LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Third Session — Sixteenth Legislature
34th Day

Friday, April 3, 1970.

The Assembly met at 10:00 o'clock a.m.
On the Orders of the Day.

WELCOME TO STUDENTS

Mr. Speaker: — I wish to introduce to the Members the following group of students situated in the Speaker's gallery: 30 students from Drake school in the constituency of Last Mountain represented by Mr. MacLennan and they are under the direction of Miss H. Attfield. I am sure all Members of the Legislature would wish to extend to the students and teacher the warmest of all possible welcomes and to express the very sincere wish that they will find their stay here educational, enjoyable and to wish them a safe trip home.

Hon. Members: — Hear, hear!

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. J.C. McIsaac that Bill No. 50 — An Act to amend The School Act be now read a second time.

Mr. N.E. Byers (Kelvington): — Mr. Speaker, I asked leave to adjourn debate on Bill 50 sometime ago as the hour was approaching 5:30. My comments on this particular Bill are to be confined to one aspect of the Bill because I wanted to offer a few comments on the section which will authorize the school boards in Saskatchewan to employ teacher aides within the school system. I indicated on adjourning the debate that we on this side of the House could support the measure to employ teacher aides. But I think this is a measure that must be proceeded with with some degree of caution. I believe that those who have been associated with school systems over the years recognize that this proposal does have some merit. The Saskatchewan School Trustees' Association has for some time endorsed the idea that there are within the school system a number of jobs that really do not require the services of professional people. Therefore, teacher aides could be used to good advantage in several roles. I think it is a fair statement that many school systems have not had the clerks and typists and other assistants to aid professional staff to the degree that these are available in business offices and in government departments. The result has been that the teachers have carried the workload of clerical work and other chores that could very easily be performed by semi-professional people. I think the result of this has been that less time was available by professional people to develop extra programs in the school, drama, sports, and things of this nature which we agree are a very integral part of an ideal educational situation.

While I agree, Mr. Speaker, that this proposal does have some merit, I do, however, caution the Minister of Education (Mr. McIsaac) and the Government to proceed into this new

program with caution. I could see no other conceivable reason for a government implementing this innovation or change unless it is to improve the quality of education within the school system. If that is the end result of this proposal then I think that the measure merits the approval of this House.

I might say though that the implementation of this measure happens to coincide with other actions by the Government at this time. Budget reviews have been introduced at this time as part of a determined effort to reduce the supply of teachers employed in Saskatchewan schools. I think there is some considerable concern that with the implementation of the teacher-aide program many qualified teachers who have years of service in the classroom may be forced into positions as teacher aides. I certainly hope that it is not the intention of the Government to relegate people who have given years of good service in the classroom to merely that of assistants in a minor role within the school system.

Mr. Speaker, there is one area of the Bill that does concern me. As I interpret it, the Minister of the Department of Education will be empowered to make regulations outlining the duties of teacher aides within the school system. I am of the opinion, and I'm sure this opinion is shared by educators, that the duties which teacher aides will and should perform within the school system should be determined, not in Regina, but rather by the school administrative staff and the department heads or teachers under whom the teacher aides will work. I do recognize the problem of assigning duties to teacher aides. I know the danger area, Mr. Minister, that exists with respect to the semi-professional people, the question of whether or not they will or will not do jobs that normal teachers would do within the school systems. But I would certainly hope that your regulations would not be overly restrictive and that the job of permitting these people to have their duties assigned be left as the responsibility of the school administration with whom they work. That's my comment that part.

The other question on which I want to comment briefly is that this Bill provides that the Minister or the Department will set regulations respecting their qualifications. I know that there are two schools of thought on the question whether teacher aides should be required to undertake some training or not required to take training prior to their employment within the school system. I hope I can read into this that the Department will take the position that teacher aides be required to undertake training before employment within the school system. My understanding is that where teacher aides are used in some systems no specific basic training is required before their employment; and that is, I know, one widely held school of thought. On the other hand there is the school of thought that training ought to be a prerequisite for employment.

If I might just add one comment here, Mr. Speaker, to the Members of the House, there is one question which hasn't been discussed very adequately at this Session and that is the community college concept. I hope that we can in the Estimates discuss this a little more fully, but I want to say to this House and to the Minister that this is at least one program — the training of teacher aides — that could very well and very conceivably be undertaken as part of a community college program.

I hope that the Minister will take a good hard look at this

question of qualifications. I am of the opinion and I think that most people in education are of the opinion that there ought to be a training program of some worth for people so employed.

There are many other things that I would like to say about this particular Bill. With respect to the conditions of employment, I would hope that there would be some provisions made for people employed as teacher aides to bargain collectively, to negotiate with their employers for their conditions of work. I must say that I have no specific proposal to make at this time. I realize that this has problems. It may be desirable to include these people with the area committees to negotiate their conditions of employment. I don't know whether the profession would accept that position or not. It may be desirable to have their conditions of employment and salary conditions negotiated as a separate group of people and I would ask the Minister to look at that possibility.

My last word on this matter today, Mr. Speaker, is that I hope the Minister will take a go-slow approach. This can be a very good program within our schools, but it also has possibilities for being a very, very dangerous practice if it is not dealt with adequately.

Mr. Speaker, with those few remarks I want to assure the Minister that I will support this Bill. I did want to bring to the House a few comments with respect to the Section dealing with teacher aides.

Some Hon. Members: — Hear, hear!

Mr. G.G. Leith (Elrose): — Mr. Speaker, I want to say a word about a couple of ideas that are expressed in this new Bill. Many of the topics which were mentioned by the previous speaker are of great importance. But I want to draw the attention of the House to the new principle which will make it mandatory for boards and taxpayers and parents to recognize that handicapped children will be on the same basis for education as all other children. We have been a long time coming around to this view, Mr. Speaker, in my view it has been too long. I want to congratulate the Minister and his staff for including this particular section in the Bill. I think Members will know that our handicapped children have been treated quite well in Saskatchewan. At least the education of these children has been attempted and in many cases have carried out very well. In the Eston-Elrose unit, for instance, it has been the policy of the Board for some years to pay up to $60 per month for their board and education if they have to go to another place. The Board of the Eston-Elrose School Unit has been co-operating with the Rosetown Board to provide an opportunity classroom in Rosetown. There is no facility in the Eston-Elrose constituency. There is an opportunity school in Kindersley; there is a school like that in Biggar and some of our people go to Saskatoon and are able to be partly supported by the action of that Board. This new section in the Act now makes it mandatory for boards all across Saskatchewan to recognize that children who are handicapped mentally, physically, socially or emotionally are on the same basis and are going to be treated just the same as other children.

There are many other parts of the Act that are of importance but I think this one deserves special note today. We have been

a province a mighty long time; we have been educating our children and certainly public opinion has been moving to the point where we have been asked for some years to recognize the special needs of these people. Again I want to say I congratulate the Minister on this part of the Act.

Some Hon. Members: — Hear, hear!

Mr. J. Kowalchuk (Melville): — Mr. Speaker, I want to make a number of brief comments on this Bill. First I am going to start with what the Minister is well aware of, my usual remarks about the erosion of school boards' powers and I say still that the continuous attacks on the powers of the school boards are a detrimental thing. It doesn't appeal to me more this week than it did last week. It is no more palatable to me this year than last year. I am one who believes that most local boards do a better job of running distant impersonal, long-range, cold, computerized, calculated, remote departmental supervision will give your youth the kind of education they need. I believe this is a retrograde step. I must say that with what the previous speakers have already said — that is in regard to teachers' aides — I think this is an important aspect of having some improvements in the education field. We are going in many new directions in education and one of the newer innovations is of course the introduction of teachers' aides into our school systems. I think the possibilities of their use are acceptable. I only hope, Mr. Speaker, that the extent of teaching aides is going to be given some serious consideration, but that there are dangers of over-use and over-abuse of teachers' aides. I have been hearing from a number of people, a number of people, a number of pretty important people, that it is the intent of some boards to be allowed aides to participate in active instruction — the teachers' aides that is. Now I have some strong reservations with regard to the extent that aides are going to be used and the power of the Minister to determine the duties of teachers' aides. These are my only two reservations, Sir. It just may be possible to use them in some small form of instruction but I believe, Mr. Minister, that detailed findings and research and experimentation should be done — I think plenty of experimentation should be carried out on a small scale in the use of teachers' aides.

The other section that I would like to say something about is allowing people to attend the meetings of the school boards and I think that is a good section. I for one have never gone for closed meetings or meetings in camera. In fact one of the weaknesses of bigger boards is that communication between people and boards and teachers has lessened to a dangerous degree in the last number of years. More lines of communication must be established. Keeping people away from meetings of course is an adverse idea. In all my years as trustee we have never refused anyone admittance to a school board meeting and I feel pretty proud of that. I think that this guarantee is a good move. I have one small reservation here that there does come a time when certain information, for example a high school student in trouble, is best discussed in private with no need for publicity. However such confidential knowledge could be placed on an agenda to be dealt with at a special meeting or handled by a special committee. There are ways around this.

Education for the handicapped, I think, has been treated fairly well but I think this new approach is a good one. This

Act of course makes it mandatory that boards provide education for the handicapped. This was proposed by my colleague for Cutknife (Mr. Kwasnica) last year and also, if I remember correctly, the Member for Elrose (Mr. Leith) had a lot to say about it as well. Of course he has just spoken previous to me and has already indicated appreciation of such a move. I think this is good sound thinking. The Member for Cutknife had spoken at length on this and all I want to say, Mr. Minister, is this: 1. will these instructors be included in the teacher-pupil ratio? 2. I hope that financial assistance is going to be provided for the education for the handicapped because it can be the most costly because of the small numbers in rural areas and the cost even of bussing to such a school will be affected.

Another section of this Bill that I think is good is making it possible for a public school board and a separate school board to form one board of education. I think that is a real good beginning. I sincerely hope that the greater freedom of that kind will be made available in more joint efforts by other school boards. Somehow the process of education legislation is often hampered and slow and many changes such as the one mentioned must come about at a faster rate to meet new needs of our modern educational trends.

With the exception of what I said about budgetary reviews and the extent of teachers' aides, I find this Bill very acceptable.

