EVENING SITTING

COMMITTEE OF THE WHOLE

Bill No. 16 — An Act to amend The Highway Traffic Act

The Chair: — I would ask the minister to introduce his officials, please.

Hon. Mr. Renaud: — Thank you, Mr. Chairman. On my left is Mr. Bernie Churko, assistant deputy minister, policy and program division. On my right is Mr. Dave Abbey, manager of legislation and the safety branch, Department of Highways and Transportation.

Clause 1

Mr. Goohsen: — Thank you, Mr. Chairman. Good evening, Minister. Welcome again to your staff and assistants and I take it we're into the highway Bill, otherwise I wouldn't have saw your good-looking face over there opening up the proceedings. And so I want to tell you, Minister, that we've come upon one more little glitch in the system that we'd like to bring to your attention while we're dealing with the amendment to The Highway Traffic Act.

As you said the other day, this is a Bill that's supposed to clean up some of the things that are wrong and messy in the old Bills, and so on, and if we're going to do that then let's try to do the whole thing at once, as I pointed out the other day.

What has come to our attention, Minister, is that apparently in Saskatchewan when a farmer sells his land, the day that he sells his property his farm plates by law become null and void and he cannot in fact, even after he sells his land, then go out and haul the rest of his grain to market using that truck.

Now every farmer that I know of that has sold their farm has probably broken this law, except for this one fellow who thought to go and check and asked. And maybe he's wrong now so you can correct this if he happens to be wrong, but he went to his SGI (Saskatchewan Government Insurance) agent and said, is it legal to drive this truck now that I've sold my land, and the guy said, of course it is — you've got your licence; it's paid for. But just a minute; we'd better check the Act and make sure. Well he said they hauled out a great big book and they flopped it open and they went through it for a while, and lo and behold, he said they came up with this line that says on the day that you sign the papers your licence is no longer void . . . or no longer good, it's void, and you then have to know that and have your plate, of course, transferred to a commercial licence or some other licence in order to legally haul the rest of your grain to market.

I think, Minister, that it would be fair for farmers who sell their land to be able to use their vehicles until that licence expires or have some given, advertised time limit so that people would know that. I really don't believe that anybody knows about this problem in the law. So I bring that to your attention.

I didn't get the information until late today so I hadn't any chance to get an amendment fixed up for it. But if it's something that makes sense to you, I would encourage you to do it. I'm not going to hold the Bill up any further. We have a couple of amendments that we're going to deal with, but I would encourage you that if you're sincere about wanting to have this Bill clean up your department, then go the extra step and clean up this other problem as well.

Mr. McLane: — Thank you. If I could, when we closed off the last day, I was doing some questioning. I'd like to continue that if I might.

Mr. Minister, I just had a few questions and observations yet with respect to the Bill that we were on last Friday, and I asked you some questions with respect to the structuring of the Highway Traffic Board and the remuneration of the board.

I believe you indicated — and correct me if I'm wrong — that the board meets formally 15 times a year, that there are an additional 30 meetings as well as 15 days in public hearings. Could you maybe just go over those meetings in a little more detail, so that we have an appreciation of the time involved by the members of the board — in other words, to clarify the number of meetings each individual might be reasonably expected to attend.

Hon. Mr. Renaud: — Thank you to the member for his question. We were estimating approximately when you asked that question, because there's no way of telling how many times the Highway Traffic Board will meet. Certainly it depends on authorities. For instance, how many trucking companies are looking for authorities, how many bus companies are looking for authorities, how many drivers that have been suspended are asking for maybe driving privileges that are restricted and so all of those things. . .

I guess my department officials are saying that maybe kind of the average would be dealing with the drivers' licence issues is approximately 30 times a year; dealing with motor vehicle issues, motor carrier issues, probably you know as much as 18 or 20 times a year; other, 15 days a year. And of course there's committees and other things that they have to do. So it varies from year to year. There's no real number you can put on that. It certainly depends on the workload that the Highway Traffic Board is requested to handle.

Mr. McLane: — Would you say that those numbers would be possibly an average in the last five years?

Hon. Mr. Renaud: — The officials tell me that the drivers' licence days of work are probably quite similar over the last five years. However the motor carrier area is less than what they used to do. And likely that workload will get smaller with deregulation coming into affect by 1998. So we expect that that workload will probably get less.

On the other hand, you know, there's maybe a role with the new legislation in regards to drinking and driving that may affect their workload as well.

Mr. McLane: — How many of the meetings does the chairman of the board . . . how many meetings would he attend out of the total?

Hon. Mr. Renaud: — Okay. Most of the . . . he would attend all, or at least if he's able to, the motor carrier meetings. Also the public hearings, he would attend some of the public hearings, not necessarily all. The drivers' licence issues, some but not necessarily all. And probably you would look at about 12 extra days for the chairman with other issues.

Mr. McLane: — On Friday last we talked about the reason for formalizing the payments schedule, and I was just wondering who's had authority to authorize the remuneration to this point in time. And did you believe there was a problem with it, and if so, what was that problem or why did you want to formalize it?

Hon. Mr. Renaud: — In most cases, the remuneration is within the Act for a particular board but in the case of the Highway Traffic Board it was not. And Justice believes that we should have it within the Act and that's why we're moving it into the Act.

Mr. McLane: — Okay. How was it authorized before, Mr. Minister?

Hon. Mr. Renaud: — Originally it was by policy and now this will put it into the Act.

Mr. McLane: — I'm not sure I understand what you mean by policy. Who would have the . . . who would authorize the payment for the number of meetings that they had?

Hon. Mr. Renaud: — How policy is set in this case is the permanent head determines, based on other boards, and passes it by Finance and if it's approved then it becomes policy. And so it's been the policy of the Department of Highways . . . Or the honorarium, pardon me, of the Highway Traffic Board to be set at what it is and that's basically so much per diem, and also the government rates for meals and for cents per kilometre.

Mr. McLane: — The meetings are at the call of the chair and the remuneration is authorized by the chair.

Hon. Mr. Renaud: — Not by the chair, to the hon. member, but by the department head which would be the deputy minister of Transportation.

Mr. McLane: — You mentioned that this is the only board that is not included under legislation for the remuneration. Is that correct?

Hon. Mr. Renaud: — I don't believe it's the only board but it's one of the boards that is not. And so, when we're trying . . . when we do get into the mode of cleaning up a Bill like we're doing here, we would do those kinds of housekeeping activities.

Mr. McLane: — We talked last day as well, Mr. Minister, about appealing the decisions of the Highway Traffic Board, and I'm not sure that I clearly understood what your answer was. You indicated that the board is of quasi-judicial nature, and you indicated that appeals would have to be made through the courts.

I guess what I was wondering was, if the board sets a regulation or undertakes a course of action that could be questionable, what is the course of action that could be taken by those affected before those regulations or the actions become effective and also their enactment?

(1915)

Hon. Mr. Renaud: — Okay, I think the answer's the same thing as I gave you on Friday, is that if you're not satisfied with a decision by the board, you could take it back to the board to have them look at it again. If you still were not satisfied, then you would take it to the court system, or could do that.

Mr. McLane: — Mr. Minister, regarding the regulations once again for this Bill — and other ones of course would be applicable as well — that have some major concerns about a Bill being presented without the regulations. And you mentioned the other day that you plan to consult on the regulations after this Bill has been dealt with.

I'm not sure that that satisfies what I'm asking. And I guess what I would ask you is, do you have any idea about the regulations that are envisioned under this Bill at this time?

Hon. Mr. Renaud: — Certainly I do not at this time, and that's why we need some time to consult.

And you're talking, I guess, about the farm implements, the agricultural implements area. It's certainly going to take some consultation with farmers, with farm groups, with SARM (Saskatchewan Association of Rural Municipalities), with dealers and those people to determine exactly what those regulations should be. Some of the suggestions that the department have received is perhaps it could be on tire size or on speed and those kinds of things as part of it, but that would only be a small part of it.

So it's a big job. And again, do we have those pictures here?

An Hon. Member: — No, I'm sorry; we don't.

Hon. Mr. Renaud: — Okay, we didn't bring those pictures tonight, but I know that the third party took a look at the pictures to look at the problem that's out there because of course agriculture has been diversifying so very rapidly. Farmers have been inventing new farm equipment on a regular basis. We've got to be able to determine whether in fact it is a farm implement or whether it's a highway or road vehicle.

And that's some of the problems that we have, and certainly we're going to need time to consult to determine that. I would appreciate your input into that as well. When we develop the regulations, certainly if it's not ready by the time this House takes the break for the summer, we would be certainly sending it to you to get your opinion on those regulations.

Mr. McLane: — I guess if you don't have any idea what the

regulations would be, I guess I would wonder why you would bring forth the legislation now before you have some idea as to where it's headed.

Hon. Mr. Renaud: — I guess it's another reason why I suggested earlier that some of these things are better in regulations than the Act because we can deal with them in a more speedy manner.

An Hon. Member: — Away from the legislature.

Hon. Mr. Renaud: — The member says, away from the legislature. Well if he doesn't want farmers that perhaps would have a new agricultural vehicle . . . that he would want some determination and some suggestions into those regulations, I would think that he would want us to deal with them as fast as we could and not wait for each legislative cycle.

And that's why we would like that area in regulations: to meet the need of the farmers. And I'm sure you would be in agreement with that. It's just not acceptable to wait a whole year to have those regulations in place and to be able to address this issue for our Saskatchewan farmers.

Mr. McLane: — I think, Mr. Minister, that . . . certainly not saying, you know, hold everything up in here and do it in closed discussion. What we're saying is exactly the opposite.

It would seem to me that you would go out and consult with the farmers if they wanted this change, come back, present your Bill with the regulations, and we could discuss it. And our consultations at the same time could have been taking place with the farmers. And being one of those, I have some idea as to what's happening out there in the agriculture field. And I did look at your pictures that you presented last week, and they were very nice.

I guess one of the things that I will be hitting on . . . and fortunately or unfortunately, it happens to be your Bill that's the first one that I've had a chance to question on, so I guess I'm getting on you first on these regulations. And I would certainly hope . . . and I've always thought in my former life as a farmer and a taxpayer of the province that I'd like to see some of these things opened up more and have a more open process as opposed to having things done behind closed cabinet doors.

On the throne speech, your Premier talked about preparing for the new century, and I'd just like to quote from this little card here, if I could, where it says:

> My government accepts a renewed mandate from the people of Saskatchewan with enthusiasm.
>
> Our province has restored its financial health.
>
> Our economy is strong and growing.
>
> Saskatchewan today is the best place in the world in which to live and raise a family.
>
> The 21st century holds the promise of even greater things to come. Now is the time to prepare for that new century; to seize the moment with the plans, policies and reforms required to build a better and more prosperous future for all.

So I guess I'll ask you, Mr. Minister, to lead the way in changing the manner in which we consider legislation by providing the draft regulation with each piece of your legislation. And further, will you undertake to convince your cabinet colleagues to begin preparing the new century, as in using your words, by doing the same thing: laying all the cards on the table?

Maybe I'll let him answer that, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Renaud: — Well first of all to the member, I want to tell him that I certainly agree with what he's stated and what he's read. And I agree with the Premier and his comments. And certainly we are preparing for the 21st century. And that's exactly why we're bringing this into the Act while we're doing the housekeeping.

What farmers have told us is that we are changing out there. We're diversifying. We're in fact very innovative, and we believe that some of the new equipment that we're manufacturing on our farms is good for our farm operation, and we need you to look at that situation. And we said, you know, I think you're right, and I think we'll do that. And so that's why we've brought this piece here.

But we've got to change the Act before we develop the regulations. If we would've had the regulations already ready to go, that's fine. But we need to consult with the farmers. We need to know what they're thinking, what their ideas are. But we have to have the Act changed so in fact that we can process the regulations to help our farm economy and to help our Saskatchewan farmers. And that's why we're doing it. We are preparing for the 21st century.

Mr. McLane: —.I suggest that this process, Mr. Minister, might be a little bit like the farmer going out and buying his chemical, spraying it on the field, and then going back and reading the label to see what it was meant for.

