

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Third Session – Thirteenth Legislature**  
**26th Day**

**Friday, March 20, 1959**

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

On the Orders of the Day:

**SERGEANT-AT-ARMS**

**Hon. C.C. Williams (Minister of Labour):** Mr. Speaker, I wish to draw the attention of the House to the fact that our amiable Sergeant-At-Arms had an interview with the C.B.C. this morning in connection with his having won the Victoria Cross in World War I.

I believe that I have known our friend probably longer than anyone else in this House. The first time I remember having seen him was away back before the beginning of the First Great War, when he was pitching for the Moosomin High School baseball team.

When the war came along, our friend joined the Princess Patricia's Canadian Light Infantry early in 1915. It was a matter of interest that he was considered to be one of the finest physical specimens who had joined the ranks up to that time, and that he was in perfect health. The years went by, and I used to hear about him from time to time. He was a sniper in France, and was reputed to be one of the best in any Canadian unit. I believe that two or three years after the start of the war he was so well-known that he became a legend in this own lifetime, if I might put it that way. He won the Victoria Cross, as we all know, at Passchendaele in the fall of 1917. I would like to have read the citation here, as it is very interesting, but I do not have it with me.

I am sure we will all look forward to hearing over the C.B.C. (I do not know the exact date) the interview with Mr. Harry Mullin, by Mr. Lillico of Moose Jaw, I again repeat that Harry Mullin has become a legend in his own life-time.

**REVISION OF CERTAIN STANDING ORDERS**

The Assembly resumed from Wednesday, March 18, 1959, the adjourned debate on the proposed motion of the Hon. Mr. Douglas (Weyburn):

“That Mr. Speaker with Members of the Select Standing Committee on Standing Orders be constituted a Select Special Committee to consider the desirability and advisability of revising Standing Orders 5, 13 and 46,

and specifically, that the said Committee be instructed that it have power to consider, and to report with recommendations thereon:

1. Amendment of Standing Order 5 to provide that the Assembly shall adjourn on Fridays at 5:30 o'clock p.m., instead of on Wednesdays;
2. Amendment of Standing Order 13 to provide that Tuesdays and Fridays be Private Members' days, instead of Tuesdays and Thursdays;
3. Amendment of Standing Order 46 to provide that the Mover of the Budget motion for Committee of Supply be given a reasonable opportunity to exercise his right to close the Budget Debate.

**Mr. A.H. McDonald (Leader of Official Opposition):** Mr. Speaker, when I adjourned this motion a few days ago, the reason I adjourned it was to have the opportunity of discussing it with my colleagues. Since that time I have had the opportunity of doing so, and there are several suggestions we would like to make at this time.

With reference to the first clause, or Standing Order No. 5, we are being asked that No. 5 be amended so that the Legislature would adjourn at 5:30 o'clock p.m. on Fridays rather than on Wednesdays. As the Premier told us when he introduced the motion, the reason for this, of course, was that many members who find it possible to return to their homes in their own constituency on the week-end, do appreciate getting off early on Friday. However, it seems to me that the more time ought to be made available to the members of this House while the House is in session. An Opposition is in a far different position from Government members, because I presume, for instance, that legislation, or a good portion of it, is made available to Government members at a much earlier date than it is to the members of an Opposition. The same thing is true with respect to expenditures of provincial moneys. I am sure that all Government members are aware of a lot of these expenditures before Opposition members are, and, therefore, we have to do far more work after material is tabled in the Legislature than perhaps the average member on the Government side of the House would have to do.

We find that, if we are going to attend Committee meetings from 10:00 o'clock in the morning until about 12:30 o'clock noon, then sit in the Legislature from 2:30 o'clock until 5:30 o'clock at night, and come back here again from 7:30 o'clock to 10 o'clock p.m., on Mondays, Tuesdays, Wednesdays and Thursdays. It leaves very little time, if any, for the average member to take care of his correspondence, to do the studying he ought to do with respect to legislation, departmental reports, and the expenditures of Government money. It seems to me that we are trying to press things too much; that we are not giving the average member time enough to do the homework he ought to do while the House is

in Session, and I can see no reason why we could not have Wednesday night off, and Friday night, also. I don't know what the hurry is, Mr. Speaker.

In this country we have long winters, and I think we could spend a good deal more of the winter in the Session than we are doing at the present time. We have requested before, and we want to request again, that the Legislature should open earlier in the season, rather than the second Thursday in February. It seems to me that, if we were able to open the Legislature during the latter part of January, and if we were not to rush things so that the members were in the confines of this building for anything from 12 to 16 hours a day, it would make for a better Opposition, and it would certainly make for better Government, and there is certainly room for improvement in the latter suggestion.