Mr. M. Kwasnica (Cutknife): — Mr. Speaker, first of all I would just like to comment on the major principle in this Bill and that is the principle of budget scrutiny for school boards. Now in my opinion budget scrutiny by a Department of Education probably has a good place in education, particularly in cases where there is misuse or abuse of school buildings or equipment or in cases where a school board has missed a very obvious saving in money or increased efficiency. But any decisions or changes proposed by a Minister of Education must be made for educational reasons. That is, if the changes that a Minister proposes to school boards improves teaching within the school system then I say that is good; or if the changes that the Minister proposed allow for new teaching methods, that is good; or if the changes allow for a more individualized program for students, then I think he is doing a good job; or if the suggested change by a Minister increases student involvement and participation, that is good; if it allows for individual help or attention by the teachers to students that is a good change too; of if a change is proposed by the Minister after budget scrutiny brings greater assistance and benefits to our slow learners, or if any change is proposed because of the budget scrutiny if it brings about flexibility in the school programs so that our schools can accommodate the unstable or disgruntled student – and the trouble is that there are far too many students unhappy with our school system today. But so far as I view budget scrutiny by this Government and the Minister it has meant an increased student-teacher ratio; it has meant the closing of hundreds of schools in the next year; it will mean reduced programs – and that is exactly what has happened in some cases – it will mean without a doubt larger classes with several grades in them now and particularly in the units; and it has meant so far a reduction in the teaching staffs. All of these, Mr. Speaker, in my opinion are not good educational policies. Today thousands of ratepayers across the province are being annoyed because their classrooms are being closed.

I want to ask the question of the Minister again: who in his opinion has the authority to make decisions that classrooms should be closed and teachers let go? I submit, Mr. Speaker, that under this Government it is obvious that it is the Minister of Education who has appointed himself chief commissar. One school trustee put it, after coming to Regina to have his budget scrutinized, something like, "Now I know what it is like to be summoned by the commissar to Moscow." Mr. Speaker, decisions made by the Minister of Education (Mr. McIsaac), backed by his staff of so-called financial experts and his computers, are so completely out of tune with the needs of the people at the community level that many local school trustees are just throwing up their arms in disgust. If the Government wants all this power why doesn't it just come out and say that it will abolish school boards because this Bill really reduces them simply to puppets who have become the scapegoats of angry communities. I maintain that a Minister of Education should not interfere in local decision-making. He should only guide and suggest changes. If his ideas make for a better educational system no one will object to the suggestions. But I regret, Mr. Speaker, that this has not been the case by the present Minister. I regret that the principle in the Bill, as interpreted and carried out by this Government will mean a complete deflation of school-trustee morale because they have been scrutinized, downgraded, belittled. Their integrity is being challenged; they are being dictated to by the Provincial Government. I also regret, Mr. Speaker, that the Government is using budget scrutiny to browbeat school boards into accepting its proposed ratio of 25 to 1. Boards have been told quite bluntly, "If your schools don't come up to the ratio, we've still got control of the grants." Mr. Speaker, I want to suggest that the only reason budget scrutiny is being introduced by this Government at this time is to attempt to save its political neck. This Government seems to have a very low regard for education, for teachers, for universities or for high schools and students. To this Government it would appear that education is considered unnecessary, something to be downgraded. So, Mr. Speaker, I sort of guess that the master strategists of the Liberal party must have reasoned it this way when they came to bring in budget scrutiny. They said, "We've made a mess of our Provincial finances; we've robbed every piggy bank there was — the Medicare Fund of $9 million; Student Aid Fund, $2 million — where can we cut back?" I can just picture the Premier saying, "Education, that's the place. Saskatchewan teachers are all Socialists anyway." "Agreed," said the Minister of Education. "We have got to get our schools and universities rid of these rebels. In order to do this we will bring in a budget scrutiny and impose a ratio of 25 to 1; we will eliminate 600 teachers." And the Premier probably would say, "That's 600 Socialist votes less." That's about the kind of reasoning they would use. Then they must have reasoned after we have reduced the number of teachers and strangled the quality of education, after we have caused hundreds of students to drop out because of poor programs — and remember every high school student that drops out we save $882 — we will call an election and tell the voters that we have saved them so much money they can now hold the mil rate or even reduce it a little. Mr. Speaker, school board budget scrutiny and control in the hands of this Government is the sure death of a once blossoming educational system in our province which is controlled by local school boards. It is simply a further step to stronger centralization. I want to ask the Minister: is the next step perhaps to simply move in and tell the teachers precisely what to teach and when? I don't think we need this type of control.

Mr. Speaker, a second principle in the Bill that I would like to comment on, as opposed to the first principle just discussed, I want to commend the Minister for the part which suggests to school boards that they should do everything in their power to help the mentally handicapped or socially handicapped. But I would like to remind Members of this House that last year I presented a resolution — I did a lot of research and study on it — that Resolution simply said that:

> This Assembly reaffirms its belief that every child has the right to develop his potentials to the maximum and recommends to the consideration of the Government of Saskatchewan that appropriate training and education be provided for mentally handicapped by:
>
> (1) further extending modern training and educational facilities at Moose Jaw or other centres elsewhere in the province,
>
> (2) passing legislation making it mandatory that educational and training facilities be provided for all students; and
>
> (3) co-ordinating and assisting all governmental programs and voluntary organizations working for the cause of mental retardation in Saskatchewan.

I want to draw particularly to your attention, Mr. Speaker, part 2 of that Resolution which said that there should be legislation to make school boards do a little more for the handicapped. And when the Minister spoke to this Resolution last year — that's just a year ago — amended it all and said, well, the best we can do is to suggest changes in legislation that might be desirable. And when he was commenting on that second part of the Resolution which called that school boards should do more, he said, and I quote from page 1838 of the Debates and Proceedings last year, and I quote from the Minister:

> However, there are some real problems associated with legislation making it mandatory that education and training facilities be provided for all mentally handicapped children in the province at this point in time.

And he continued:

> I think, Mr. Speaker, that the first thought that comes to mind, it would not be sensible at this point to compel all school boards to provide services and facilities for the mentally handicapped, when there is such an acute shortage of specialized teachers for teaching in this particular field.

The point I want to make is that it is really quite amazing how just 12 months later all of a sudden he sees that he can put something in legislation and put a little more teeth into and give boards a little more pressure to do something about the retarded. At any rate, I think this is an excellent move on the part of the Minister.

One more principle in this Bill that I really agree with is that part which repeals Section 268 of the old Act. This part was the one which said that a teacher could be fined if he didn't use the prescribed and authorized text by the Department.

This section of the old Bill has now been repealed. I think this is a most progressive move.

I will be interested to hear what the Minister has to say when he concludes the debate on this Bill. I hope he will comment on some of the issues raised by Members on this side of the House.

Hon. J.C. McIsaac (Minister of Education): — Mr. Speaker, I will only take a few moments to comment on some of the remarks made by Members opposite in second reading of Bill No. 50.

The Member for Kelvington (Mr. Byers) spoke to some extent with respect to teacher aides and I can certainly assure him that there was no intention of bringing in the amendment dealing with teacher aides merely to hire teachers and call them teacher aides. This certainly was never thought of by anyone and I am sure that he can accept that because, as I pointed out in the original remarks on second reading, there are many duties associated with teaching that do not require a qualified and fully-trained professional teacher to perform. It is those duties of course that could well be considered capable of handling by teacher aides. I mentioned then clerical, filling in forms, records, setting up of equipment (audio-visual particularly) in the new comprehensive schools or the larger schools, closed circuit TV and this type of thing. Regulations will be very broad and flexible. We do not intend in regulations to spell out duties in detail. Obviously this would defeat and destroy the whole purpose of the amendment because of the very fact the school situations are so different, different size schools, different types of operation, that there is just no way we could completely cover and spell out duties and we don't intend to.

I could mention — I think I did earlier in second reading — that we will be developing regulations in conjunction with the Teachers' Federation. I have talked to Federation officials on this as far back as two year ago and pointed out at that time that in my opinion that they, the profession themselves, should be actively involved in developing some thoughts along these lines and regulations for what we might call para-professional people. We will be talking to them in this respect.

As far as qualifications, whether or not they will require training, this again is something we haven't spelled out in detail. I don't know whether we will call for any overall formal training requirements. You take the expert on closed circuit television for example or the expert on films, this kind of think, whether or not he needs any more training if he is fairly well equipped and knowledgeable in that field and comes into a school, perhaps the rest of it he can pick up more or less by on-the-job training. We haven't given any consideration at all as yet. We are not directly involved of course in collective bargaining procedures for this people, Mr. Speaker.

The Member for Melville (Mr. Kowalchuk) made some comments again on the question of budget reviews. I won't go into my replies to that; we will deal with it later perhaps in Estimates. I have already commented on this. He did mention that he hoped the provision for providing educational services for the retarded children would be recognized in grant purposes and would be recognized in teacher-pupil ratios. Of course I would draw to this attention the memo we sent out last year with respect to ratios.

There are provisions for ratios of as low as one to seven for the retarded children and surely this will accommodate any needs in this regard. Naturally these programs will be grant supported.

The Member for Cutknife (Mr. Kwasnica), Mr. Speaker, I will not take very much time on his remarks at this point in time. Some of them are new, some of them are not very new. I always smile to some extent when I hear teachers getting terribly upset over the loss of autonomy of local school boards. He said that the provision with respect to budget reviews has meant the closing of hundreds of schools. I am sure he knows that this is totally incorrect. It has meant the closing of some rooms of some schools but certainly by no means not that many schools. It should not mean the curtailment of any program. It may well mean looking at different ways and means of providing a program, and I suggest to him that it is time that not only the Department but teachers and school boards began looking at alternate ways of providing some of the programs now provided in the schools in this province. It is definitely still the prerogative of local school boards to hire teachers, to close schools. They have full and complete authority over the spending of the grant funds once they are given and once they are allocated, there is no question about any infringement on autonomy here.

He mentioned teachers' duties being more prescribed from the Department in future. He knows, and everybody else knows, in connection with the school system that teachers today have more and more freedom and more flexibility in course offerings and school operations than ever before in the history of this province. I suggest that this is a good move and an area that we should be continuing to move in.

I can also assure the Member for Cutknife, Mr. Speaker, that any move we have made here in this Bill with respect to the education of mentally retarded was initiated in spite of his remarks and certainly not because of them. I can say again there undoubtedly will be problems for school boards in trying to find enough qualified staff to accommodate these programs even a year from now. But I am sure that this is a problem that can be overcome as time goes on, but certainly I am sure there will be real difficulties in being able to find the qualified staff that people demand for classes of this kind.

With that, Mr. Speaker, I move second reading of the Bill.

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. C.L.B. Estey (Minister of Municipal Affairs) that Bill No. 47 — An Act respecting Urban Municipalities be now read a second time.