Some Hon. Members: Hear, hear!

Mr. McLane: — Mr. Minister, we all know — and I know that you know — that the devil is in the detail. And if we're to be effective legislators, we need all the facts before us to make a decision and all this information . . . and I'll ask you once again to make that commitment. And at the end of . . . as we're going through clause by clause at the end of this Bill, we'll be proposing an amendment to it, and I hope that you and your members opposite will support us.

If we're going to move into the 21st century, we have to change, and we have to change everything, not just selective things that the government feels are important. We need to look at the whole picture, and we need to be open-minded about

these projects if we're saying we really want a change.

So I'd just like to thank the minister and his officials for coming, and I hope that at the end of this Bill that you will support the amendment to it. Thank you.

Mr. Goohsen: — Thank you, Mr. Chairman. Minister, if you had an answer for the last question, you can throw that in with the answer that you give me to my question and kill two birds with one stone. I know you will want to answer the member.

So, Minister, very simply put, I want to know — the farmer that phoned me and asked if his licence on his farm truck was void the day that he signed his bill of sale to sell his farm — was he correct in that assumption? If he was, is there any vehicle available for farmers to get an extension so that they can use their farm truck to deliver the rest of their grain and finish off their farming operations after they have in fact legally sold their land but still may own and control produce?

Hon. Mr. Renaud: — .Could you repeat the question, sir. I'm sorry; I didn't hear it.

Mr. Goohsen: — Mr. Chairman, I think it's three strikes and you're out, and I think you know the old story. That's twice.

Once again, could you tell us, Minister, if a farmer's vehicle that has been licensed with a farm licence, if that licence plate is void the day that the farmer in fact signs the dotted line saying that he has sold his farm, if that licence is void on that day, then we wonder if there is a vehicle available that can be used in order to use that truck to haul the rest of the grain or the rest of the produce away from that farm. Because often farmers do sell their farms and they still retain ownership of some of the product on the farm, and to get it from farm gate to market might then require either breaking the law inadvertently or by choice, whichever, unless one goes out then and spends extra money to hire someone.

So could you clear that matter up for us.

Hon. Mr. Renaud: — Well I think the member's asked a really good question and one that I don't know, and my officials are not sure. So certainly we will look into it for you, sir.

Mr. Goohsen: — Thank you, Minister. Now I see why you took three times before you answered. But you could have just said that to start with, and we would have all accepted that. And I think we'll roll on with the rest of the Bill if that's what the rest of the group wants to do over here.

Mr. Belanger: — Just a couple of questions for the minister. Northern Saskatchewan covers 252,430 square miles, roughly half of the province, and I noticed that you earlier . . . I was advised that you don't have a board representative on The Highway Traffic Act, and on the Highway Traffic Board. And I was just wondering how and why a rep from this area was not selected to sit on the Highway Traffic Board, and what is your procedure for selecting potential members on this board?

Hon. Mr. Renaud: — Well my answer to the member opposite is the same as it was on Friday . . . is that right now we do not have a member from northern Saskatchewan. Certainly when there is an opening on the board, I would certainly consider that. Right now we're not expanding boards. In fact we're trying to reduce boards so that there's less cost to government and to the taxpayers of the province. But certainly if something occurs that there is a board member needed, certainly I would take that into consideration.

Mr. Belanger: — I don't know if it's in order to ask, you know, the names of the members that are on this board and where are they from and how is the process . . . in terms of selecting an individual to sit on this board?

Hon. Mr. Renaud: — Thank you to the member for his question. We have one member from Lloydminster, one member from Arborfield, one member from Elrose, one member from Canora. We have one member from Regina, one member from Aneroid. And the secretary who is also a part of the board, Mr. Weafer is from Regina.

(1930)

And how they are appointed is by Order in Council, and they come from various organizations or people suggesting names. And that's why I say that if in fact we do have an opening at some point in time, we certainly would listen to your suggestions at that point in time.

Mr. Belanger: — Was there any names ever submitted from northern Saskatchewan in reference to people being interested to sit on the Highway Traffic Board?

Hon. Mr. Renaud: — The board was in place when I'd become minister, and so I have not made any changes, and so I can't answer that. There hasn't been any recently, but I don't know what happened before that. I can't answer that.

Mr. Belanger: — Is there any anticipated openings on the board, if you're aware of anybody that may be stepping down or somebody that may not be interested or somebody that might be moving on to different fields? Is there any anticipation of seats being open in the board within the next several months or several years?

Hon. Mr. Renaud: — Certainly if you have some ideas of a person that would be good on the board that you could submit those names to myself, and certainly I would take them into consideration if, in fact, we have some resignation or somebody leaving the board.

We don't want to add to boards. We don't believe that we should at this point in time. I mean we're all tightening our belts. Everybody across the province is tightening their belts a bit, and we don't believe that we need to expand the board. I know they're worked . . . they've got lots of work, and they work hard, but we don't see the point in increasing the board size at this time.

The Chair: — Order, order. Why is the member on her feet?

Ms. Murray: — With leave to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Ms. Murray: — Thank you. And thank you to the minister and the member from Athabasca for this courtesy. Seated in the Speaker's gallery are a large collection of Cubs. Now some of them are part of the 87th Cubs — there they are — and in fact 13 of them are, and they are here visiting the legislature with Leonard Braumberger, Alan Gillespie and Bob Camble.

They've had a tour of the building and later on, after they've had some time to visit here, I'm looking forward to meeting with them for a photograph, some drinks, and some questions. So would you please join me in giving them a warm welcome.

Hon. Members: Hear, hear!

The Chair: — Why is the member on his feet:

Mr. Tchorzewski: — Mr. Chairman, I too would like leave to introduce guests.

Leave granted.

Mr. Tchorzewski: — Thank you, Mr. Chairman, and thank you to the minister and the member for allowing time in order for us to do this.

I too want to introduce some Cubs who are in the Speaker's gallery, Mr. Chairman, to the House, and ask the House to join me in welcoming them. There are 28 who are here today, this evening. They are the Glencairn 79th Cub Pack. They have had a tour and we're going to be spending a little time with them. I see some of them are waving to us. And we're going to spend some time with them right after they leave the gallery.

They're accompanied by a number of chaperons: Belinda Keller, Dave Duguid, Jim Morgan, Terry Heichert, Tracie Raymer, Arlene Gunn, Joe Zieger, and Ellen McEwen. Mr. Chairman, please join me, and I ask the members also to do the same, in welcoming these marvellous young people to the gallery and to the legislature here today.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 16
(continued)

Clause 1

Mr. Belanger: — I also would like to apologize to the minister. I may have missed the answer, but I just wanted to know what the primary functions of the Highway Traffic Board was.

Hon. Mr. Renaud: — Thank you for the question, to the member from Athabasca. The majority of their workload deals with operating authorities, motor carrier issues. The other thing that they deal a lot with is drivers' licence appeals. It may be that a person has been convicted for impaired driving, it might be the first offence, and they are requesting a limited use of their driver's licence or a restricted licence of some kind. So those appeals they would listen to.

Speed limits, by-laws, municipal by-laws, and those kinds of things. So they have a fairly busy workload. And it's certainly . . . it's a board that is really needed in this area. And they do a lot of good work. And certainly I guess I, as a minister, wouldn't . . . or before I was a minister, would not have appreciated the work that the Highway Traffic Board does, but now being very close to that, I certainly appreciate the workload that they have and the work that they do.

Mr. Belanger: — So this committee has no reference or any bearing on decisions on road construction and road safety problems?

Hon. Mr. Renaud: — No, they don't have anything to do with the Department of Highways in that sense. I suppose you could say that they have something to do with safety in that, you know, setting of speed limits and that sort of thing. So I think there is a link there.

Mr. Belanger: — I was just wondering whether I had to buy you lunch or 13 other guys lunch on the situation when it comes to road construction.

You mentioned motor carrier issues. Could you elaborate on what you mean in terms of their responsibility in this field?

Hon. Mr. Renaud: — Generally when there's an application by a carrier, they would look at compliance fitness of the carrier, the adequate insurance that a carrier would have to carry, and in fact if the carrier has the adequate insurance. And looking at the area of the authority and how many companies are in fact providing service to those areas.

Mr. Belanger: — So in reference to the motor carrier issues then, you're also saying that they would, the Highway Traffic Board would, set running rights for taxi cabs. They would set load limits for roads and these type of activities?

Hon. Mr. Renaud: — The Highway Traffic Board does not set load limits or weights, highway and that sort of thing. They do not control taxi cabs neither, except if it's PB plate, a bus plate, and certainly they do. They look at the authority of buses.

Mr. Belanger: — In reference to some of the responsibilities that they have in terms of drivers' licence appeals and speed limits and municipal by-laws, have they been heavily involved with some of the northern Saskatchewan people or communities in any particular area?

Hon. Mr. Renaud: — Certainly it's my understanding that there has been some work done by the Highway Traffic Board on transport issues in the North, in the La Ronge area in particular.

Mr. Belanger: — Could you elaborate on those activities?

Hon. Mr. Renaud: — As I mentioned before, this is a quasi-judicial board and so I'm not . . . I wouldn't know the particular circumstance, only that there was some work done by the Highway Traffic Board in that area. But you would have to contact the Highway Traffic Board itself and talk to them, and they would be able to give you as much information as they're allowed to. And I would suggest that you do that if you . . . you know, if there's a need.

Mr. Belanger: — The other question — when I go back to my earlier comment on the 252,430 square kilometres called northern Saskatchewan — we talk about safety and in reference to the problem of having adequate representation and information on the Highway Traffic Board, has there been any work done in the safety area of any particular problem in northern Saskatchewan that may be extra special? By that I mean, is there any particular area where safety is a problem, say in poor by-laws, or speed limits that haven't been set properly, or unusual amount of impaired drivers or careless drivers and that sort of thing?

Hon. Mr. Renaud: — Issues like that, you should actually speak to the Highway Traffic Board about that — whether there is a particular area of concern — and they would be able to give you that information. I guess, as the Department of Highways, we're certainly concerned with some of the safety features. One of the agreements that we were able to sign in this last couple of years is the agreement with the mining companies in the North. And we're allowing them a different type of vehicle. They in turn are saving some money and returning to the Department of Highways 75 per cent of that savings and we estimate that to be 1.5 to $2.5 million per year. We're putting that money back into 102, 905, La Ronge to Wollaston, to improve that highway and the safety concerns that we have with that highway in regards to view lanes and sharp curves, steep hills, and those kinds of things.

So over time we'll be able to fix the safety issues on that road in partnership with the company. They're getting a benefit but we . . . the department's getting a benefit, the people of Saskatchewan are getting benefit, and the local residents are also getting a benefit because their highway will be safer.

Mr. Belanger: — And we all know how I feel about roads in northern Saskatchewan. I think it's certainly a pressing problem. I guess if the Highway Traffic Board were to say to you that there's a major, major problem in one certain area because of the rules that we make regarding highways, how much leeway would this board have against your department and its officials in determining how much should be spent on roads for safety reasons?

(1945)

Hon. Mr. Renaud: — Certainly it's not the role of the board. That isn't the role of the board. They're to look at the motor transport area. They're to look at the driver's licence issues, and speed limits in municipalities, municipal laws and that sort of thing. But, you know, I suppose they could comment as any individual on the conditions of roads as an individual, but I do not expect that from the Highway Traffic Board.

Mr. McLane: — Just a question, Mr. Minister, and you raised it in the answer to a previous question about the setting of, I believe, of load limits and what have you. I'm just wondering who sets out the parameters as to when a vehicle will be charged for either a safe load or an overload. At what point can that vehicle be charged for an infraction from the point of departure?

Hon. Mr. Renaud: — Well I think the security of load and the dangerous goods, that sort of thing would certainly be determined by the officer that would be stopping that particular vehicle and they would make that determination. And if the vehicle operator believed he was in the wrong, I'm sure he would pay the fine or accept the charge. If he did not, he has remedies to challenge that charge.

