaker, that Bill No. 37 be now read a second time.

Mr. Speaker: — Moved by the Hon. Mr. Davies that Bill No. 37 — An Act to amend the Mutual Medical and Hospital Services Associations Act be now read a second time.

Motion agreed to and bill read the second time.

March 26, 1962

Premier Lloyd: — I believe it has been agreed that the House do not sit tonight in order that members might enjoy the horses, so I would move the House now adjourn.

The Assembly adjourned at 5:32 p.m.