Mr. E.I. Wood (Swift Current): — Mr. Speaker, I was pleased to have an opportunity to further look at this Act which was brought up for second reading some time ago. It is a very large one as we all know and contains a great deal. I must admit, Mr. Speaker, that my perusal of it has not been that close that I have closely studied each section in the Act, but the explanatory notes which were given were very helpful and the marked copy which the Minister was good enough to make available which set out showing which was new and which was carried over from other Acts has also been of great assistance. I would have to admit, though, Mr. Speaker, that if there are any

new principles involved in the Bill that weren't pointed out either in the explanatory notes or in the marginal notes in the copy that I have, I quite probably have missed them. I note very little in the Act of which I would wish to complain, Mr. Speaker. I realize it is one in which a great deal of work has been put and I appreciate the work that they have done.

One think I would mention is that I agree with the city section of SUMA in regard to the term of office of aldermen and mayors. They are overwhelmingly in favour of a three-year term, but I believe the Minister did make some mention of that on second reading, that there may possibly be some amendments brought up in that regard.

However, Mr. Speaker, there is a principle here over which I am somewhat disturbed. This is in that section which denies the right to stand for alderman to a sector of our society. It says that the employees of appointed boards, that are appointed by the council, would not be eligible to stand for alderman. It says that the employee of a municipality or a paid employee of a board or commission appointed by the council would not be eligible to stand for alderman.

I think, Mr. Speaker, that we are all agreed on the principle that no employee of a council should be able to stand as alderman. You shouldn't be in a position to pass judgment on your own cheque. I think, whether good, bad or indifferent, the Legislatures and Parliaments in the countries are the only ones that have this right and it is sometimes rather a hard thing for us. It is a thing that we don't like too well ourselves and I think this principle should be avoided and I can't help but agree with that part of it. But I do feel, Mr. Speaker, that, in carrying this principle over in regard to the employees of boards or commissions appointed by the council, this is being carried possibly a little too far. I think that we should be very careful in restricting democratic rights. I think that this is somewhat unnecessary. I don't see what bearing an alderman will be able to bear upon the salaries or privileges or working conditions of an employee of a board or commission unless he was on that board itself. I think that what is necessary here, Mr. Speaker, is to say that no alderman should be able to serve on a board or commission by which he is employed. Where he is an employee of the board or commission, I don't think he should be on that board, but I don't think that simply being on this city or town council bears sufficient weight upon the decisions of the board that he should be not allowed to sit as an alderman simply because he is an employee of that board, unless, as I pointed out, he is a member of the board itself. I think that this section that you are putting in here deprives such people as hospital accountants, superintendents of hospitals, staff doctors and so on of what I would assume to be their democratic right to run for political office in regard to municipal politics, if I may use that term very broadly.

It seems to me that this argument is also further weakened where these hospitals or libraries or what they may be are union hospitals or regional libraries. A member of a council in a city or town would have even less authority in regard to what is done by a union hospital or a regional library. It seems to me rather improper that an employee of a regional library should not be able to stand for office as an alderman. I think that we are going a little out of our way to abrogate their rights in this regard. As I said earlier I think that what is possibly necessary here is to say that no alderman would be able to serve on a

board or commission by which he is employed. I think that would take care of the problem without going so far as to deprive all these people of their rights of what I would term to be necessary and desirable democratic rights to stand as alderman in the city or town in which they live or work.

However, as I said earlier, Mr. Speaker, this is a large Bill. Despite the fact that I have pointed out one item here with which I am not in complete agreement, I would support the Bill. There may be some matters which I would care to raise when the Bill comes into Committee.

Hon. C.L.B. Estey (Minister of Municipal Affairs): — Mr. Speaker, I just want to refer to one or two points which have been brought up by the Hon. Member from Swift Current.

As he has intimated, there will be a House amendment amending the sections of this Act dealing with the terms of office of the councillors in the urban centres. At the last meeting of SUMA a resolution was approved in so far as the towns and villages are concerned, a requesting that their terms be four years for councillors, two years for mayor, with elections every two years. In so far as the cities are concerned, I am told that there were only 20 some people at the meeting, and they favoured a three-year term. I have frankly had phone calls from certain city councillors suggesting that more study be given to the four-year term in so far as the cities are concerned. When we bring in the House amendment in so far as the cities are concerned it will give power to the Lieutenant Governor in Council to institute either the three-year term or the four-year term in so far as cities are concerned and of course we will be in touch with the cities. If they wish to stay with what they approved in SUMA, then we would be able to do it under the Act or if they wish to change, we can do that under the Act.

In so far as qualifications for nominations for councillors are concerned, I presume the Member from Swift Current was reading Section 32 and gave the example of a regional library employee. I would point out that Section 32 applies to a board or commission appointed by council. It doesn't apply to a board or commission where the council might only appoint one member. Therefore, the example of a regional library, I do not think, has application when you read Section 32.

Mr. Speaker, I believe I will reserve my comments for Committee and I would move that this Bill be now read a second time.

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. A.R. Guy (Minister of Public Works) that **Bill No. 52 – An Act to amend The Water Rights Act** be now read a second time.

Mr. D.G. MacLennan (Last Mountain): — Mr. Speaker, in the past number of years I have supported, I suppose, different bills introduced by this Government in the hundreds. This is the first Bill introduced by any Member of this Government that I have ever opposed in the House and I am going to make a few brief remarks.

There are two important principles involved in this Bill.

One, its effect to expropriate ground water from the lawful owner without compensation, some of whom have developed and are using their water. The second principle is the use by the Government of its legislative powers to coerce an individual or a company to enter into a contract with the Crown. The history of water rights legislation is that the Government has always respected rights of individuals acquired from the Crown prior to the passing of such legislation. This proposed Bill does not do that and in this respect is at odds not only with the previous principles but also with legislation in other provinces in Canada.

It is for those two particular reasons, Mr. Speaker, plus the precedent it can establish that I cannot support the Bill.

Mr. F.A. Dewhurst (Wadena): — Mr. Speaker, I don't intend to take very long on this Bill but I do believe that this Bill should not be brought in in its present form. I agree that it gives undue power to take away water rights from maybe organizations that have spent a lot of moneymaking water available for themselves. I am sure that better and more effective and more amicable measures could be found in order to control water if that's what the Minister wishes to do. So for myself, I cannot support this Bill.

Mr. E.I. Wood (Swift Current): — Mr. Speaker, looking at this Bill there have been some arguments raised here this morning that I personally feel that I would like to look at a little further and I beg leave to adjourn the debate.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. C.L.B. Estey (Minister of Municipal Affairs) that **Bill No. 57 — An Act respecting the Sharing of Tax Levies on Pipe Lines in Rural Municipalities and Local Improvement Districts** be now read a second time.

Mr. E.I. Wood (Swift Current): — Mr. Speaker, when I asked to adjourn this debate earlier it was because I felt that I did not have sufficient information on the Bill to really make up my mind as to what our attitude should be towards it. I am sorry to say, Mr. Speaker, that the information that I had then is the same as I have now. I would like to say that I do approve of the principle in this Bill and this method of sharing these levies, but I do maintain that the information given in the Bill is rather insufficient. I don't like this principle of leaving many important aspects of a Bill to be spelled out by Orders in Council. I think this weakens the Bill, weakens the authority and the privileges of the Legislature. But barring these two disagreements I have with it, I am not opposed to the principle of the Bill and anything further I have to say about it can be said in Committee.

Hon. Estey (Minister of Municipal Affairs): — Mr. Speaker, in so far as the remarks which have just been made to the House are concerned, the regulations under an Act such as this when we are dealing with money which, under our present system of taxation has been the property of rural municipal governments or the schools, I submit that these regulations should not be drawn up until meetings have been held with, for instance, the SARM and the Trustees Association. That is the reason why these regulations have not been brought into the House. We are

following the exact procedures as we did in the Potash Sharing Act in so far as regulations are concerned.

Mr. Speaker, with those remarks I move this Bill be now read a second time.

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. J.R. Barrie (Minister of natural Resources) that **Bill No. 59 — An Act to amend The Game Act** be now read a second time.

Mr. G.R. Bowerman (Shellbrook): — Mr. Speaker, I said when I adjourned the debate the other day that the Bill had not been down long and that I had not really had the opportunity to peruse it as I wished to do. I felt that there was insufficient information at least at that particular time to deal with it to any extent. I since have certain information which satisfies me of the principle of the Bill. I do think, however, that I should raise one point that is contained in the Bill and that is with respect to the new protection of bear as being a game animal, being protected by seasons and by licences. I suppose that to hunters and those sportsmen who like to go out and hunt bear, certainly to them it is a treat. To those of us who live in the fringe areas of this province and who have experienced the difficulties with these animals, both in the depredation of crops – and this may to some seem a little bit fantastic but where bear are numerous they do in fact impose a great amount of damage to standing and growing crops or to swathed grains, and not only to this but to livestock as well. I do realize that there is provision in the Bill or in the Act which takes care of these kinds of animals. The farmer may go get a permit to take care of marauding bear in his farmyard and this type of thing, but it does hinder farmers from protecting their crops, from protecting their livestock in this way. I don't think this really disqualifies the principle of the Bill and many of the other parts that are in the Bill, but I think that it is necessary that we bring to the attention of the Minister that this does in fact happen and that, now when we begin to move into the area where we are protecting these as a game animal, protecting them not only by seasons but by licences, it simply adds to their increase and adds to the problems that local people, particularly those in the fringe areas, experience with these animals already.

I would hope that, when we get into Committee where we can discuss it, the Minister would consider a provision for the possibility that farmers who find it difficult to protect their crops and livestock in this area, wouldn't have to call an officer of the Department of natural Resources each time they want to deal with a specific situation.

Mr. Speaker, I would move that this Bill be dealt with more properly in Committee.

Mr. F.A. Dewhurst (Wadena): — Mr. Speaker, I would like to add one or two words to what the Member from Shellbrook has just said. I know in the north end of my constituency a few years ago - in that area there are a lot of beekeepers – a few years ago there were one or two bears around there wrecking beehives by the dozens. The beekeepers had to sleep in their fields and stay close to the beehives so

they could catch this bear and shoot him because he was wrecking all the beehives. On one occasion an elderly lady heard a noise at the door and went to the door. There was a bear scratching on the screen door. She slammed the door and phoned the neighbours. I think that some provision should be made in cases like that. There should be some provision made where the local people have the right to destroy a bear like that, then later it could be reported to the branch, Mr. Minister. I would like you to comment on that because if they have got to get a permit first, the damage is done. I know this old lady that had the bear at her door. It gave her an awful fright until the neighbours got there and shot that bear the same day. But often some of the old bears who don't want to wander around just like the younger bear will, will start coming around the farmyard because it is earlier to get food. I think that is a point the Minister should maybe consider.