Mr. McLane: — That answers part of it, Mr. Minister. The other part of it would be on the load limit. I guess what I'm getting at here is, if there needs to be something else in the traffic Act that needs to be addressed as well while you're doing amendments, and that's to do with load limits. Who sets the rates on those? And as well, who is in charge of enforcing them. Is it not the traffic, the highway traffic patrol, those people? And at what point can they be charged from the point of their departure?

Hon. Mr. Renaud: — The load limit is dealt with under the highways Act which is a separate Act from the one we're dealing with. And it's dealt with in regulations there.

Mr. McLane: — The enforcement of it as well? Of those limits?

Hon. Mr. Renaud: — Yes, the enforcement would be the same. I mean it would be up to the highway traffic officer or the police to determine if in fact that Act was not being followed by a particular person.

Mr. McLane: — I don't think I'm understanding. I'm not following what you're saying. The highway traffic patrol will be under the jurisdiction of the Highway Traffic Board. Am I correct in assuming that?

Hon. Mr. Renaud: — They're under the jurisdiction of the department.

Mr. McLane: — Okay, good. So that's a question for another day then.

The second part was just, on Friday you were going to send me some information that I requested. I haven't received that yet and I was wondering if that's coming or where it's at.

Hon. Mr. Renaud: — The department is currently working on that and we should have it in the next day or two.

Mr. McPherson: — Thank you, Mr. Chair. I sent over a copy of some regulations to the minister and his staff, and I'm not sure if these regulations are the ones that are governing what the member from — Where are you from, Jack? Cypress Hills — the member from Cypress Hills was referring to or not with

the farmers that in fact sell their land and their plates are null and void I guess that same day. Is this the regulation covering it, Mr. Minister?

Hon. Mr. Renaud: — My understanding that they would not be allowed at present, however I think the general principle has been that the farmer is normally . . . you know, will do that till the end of the crop year. But legally no, he can't. Once he sells his farm that's it.

Mr. McPherson: — Then, Mr. Minister, this is why the member from Arm River was correct in saying if you're going to bring in a Bill, bring in an Act dealing with some of these things that are important to the people out there — you talked about all this consultation, how you want to know what the farmers are thinking — and of course the member from Cypress Hills brings in a concern, but because you're dealing with it in regulations, if we wouldn't have went into the law office next door and happened to find these regulations as quick as we were able to, you know, this would go by and your Act would be passed. This is why it's so unfair.

Now I'm not so sure, Mr. Minister, when you read this, if in fact it's not . . . I suspect the intent in the regulations were that it was to deal with vehicles, farm vehicles that had yet to be registered. And so these would prevent . . . these regulations would prevent them from becoming registered under these regulations. Right?

But it doesn't. I don't think it's intended to deal with vehicles that are already owned and operated by a farm operation and just because, in the regulations, they cease to become an actual farm operation the day they sell their land. I think what you're doing here with these regulations is applying it the wrong way. You're coming at it from the other end. And I doubt if that intent was ever there. And . . . Well let me hear what you think about that.

Hon. Mr. Renaud: — Well certainly that's one of the reasons why some of these things should be in regulations, so that we can look at them. I think that both the member from Maple Creek and the member from Wood River make a reasonable point. And I think it's one of the areas that we could take a look at when we do look at the regulations.

Mr. McPherson: — Well, Mr. Chair, Mr. Minister, I hear you and I appreciate the fact that you tell us that you're going to revisit this or perhaps look at the regulations and clarify the intent. But the problem is, is that then it escapes the scrutiny of the legislature.

Now the fact of the matter is if the question had not been raised, nobody would have gotten into this. This shows why, I think, with all Bills, that if we're leading into this new politic that you claim is out there, then let's bring the regulations in and step through them.

There's nothing wrong with, in fact in regulations or at least in a narrow way, having some input from the general public, from the farmers and such. But these sort of regulations would completely go unnoticed had we not raised them here tonight.

And I'm just wondering what it is that you think your department can do right now — if in fact you would be willing to entertain an amendment to the Act to deal with this.

Hon. Mr. Renaud: — The member says whether we will entertain an amendment to the Act. What we're saying here is some of these things should be in regulation because regulations can actually be changed quicker than an Act can be changed. Certainly the ideas of the farm implements did not come from the members opposite but came from the general public. And so we get ideas from the general public. We get ideas from the members opposite. We get ideas from the dealers. We get ideas from many different sources. Certainly that's the good point about regulations, because you can deal with those items in a lot faster way.

And so I think, when you form regulations and the public sees those regulations or has input into those regulations, if they've got concerns, certainly they bring them forward. And so regulations are not a problem. Regulations are a good thing if used properly and with the right amount of consultation. So some of these things certainly should be and must be left in regulations.

Mr. McPherson: — But you see, Mr. Minister, if I use your reasoning in this, that tells us then that most Bills . . . you would rather see only a few pages of an Act come in because you're claiming you could run a government by regulation. But I don't hear the people saying that you should run government by regulation.

And I think some of your members opposite got the wrong view when you brought in The Health Districts Act and in fact rammed regulations down people's throats which in the end shut health care down in rural Saskatchewan. And what we're trying to say here is, maybe we shouldn't go that way again.

And what I would like to know from you, what you can do about this. This is a concern to the farmers and if you're saying that you're willing to deal with their concerns, what could you do in the Act; not in regulations? You must be able to hear what we're saying, that the regulations are what's bothering people. And in fact most people don't follow the regulations out there. That's why we use this House to, in fact, look at the Act and do what the public, what the general public, are asking us to do. So can you give us a response of what you can do now?

Hon. Mr. Renaud: — Well clearly the member knows that there is a place for both. I will be bringing an Act in later this session that is large, several pages long, and certainly it's appropriate in that case to put that in Act form. However, when we're dealing with the farm economy and the rapid pace of change, farmers want to move quickly and we've got to allow them to do that, and that's why we're talking regulations in this case.

Mr. McPherson: — But, Mr. Minister, I don't know how you would view the farmers wanting to move quickly. What they're saying is, no, don't move quickly. If I sell my land, I don't want to lose the plates on my farm vehicles that very day. In fact what they're saying is not to move quickly. Just put out rules

governing the licence and registration of farm vehicles in the event they sell the land and still have commodities to sell. I fail to see what . . . (inaudible interjection) . . . Perhaps the member who is heckling would like to join into the debate.

But I fail to see why, Mr. Minister, you can't come up with something simple. You want your Act to go through, but why can't you come up with some simple way to resolve this problem?

Hon. Mr. Renaud: — Well, you know this is the first time I hear of this being a concern, but certainly it could be a concern. And I think both the member from Maple Creek and the member from Wood River bring a point that we should have a look at. Certainly it's presently in regulations and it would be quite easy to change those regulations.

So what we will do is take a look at it. And when we're changing the regulations, we'll certainly take a look to see if that's an important issue, and it could very well be. It makes some sense to me. And certainly at that point in time, we will look at it.

Mr. Goohsen: — Thank you, Mr. Chairman. Minister, I asked you a question earlier and had to repeat it three times, so I want you to take a deep breath now because this is going to get a little trickier.

The copy of the Act that Mr. Cosman has been kind enough to dig up for us tonight is in my hand, and I want to quarrel with your interpretation of the Act. I think no is the wrong answer. I think in fact that the licence is not expired as I read this, and I'll just want to read a little part of it to you and let you think about this.

It does say, under (4) of the regulations here:

> (4) No person shall apply to register a vehicle in Class F, and no vehicle shall be registered in Class F, unless the person to be named in the certificate of registration for the vehicle is engaged in:
>
> (a) the actual operation of a farm . . .

It goes on to give other classifications.

Now is it not a fact then that if a man has sold his farm and he still has product to sell, that he's still operating that farm, and therefore his licence would still be good?

(2000)

Hon. Mr. Renaud: — My understanding of (a) — and this is where we have to take a good look at it:

> (a) the actual operation of a farm that he or she owns, leases, or has purchased . . .

And so I think what, you know, you're saying is if in fact he's in operation, that's true. But on the other hand it goes further to say that:

> . . . he or she owns, leases or has purchased under an agreement for sale . . .

Mr. Goohsen: — Okay, I'll concede that possibly then that that interpretation would work and probably would be upheld in a court of law, unless of course we went to the simple little problem of putting a comma after farm. And I think that would probably change the interpretation. So I suggest that's what you ought to do; get a pen and put a comma in.

Hon. Mr. Renaud: — One of the things that I told the member from Wood River, and I will tell you, Mr. Member from Maple Creek, is that this certainly has some potential and we should look at it when we work on the regulations. We're going to be working on the regulations, as you know, in regards to agricultural implement. It would be a good time to take a look at this particular regulation.

Mr. McLane: — Thank you, Mr. Speaker. Mr. Minister, I think the point is, as the member from Wood River has raised, and from Cypress Hills, is he pointed out one problem with the regulations. What I've been saying, there's problem with all the regulations. So could you tell us, Mr. Minister, what is the problem with allowing these regulations to come forward with the Bill so we can debate them here. And we don't have a problem. We don't miss anything. We don't know how many of these we've missed. Who has time to go through all the regulations to see what else has been missed, such as this clause. I think the question is bigger than yes, it's a good idea. This has merit, this one particular clause. We need to look at them all.

Hon. Mr. Renaud: — As I mentioned earlier, we're changing the Act to allow us to put in proper regulations to meet the needs of the farm community and the people of Saskatchewan. Certainly when those regulations are in written form, if the House is not sitting at that time, I would personally see that you get a copy for your comments.

I did ask the members of the opposition, if they have any ideas on regulations, that they should send them across. Certainly we would take those into account. We're an open and honest government and we will continue to be that way. And we want to do what's best for the farm community and for the people of Saskatchewan. And certainly we'll listen to farmers and to dealers and to farm organizations, and including the opposition. And if you've got some good ideas please send them over and as we develop the regulations you can certainly have input.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

Mr. McPherson: — Thank you, Mr. Chair. I do have one more question on those regulations.

Mr. Minister, what form . . . or in what way then can you provide the opposition in the legislature to play a role in dealing with these regulations?

Hon. Mr. Renaud: — Well I've asked the member from Arm River, and I will say to you, that certainly send your ideas on regulations in regards to agricultural implements or any other that you may have for us to consider. We will certainly do that.

When we're out and about consulting with farmers and farm groups and organizations certainly your input would be sought. I know that many of you are farmers. Certainly you have some ideas what a farm implement should be, so we'd certainly appreciate your input.

If in fact the regulations are ready before the House . . . before the break this summer sometime, we would table them in the House — and/or fall — and if that does not happen that we would certainly be willing to send them to your caucus for your comments.

Mr. McPherson: — Mr. Minister, there again, I mean you're already saying that you're going to table the regulations, but that would happen before you really had any consultation process with the opposition at all.

Let's be serious here. If you're expecting us to write you letters, what we need as an opposition . . . and the very reason why the House works as well as it does is because you step through a process where in fact we can question you and your officials. I have no idea why you would be opposed to such a process. Would you consider it?

Hon. Mr. Renaud: — I believe that I told you before that we're an open and honest government. The farm community are . . . We're an open and honest government. The process is fine. We're going to consult; we're going to ask for your input. And this is very open. I am sure if you were sitting on this side of the House we would not have the same opportunity, but we being an open and honest government, we're going to give you that opportunity.

Mr. McPherson: — Mr. Chairman, Mr. Minister, then if you're talking about this open and . . . did you say open and honest or just open, whatever, government? — why firstly would you be afraid of going line by line through the regulations, perhaps even before we move the Bill. You could adjourn this from the committee stage right now until we have a chance to sit with you and go through the regulations. And not to find holes and pick fault with the Bill or the regulations, but in fact perhaps if we walk through this process. we would find some other things that would help you and your officials, your department, you know, deal with people in a lot better manner. So will you consider it?

Hon. Mr. Renaud: — The one thing good, to the member from Wood River, about regulations is that in fact you can change them easier than you can in fact change an Act. And certainly that's why we intend to bring the farm implement situation under regulations, or the different situations under regulation. Because things change out there and people will . . . as times change, the need for different regulations, or fewer regulations, that will happen. And so in regulations we'll be able to deal with that. And so that's why we're using the process that we are.