Mr. J. Kowalchuk (Melville): — Mr. Speaker, I think it would not be right not to mention another section of the Bill because of some things that have happened lately which relate directly to this Bill, An Act to amend The Game Act. I want to deal with Section 29 which deals with the illegal use of snowmobiles and toboggans for the purpose of chasing and pursuing game. I recall last year when this practice was brought to the attention of the Hon. Attorney General (Mr. Heald), he said that the laws are there, that reports of this type of infraction will be dealt with severely. Personally I am very glad that his attitude has changed somewhat. such an offence in Ontario was reported in The Leader Post. I am sure all of you have read about it in The Leader Post. I'll just read one part of that story. It says:

> A wolf was chased with two snowmobiles across Lake Simcoe for 90 minutes and struck by the machine about 20 times before it was finally trapped behind a snow mound. One of the snowmobile men jumped from the machine over the mound on to the wolf and broke its back.

Mr. Speaker, I think it was a week later that The Leader Post carried an editorial about this horrifying and a terrible practice. I want to say, Mr. Speaker, that it made me boil in anger when I read about this cruel action. I think stiffer penalties must be meted out, Mr. Speaker, but that isn't enough! The general public must be informed by the Government and other organizations of what is happening. Penalty increases and confiscation of snowmobiles and firearms are just not enough to stop this cruel, vicious and sadistic practice. This Government must inaugurate a campaign through the press and radio, television and I say through our schools and service clubs, church clubs, and farmer organization, to make the public aware that this cruel and sadistic practice must stop. punitive measures won't be enough, but if the public, as a whole is made aware of what is happening they will see to it that this kind of practice will be effectively controlled. Not only is the practise inhumane, but there is also the possibility, a good possibility, that many animals will disappear from the face of our province if this killing continues. Public awareness through the media as I have mentioned is a must. We can spend hundreds of thousands of collars for Homecoming '71, surely we can spend a fraction of that to save some of our many animal friends. I say let's stop this inhuman practice.

Mr. E. Kramer (The Battlefords): — Mr. Speaker, I have some sympathy with what this Bill proposes. I don't think anyone who has a humane attitude towards any living thing can help but have some sympathy with what the Member from Melville has just said. But I would like to get down to something a little more practical. The Member from Melville said something about our animal friends. Well with friends like the coyote, I don't need enemies. Just ask anyone who has raised turkeys or poultry. I think of the things that we can watch out for. I'd like to see people try to raise sheep with too many of these critters around. Let's just not get carried away with sympathy. I think the fact is that the sponsors may have been carried away just a little bit; I suggest, Mr. Speaker, that we better walk a little carefully. I am saying that I am in favour of not being allowed to run over an animal and treat it inhumanly. But personally I see nothing wrong with being able to approach an animal in shooting distance with a skidoo or any other vehicle and then getting out — you can't carry a loaded gun in or on a vehicle anyway — and get within shooting distance. After having said that, Mr. Speaker, I would like to ask some of the people who are getting a little emotional about these predators and I use that word 'predators' with some emphasis: have they ever seen a lamb with its insides torn out dragging itself around the field after it's been attacked by a coyote? What about the inhumanity there? And if you want to talk of humane treatment, have you ever seen a dog die of 10-80 bait, poisoned bait? It is a pretty slow and a pretty terrible death. We have been quietly doing this for a long number of years using 10-80 poison. There isn't a crueller method of dispatching including the description of killing this animal on Lake Simcoe. I don't know how anybody got this accurate blow-by-blow description of what happened on Lake Simcoe, but it sounds as if someone was carried away a bit there too.

I am not standing here in this House and saying that we should allow cruelty and complete destruction or annihilation of any animal, including the predator. I think they are a part of the Saskatchewan scene. But I certainly don't think there is a farmer in this country, that has a den of coyotes or foxes close to his farm and any livestock whether it be sheep or poultry turkeys or whatever it is, that has been really too enthusiastic about protecting this particular predator. I know too of a lot of young people who have skidoos and who have maintained a pretty good side income this winter through being able to hunt and shoot and kill and get the pelts of these animals. What this Act is going to do is going to put every one of those hunters or trappers out on a skidoo in the fields carrying a gun, and is going to put in a position whether he may or may not be breaking the law, according to the interpretation of the particular law enforcement officer that comes on the scene. I suggest, in spite of all the advice that you may have read up to date, Mr. Minister, that maybe you ought to be taking a good look at this section and avoid future embarrassment in the attempt to bring the enforcement of this law into practice. I think it is something to think about. I want to make myself clear again. I don't want to be quoted as saying that I am for pursuing an animal and running it down with a motor toboggan. I am simply saying this, draw the line between pursuit and the actual contact with the animal, because I don't agree with this contact. I think it is unsportsmanlike and it is cruel and inhumane. But let's not get carried away, as I say, by saying that this poor little coyote is such a kind timid animal. He is not very kind and timid when he gets among a flock of hens or a flock of turkeys or a flock

of sheep. He'll kill again and again. It is pretty costly to the sheep rancher, it is pretty costly to the poultry grower. I don't think we really have to be concerned about whether or not his numbers are going to be decimated. He has survived a long while and he is going to survive a log longer. There are so many wolves up in my area that it actually saved you $300, Mr. Minister. I had a steer shot during the hunting season, but we didn't discover him for three or four days. By the time we found him, there wasn't anything but the bare bones, and some of those were gone. I am sure that I am convinced so many coyotes that I didn't have a chance to collect evidence, there wasn't a hide or hair or a bit of flesh left. That's how many coyotes there are in my part of the country. I don't see too much chance at the moment of extinction in spite of 10-80 bait, in spite of hunting, in spite of skidoos, and so on. There are a lot of people again, I ant to point out, there are a lot of people, young people who need a few extra bucks, that are getting these extra dollars and are just pretty good clean sports. They want to use that gun, they are not going to be pounding over the top of coyotes with a skidoo. I think we can enforce this law by preventing and punishing them when they use the actual body contact with their machines. Think about it, I don't suppose that you are going to change the Act at this time, but I suggest that in future you probably will. I want to suggest too that municipalities that are now spending quite a bit of money in trying to destroy coyotes are going to have something to say about it. They are going to question it. They are going to question the right of the law to say whether or not they can hunt down or give permission to hunt down predators when they start to threaten the taxpayers in that particular area.

I am not speaking in opposition, I am simply trying to give a little advice as to what problems may develop in the future from the Act as it is now written.

Mr. R. Heggie (Hanley): — Mr. Speaker, speaking to Section 29 which interests me a great deal, I have been listening to the Member for The Battlefords and I want to say a few words.

One of the recreation societies in my constituency wrote me last fall and brought the matter to my attention of hunters pursuing game with a skidoo and running it down so to speak. I knew this was going on. I had some correspondence with the directors in the Department of Natural Resources. Apparently there had been other inquiries and complaints and they were in the process of framing legislation which is not being put forward in Section 29. I think the intention of the Act is to try and even up the process as between the animal, the predator and its pursuer. I don't think there is any intention to interfere with the natural control of this type of game, coyotes, foxes and otherwise. I think the intention of the Section is merely to curtail the inhuman practice of running down an animal, running it literally to death by the use of a mechanical device. If you keep it going and have sufficient fuel, there can only be one end to the contest. I think normally the process is fairly even as between the hunters and the animals because hunters are notoriously bad shots. Even with the use of a telescopic sight the animal still has a fighting chance that it can hold its own. I think the contest has always been a fairly even one. Since the introduction of the skidoo which has become so common, an animal can literally be chased to death until it collapses from exhaustion and is run over by the skidoo. I think it is time that we took some steps to curtail this practice, I am sure

98 per cent of the hunters would never think of doing this. It's a sporting matter with them. If they've got a coyote in their sights, their vehicle is stopped and they take a shot at it. The contest is reasonably even. This business of running an animal down with a vehicle driven by an internal combustion engine is just an uneven contest. I think this is the intent of this particular section. I am interested in it, and of course will support it.

Mr. Kramer: — I would like to ask a question of the Member for Hanley. He said something about the intent of the Act, the intent of the Act as I understand it, at the present time, is, if you are out in a field with a gun, you could be pursuing it. How in the Sam Hill are you going to get anywhere within sight of game, if this Act is interpreted the way I interpret it. You are saying not only to the hunters, but to the trapper in the north and so on, who uses a skidoo now on his trap line, that he could be breaking the law. Just stop and think for a minute…

Mr. Speaker: **—** Order, order!…a question on this, I didn't know I let him do so, but otherwise he has already spoken…

Mr. J.A. Charlebois (Saskatoon City Park-University): — Having sat on the committee that was involved, this Act was being considered before it was brought into the Legislature. To the best of my recollection, permits are available in case predators are a menace to the sheep or a menace to any part of farming and permits can be issued. I think this answers the question that the Member from The Battlefords has raised. Certainly this is a way you can distinguish between a person that is just roaming around looking to run these creatures down or someone that has actually got a permit to go out and hunt.

Mr. F. Meakes (Touchwood): — Mr. Speaker, the point has been raised on the same question, but I would like to raise it again, and I would like the Minister to answer when he closes the debate. The way I understand the Act is that a man who is a hunter can now use a skidoo to hunt. I have several men in my constituency who spend the whole winter hunting. They have skidoos, carry rifles, do hunt continuously or every day if the weather is fit. These men are disturbed by press reports that they will not be able to do this. I agree that they don't want to have cruelty to wild animals. I don't mind standing here and saying that when I was young I chased coyotes. We all did, but we chased them on horseback. I don't think this was inhumane. We had to try to keep coyotes down and I don't consider the chasing of the animal inhumane. I would absolutely agree that it should not be run over, and I am just a little scared at the possibility that legitimate hunting would be stopped. I would like the Minister to answer this when he closed the debate.

Mr. T.M. Weatherald (Cannington): — Mr. Speaker, I think just as a point of information, if my memory serves me correctly, the law in Manitoba this year has been changed and it has been changed to the extent of having a much greater change than we are proposing here. It has been changed to such an extent that in Manitoba, if my memory serves me correctly, a person using a snowmobile cannot use it for the purpose of more than transporting himself through an area.