Mr. McLane: — Thank you, Mr. Speaker. I guess the question . . . We're going through clause by clause here, Mr. Minister, and you're asking us to yell yea for each clause and in section 3 or 2 . . . 3 we're on, we have no idea what agriculture implement means, and yet everybody, including the members on your side, are yelling yea, let's go with it. How do you expect us to pass something we don't know what it means?

Hon. Mr. Renaud: — Well maybe you could ask the Clerk. I'm not sure, is it the process that you're not clear with?

Mr. McLane: — We're asking to approve these sections, section by section. We have no idea what agriculture implement is going to be defined as. How are we going to approve this if we don't know what it is?

Hon. Mr. Renaud: — And that's exactly the problem, to the member from Arm River, is that farm implements — and I'll try to explain it one more time — is changing.

We have a situation in Prince Albert, for instance, where the fellow took a truck chassis, set up a tank on this truck chassis, hooked up the cultivator and the hoses in order to apply manure to farmers' fields. And he put these huge, huge tires on this truck that prevents him from going more than 30 kilometres an hour on the road as he goes from one farmer to the next. Well he's asking me and asking the department and asking others, should this be registered as a highways vehicle, or should this be in fact an agricultural implement. And he raises a very, very good point.

We have other people that have invented bale wagons, for an example. And they have certain parts of the bale wagon that looks exactly like a truck, but can, you know, go on the highway only a very few miles an hour and really, basically is used in the farmyard. Should that be an agricultural implement or should that be in fact a registered highways vehicle?

We have others that look like a truck, and we have the request that maybe this is an agricultural implement but yet can travel at 80-90 miles an hour down the highway. You know, maybe it shouldn't be an agricultural implement. So this is the problems that we have to deal with.

What the process is here — and I'll try and explain it one more time — is we're going to go out to farmers. We're going to go out to dealers. We're going to go out and talk to people that have this situation on their farm or in their business. We're going to talk to the opposition members. We're going to talk to as many people as we can and try and set down some reasonable regulations so that the farmers are happy with those regulations, so that the people that use the highway are happy with those regulations. It's going to take some time.

What we need now is to provide that in the Act so that we can in fact work on the regulations. If by the time . . . We've got to do that. We've got to consult with people. I am not prepared to sit in this House and go over regulations that have not consulted with and I will not do that. The farmers have to have some input in this and that's what we intend to do.

Mr. McLane: — Exactly. I think you just made our point, Mr. Minister. The point is, go out and do your consulting; come back in here with your definition of agriculture implement; let us have a look at it; and if it's appropriate and what the farmers want, we'll pass it. You're the one that's confused about the process.

Hon. Mr. Renaud: — Could you repeat the question, please?

Mr. McLane: — The question was, Mr. Minister — are you listening this time? — the question is, I think you're the one confused with the process. The problem is, if you would go out and consult with the farmers of this province and come back in here with a definition of agriculture implement and let us look at it, and if we agree and it's what the farmers are telling us, then there's no problem. It's the process that you're confused with, and the member for Regina South, who doesn't understand agriculture.

Hon. Mr. Renaud: — Well I didn't really want to get political, but it seems that the more good legislation that this government has, the only thing I've heard from the opposition is whining and crying. And I didn't want to say that.

But I have a problem with that. I mean we have a good system here. And I would ask the member from Arm River to go out and talk to his fellow neighbours, the fellow farmers that he's around, that has this problem. Because I know that in your constituency you have many farmers that are very innovative and are looking at new machinery and new agricultural implements all the time. If you would talk to them and ask them which, right or wrong, is it our process that's wrong or is it your ideas that's wrong, and I think you will get the answer.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, in section 3 the member from Arm River was asking about the agriculture implements and you were saying they were defined in the regulations. Can you give us that list of what the definitions, which ones are in the regulations right now. Can you table it today?

Hon. Mr. Renaud: — There is. . . the only thing that's in the old Act right now is the . . . and it's "2(1)(b) 'agricultural implement' means a vehicle designed and adapted exclusively for an agricultural, horticultural, or livestock raising operations."

Period. There's nothing else, you see. And this is our problem now. What does that mean? What that will mean under the new Act is that regulations will be developed to fill in the gaps because agricultural implements is changing so fast. I mean you could put something in the Act that wouldn't make sense or couldn't be determined down the road. If you read the Act as is.

That's our problem, and that's why we're trying to clean that up so that in fact we can start putting some meat to the bones, I guess. So that we can — we, you and I — will then know what an agricultural implement is.

(2015)

The division bells rang from 8:15 p.m. until 8:25 p.m.

Clause 3 agreed to on the following recorded division.

Yeas — 21

Mitchell	MacKinnon	Shillington
Tchorzewski	Johnson	Kowalsky
Crofford	Renaud	Trew
Lorje	Teichrob	Nilson
Cline	Stanger	Murray
Langford	Wall	Kasperski
Sonntag	Jess	Thomson

Nays — 8

McLane	Draude	McPherson
Belanger	Bjornerud	Julé
Gantefoer	Goohsen	

Clauses 4 to 7 inclusive agreed to.

Clause 8

Mr. Goohsen: — Thank you, Mr. Chairman. As we had indicated in the debate on this Bill, we will propose an amendment at this time, Mr. Chairman. Let's see now. I move that we amend the Act as follows, clause 8 of the printed Bill, amend clause 8 of the printed Bill:

> Clause 8 of the printed Bill is amended, by adding a new subsection 70(2.3) immediately following subsection 70(2.2) as being enacted therein, as follows:
>
> "(2.3) No owner or driver-operator of a self-propelled agricultural implement, and no driver of a vehicle transporting or towing an agricultural implement, on secondary highways and municipal roads within the province between sunrise and sunset shall be liable for any damages arising out of such transportation provided that they are driven or trailered in compliance with the rules normally applicable to the operation of a licensed motored vehicle on a provincial highway, in so far as those rules may apply."

And, Mr. Chairman, we hope that the Minister will take serious consideration of this amendment, as he has said he would, and we'll put it to the test to see if he really wants to do something about helping farmers in the province of Saskatchewan.

Hon. Mr. Renaud: — Thank you, Mr. Chairman. I guess I have a problem with the amendment, and I think when you look at privileges to a certain group in regards to liability, it doesn't matter if it's farmers or whoever, it just isn't right. I mean liability is liability, and I think if someone is liable then that should be the case.

To say that a certain group, whether it's farmers or whether it's some other group, truckers or whatever, should not be liable would . . . is not right, and liability certainly would be determined by the courts or whatever. Police certainly would

determine the fault of a situation in the case of an accident.

But certainly to say that someone should not have liability I don't believe is what should be recommended in this Act.

(2030)

Mr. Goohsen: — Well thank you, Mr. Chairman. Minister, one of the other members poses a good question here: what's the alternative then?

At the moment we have a dilemma in this province. We have the dilemma that farmers who move farm machinery have really got their entire farm operations on the line every time they go on to a road because there's no clear definition as to how they might be breaking the law or not breaking the law.

There is no way for them to be able to define when they are in the right or when they're in the wrong except to take the chance that the courts will be merciful on them when they hit there. And it's not if or when they will hit the courts, it's only a matter of time. Because eventually it's going to have to happen because there's nothing defined in the law.

So what's your alternative to this? How do you alleviate this problem? You gave a very nice speech to us about how you wanted to clean up the highway Act and bring in an Act that will pull everything together, make it all workable and take out a lot of the redundancies and a lot of the old-fashioned things and put everything up to date and get everything going great. Well here's a problem. How are you going to solve it?

We've got instances that we've given you for examples. We've had written letters about people who have gotten into problems this way. What more proof do you need that there is a problem out there that needs solution?

Now I'll grant you that perhaps our amendment, done in a lot of haste, might not be the exact legal wording that you would have to use, but obviously you have the disposal of government at your fingertips and at your beck and call. So tell us what you propose to do to alleviate this problem in place of what our suggestion has been.

And if you can give us a logical, reasonable approach then we will let this slip away and die a natural death as it's naturally going to do. And hold you to your word though, that you will come up with some answer. But until you come up with that answer we're not going to let you off quite so lightly yet.

Hon. Mr. Renaud: — Well I think farmers in Saskatchewan do not want to be treated any differently than anybody else. They understand that people have to obey the laws of the road. And farmers are good citizens at that. They do a good job at that. Certainly at harvest time there's more machinery, but I think generally farmers obey the law and follow the rules of the road.

And I don't think they would want . . . in fact I think they would be very disturbed with the amendment that you're proposing because in fact farmers do not want to be treated any differently than anybody else. And I think we have to realize that. They now take precautions to follow those rules and they will continue to do that.

Mr. Goohsen: — Well, Mr. Minister, I think you've lost contact with all of the reality of rural Saskatchewan because this is not considered to be a special treatment of rural Saskatchewan; this is considered to be something that needs to be done in order to have fairness.

Your government has seen fit to bring in no-fault insurance to SGI which brings in a lot of questions about fairness and how people are treated reasonably in this province when you're injured. All kinds of people out there are questioning this. And when we ask you to specify what a farmer can do or can't do, when he is breaking the law or not breaking the law, we're not asking you for special treatment, we're asking you to show us what the rules are, show us what the regulations are, show us how we can protect ourselves. That's what the farmers want to know.

They want to know that if they can move their farm machinery, that they can in fact move it without having the fear of having litigation brought against them by perhaps somebody that comes roaring down the road, speeding, or doing whatever, and suing them. And if you can have no-fault insurance that protects the rest of society and protects SGI from having to pay out, then obviously you should be able to write a simple little law that will protect people from being sued when they are moving legal equipment down a legal road.

And so, Minister, I don't think that you're on the right wavelength here. I think when you say that we're talking about giving people special treatment, that in fact that is not what we're doing. We are asking you to bring about fairness with definitions so that we know and understand what our position is in the country.

If you're going to say that farmers are legally responsible for the damages to anybody else's vehicle when they move farm machinery — and that's what you're saying by not acting — then you are treating everybody else in the country that drives on the roads as special. They have a special right to sue any farmer they choose to decide to run into. And right now, if you happen to be a farmer — and I know you've had some farm connections — and you're moving a tractor with a cultivator, and because you're in politics, and some good Conservative comes down the road and says, I'll get that guy, and drives into you and sues you, that's all it takes. He might have a grudge against you and he can sue you because he drove into you deliberately.

Now that's the kind of thing that you don't want to allow to go on. And that's the kind of thing that can happen — by accident or by design — as the law stands now. And we're asking you to clean that up. It's a very simple thing that we ask. Straighten out something that's not right.

Hon. Mr. Renaud: — Well again I want to tell the member that the roads in Saskatchewan, the highways in Saskatchewan, are for all road users — farmers, businessmen, school teachers, even politicians. And everyone is expected, and expects, to

follow the rules of the road. And if you're not aware of those rules, I'll certainly send them to you.

We have pamphlets that might be helpful, that will let you know those rules.

Farmers are not automatically liable because they're a farmer, and the member knows that. Farmers may be liable and may not be liable. Certainly I'm not here to judge one particular instance against another. I mean that will be determined, but you're not liable because you're a farmer, that's for sure.

Mr. Goohsen: — Well, Minister, I'm not going to allow this to get into a shouting match because we have to talk about this in a rational way, and the rational way of course is to try to tell you that your law simply is lacking. It may not be your fault; it may not even be your law. I don't even know when the law was written. It might have been written by the last administration or two administrations back or five for all I know. But I do know that we have had an example of a situation that has come up where people from your department have said to us quite clearly that the law does not cover this.

And so you . . . I challenge you — send me those materials that you've got. Because you don't have them, according to your own officials. You don't have materials that tell us definitively when a farmer is liable or is not liable if he gets hit on a road when he's moving farm machinery. And that's what we want from you, is a law that will protect the farmers and allow them to move their equipment.

So if you've got a law that protects them and it shows them what their rights are, then you present it to us and give it to us now and we'll be quite happy.