Mr. Speaker, my understanding is that in Manitoba you can only use a snowmobile for actually transporting game out once it has been killed. In fact in a heavy wooded area that you could use it to even transport yourself. The change there of course means now that only snowmobiles can really be used for transporting game out once it has been shot. I am not suggesting that we should do anything quite that drastic here but I do believe that this Act has none of the fears in it that have been expressed. The bonafide hunter can still use his snowmobile for transporting through an area in which he may shoot game, and I don't think there is anything wrong with this. Once he has come into an area of game he can take his gun and get off his snowmobile and do his hunting. I think the only thing it does prevent is people from driving at very rapid speeds and shooting from snowmobiles, which is a dangerous practice and certainly isn't very fair. I think the Member from Touchwood (Mr. Meakes) mentioned that at some time he had chased coyotes on horses. I think that this is a very common practice. I agree with the Member from Touchwood, I don't believe this to be inhumane in any respect but there certainly is a great deal of difference between a horse and a snowmobile.

I think that many of the fears that have been expressed here are not legitimate fears. I think the bonafide hunter himself will use his snowmobile to transport himself into an area, and there is nothing that I know of in the Act which will prevent him from actually shooting game in that particular area once he leaves the snowmobile. Therefore anyone running a trap line or who is hunting, I don't think this is imposing any severe penalty upon him.

All I want to say, Mr. Speaker, is that I think that this is an absolute necessity if we are going to have a little more humane hunting in this province. It is not much of a contest really to take after an animal on a snowmobile. I think that the Minister can assure those people that are concerned about the control of coyotes that there is provision that they will be able to control these animals through special permit system.

Mr. D.M. Michayluk (Redberry): — Mr. Speaker, regardless of what has been said on both sides of the House, I want to agree with the Minister and the effort that the changes in The Game Act will do to protect the coyote. To many people this animal is considered an enemy or a predator and so on, but I think that the coyote as such maintains the balance of nature. This concern has been expressed to me personally and is shared by many people. Areas of my constituency are such that there are a large number of fair-sized lakes. Those of you who live in areas of this type know that foxes and coyotes like open spaces during the day. I do not want to protect the coyote due to the fact that he may cause damages — as mentioned by the Hon. Member for The Battlefords (Mr. Kramer) — to flocks of chickens and turkeys and sheep. We know that is being done. However, my purpose and my concern in rising is for the humane aspect. I know what people who own snow machines in my area do and I think that the same is being carried on in all parts of Saskatchewan. These groups are not hunters, they are not interested in hunting, but own skidoos for purposes of recreation. These lakes and sloughs provide opportunities to chase these animals in an uneven fight. The Minister has mentioned some instances. I want to agree with him that this is an uneven match between an internal combustion machine and an animal. I know of cases that have been brought to my attention that

coyote and fox have been driven to a point of exhaustion, and having been driven over several times, were maimed, crippled and left to wander away and die. I think that this is inhumane and is unnecessary. The protection of game is necessary in this respect. I also am of the opinion that hunters who use skidoos in transporting their traps will not be prevented from using their machines. From a humane aspect I think that this legislation is necessary and timely and I will support it.

Hon. J.R. Barrie (Minister of Natural Resources): — Mr. Speaker, I am pleased to know that Member on both sides of the House have expressed their opinions, particularly in connection with the motor toboggan. I wish to say that the wave of protests received from all parts of the province in connection with sadistic practices used by certain people who have these machines, certainly requires that we make some moves in order to control them. Now I think most Member will realize that it is very difficult indeed to word an amendment to the Act that would be explicit enough to just deal with those people who carry on these sadistic practices of running down an animal and injuring him or killing him by running him over with the toboggan. I do know that at the same time those people who have livestock, livestock producers in the province, of course have their side of the story and are justified in many cases. But I want to assure the Member for Touchwood (Mr. Meakes) that there is no intention and I hope that the interpretation of the suggested amendment will not in any way interfere with the ordinary hunter and trapper in the use of his snow toboggan or motorized vehicle. And these, as the Member for Redberry (Mr. Michayluk) has mentioned, are not the people that this is directed at, because most of these people who are hunters and trappers, they can carry an unloaded firearm on the vehicle and they can use it to convey themselves into the area where they want to hunt, such as the Member for Redberry mentioned, on lakes and that kind of thing. I hope my interpretation of chasing or pursuing a wild animal would not be construed when he used this vehicle to convey himself into the centre of the lake or any part of the lake or slough, but it is these people who have no firearms, such as the Member fro Redberry pointed out, that are out just sporting and operating this particular machine and they run into a coyote or a fox and they pursue it and run it down. They have no other means of destroying the animal. Why they want to particularly destroy the animal that isn't interfering with them is something that is pretty hard for the ordinary person to decide. But, in summing up, I would say in so far as this particular that I would hope that the only purpose is to control those people who have no respect or humane principles for a wild animal that we can have some means of controlling this particular people. As far as the trappers and hunters in the North, or any other part of the province, I don't think we would have, or have had, any difficulty with this type of person using a snowmobile and I hope that this will not be construed, again, by them that we are trying to interfere in any way with their particular vocation as a trapper or a hunter.

I would like to also refer, Mr. Speaker, to the matter of bears. One of the reasons that we have brought in the amendment in declaring bear a game animal is that today possibly a bear skin is one of the most valuable pelts on the market with these "fun furs" as we call them, and so on. An ordinary bear skin today will bring in anywhere from $40 to $75 and I believe that the eradication of bear probably under this suggested amendment will be greater than under ordinary circumstances. I would like to refer the Member to Section 14 of the present Game Act when

the Member for Wadena (Mr. Dewhurst) mentioned beehives. There is nothing whatever to prevent a person who has hives of bees on their property and if they are being molested by bear, destroying the bear. He doesn't require any permit or anything of that kind. And the same applies to livestock. In the case of a bear interfering with crops, livestock, or anything of that kind, under Section 14 of the Act you require no permit whatever to destroy the bear.

Mr. Speaker, with those explanations, I expect there will be further discussion in Committee.

Mr. Bowerman: — May I ask the Minister a question? I appreciate what the Minister has said with respect to a permit not being needed where a bear is found destroying crops, I indicate to you, Sir, that in standing grain crops or in crops in swath along the tree line that as much as 30 acres of crops have been destroyed by bear. Now that is not just one bear, that's many and does your provision or does the Section you refer to which authorizes permission, does it permit a farmer or some of his neighbours or some of his friends to simply go out there and slaughter, you know, 10 bear if necessary?

Mr. Barrie: — In answer to that question, I would think that this is a case of possibly under this Section I quoted, Section 14, that there would be certain restrictions as to the areas. While some overzealous official might take issue with a man in a situation of that kind, I would hope that our conservation officers and the members of the Royal Canadian Mounted Police would use good common sense and not attempt to prosecute a person, who in order to safeguard his crops or any of his property. In this particular instance the case would be taken on its merits and not proceeded with.

Motion agreed to and Bill read a second time.

SECOND READINGS

Hon. D.V. Heald (Attorney General) moved second reading of **Bill No. 1 — an Act to amend The Farm Security Act.**

He said: Mr. Speaker, I make a motion for leave to introduce a Bill to amend The Farm Security Act. This amendment is similar to previous amendments made to the above Act from time to time. It substitutes new time periods for the operation of those portions of the Act affected thereby. As Hon. Member know this Act has been effective for quite a long period of time. Basically it provides protection for purchasers of farmlands for farmers who have mortgaged their farmlands. The rights of the seller or the mortgagee are restricted to one-third of the crop produced. If the crops are below the set value then the purchaser or the mortgagor, the debtor, can deduct the current taxes out of the shore owing. These amendments extend the protection of the Act to the year 1972. The amendment also extends until 1972 the protection afforded homesteads when homestead land is being foreclosed. The order is, of course, stayed in this circumstances.

Now in Committee, Mr. Speaker, I will be moving a House amendment and I have sent a copy over to my friend, the Member for Saskatoon-Riversdale (Mr. Romanow), in which in addition to

the changing of the dates we are going to take out certain subsections of these Sections. In the House amendment we propose to take out subsection (3) and subsection (5) of Section 2. These are Sections that have been in this Act since its inception and there really isn't any point in them being there. I think they have been overlooked from time to time when we have amended this Act. For example, subsection (3) of Section 2 says that the earlier protection does not apply to crops grown on land held under a share of crop agreement for sale dated after April 30, 1937. Well, there is really no reason why that subsection should be in there and likewise subsection (5) of Section 2 says, and I quote:

> This Section does not apply to the case of the sale of land with chattels upon an entire consideration.

We think that subsection should be taken out so that all agreements for sale and all mortgages should receive the benefit of this Act.

We are indebted to the Member for Regina North West (Mr. Whelan), who brought this to my attention, that those subsections were in there. I think they should have been taken out a long time ago and so we are going to take them out.

There is another subsection in the same category, subsection (7) of Section 4. Again, subsection (7) of Section 4 says:

> This Section does not apply to agreements for sale of land with chattels upon an entire consideration.

Well, really I don't think there is any reason why that Section should remain in there. I think that we want to give our people as much protection as possible. I think that all agreements for sale, whether they are agreements for sale with the chattels in there as well, should be covered and they should be entitled to the protection of The Farm Security Act. So we are going to propose to take out subsection (7) in Section 4 as well.

So I think we will make the Act better. This is an Act that we have to review from time to time. I think that we have to look at this Act in the light of current conditions. I think next year we may have to look at the full Act from the point of view of perhaps bringing in a completely new Act to meet conditions which we now have in our province which were certainly not in the reasonable contemplation of everybody when this Act was first passed.

Mr. E. Whelan (Regina North West): — Mr. Speaker, there are some comments I would like to make on this particularly in view of the House amendments that have just been introduced by the Hon. Attorney General and therefore I beg leave to adjourn the debate.

Debate adjourned.

Hon. D. Boldt (Minister of Highways) moved second reading of **Bill No. 41 — An Act to amend The Highways Act.**

He said: Mr. Speaker, the Section of this Bill relating to The Highways Act essentially consists of amendments and new sections to correct inconsistencies that have become evident

since amendments were made in former sections and were adopted and incorporated into The Highways Act, the substance of the recommendations made by the Select Standing Committee on Public Accounts in February, 1969 and by the Provincial Auditor.

A number of these amendments relate to sections that should have been amended at previous sessions but due to the legal details contained in the wording and the multiple effect that some former amendments had on quite a number of sections some omissions have inadvertently occurred.

Section 2. This is an omission that has occurred for a considerable time that presently has no authority in the Act which allows payments to be made to municipalities for urban assistance or other shared costs situations.

Section 3(2). The amendments to Section 25(1) of the last session expanded the definition of public improvement construction service. This expanded definition was inadvertently omitted in this Section last year.

Section 3(b). The advance account for the Department has been called the Warehouse Advance Account for many years. The name is not appropriate and this amendment formally gives a suitable title.

Section 4 is a new Section and has been prepared to adopt the recommendations of The Select Standing Committee on Public Accounts 1969 and the Provincial Auditor regarding the operation of the Highways Advance Account. Although this advance has been authorized for many years, there has been no authority for the Minister to operate the account.

Section 5. The amendment last session which expanded the scope of the public improvement construction service was again omitted in this Section.

Section 6. This is the final amendment which adopts the recommendations of the Select Standing Committee on Public Accounts 1969.

Section 7. the present wording of Section 65, subsection (4) does not allow any exception to responsibility for damage caused by moving overweight or over dimension objects on Provincial highways. Cases have arisen where it is in the public interest that such responsibility be waived, for example, where the Department has required such moves.

Section 8, subsection (1), (2) and (3). For years the Minister has been authorized to issue overweight and over width permits. However, there has been no authority in these three subsections contained in the Bill for a penalty, should a violation of the permit occur. The amendments will rectify this former omission.

Subsection (4). The present frequency of scale inspections prevents the use of many other suitable scales such as country elevators. Ability to use such scales could improve enforcement techniques in the efficiency of enforcement officers.

Section 9. The amendments on Section 79, subsection (3) have been made to rectify inconsistency existing between The Highways Act and The Proceedings against the Crown Act to more

positively define the time limitation within which the Minister may accept claims for damage resulting from accidents on Provincial highways.

Section 10. The amendment is being made at the request of the Rural Municipal Association to allow such authorities to take legal action when vandalism or other damage has been caused to signs that have been erected adjacent to Provincial highways.

Mr. F. Meakes (Touchwood): — Mr. Speaker, I am only going to deal with one Section of the Bill. I agree with the Minister, I think the rest is housekeeping. I want to say that in Committee I will be opposing Section 7 which amends Section 65 of the printed Act. I listened to the Minister and I imagine the main reason for the Government bringing it in is to legalize what the Government has already done. That is to make an agreement such as the Government entered into which allows a certain company to carry overloads of potash from Esterhazy to the US border. Anyone who has driven on that highway knows how these transports have wrecked the highway. I have a copy of an ad in the Carlyle Observer, July 3, which I will send over to the Minister. It is an ad for the Timex watch which says, "The watch that survived the No. 9 torture test. We know people who have driven over No. 9 highway several times and their Timex is still running."

I know the Minister is saying that the company is paying so much a ton for the privilege of hauling on this highway but I oppose this amendment really on another principle. That principle is that the Government is making an agreement with certain people or companies and not with others. To me there is too much room in this kind of a situation to practise favouritism. One company may be able to get an agreement to haul over the highways and another may be refused.

There may be an argument for granting that company to haul to North Portal although I doubt it, but to me it sets a precedent. This makes possible agreements, as I see it, on other highways of the province and in my opinion this is not good. The principle of some being able to get the privilege and others not is really repugnant to me. The Province is spending a lot of money, hundreds of millions of dollars actually through the years on highway building. That investment, to me, must be protected.

Now, I again refer to the utter destruction of Highway No. 9. The whole idea of an agreement to allow IMC to haul potash to the US border so that it can be hauled on a US railway, to me, is wrong. We have railroads in Canada, Canadian railway workers ready to work and here this Government signs an agreement which actually puts Canadian workers out of work.

Mr. McFarlane: — Nothing to do with…

Mr. Meakes: — That's right. Okay. When you are finished yakking I'll go on talking. I can stand here for the next hour and a half, I'm in no hurry. Now, Mr. Speaker, that they have quit talking I still say that this potash was being hauled out of Esterhazy on railroads and now it is being hauled by trucks and then onto American railways. But really the main issue that I am opposing is what I referred. I think it is unwise, I think laws should be made for all people. Not all people in the province would be

equal under this amendment. Because of that I see the possibilities of iniquities in this amendment and I will be opposing it.

Mr. Boldt: — Mr. Speaker, it is very apparent that the Hon. Member from Touchwood (Mr. Meakes) doesn't know the potash haul on No. 9. Those trucks are not overweight. They have no overweight permits. They are hauling loads that they can haul on any highway in Saskatchewan. Their gross weight is no more than 74,000 pounds. If you can prove to me that there is an agreement between the Government and this company that it is overweight I would like to see it. We have repeatedly told you that this is not a truck haul where special privileges are given. They could operate on No. 1 or No. 11 or any of the highways for that matter. When you say that by this truck haul we are putting people out of work, I think that it is just the opposite. The workers employed are about 200 truck drivers. They are receiving good wages and they are buying all the raw materials, such as repairs, gas and oil and tires, and trucks, if possible, in Saskatchewan. So the Hon. Member is completely out of line when he says that there is discrimination against the railways, if you want to consider that as discrimination. I think it is one of the best things that ever happened in Saskatchewan where there is competition between the two railways. The result of this agreement alone would eventually save the potash industry millions and millions of dollars. I can assure the Hon. Member that if we took these trucks off this highway, the freight rates would go up. There is no argument about it. So I would say that permitting these trucks on Highway No. 9 has kept the freight rates in line. I will even stick my neck out further, should there be other potash mines, such as Sylvite, if they want to enter into an agreement where they can haul potash to the south border, or if the potash mine just west of Regina here want to haul on highways, I think that the Government would take a very close look at providing facilities for them to haul the potash to market.

Motion agreed to and Bill read a second time.

Mr. Boldt (Minister of Highways) moved second reading of **Bill No. 42 — An Act to amend The Automobile Accident Insurance Act.**

He said: Under this Bill two Sections of The Automobile Accident Insurance Act will undergo amendment. These are Sections 21 and 63. Section 21 is the Section under which lump sum payments up to $4,000 are made in the case of certain permanent disabilities that are scheduled in the Section. Although the kinds of disabilities for which provision is made under this Section were greatly increased in 1960, and although in 1968 when the amendment on subsection 5(A) was added, the Lieutenant Governor in Council was empowered to make regulations covering any kind of permanent disability not scheduled in the statute, we have not been overly satisfied with the system of paying this type of benefit according to fixed statutory of Saskatchewan. Its chief shortcomings are the hit and miss results of its in-built regulations. Section 2 of the Bill amends Section 21 and a major change in principle is found in the rewriting of subsection (5). Under the amendment the degree of impairment resulting from an injury will be ascertained by reference to a rating schedule to be approved by regulation. This is anticipated that the rate of schedule instead of fixing in every case a specific assumed degree of impairment will have to have general rules whereby the actual degree of disability may be ascertained in a given case.

We expect of course that certain specific limits will be ascribed to given types of injury. This is desirable for a purpose of claims, management and cost control when it is anticipated that the amendment will permit rating schedules to develop that will prove to be flexible and capable of more adequate application to individual cases. The amount payable for permanent disability remains as at present, a proportionate amount of $4,000 depending on the degree of permanent disability attributed through the injury. the only change in principle is that the degree of disability will be ascertained by reference to the rate of schedules in the regulations other than by reference to a fixed schedule in the Act. The amount payable to permanent disability under Section 21 continues of course to be in addition to other benefits under part 2 of the Act.

The other amendments to Section 21 embodied in the Bill are simply for the purpose of bringing the language and the other subsection into line with the language of subsection 5 and 5(a).

Section 3 of the Bill embodies proposed amendments to Section 63 of the Act. Although an innocent third party is not deprived of compensation under the Act, because of it an insured person is in breach of condition and may lose the protection of various parts of the Act, if at the time of the accident he is operating a motor vehicle while under the influence of intoxicating liquor to such an extent he is for the time being incapable of proper control of the vehicle. Moreover, if such a driver causes damage to a third person protected by the Act, the insurance office is required to recover from the driver who is under the influence of liquor any amount that it has to pay out to the third person. In 1957 amendments to the Act permitted the insurance office to use as evidence in the above instance the fact that a driver had been convicted of either intoxicated driving under Section 222 of the Criminal Code of Canada or impaired driving under Section 223 of the Criminal Code. When the Criminal Law Amendments Act was adopted by the Parliament of Canada some changes were brought about in the Criminal Code offences relating to the use of intoxicants by a person in charge of a motor vehicle. The most significant innovation in these amendments is the recognition of Section 224 that the concentration of alcohol in the blood in excess of .08 per cent is harmful to the public safety on the highway. As a result of careful investigation carried out by the Department of Public Administration at Indiana University it has been known since 1964 that, quoting from a report on page 177:

> the drivers in alcohol level classes of .08 and higher tend to have more single vehicle accidents, more extensive and more severe accidents than drivers in the 0.00 alcohol level class. Thus a successful program to reduce the amount of driving by drivers with a relative high blood alcohol level should not only reduce the number of accidents but also the average cost and severity of accidents.

We believe that is important to the continued success of The Automobile Accident Insurance Act that a conviction under Section 224 of the Criminal Code should be admissible in proof that a person was, for the purposes of The Automobile Accident Insurance Act, under the influence of intoxicating liquor to such an extent as to be for the time being incapable of the proper control of the vehicle. This simply brings Section 63 of the Act up-to-date with the new knowledge respecting the effects of alcohol on accident frequency, severity and responsibility.

Under the new Section 223 of the Criminal Code a police officer may demand that a person in charge of a motor vehicle should give a sample of his breath for analysis if the police officer believes on reasonable and probable grounds that the ability to drive of the person in charge of the vehicle is impaired by alcohol. If that person refuses, it is an offence. We believe that a provision similar to this is essential to the success of any program calculated to reduce traffic accidents. It is our position that a conviction under Section 223 of the Criminal Code should be treated in the same way as a conviction for an offence under Section 222 or 224 of the Criminal Code.

It remains an offence under Section 22 of the amended Criminal Code for a person to have the charge, care or control of a motor vehicle while his ability to drive is impaired by alcohol or drugs. A conviction of this offence will continue, as at the present, to be admissible, for the purposes of The Automobile Accident Insurance Act, to establish that the driver of a vehicle was, at any given time, under the influence of liquor or drugs to such an extent as to render him incapable of the proper control of the vehicle.