Hon. Mr. Renaud: — Well the law certainly is very clear — that if you're responsible for the damage of another's vehicle, that you're liable for that damage. And then the law is very clear on that. And it's under 86(1) of The Highway Traffic Act:

> When any loss, damage, or injury is caused to a person by a motor vehicle, the person driving it at the time is liable for the loss, damage, or injury if it was caused by his negligence or improper conduct, and the owner of the motor vehicle is also liable to the same extent as the driver unless at the time the motor vehicle had been stolen from the owner or otherwise wrongfully taken out of his possession or out of the possession of a person entrusted by him with its care.

So I think the Act is very clear in this regards.

Mr. Goohsen: — Well, Minister, the Act is very clearly . . . stated that for motor vehicles . . . Are agricultural implements motor vehicles now? They don't have to be licensed and they're not covered by insurance under licensing, so therefore they're not motor vehicles. So your Act does not cover motor vehicles that are in fact not motor vehicles, they are farm implements. So . . . (inaudible) . . . person, so I'll take quarrel with you on the word responsible — who determines responsibility?

Yes, if I'm responsible for an accident, I should pay. Am I responsible because my implement is over eight feet wide? No, you say, because you've already said farm machinery can be moved on the road.

So we have to have a little more definition then of what these things are, or else you have to simply say farm implements being drawn down the road, as we've put in our amendment, should be exempt from liability.

Hon. Mr. Renaud: — I'm looking for the section here to the member opposite. It's under 2(1) of the Act. It says:

> "motor vehicle" means a vehicle propelled or driven by any means other than by muscular power;

And the:

> "vehicle" means a device in, on or by which a person or thing is or may be transported or drawn on a highway and includes special mobile machines and agricultural implements but does not include vehicles running only on rails or solely on railway company property;

Mr. Goohsen: — All right, Minister, then when a farmer is moving a piece of equipment down the road and it's wider than half the width of the road — and we have a lot of roads like that in Saskatchewan and we have a lot of machinery like that — is he responsible if there isn't room for somebody to get by him and he gets hit? Who's responsible?

Hon. Mr. Renaud: — I will answer the question. I guess it's under a different Act. It's under the highways Act and it states here in section 5:

> (2) Farm equipment that exceeds a dimension prescribed in clause 4(1)(a), (r), (s), (u) or (v) may be driven or towed without a permit between sunrise and sunset on or over a public highway other than a designated highway.
>
> (3) Farm equipment that exceeds a dimension prescribed (in the same clauses) . . . may be driven or towed without a permit between sunrise and sunset on or over a designated highway mentioned in subsections (1) except where it:
>
> (a) extends past the centre of the main travelled portion of the highway and protrudes into the opposite driving lane; or
>
> (b) extends or protrudes into the extreme left driving lane of a highway designated as a one-way highway by signs on, erected or posted along the highway directing traffic to proceed in only one direction;

Mr. Goohsen: — Well, Minister, I think if you will talk to your learned friend right beside you very carefully, you will find that you have not answered the question. And I don't think there is much to be gained by my showing the inability of yourselves to be able to interpret laws that you don't have to work with to interpret.

So you need something in this law. I think you know that; I

think I've made my point. And having done that, I think I'll rest my case and hope that you have the wisdom to try to tackle this problem and to resolve it.

Amendment negatived.

(2045)

Ms. Draude: — I'm just wondering on clause 8, when we're talking about loads of things like gravel, if somebody is going . . . if they're . . . I know there's a chance that gravel can be lost out of the back of the truck. Are you expecting that people in construction businesses will then have to tarp the loads or will there be additional costs involved in ensuring that it can't be lost?

Hon. Mr. Renaud: — They do not have to tarp but they have to take a reasonable precaution that gravel is not flying out or off the truck or they could be charged.

Clause 8 agreed to.

Clause 9

The Chair: — Clause 9, we do have a House amendment from the minister to clause 9 of the printed Bill:

> Amend clause 119(1)(b.1) of the Act as being enacted by clause 9(b) of the printed Bill by striking out "contr" and substituting "control".

Amendment agreed to.

Clause 9 as amended agreed to.

Clause 10

Mr. McLane: — Thank you, Mr. Speaker. I'd like to amend clause 10 of the printed Bill because, Mr. Speaker, after the discussion on Friday took place, and again tonight, we're talking about the regulations, talking about approving something that we don't know what it's going to mean or what it's going to be. And therefore, if we could:

> Clause 10 of the printed Bill is amended by deleting subsections (1) and (2) and substituting the following:
>
> "This Act comes into force upon consideration and acceptance by the Committee of the Whole of regulations proposed pursuant to this Act."

Hon. Mr. Renaud: — Well again, I think the amendment, what it does is take away the decisions by the farm community, by the people that are affected, by the dealers, by the people that will be consulted with, and puts it into politicians' hands only, and I have a real hard time with that. I think what we need to do is consult with these groups of people.

We will allow the opposition certainly to have input, talk with the dealers, talk with the farmers, talk with the people that in fact are inventing these new agricultural implements and then certainly bring the regulations forward. And at that point in time, the politicians can have a go at them.

Mr. McLane: — Thank you, Mr. Speaker. I think the Minister is looking at this from the wrong side of the window.

What this does is it opens up the process as I talked about earlier, and your government, your Premier, is talking about looking through his window, looking into the future into the new century and making changes that the people want to see. This is one of them, Mr. Minister, where you can actually break new ground and cause a process to be in place that the people of Saskatchewan want. In this particular case, it's what the farmers and it's what the machinery dealers want to see.

If you go out and gather your information from those very people, put it into the regulations if you must, bring it back, and let us have a look at it. And we'll compare and see if what we're being told is the same as what you've got in your regulations. You seem to be looking at it backwards. You want us and the farmers of the province to accept the Bill, put it through, and then at your discretion go out and gather the information and put it in however it might suit you.

Now what we're asking is to go out and gather the information, bring it back here — be open about it; it's very simple — and let us talk about it and debate it in here. And then we'll decide if it's what the farmers and the machinery dealers and the people of the province in general want.

So I think you need to look at it from a little different angle, Mr. Minister, and I would hope that . . . and I was sure that you would be open-minded enough to do that and would initiate some sort of change, a new process in the new era, into the new century.

Hon. Mr. Renaud: — Well I appreciate the point of view by the member opposite, but I think maybe he misunderstands here a little bit.

We could go out and consult. And as I mentioned to the member before, it's a huge problem, and it's not easily fixed because . . . like I mentioned about the truck at Prince Albert, you know, the one that has the tank on the back and it's got the big tires, and it spreads manure for the farmers, that truck, and then also the bale wagon situation. And it's not an easy problem to solve, and so what we want to do is consult with those businesses, with farmers, with the dealers, with, you know, people across Saskatchewan to determine what those regulations should be.

We would like to do that prior to whenever the House sits again, because if in fact those regulations are not ready by the time the House ends this session we will have to wait again; and farmers will have to wait again; and then I will have to blame that on the opposition and I don't want to do that. And I think farmers would really like to move forward with this.

And so I would think that the process that this government is saying . . . is using is to do this as quickly as we can with as much consultation as we can, so that in fact we have something

in place so that farmers and entrepreneurs in the farm sector know exactly where they stand.

Mr. McLane: — Well, Mr. Minister, I think there was a lot of farmers born at night but they all weren't born last night. And, I think, neither were those machines that you're talking about built last night. Many of those machines have been around for years and years and years. So where was the process over your last term of government? Where was the minister then — out seeking information from the farmers of the province to see what they needed to be changed?

Now all of a sudden it seems like there's an urgency to get out there and bingo, do it right now, regardless of the effect that it has on the farming community and the machinery dealers. So I think you just would have to admit that you're just a little bit behind on this thing, and so in order to try and rectify your problem, you want to speed it up and do it through regulations that nobody else has a chance to debate and discuss.

The proper thing to do, Mr. Minister, would be to go out and say to the people, we're going to consult with you; we made an error. We brought a Bill forward, we'd like to hold up the Bill, stop it now till we've done our consultation, then we'll take it back into the House and debate it along with the regulations as it should have been done to begin with.

Hon. Mr. Renaud: — Well I think that's the openness of this government. The concern came forward and we're dealing with it as we should. And I'm surprised that the member opposite didn't bring this to our attention earlier if he seen it as a concern. And so, I guess, the urgency and the need to do this does not come from politicians but it comes from the farm community, the agricultural community. And we believe that they have some legitimate concerns, and we want to react to those concerns, and we want to react to them in a speedy manner.

To delay it to another legislative session, or sometime into the future, is not acceptable by this government. We want to in fact deal with the diversity of the agricultural sector, and the innovation of the farmers out there, and move forward as quickly as possible.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, what the member from Arm River is trying to get you to do, Mr. Minister, is in fact set up a consultation process. You are obviously opposed to that because I think you've been trying to tell us you already have one, and so could you explain how it works and who's involved?

Hon. Mr. Renaud: — No. I can tell the member opposite it will be better than the federal government. I know their consultation . . . I know that they didn't really consult us that well in regards to, you know, C-101 and rail line abandonment and changes to the Crow and those kinds of things.

So we want to do it differently. We want to actually go out and talk to farmers and farm groups and dealers, and in fact as I mentioned earlier, if you have any ideas please send them over. Once we get the basic regulations that seem to make sense, we'll certainly send them over and ask you for your points of view.

I think what we want to do is be open and honest and certainly consult. Because I think you can say you're going to consult, like the federal government has on, for instance, airports, but really the decision was kind of made before. Well we don't want to do it that way. We want to do it the open and honest way.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, I'm not sure then if the consultation process that you're proud of is one where you close 52 hospitals and let the people know by a Premier's address, or many other things that you've done.

What you didn't answer was in fact what the consultation process for that — you have in the regulations — was. You've spoken many times here this evening on the farmers that you've consulted. Could you table a list of the farmers and farm organizations that you've consulted with to date?

Hon. Mr. Renaud: — What I did tell the member is that we were going to consult. Certainly the issue has been brought to our attention by farmers and farm groups that are caught in this situation. People that in fact have invented . . . And I don't know if the member wants me to go through the story about the fertilizer spreader again, but I could do that.

But that's one example where the farmer, the business man in this case who is in basically in the agricultural sector, and he takes manure and he spreads it in farmers' fields; and he invented this implement and it's being treated as a highway vehicle rather than an agricultural implement. This is the problem and this is what we have to address. And so what we . . . this problem has been brought to our attention by farmers, by entrepreneurs in the agricultural field, and by dealers, people that are very innovative in Saskatchewan, and they want to move ahead.

Now we will consult with those people, with other people that have the same problem that haven't brought it forward, and then list a list of regulations. How do we determine what an agricultural implement is? And certainly the member from Wood River is a farmer. Certainly I'm sure he has some ideas, and we would appreciate that.

Mr. McPherson: — Mr. Chair. Mr. Minister, I think it's more than your example that's out there spreading some of this manure.

The fact of the matter is, I've been asking you if you could table a list of the people you've consulted, not just somebody spreading some manure wherever they're spreading it, but in fact can you table who you've consulted with, or in fact if you're still going through some consultation, can you tell us whether you're going to do it through the mail, or through phone banks, or town hall meetings? What process are you going to choose?

Hon. Mr. Renaud: — Those all sound like an excellent idea. As I mentioned earlier, we have not consulted with a large

group at this point in time. The issue has been brought forth to the department, to myself personally, by a lot of people out there and we believe that they have a real good point. We believe that we need to look at what is in fact considered an agricultural implement and so we're going to do that. And we are going to consult. I can't give you names of who we consulted with when we're going to consult.

An Hon. Member: — Just tell us how you're going to consult.

Hon. Mr. Renaud: — We will consult and we will talk; we will have the department . . . maybe we'll have town hall meetings. Maybe you could give us some suggestions on how you think we should consult. Certainly we have a very good reputation with the farmers out there, we have a very good reputation with the dealers and the ag community, and we will be consulting. Whether it's by telephone or personal visit, I don't know at this point, but certainly there will be consultation.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, can you give us some idea of what we can expect that your department will spend in this consultation process?

Hon. Mr. Renaud: — No.

Mr. McPherson: — Well, Mr. Minister, how could you set up a consultation process when you're talking about perhaps accepting mail, phone, or town hall meetings, and you haven't budgeted for it at all?

Hon. Mr. Renaud: — That's a process that we will determine as we move along in the regulations.

And what I would urge the member opposite is to, instead of spending a whole lot of time on the method of consultation, if he could help, I'm sure as a farmer he would know what he sees as an agricultural implement. And I know that there are other farmers on your caucus that certainly would give us some ideas. We want to bring these regulations forward as quickly as possible but we need to consult with the community and we certainly would like your ideas as well.

(2100)

Mr. McPherson: — Mr. Minister, have you hired any consultants to look at these regulations?

Hon. Mr. Renaud: — No we haven't.

Mr. McPherson: — Mr. Chair, Mr. Minister, do you intend to hire consultants in the near future to look at these regulations?

Hon. Mr. Renaud: — Not at this time.

Mr. McPherson: — Mr. Chair, Mr. Minister, then how on earth are you going to go out and consult if you . . . first of all, you don't have a budget. You don't intend on doing mailing, phoning, town hall meetings, and nor do you intend to hire a consultant. So now we're back to just what is it that you plan to do?

Hon. Mr. Renaud: — I'm not sure exactly where the member wants to go. I noticed in question period the other day in regards to health care he didn't want us to hire consultants; now he thinks we should hire a consultant. Well we don't believe we need consultants. We believe that our reputation with the agricultural community and with farmers in the province of Saskatchewan, that we certainly will get the input.

You see one thing that the member seems to not understand is this is not government led, it's farmer led, and it's agri-business led. And it's those people that are suggesting to us that they need some regulations to clarify what an agricultural implement is. And I don't think that the members opposite are really against farming in this province of Saskatchewan, though it would tend to . . . you know, I sort of could maybe hear that in the questions that are being asked but I don't think that's true.

And so I guess we just want to get on with the process of consultation and talking to farmers, whether it's the department staff that does that or whatever, so that we basically get a line of regulations that makes some sense to the farm community.

Mr. McPherson: — Mr. Chair, Mr. Minister, if this was initiated by the farmers then can you tell us which farm groups, and when in fact the farmers, approached your department and your officials and asked for these changes. And if you could perhaps table a list of those farmers or farm organizations so that we may be able to contact them ourselves and discuss some of the regulations that are upcoming.

Hon. Mr. Renaud: — I don't have a count on the representations but there is a Mr. Sand, north of Prince Albert. You should maybe give him a call. He's the guy with the tanks on a truck with the big tires that spreads manure . . . (inaudible interjection) . . . that's right, Sand's Septic.

And presentations have been made on numerous occasions to my office and to the department, and we believe that they have a legitimate point. And I would hope that you would agree with that.

I'm not sure if you're innovative on your farm and thinking of new . . . you know, of something different that you in fact can invent yourself. But there are a lot of farmers that do that, and I think they deserve some consideration. I mean why . . . you can buy a farm implement from a manufacturer like a large corporation that manufactures a particular piece of machinery, and it's considered a farm implement. But yet a small entrepreneur, perhaps a farmer in the province of Saskatchewan, invents some type of agricultural implement, and in fact no one considers it an agricultural implement.

Well I don't believe that's right, and I would hope that you would agree with me.

Mr. McPherson: — Well, Mr. Chair, Mr. Minister, can you go beyond the one fellow with a manure-spreading truck north of Prince Albert? Because what you're asking for is legislation to be passed, and you can't tell us what the process is that you're going to have in the upcoming months. You have no budget. You have no plan to go anywhere with it. And all you can do is

name one farmer with a manure-spreading truck. I'm sure that you wouldn't bring in the changes to legislation because one person phoned and asked. There must be more to it.

And you see the whole problem that you're having here. . . we would fully support having this Bill go right through, and in fact most Bills are going to go that route. But you see, these regulations have caused you a lot of trouble as they did with a former member of this House, Louise Simard, when she wanted to close down hospitals. And you want to do everything through regulations. And all we're trying to do is not oppose what you want to do as government but in fact aid you with the problems that are before you.

And one of the ways that we can aid you in this whole process, or the whole legislative structure that we have, is to help you create a process where in fact the arguments that people have against your government are brought forward and the regulations discussed here as well. I guess I can't say it much clearer than that, and you're opposed to that. I have no idea why.

Hon. Mr. Renaud: — Well I think the member should ask the member from Arm River, who's seen some pictures, and I'm not sure if you were in the House at that point in time. But the pictures were of several different pieces of equipment that have a similar problem to the one I mentioned earlier. And so if you'd just maybe turn and ask him, he could clarify that because in fact he did see them. So it's not an isolated issue. It's in . . . there are many of these situations out there, and so maybe you could consult with him.

Mr. McLane: — Mr. Speaker, just one more point. And I'll use another analogy for the minister so that he can maybe better understand what his legislation and the regulations are like and then most of the legislation that we're going to be forced at looking at without seeing the regulations . . . is that I would relate it — and then he keeps talking about the farmers — and I would relate it to a farmer going to the implement dealer and asking to buy a piece of equipment. And we can say a tractor, for example. And the dealer has the tractor that the farmer wants, and so the farmer says, I'll take that tractor. The dealer says, sign right here. Farmer signs, and the dealer says, come back in a couple of weeks and I'll tell you what the price is.

Mr. Minister, that's exactly what's happening here with legislation and going out behind closed doors . . . or with legislation, and going out behind closed doors and talking about the regulations.

Hon. Mr. Renaud: — I'm not sure if there was a question there, but I want to reiterate to the member that what we are going to do is consult with the farmers, the entrepreneurs in the agricultural sector that in fact invent new types of agricultural implements to help the farm economy. And we are going to in fact — and I've made the offer — ask the members opposite for their input.

Now I don't know what more they want. Please give us your input. Please tell us what you think an agricultural implement should be or should look like or what . . . in fact should it be tire size or should it be speed or should it be something else. Please give us your input. I know that some of you are farmers and you would have some knowledge about that.

We will await that information. I mean we will consult. But we don't expect that next year you will come and say, well we think it should be this when in fact it's something else. So I think what you have to do is respect the consultation process. Respect the farm community. Let agriculture move; that's where it wants to go. It wants to diversify. It wants to value add. It wants to move into the 21st century. Allow it to do that.

Mr. McLane: — As we move into the 21st century, Mr. Minister, I know that you will want to support this amendment, and that's what that does. It's a new and innovative idea. It moves ahead, lets you go out and consult with the farmers and the machinery dealers and these innovative people in the country, the ones that are working to value added that you talk about.

So you go out and do your consultation process, come back with what you're going to put in the regulations and sit down with us, and we'll go through this very quickly and approve the legislation. So I know you'll want to support this amendment and I'll not further delay the process.

The division bells rang from 9:11 p.m. until 9:21 p.m.

Amendment negatived on the following recorded division

Yeas — 6

McLane	Draude	McPherson
Bjornerud	Julé	Gantefoer

Nays — 20

Mitchell	Shillington	Tchorzewski
Johnson	Kowalsky	Crofford
Renaud	Pringle	Trew
Lorje	Teichrob	Nilson
Cline	Murray	Langford
Wall	Kasperski	Sonntag
Jess	Thomson	

Clause 10 agreed to.

The committee agreed to report the Bill as amended.

Bill No. 28 — An Act to provide for the Establishment, Development and Maintenance of Public Libraries

The Chair: — I would ask the minister to introduce her officials, please.

Hon. Mrs. Teichrob: — Thank you, Mr. Deputy Speaker. On my left is Maureen Woods, the Provincial Librarian. Directly behind Maureen is Joylene Campell, who is the director of public libraries. And seated to her right is Dean Clark, the director of the heritage branch of Municipal Government.

Clause 1

Mr. McLane: — Thank you, Mr. Speaker. I'd just like to welcome Madam Minister and her staff here this evening. I appreciate them to coming out this hour of the night. Unfortunately the Minister of Highways held up the previous Bill, or we could have been at this one a little bit earlier.

I just have a couple questions, Madam Minister, on this. We just talked about regulations in the previous Bill and the lack of them and the lack of the consultation before the legislation was proposed. And I would just ask you to take a look at my copy of the Bill. And I would . . . or I'd like to send it across to the minister to see.

And I would just like to ask her if it's on page 18 and 19 that she is planning on doing the regulations and that's the reason that the pages are blank or if she's trying to hide something from me on this Bill. So if you take this across, Madam Minister, and have a look at that and reassure me that there's no plot there to deprive me of any information that should be on those pages.

Secondly, Madam Minister, I think it would be helpful if we could just ask you if you wouldn't mind giving us a brief overview of this Bill and what's entailed in it. Thank you.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, to the hon. member opposite, in the interests of open and honest government, we would never, never presume to add things to the Bill on the blank pages after its passage. The Queen's Printer must have gone slightly awry. If you want my copy, I'd be glad to provide it to you.

I'll just make a few comments. We did talk in second reading in detail about the provisions of the Bill and what it's set out to accomplish. But basically it lays out the framework for a public library system to carry us into the new century.

This Bill is the result of broad consultations conducted by a ministerial advisory committee appointed to review the Act and provide some recommendations for changes to the Act and regulations. Basically The Public Libraries Act, 1996 responds to what we heard in the consultations from the public library systems, from a number of interest groups from the education community, and people that were engaged in the extensive consultations.

Basically it acknowledges that the whole is greater than the sum of its parts, and the Bill sets out the purpose of a provincial public library system — to ensure equitable access to basic library services to all of the residents of Saskatchewan. It addresses all of the 10 library systems and provides for a regime which will bring more efficiencies into the electronic networks and strengthen the public library system overall, Mr. Deputy Speaker.

(2130)

Mr. Bjornerud: — Thank you, Mr. Chairman. Madam Minister, I'd also like to welcome your department officials. We just have a few questions on the Bill itself, and one of the main ones I have is how will this new Act restructure the funding formula, or will it restructure the funding formula for libraries?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, funding is not addressed. The funding issues are not addressed in this Bill. But in fact the consultations did indicate to us that funding formulas for libraries are a high priority and we will be asking the Provincial Librarian to make a full review of library services and funding issues a subject of a study and report to us during the 1996-97 year, the fiscal year that we're contemplating now.

Ms. Julé: — Thank you, Mr. Chair. Madam Minister, I just have a question on this because I'm thinking back of the complete turnover in health services that the province has experienced and many other things we've experienced where we didn't have a lot of answers.

So I have got a question, and it is: can we be assured by the minister that this Act will not discriminate against rural areas in that the charge for the services to rural areas will not be more, much the same as where rural areas have to pay more for Internet and SaskTel long distance rates?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, in answer to the question by the hon. member, I would say that this is the contrary, really. It is designed to make access to all of the library systems in the province, and in particular rural areas, more accessible than they currently are, and it is entirely voluntary. There is nothing mandatory.

But this is something I expect there will be movement, because all the different components of the library system, their representatives, were involved in the consultation process. This is something . . . this enabling legislation is something they've wanted for a long time, worked very hard to achieve, and we are expecting that they will take advantage of the provisions that are contained in this Act to enhance library services to all parts of Saskatchewan including rural areas.

Mr. Bjornerud: — Madam Minister, the answer to the question before when I asked about funding sounds awfully familiar, because we just got through one that we were asked to pass a highway Bill without knowing a lot of the parts that were to it. And I think we're being asked the same thing again without knowing how the funding formula will be set up, so I guess we're getting used to that. So therefore I'll go on to my next question because I probably won't get an answer anyway.

The next question I have, Madam Minister, is with the arbitrator to be set up for the boundaries; who is going to pick the arbitrator? Who will be the person or the people that will set the arbitrator in place?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, in reply to the hon. member's question, his reference to funding, is that the answer wouldn't be contained today because, as I explained previously, funding was identified as a high priority. And we have said that a study will be undertaken in the coming fiscal year, '96-97, to address any changes that might be desirable.

On the boundaries dispute resolution process, there will be a process outlined whereby, for instance, a municipality that's on the boundary between two regional libraries might want to move to another one. That process is lacking now so this Act outlines a method by which that can be achieved, and in the case of an arbitration, or the dispute-settling mechanism that's contained in the Act, each party to the dispute would agree on an arbitrator and then the costs would be shared by the parties that are in dispute. They would each contribute equally to whatever costs were incurred in that process.