Mr. E. Whelan (Regina North West): — Mr. Speaker, I am pleased to hear that this schedule is going to be fixed or changed or brought up-to-date. This is something I am sure all Members welcome. However, there are a couple of principles in this Bill which I think I must oppose. First, the principle of establishing payment on a schedule of payment or payments for injuries suffered in automobile accidents by regulations.

Mr. Speaker, we have arrived at a stage in political history of the Automobile Accident Insurance Fund where we should because looking at an entirely new and different procedure, whereby those incapacitated and unable to earn a living, as a result of an automobile accident, should because compensated, not on the basis of their loss of an eye or loss of a limb, but on the basis of loss of income. The measuring of a person's loss by the present method, although it was the one adopted by the insurance company when it was set up, is now outdated. When the pirates of old divided up their loot, payment was made, we are told, on the basis of how each pirate suffered — so much for the loss of a hand, so much for the loss of an eye, so much for the loss of an ear and so much for the loss of a limb. This kind of compensation, I suggest, fails to recognize that the head of the family, the wage earner, may have been taken out of the work force as a result of an automobile accident and therefore has no income. Adequate compensation should because paid to the family by this fund if we are going to provide proper protection. Mr. Speaker, I maintain that to hide the schedule by regulation, away from the scrutiny and debate of the House where it can because reviewed, away from debate and criticism that you get in the democratic forum of this type, is a step backward and one that I do not approve of.

In other parts of our Government, I have in mind, for instance, the Workmen's Compensation Board, we have suffered untold harm and the Board has become ineffective, hidebound, a law unto itself, because they cannot because reached by the elected representatives of the people of Saskatchewan. We are in favour of changing the schedule often, but to remove the schedule and the method of payment from scrutiny in the Legislature, and place it in regulation, is a step that forbids representation and slows up improvements that I maintain are overdue, and denies victims of

automobile accidents their democratic right to make known their wishes here in the floor of the Legislature through their own representative, regardless of which side of the House they may because on.

The other principle which I oppose is the principle of denying benefits to a family where the driver either refuses to take a breathalyser test, or takes the test and is found to because driving with alcohol in his blood over the .08 minimum. The principle of insurance, particularly publicly owned insurance I think, is being violated here. Although none of us on this side of the House want drivers at the wheel of cars with .08 or .07 or .06, — we think it should because more than .08 alcohol content in their blood — we have said so too on many occasions, - but to deny the driver of the vehicle and those involved in the accident, not directly but indirectly – for instance, relatives, to deny them coverage under this plan, Bill the driver refuses to take a test or took the test and is found to because impaired according to the Act, is a violation of the very principle of The Automobile Accident Insurance Act. We need insurance for protection: when you are in trouble, and when the House burns down, and the basement is flooded, or when you drink too much and drive a car, you need it more than at any other time, Mr. Speaker. To evade our responsibility as an insurance company, through a procedure that removes a person from benefits, and to remove the benefits from relatives who may not have anything to do with the accident but may have to assume some of the responsibility indirectly, removes them from the benefits as well. It removes, I say, the benefits from an innocent person Bill the person at fault may have been impaired, but this is not the principle on which the company was originally founded or the reason for the organization of the Automobile Accident Insurance Fund. If there were no drunken drivers, no reckless drivers, no poor mechanics, no bad roads, there would probably because no need for insurance. The Insurance Act is written to protect people against human error, and one of these human errors can because an error committed by an individual whose relatives may because denied protection through The Automobile Accident Insurance Act.

Therefore, Mr. Speaker, on two conditions and for two reasons, first, the injury benefits are going to because written in regulations and, second, we are going to deny certain people insurance coverage, people whom we have asked to pay a premium, they are going to because denied coverage Bill they made an error in judgment. Let me repeat again, we are not opposed to increasing the benefits for those injured, and we are not opposed to the .08 breathalyser test, — we think it should because lowered to .06, — but we think that the method that is being proposed in this Bill, the procedure set out, first, to provide benefits through regulations and, second, to deny the benefits that all society would want them to have Bill of an error in judgment, is hardly representative and, therefore, we must oppose Bill 42 on second reading, Mr. Speaker.

Mr. A. Thibault (Kinistino): — Mr. Speaker, last night listening to the news, I heard a report to the effect that in British Columbia the courts had ruled against the breathalyser. The case was lost. Following what has transpired in the last few years in driving safety in this province, I want to compliment the Attorney General (Mr. Heald) for the job well done. I have kept insisting that the Committee on Highway Safety should have continued its studies and this was part of their report. I can safely say today that we are now in a grey area, Bill I can see by this Act that we

are punishing innocent people, the families. I have seen a father who had to sign his property over in the 1930s Bill he had loaned a truck to his hired man to take a bunch of kids to a field day and rolled over. I am afraid that with this we are going back to this sort of thing again.

Just imagine a father who gets into trouble over drinking. He has everything in his name. He may have a son. He has worked all his life. The property is attacked. I can also see the reluctance of a judge in the courtroom when he knows by sentencing this person what it will mean to the family. I can also see the reluctance of the police officer when he knows what it will mean. Perhaps he will feel he should take the lesser of the two evils. I think that this Bill, this move, is getting ahead of ourselves, is due to the fact that in England they are running into trouble. This will bring trouble with the breathalyser much sooner than if we would bring more careful study on this whole matter. I certainly will oppose the Bill, not because I don't want to see drunkards off the road. Definitely not, and I don't want anyone to get that impression, because when I go to parties I usually satisfy myself on ginger ale and cola. I can get a lot of people to vouch for that. I can bet I will not take any and when I am on the road there is no liquor. I can assure you of that.

I also want to look at this matter in a realistic way. That is why I say that I am going to vote against the Bill. I hope that your Government will reinstate the Commission on Highway Safety and make a proper study. When they bring recommendations, or try to make moves in that direction, certainly we will because prepared to support it on both sides of the House. I think that you are walking into trouble with this one. We are going to lose the effectiveness of the gains that we have made in the last few years.

Some Hon. Members: — Hear, hear!

Mr. G.T. Snyder (Moose Jaw North): — Mr. Speaker, like my two colleagues who have just spoken I also have some apprehensions about the portion of the printed Bill that the Members have made reference to. I, like the two Members who have just spoken, have no brief for the person who drinks and drives and who is convicted on a .08 offence. I want to suggest, as they have suggested, that this does present a problem in applying a stringent penalty for the offence as this Bill would seem to imply.

I think it has the tendency of imposing a penalty not just on the person who is convicted of this misdemeanour it reaches much further than this in that it applies a penalty to the family of the person who is convicted. It may in some instances deprive young people of the opportunity to further their education and a host of other problems that I think are all too apparent to Members of this House.

I don't intend to belabour the issue except to suggest that the Regina Centre Member (Mr. Blakeney) has some remarks that he wishes to make and he is not able to because here. He will because here this afternoon. I spoke to him on the telephone and he asked that this Bill might because adjourned until he has the opportunity to speak on it. So I would hope that the House might allow me to adjourn the debate on this Bill at this time, Mr. Speaker.

Debate adjourned.

Mr. Boldt (Minister of Highways) moved second reading of **Bill No. 43 — An Act to amend The Saskatchewan Government Insurance Act.**

He said: Mr. Speaker, this Bill amends The Automobile Accident Insurance Act. Section 2 of the Bill repeals subsection (1) of Section 8 of the present Act and substitutes a more definite subsection relating to the power of the insurance office to acquire real property.

I want to point out at the beginning that in the acquiring of real property, the Treasury board and Cabinet still will give the final say of whether SGIO can purchase a piece of property or not. At the present time we haven't got the power. At the present time the Insurance Office, with approval of the Lieutenant Governor in Council, is empowered to acquire such real property as it is deemed necessary for the purpose of the Act. Although this language is fairly broad it is also uncertain. For instance the Insurance Office clearly has the power at the present time to acquire such real estate as may because necessary for its current business operations, but there is doubt, whether, in order to take advantage of the economies of the situation it has the power to acquire real estate in excess of its immediate needs and to rent to tenants the excess.

We want to clear up this uncertainty and also to spell out the power of the Insurance Office to hold real property or security not only for investment purposes but as collateral security in various every day transactions as for instance in certain bond risks. We also want to because sure that the Insurance Office can accept real estate transfers or mortgages in satisfaction of debts or judgments.

Section 3 of the Bill is intended to broaden the investment powers of the Insurance Office. Under Section 16 of the Act the Insurance Office at the present time can invest its funds only in those securities that are mentioned in subsection (1) of Section 81, in the Saskatchewan Insurance Act. That provision was designed to meet the needs of the Provincial Insurance Companies. It is quite adequate for smaller companies but Bill of the growth of the Insurance Office, it needs broader investment opportunities than those available under Section 81 of The Saskatchewan Insurance Act. The Insurance Office has become one of the 10 largest carriers of Canadian general insurance. We consequently feel that the insurance Office must because permitted to invest in some other kind of security as other large Canadian companies. Again I want to emphasize that these investments are only made when consultation has been made with the Treasury Board.

Clause (a) of Section 16(a) will be enacted as a consequence that the Bill permits to invest in certain common stock. At the present time the Insurance Office does not have this authority. If we can invest in common shares in the same way as Federal licensed companies can, it will give us some flexibility and add to the ability of our investment portfolio to respond more sensibly to changing economic conditions. The power to invest in common shares that we want to give to the Insurance Office is the same as that given to Federal licensed companies by Section 63, Chapter I of The Canadian and British Insurance Companies Act.

Clause (Bill) of Section 16(a) will give the Insurance Office

the power to invest in real property or leasehold of real property. We intend to safeguard the investment in leasehold by making sure that the lease is guaranteed by one of the senior governments or a municipal corporation or a private corporation, that has demonstrated its financial stability. The rent under any lease will be enough to give a reasonable interest return and to guarantee the recovery of at least 85 per cent of the principal within the maximum of 30 years.

It is anticipated that the opening of this avenue of real estate investment will also add flexibility to our portfolio and assist the Insurance Office to respond to Provincial needs from time to time.

Clause (b) of Section 16(a) is an adaptation to the special circumstances of insurance office, of Section 63 of The Canadian and British Insurance Act. The new Section (Bill) is in essence a housekeeping amendment. At the present time the Insurance Office is empowered under Section 9 of the Act to appoint staff and fix salaries. Under Section 6 the Insurance Office has the broad responsibility to control and manage its affairs.

The Insurance Office for some years participated in a group insurance plan and a retirement pension plan for the benefit of its employees on the premise that the power given by Section 6 and Section 9 was broad enough for this purpose. It is by far preferable, however, that the authority of insurance offices in these respects should be specifically set out in the Act.

Mr. E. Whelan (Regina North West): — Mr. Speaker, we on this side of the House agree in principle with Bill No. 43. There are a couple of points that we would like to raise but they can best be raised in Committee. We will wait until the House meets in Committee to raise the points.

Motion agreed to and Bill read a second time.

Hon. G.B. Grant (mi of public Health) moved second reading of **Bill No. 56 — An Act to amend the Mental Health Act.**

He said: Mr. Speaker, most of the provisions contained in this Bill are amendments proposed by the professional personnel of the Psychiatric Services Branch of the Department. They are amendments of a technical nature, intended either to improve the practical application of the Act or to bring certain provisions in line with current thinking in the field of psychiatry.

A new Section 19(a) is believed to be an important provision. It contains the procedure for the immediate apprehension and treatment of a person who has been under treatment in a community but who has evidently abandoned his course of treatment and who may consequently be subject to a relapse. It is believed by the psychiatric staff that this prevention contains a very useful procedure for those cases being treated through drug therapy.

A number of changes are being made to the definition section of the Act. The expression, mental disorders, is now interpreted to include addiction, epilepsy, psychoneurosis, as well as mental illness and mental retardation and psychopathic disorders. Provision is then made in various parts of the Act for a mentally disordered person to be admitted to an in-patient facility as an in-patient, if one or more physicians are of the opinion that in-patient care is required for the patient’s own protection or welfare or for the protection of others. It is being proposed that the definition of addiction, epilepsy and psychoneurosis be

removed from the Act. This is because if an addict, alcoholic or a psychoneurotic person was so ill by reason of his disorder that he required in-patient care in a psychiatric facility, would be mentally ill within the meaning of the Act; that is, he would be admitted to and receive care in the psychiatric facility not because he was an addict, an epileptic or a psychoneurotic person, but because he was suffering from mental illness. It is therefore believed that these three expressions may be removed from the Act as being unnecessary and perhaps misleading.

Technical amendments are also being made to the definitions of mental illness and psychopathic disorder. These two amendments are intended to make it somewhat easier for psychiatrists and other physicians to apply these provisions. Another amendment authorizes the Department to operate or participate in the operation of halfway houses. A half-way house is be definition a dwelling, furnished, staffed and equipped for the purpose of providing accommodation to patients, where more care and supervision would be given to the patients, where more care and supervision would be given to the patients being accommodated therein, in a half-way house would receive care of the kind somewhere between that provided in the psychiatric facility and that which could be provided in a home. It would be intended that a halfway house would be staffed with qualified persons such as a psychiatric nurse.

This Act has always been centred around the proposition that psychiatric services would be provided in institutions or other psychiatric facilities. In actual fact psychiatric services of various kinds have been provided by the Department for quote a number of years throughout various parts of the province. The Act does authorize the Department to operate mental health clinics. However, it is doubtful whether the Act authorizes the provision of psychiatric services by the Department through various communities to the extent that is now being carried out and which is expected by the province. A new Section 4(a) is therefore being proposed to clearly authorize the provision of psychiatric services by the Department through various parts of the province.

The Act now authorizes the person to be admitted to an in-patient facility of his own volition, on certificates of two examining physicians or on the certificate of one physician in case of emergency. As an alternative procedure the new Section 11(a) provides for the certificate of one examining physician to be the authority for the person to be apprehended and taken to the in-patient facility for examination. However, he would not be admitted as an in-patient until he has been examined by a physician in that facility and the physician had concluded that in-patient care was required. The new alternative procedure is proposed because it is believed that some general practitioners hesitate to certify that a person requires in-patient care. It is thought that some of them would prefer to certify only that in their opinion the person should be examined.

This is believed to be a reasonable procedure because the physician in the facility examining the person to determine whether the in-patient seems to be required would have psychiatric training.

Subsection (1) of 21 now requires the patient admitted to the in-patient facility to be examined immediately by a physician to determine whether he is capable of managing his own affairs. If he is not capable of managing his own affairs, a certificate of incompetence is issued and this certificate is sent to the

administrator of the estates who then makes arrangements for the management of the patient's estate. This Section is to be amended so that it becomes discretionary as to whether the patient is to be examined to determine whether he is capable of managing his own affairs and a certificate of incompetence is to be issued. Ins some cases the staff of an in-patient facility know that the patient has no estate of any consequence and that it is therefore a useless procedure for a certificate of incompetence to be issued and the administrator of the estate furnished with a certificate. This amendment will authorize the staff of the facility to exercise their discretion in such cases.

Subsection (3) of Section 54 states in effect that, even though a period of 60 days has expired following the elopement of a patient, he may be returned without a warrant, if he is liable to imprisonment or if he is considered by a medical officer, to be dangerous to himself or others. This subsection is being amended to delete the provision that the patient could be returned without a warrant after the expiry is 60 days from the elopement, if considered by the medical officer to be dangerous to himself or others, he would have indicated such propensities during the 60-day period and would have either been returned to the facility or been arrested by the police during that period.

Provision is now contained in the Act for approved homes. When a patient is placed in an approved home he is stated by the Act to be considered to continue as a patient in the in-patient facility from which he has been sent to the extent that as if he were still a patient in that facility. This is quite an unrealistic provision since an approved home is merely an ordinary home, approved for the purpose of receiving one or more patients. The provisions of the Act respecting approved homes have been revised to remove the statement that the patient in the approved home shall remain to continue as a patient in the in-patient facility. A problem has arisen in the institutions concerning the authority of the hospital to hold in trust small amounts belonging to mentally incompetent patients. These things are held by the hospital rather than being sent to the administrator of the estates.

Section 43 is being amended to authorize regulations to be made governing this procedure. It is my understanding that there has never been a definite policy established by the Government with respect to the control of correspondence written by or sent to patients in our institutions. A new Section 54(a) sets up a proposed policy in this regard. Written communications sent to patients are not to be withheld unless there are reasonable grounds for believing that the contents would interfere with the communications sent by patients should not be stopped unless it appears that these communications would be unnecessarily offensive to the persons receiving them. These controls would not apply to communications between solicitor and client nor between members of the Review Panel, the Visiting Committee or Members of the Legislative Assembly and patients. These provisions are virtually identical with similar provisions contained in the British Medical Health Act and the Ontario Mental Health Act.

These amendments are being proposed for the approval of this Assembly with the thought that they will improve the administrative procedures being carried out by the Psychiatric Services Branch of the Department and thereby be of general advantage to the Psychiatric Services Program in the province.

Mr. Snyder: — Mr. Speaker, just a word or two in connection with the amendments to The Mental Health Act. I think once again the Act before us and the definition of the psychopath are cause for us to speculate just a little on the problem that is created here, with a psychopath being described not as a person suffering from mental illness, but a person with a mental disorder. As such, Mr. Speaker, a psychopath is regarded by the people in the business of psychiatry as a type of person who isn't a suitable case for an institution but rather a problem for the law enforcement agency. I suppose this is following along the line of the Resolution that is before the House at the present time.

People in the field of psychiatry apparently are inclined to describe the psychopath as a person who is without conscience and a person who is abnormally aggressive and as such a disturbing influence on an institution. Additionally, I think, it does up well to concede that the problem is compounded by the fact that law enforcement agencies have no authority to apprehend such a person until an offence has been committed. Then in too many instances the difficulty has already been evident and the problem is sometimes an extremely serious one. In the meantime before any such action is taken by law enforcement agencies a potentially dangerous person is at large in the community with neither law enforcement agencies nor mental institutions regarding these persons as any responsibility of theirs.

I am not suggesting that the amendments to the Act have any significant bearing on this problem, but I just raise it again because it is one which is an unsolved problem of real magnitude and I think it deserves the attention of the Minister and his Department. I hope that some action will be taken to sort out some of the problems. I am sure that I wouldn't attempt to provide an answer to the Minister because I know it is not an easy one.

The Minister has outlined the provisions of the Act basically as I understood them. The amendment before us in the Section 11(a) makes a provision for a mandatory psychiatric examination if in the opinion of an examining physician it is required. Perhaps the provision here may be a little stringent, Mr. Speaker, in that the patient may be seized and conveyed against his will if necessary to a mental institution or a faculty on the strength of the medical certificate within 14 days of the date of examination. I understand at that time he cannot be held for a greater period of time than 14 days by virtue of the authority of the certificate that has been issued.

The new Section 19(a) also provides the Minister with the authority to have the person conveyed to a facility in the event that he has discontinued treatment and the certificate issued by two physicians will provide that the patient may be held for a maximum of 14 days. I am a little uneasy about some of the provisions in the Act, Mr. Speaker, but in total I think I will be in the position to support it, with perhaps some reservations. I think that the safeguards that are provided in the Act to safeguard the privacy of the patient in terms of the mail which he received are good. I think they are provisions that are overdue. I think I would have to express general support for the Bill in spite of some portions of it that I am inclined to be a little uneasy about Mr. Speaker, but perhaps we will have the opportunity to look into them somewhat more fully when the Bill is in Committee of the Whole.

Motion agreed to and Bill read a second time.

The Assembly recessed until 2:30 o'clock p.m.

WELCOME TO STUDENTS

Mr. Speaker: **—** Order, order! Before we resume the business of the House when it was dropped when we moved out for lunch, I wish to introduce the following groups of students situated in the galleries: 17 students from Edam school from Edam from the Hardcastle high school from the constituency of Redberry represented by their Member, Mr. Michayluk and they are under the direction of their teacher, Mr. Thompson; 60 students from the Birch Hill school in the Kinistino constituency represented by Mr. Thibault, their Member, and their teachers are Mr. Le Blanc, Mr. Balon and their bus driver, Mr. Cox; 20 students from the Glentworth school in the constituency of Notukeu-Willowbunch represented by Mr. Hooker, under the direction of their teacher, Mr. Kelin; 71 students from Central Collegiate from the constituency of Regina South East represented by Mr. Baker, under the direction of their teacher, Mr. Pinno; 83 students from Rosemont school from the constituency of Regina North West represented by their Member, Mr. Whelan and they are under the direction of their teachers, Mr. Young, Mr. Atymichuk and Mr. Verbeke; 15 students from the Dysart high school in the constituency of Touchwood represented by Mr. Meakes. I am sure all Hon. Members will wish to extend to these students the warmest of all possible welcomes and to express the very sincere wish that they will find their stay here educational and informative and to wish to each and every one of them a safe trip home.

Hon. Members: — Hear, hear!

The Assembly adjourned at 10:02 o'clock p.m.