Mr. Bjornerud: — That's quite satisfactory. If they both have input into picking the arbitrator, I think that's a very good way to go.

Do we have any idea of what this would cost, though, to set up an arbitrator and go through this process? Is there any study been done on that? Like I'm wondering how much money will this process cost?

Hon. Mrs. Teichrob: — To the hon. member's question, Mr. Deputy Speaker, we haven't conducted that kind of a study but it is contemplated that this dispute-settling mechanism would be engaged at the local level. We're not talking about high-priced people from afar carrying large briefcases and invoice books. It is expected that the costs in dollar terms would be minimal.

Mr. McLane: — Thank you, Mr. Speaker. Madam Minister, as I said in the opening, we've just went through a Bill discussing many of the problems that are related to hidden regulations or lack of regulations. Under interpretation, under 2(a) where it states:

> "basic library services" means those library services that are described in the regulations as basic library services;

has "basic library services" been defined in the regulations?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, to the member opposite, this would be part of the . . . the subject of his question would be part of the review which will ensue after the passing of the Act and in the context of developing the regulations.

Ms. Julé: — Thank you, Mr. Chair. Madam Minister, it really eludes me. I have difficulty with trying to understand why Acts are passed before in fact there's clarification of regulations and so on for the general public. It makes it very difficult for them to know what's going to happen. And I would just ask why some of these Acts your government insists on passing . . . before there is clarity for the public?

Hon. Mrs. Teichrob: — In reply to the member opposite, I would simply say that this is the normal, traditional practice; is that the legislation, the Act, provides the framework, the background, and then the regulations that follow are pursuant to that framework. So this is the normal and accepted practice of the development of legislation and regulations.

Mr. Bjornerud: — Thank you, Mr. Chairman. The one thing that I can't quite pick out of the new Bill here is that our local librarian, out in the smaller libraries out in the small communities . . . is there going to be a change in their qualifications they need to do this job? Or are the same people quite qualified under this Bill to do the job they're doing now?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, the answer to the question posed by the member opposite is that there would be no changes to the qualifications of librarians in the system. The qualifications refer, in that section of the Act to which he directs our attention, to the director of the library system, of the 10 library systems.

Mr. McLane: — Thank you, Mr. Speaker. Madam Minister, if I could, I'd like to go back to the regulations again if I could and in response to your answer that that would be part of the process, so what you're telling us is that there has been no regulations whatsoever designed for this Bill?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, as I said in reply to the colleague of the member opposite, that the regulations are developed within the framework of the legislation. The legislation sets the parameters, and then there's the regulations pursuant to. So you can't have the regulations until they flow from the Act and they will be developed as part of the continuing consultations. But the Act sets out the parameters so that makes it quite clear — the framework in which the regulations have to fit.

Mr. McLane: — So Madam Minister, the answer to my question would be no.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, as part of this process, what normally is the case is that the legislation is developed following consultations as a framework, then the regulations are developed again with consultations. And in this particular case, as often happens, the Act will not be proclaimed until the regulations have been finalized. So we do see it as a complete package before the process is complete.

Mr. McLane: — Well, Madam Minister, would you give us a commitment then that we would have a chance to look at the regulations and debate them in this forum then before this legislation is passed?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, the usual practice is that the regulations are developed in the course of public consultations. In this case, the consultations and the references to the regulations would include representatives from the many groups that were involved in the original consultations.

Normally the process is not for regulations to be debated in the House. The legislation, which sets the stage for them, is; the regulations are seen to be administrative. After they're developed, they go to the Legislative Review Committee and then on to cabinet. But regulations are not in the normal manner of business debated in the House.

Mr. McLane: — Thank you, Minister. I understand what the process is. I guess what I was asking is, would you make a

commitment, in light of your preparing-for-the-new-century commitments by your government and the Premier — that you want to do things differently — would you make a commitment to this House that you would be prepared to set the regulations and let us have a look at them and debate them and discuss them in this forum before the legislation is passed?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, in the interests of open, honest, and accountable government, we have had an open, long, public consultation process. We have developed the legislation which is now before you. Regulations will be developed, again in consultation pursuant to this framework. After the whole package is complete, then at that point the Act can be proclaimed.

It's much the same, I might say, Mr. Deputy Speaker, as a board of directors and an administration. The board of directors, as a parallel to the members in this House, sets the policy framework, and the administrators then put the detail to it. And that's the way the process works. That's the parallel that I would offer to you.

Mr. McLane: — Well, Madam Minister, the problem is that you're asking us, as legislators and elected people, to pass something where the detail is in the regulations, and we don't know what it will be. So we're really just rubber-stamping this. We may as well just say, "let her fly" to all 100 pieces or whatever amount of legislation you're bringing down, and let it go, because we don't know what's in the detail. And so we're just approving something here that you're putting before us and with terms in that we don't know what the definitions of it would be. Would you make that commitment that we would have a chance, so that it's a meaningful process that we're going through here.

(2145)

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, this is something that, if the member would read the Bill carefully, he will see that the legislation in the Bill provides clear parameters within which the regulations must fall. And the Act is very detailed. It talks about the purposes of the Act, boundaries, duty to provide library services, use of public libraries to be free, Provincial Library continued, the role of the Provincial Librarian. And you know, I could go on and on: existing municipal libraries continued; meetings, quorums, staff, agreements for library services, annual mill rates, estimates. The Act itself contains great detail.

And the regulations that flow from it are limited in their scope by the framework provided by the legislation. So it's open, honest, accountable. Members opposite have nothing to fear. They are free to ask. On the basis of any of these provisions, it would be quite easy to contemplate what sort of regulations and what sort of authorities might flow from this.

So this is open. It has had extensive consultation. And I think that it is a very positive piece of legislation and relatively easy to understand.

Mr. McLane: — Madam Minister, could you then possibly, in consultation with your officials, give us some idea of what a basic library service might be.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, in answer to the member opposite, that is one of the things that is changing. And technology is really overtaking the library system where, at one time, we might have thought as a library being a place with lots of shelves of books to borrow and take home and read and bring back. And now we have, as you know, the electronic information access system and many, many, many services, a wide range of services — information services, communication services — that libraries provide.

So this is one of the reasons why this legislation is so important, is that it is bringing libraries, and the legislation that governs the way they are able to operate, into the 21st century. And I invite you to be positive about the legislation and come with us.

Mr. McLane: — Thank you, Madam Minister, I appreciate the changing times and how libraries are changing along with everything else, and I totally agree with that. And that exactly makes my point . . . is that . . . what is the problem with us having a look at your definition of basic library services? And so that we will feel comfortable with the people that we consult with . . . have the same opinion as the people that you're talking to.

And so I don't see a problem with it. I think we're wanting to attain the same thing, and yet it appears to me that the government's a little reluctant to be open with the process. Put it up front and when we pass this legislation, we will all know exactly what a basic library service is. And if I agree with it, I'll stand up and support it and say yes.

So I'm not sure what your problem is with that.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, I guess the problem I have with it is that what defines basic library services is at this point in our history very fluid. It changes as we speak, as people get on to the Internet, as more networks are built.

And so I think that the member should have some faith in the librarians that provide the service throughout the province, in that they will want to serve their clients into this century and the next in the most modern, comprehensive possible way that they can. And in consultation with them, we have developed this framework and we will develop the regulations in concert with them. And I know that their . . . I'm confident that their goal is to provide the very best and most modern and comprehensive library services to the people of rural and urban Saskatchewan that they possibly can.

Mr. Bjornerud: — One question I'd like to know. We're not sure of how the funding is going to work, but out in the small communities and actually for that matter in the cities too, who actually owns the libraries that are out there? I'm not talking the books, but I'm talking the buildings and the equipment such as furniture and stuff like that. Who actually has ownership of that?

Hon. Mrs. Teichrob: — I'm very glad that the member opposite asked this question, Mr. Deputy Speaker, because we have a large variety of libraries. As you know, this framework attempts to bring together 10 different library systems and network them electronically so that each one of those collections will be accessible, through using the principle of the interlibrary loan, by any other library user in the province.

So now, as you will be aware, there are libraries that are owned by municipalities. Municipalities have built the buildings, and they establish a mill rate on their municipal assessment to operate them.

There are some libraries even in communities that have been built by service clubs and others. Usually the operating costs are by the municipalities. Then you have the regional library concept with, you know, the mobile and they are owned by the regional library as sort of a corporation which is owned and all the member municipalities contribute to the operating costs through a levy.

So there's a wide range of ownership really, but I would say that the largest percentage of the capital and operating would be contributed by municipalities of all sizes.

Mr. Bjornerud: — Okay then, Madam Minister, then reading no. 75 here, where the minister has access to the records. And if the local municipalities actually are the main contributor or contributing most of the money, why would the minister have access or be able to ask such things as required information respecting organization, equipment, cost, maintenance finances, and use made of the library? Use I have no question about, but the rest of the things within that no. 75.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, as the member opposite would know from his experience in local government, the same way that there is a requirement of local government at all levels to submit a consolidated revenue and expense statement to the provincial government for purposes of analysis to establish averages and that sort of thing, public libraries . . . and there is public funding too, towards the operating costs; provincial dollars do go towards the operation of libraries. It's simply for reporting purposes so that the standards can be monitored. And perhaps it's this kind of information, and the variations in the information received throughout the system, that help to emphasize the need for the kind of cooperation and the kind of system that's contemplated in the legislation that's before us.

Mr. Bjornerud: — Madam Minister, then that goes on to another question then. Who is actually responsible for the liability in the library itself then? The municipalities involved, are they solely responsible — the municipalities that are funding? I noticed in . . . I don't know I'm sure if it's in this Bill or the next one, they're very similar, but the fine has gone from $25 to $250 for rowdiness, so I think we've got that under control. But I think the liability end of this thing, I'd like to know if the minister has the right to go in and do this. And I think they should have some responsibility for the liability end of it too and I'm just wondering if just the municipality has that.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, I've frequented a large number of libraries in my life and probably they're about the least rowdy place that I've ever . . . much less rowdy than the legislature at times I might comment.

But usually the . . . if you're talking about liability of people being injured on the premises or that kind of thing, or if a library is running a deficit for example, that the liability would rest in most cases with the municipality or municipalities that would own it.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4

Ms. Draude: — Thank you, Mr. Deputy Speaker. Madam Minister, I just have one question on part VIII on the aboriginal peoples, and I'm wondering why they're specifically mentioned in the Act. It says in here that it would allow them to accommodate aboriginal participation in the provincial public library system. Do you need this Act to allow them to be in the system or why was it put in?

The Chair: — I would ask the member to please put that question when we get to the part, please.

Clause 4 agreed to.

The Chair: — Seeing the length of the Bill and the amount of the clauses and that, is it agreed by the committee that we do it by page?

Clauses 5 to 11 inclusive agreed to.

Clause 12

Mr. Bjornerud: — Clause (3), Madam Minister, it says:

> On receipt of a petition that requests the establishment of a municipal library and that is signed by at least 15% of the electors in the municipality . . .

Where did the 15 per cent come from? To me, as my experiences with municipalities, 15 per cent is a terrifically low number to create the municipality having to go through the act of forming possible by-laws. Where did the 15 per cent come? It just seems kind of low to me.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, in reply to the question from the member opposite, this clause and the percentage contained in it is meant to be . . . it is consistent with the rural municipal and urban municipal Acts with respect to petitions. So for the sake of consistency, the same percentages are used.

Clause 12 agreed to.

Clauses 13 to 21 inclusive agreed to.

Clause 22

The Chair: — On page 11, we have in clause 22, a House amendment by the minister, and I would get her to put that forward now.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, in clause 22 of the printed Bill I wish to move a House amendment. It is to:

> Amend Clause 22 of the printed Bill by striking out subsection (2) and substituting the following:
>
> "(2) On receipt of the estimate made pursuant to subsection (1), the municipality shall, unless it elects pursuant to subsection (5), make a special levy for the purpose of raising the money stated in the estimate or any part of the money that may be approved by the council, to be known as the library mill rate".

And I . . . if the opposition doesn't have it, a copy; do they have a copy of the House amendment? They do; okay, I was going to offer to send it over.

Just a note of explanation. Upon reviewing the words in subsection (2) it was determined that the wording in the Bill could be interpreted as forcing a municipal council to raise the entire amount that a library board submitted in their annual estimate. The House amendment will clarify that the municipal council retains ultimate authority in determining the amount to be raised and paid to the municipal library boards. The amendment reflects the current practices so there's no change.

Thank you.

Mr. Bjornerud: — Would that same one . . . number 22(5), I have a question with, Madam Minister.

> Notwithstanding subsections (1) to (4), where the sum required by a municipal library board in any year does not exceed $2,000, the sum may be paid out of the general funds of the municipality without the imposition of a library mill rate.

I'd like to know where that figure came from and what happens if it exceeds that? Then they have to go back to the municipality and have the mill rate raised?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, the numbers in this clause and the intent is to be consistent with the current practice. This is contained in the previous Act or the Act that stands now until this one takes force so there's no change. This doesn't reflect a change.

Amendment agreed to.

Clause 22 as amended agreed to.

Clauses 23 to 65 inclusive agreed to.

(2200)

Clause 66

Ms. Draude: — Thank you, Mr. Deputy Speaker. Madam Minister, I was just wondering if you could answer my question on part VIII regarding the aboriginal peoples.

Hon. Mrs. Teichrob: — I thank the member from Kelvington-Wadena for her question, and I'd provide in response that there is no authority of the public library system to operate on reserve, either in the North or the South; therefore there needs to be a provision for the public library system or parts of it to enter into agreements to provide services on reserve or vice versa.

Clause 66 agreed to.

Clauses 67 to 83 inclusive agreed to.

Clause 84

Mr. McLane: — Thank you, Mr. Speaker. I wonder if the minister would be prepared to make a commitment that before the Bill is passed that she would indeed have the regulations tabled for us to look at and to discuss in this forum.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, it is not the normal practice for regulations to be tabled in the House or to be debated. As I described earlier there are extensive public consultations, and the regulations then are approved by the Regulations Review Committee. I'm sure that the regulations will be available and the libraries in the area of the member's constituency of Arm River will certainly be in touch with him about the nature of the consultations and how they feel about the result.

Mr. McLane: — Thank you, Minister, for the answer. And I realize what normal procedure is. I guess I'm . . . Again, as we're talking about preparing for the new century, we're talking about doing things differently, and I just wonder what the reluctance of the minister is not to go through that procedure. Be innovative and start something new.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, this is an extensive public consultation, and consultation with all of the interested parties that were named in the original consultations, and this is . . . these are members of the public that the member opposite represents. And I'm sure that in exercising their good judgement in electing their local MLA (Member of the Legislative Assembly), they can exercise similar good judgement in developing and advising on the development of regulations.

Mr. McLane: — Thank you for the confidence, Madam Minister, in the members opposite. That's exactly one of the reasons why I got elected, was the people of Arm River . . . I'm sure as was your electorate out there sent you here to look after their interests.

And that's all we're asking for, is an opportunity to ensure that with what's in the . . . what the people out there want to see and their best interests is achieved here and is scrutinized by the

people that they elected. And I am one of them.

So I once again would ask you if you would consider to start a process of doing things differently as we lead into the new century and take the initiative as the first minister to allow this to happen?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, there is one thing that we do not want to do in the interest of efficient and smaller government, is to make this kind of procedure more complicated and more protracted.

And this is why there is a standing . . . the Regulations Review Committee is a standing committee which meets regularly all throughout the year and is constantly based on representations from the public and from people who are interested in good legislation and good regulations responding to those requests on a continuing basis throughout the year. Thank you.

Mr. Bjornerud: — Thank you, Mr. Chairman. Just one question left for me. How many RMs (rural municipality) are not involved right now in any library or taking part in funding of the library system right now? Is there a large number or not?

Hon. Mrs. Teichrob: — Since 1982 it's been pretty well constant that there are about 95 per cent of municipalities that participate in regional libraries.

Clause 84 agreed to.

Clauses 85 and 86 agreed to.

The committee agreed to report the Bill as amended.

Bill No. 29 — An Act to enable Co-operation among all Types of Autonomous Libraries for the Provision of Library Services

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, I know that all members of the House will be very happy with this legislation. This is The Libraries Co-operation Act, 1996 which establishes the framework for a multitype library system in Saskatchewan. And this will establish a network of autonomous libraries and information providers including universities, schools, public and special libraries, to share services and resources.

And I know that as I go around the province listening to people, this is one of the things that comes up most often, is the question of why libraries don't cooperate more with each other and why there aren't ways in this electronic age that they can pool their resources for the benefit of their clientele.

And this is a very good Bill, Mr. Deputy Speaker. It's all about cooperation. And I know that the members opposite are all in favour of cooperation, as are we, and so I'll be pleased to entertain any questions they might have about this particular Bill.

Clause 1

Mr. Bjornerud: — . . . question, Mr. Chairman. Do we know at this time what the cost of setting up these multitype boards will be?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, the cost of the board — and there's been considerable study on this — it will vary from year to year because it will depend on a number of factors such as the number of times they meet, the number of members appointed, the distance they need to travel, and so on. But the estimate is that the cost will be more than 5,000 but unlikely to exceed 35,000 in any year of even fairly heavy activity.

Clause 1 agreed to.

Clause 2

Ms. Draude: — I notice that the minister is going to be appointing the board members to this board and I'm wondering if you can . . . it also tells me in here that the honoraria is something that's going to again be established by regulations. Is this something . . . can you explain this to me, the cost that you're expecting to be paying for the regulations for the honoraria?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, there are regulations that govern regulations, and there are already existing regulations that cover the per diem and travelling expenses for boards and committees in the public service and these costs would be consistent with those regulations that exist for other boards and commissions.

Mr. McLane: — Thank you, Mr. Deputy Speaker. Madam Minister, once again on the reimbursement and honoraria, I didn't quite understand your response so could you clarify that for us, please?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, the costs that are approved for reimbursement of members of boards and commissions appointed as part of the public service are established from time to time and . . . like I can't say exactly because mileage rates change as gasoline prices change and so forth. But the costs have been very standard for many years and are across the public service in most boards and commissions.

Mr. McLane: — But, Madam Minister, it says in section 10:

> Members of the board who are not members of the Public Service . . . (Commission):
>
> (a) are entitled to be reimbursed for reasonable expenses . . .

I'm wondering what's the reimbursement?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, section 10 would refer to people who are perhaps salaried people. Like if the Provincial Librarian, for example, went to attend that kind of a meeting or a hearing, she's on salary, so she wouldn't get the public service per diem on top of the salary. She would just be reimbursed for whatever expenses might be reasonable outside the scope of her salary like mileage or like an overnight

stay in a hotel if that was required. That's what that section means.

Mr. McLane: — On the same, in clause (b) then: "if provided for in the regulations . . ."

Will it be provided for in the regulations?

Hon. Mrs. Teichrob: — Yes, Mr. Deputy Speaker, the regulations will be consistent with other Acts and regulations where it's contemplated that members of a board or a committee might be a mix of salaried people, public employees, and private citizens who will be then reimbursed in different ways that are consistent with the practice across government.

(2215)

Clause 2 agreed to.

Clauses 3 to 9 inclusive agreed to.

Clause 10

Mr. McLane: — Just another question, Madam Minister. It says, if provided for in the regulations, the honoraria is set, established by the regulations. I guess I'm having a problem with not knowing what we're going to be paying for this type of an honorarium or the number of meetings that are held or the amount of money that might be paid to the chairman.

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, again the regulations that will be pursuant to this framework will be consistent with the regulations and the per diems and expenses accounted for, with that is across government in other boards and commissions and committees that the hon. member may be familiar with.

Clause 10 agreed to.

Clauses 11 to 15 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 23 — An Act to amend The Archives Act

Clause 1

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, I'm very pleased to have the opportunity to discuss this Bill in Committee of the Whole and to entertain questions on it.

This is the first amendment I might say, or the first change, to the archives legislation since it was established in 1945. And I think we have a number of very positive provisions in The Archives Act and I would be glad to answer any questions.

I think there are a number . . . well a few provisions that I would like to draw the members' attention to. One of them is that the board will be constituted by order in council, which is not the case now. Now the universities simply name who they want their representative to be.

We are adding some provisions with respect to the security of the donations to the archives and the access to them. I think that this is long-awaited legislation and is very positive.

Mr. McLane: — Thank you, Mr. Speaker. Madam Minister, since you raised it, what was the reasoning behind the changing from the old process to the people being appointed by the cabinet?

Hon. Mrs. Teichrob: — To the member opposite, Mr. Deputy Speaker. The previous . . . the 1945 legislation provides that members to the board will be named by the universities and that the term shall be two years or until a successor is named. And so it tends to, because there's no finite end to the term, sort of tends to go on and on.

So we want to have finite terms. We're making provision to bring in people who have an interest in the use and the modernization of the archives, which is meant to collect, preserve, and preserve the integrity of, and to make available to users of the archives, the records of the province of Saskatchewan in good order. So we feel that this is a modernization of the archives.

Again the archives a lot of people think of as a place to store things and there's all manner of media is used there now in microfiching some papers that don't have to be retained in their original form.

We're also very concerned with maintaining the integrity of the archives. Our provincial archives is one of the few that attracts donations from private collections and it makes it very valuable. In a lot of cases private donors will not make bequests, for instance from estates, to provincial archives because they have some trepidation about the security. And in our case that's never been true. We have attracted a large number of private papers.

And in order to preserve the integrity under the new structure we contemplate appointing, as members to the board, an officer of the legislature, perhaps previous retired officers of the legislature — the people who have a clear understanding of what is involved in maintaining the integrity of the archives in such a way that private collections will continue to be received by them.

Mr. McLane: — I think you answered in part my next question, is what process will there be for the cabinet to follow in appointing these people to ensure that the quality type of people that we need there are indeed appointed?

Hon. Mrs. Teichrob: — Mr. Deputy Speaker, the case will be that each university, the University of Regina, University of Saskatchewan, continue to put forth a nominee and their nominee will be appointed. We contemplate, as I said, appointing an officer of the legislature. It has been the practice, because of the space requirements of the archives, to have a public servant — the legislation specifies, I think, two public servants — one would be, as has been the practice, someone representing the Saskatchewan Property Management Corporation, and then, as I said, there are like other interested

people like former officers of the legislature, that sort of people. And obviously because they will be appointed by order in council, the order in council is made public and then it's there for everyone to know who the members of the board are.

Clause 1 agreed to.

Clauses 2 to 11 inclusive agreed to.

Hon. Mrs. Teichrob: — I'd like at this time to thank my officials very much for coming in and being of assistance to me and to the House.

The committee agreed to report the Bill.

THIRD READINGS

Bill No. 16 — An Act to amend The Highway Traffic Act

The Speaker: — When shall the amendments be read the first time?

Hon. Mr. Renaud: — With leave, now.

The Speaker: — Leave is not required for amendments to be moved. If the minister would like to move for first and second readings of amendments, it would be in order.

Hon. Mr. Renaud: — Mr. Speaker, I move that it be read now.

Motion agreed to.

Hon. Mr. Renaud: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 16 be now read the third time and passed under its title.

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

Bill No. 28 — An Act to provide for the Establishment, Development and Maintenance of Public Libraries

Hon. Mrs. Teichrob: — I move that the amendments be now read the first and second time, Mr. Speaker.

Motion agreed to.

Hon. Mrs. Teichrob: — Mr. Speaker, by leave of the Assembly, I now move that Bill No. 28 be read a third time and passed under its title.

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

Bill No. 29 — An Act to enable Co-operation among all Types of Autonomous Libraries for the Provision of Library Services

Hon. Mrs. Teichrob: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 23 — An Act to amend The Archives Act

Hon. Mrs. Teichrob: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

The Assembly adjourned at 10:30 p.m.

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