I also would like to make a suggestion, and of course it isn't covered by Standing Orders, but I feel that one morning a week ought to be left free for Party caucus. We have found it necessary either to caucus during the noon hour or supper hour, or over the week-end, and I suggest that many members want to return to their home constituencies on the week-ends, and I think it is a good idea. I think members ought to have the opportunity of returning to their own constituencies on week-ends, and discussing the problems that are being discussed here in the Legislature with their constituents. I think again it would make for better representation on behalf of the average member, and would make for better Government. I see no reason why members ought to have to remain in the city over the week-end, in order to hold Party caucus. I do not believe that an hour during noon or evening recess is long enough for a proper caucus. We ought to be given at least one-half day a week free from any commitments to committee or the Legislature, to give the Parties represented in this House the opportunity to caucus.

I would like to see this Legislature adopt policies whereby both Wednesday and Friday evenings are left free. Of course, as I mentioned a moment ago, under Standing Orders we cannot dictate to what is happening in Committee, but I would like to suggest here that one morning a week, and preferably Wednesday morning, be left for Party caucus.

Part 2 of the Motion asks that Standing Order 13 should be amended so that private members' days should be Tuesday and Friday, rather than Tuesday and Thursday. Again the Premier gave us the reason for this requested change when he introduced the motion. I would suggest that if the Government members are prepared to go along with our suggestion to give us both Wednesday and Friday evening off, then private members' days could be Wednesday and Friday, rather than Tuesday and Thursday.

There is one other point I wish to make in respect to Wednesday night. Members will recall that the first four or five weeks of any Session, the Wednesday evenings seem to be taken up with some official function which most members attend. For instance, on the first Wednesday, we have the dinner for the University students; again this ties the members up. I am sure they want to attend this function, but it means they are not able to do homework,

or to spend time with delegations who might come into the city wanting to see them, but it is a night that they are not free. Again, that is often followed the next week by a dinner given by the Lieutenant-Governor, which again I am sure we all wish to attend, but it means the evening is not free. This year, of course, we had a dinner for the retiring President of the University, Dr. Thompson, on a Wednesday night. Again I am sure the hon. members wanted to attend that function, and it meant that evening was not free. During this Session, if my memory serves me right, last Wednesday – Wednesday of this week – is the first Wednesday the members have had free and I don't think it is good enough. I don't think we are in that big a hurry to do the work of this province, and it seems to me that if we are going to do a good job, then we must not be rushed. For one thing, the air-conditioning in this building is dreadful, and anybody who has been in here for over eight or 10 hours, and can still think straight, is some sort of a queer, as far as I am concerned. I think some of the Government members have been in here far too long, because they think queer all the time. I would suggest that it would do them even more good to get out and get into the fresh air once in a while, than it would even the members of the Opposition.

Then, of course, we have a suggestion in Part 3 that the Provincial Treasurer should be given the opportunity of closing the debate on the budget. As I mentioned a day or two ago, I don't see why the Provincial Treasurer should have any more privileges than anyone else. Of course, this is a motion and is the normal procedure, in that a mover of a motion has the privilege of closing the debate. But just how much time does the Government want? They insist in the budget date that they take all of the radio time on the final day of the debate, and then they attempted this year to steal all the rest of the time, but the particular member had a lapse of memory and sat down a half-hour before he should have, and that was the only reason the Opposition had any opportunity of getting into this debate on the final day. It seems to me that, if the Government want all the radio time on the final day of the debate, and now want the Provincial Treasurer to have a half-hour set aside for him – why don't they just introduce closure at the beginning of the debate, and take all of the time? I want to go back to the records, back as far as 1955. The Provincial Treasurer closed the debate in 1955; he closed it in 1956; he closed it in 1957; he closed it in 1958, and because his colleagues let him down this year, now he's unhappy.

Apart from that, not only do they want the radio time on the final day, but on two years out of four years, the Premier closed the debate, while the Provincial Treasurer stood up and paraphrased for a few moments after the Premier sat down. We have found that radio time has interfered with the proceedings of this House, and I suggest to you here is another instance where radio time has interfered. We have set a time limit on the two main debates – the Throne Speech debate and the Budget debate. We agreed to that, and I think we should stay with that agreement. Why should we now give the Provincial Treasurer 30 minutes to close the debate? If you are going to give the Provincial Treasurer 30 minutes to close the debate, then I suggest that the Opposition

be given 30 minutes of the air time on the final day of the debate.

Are you people not prepared to let any arguments that the Opposition may put up, go without having the opportunity of answering them? You never give the Opposition that opportunity.

**HON. MR. WALKER:** You had your full share of radio time.

**MR. MCDONALD:** Yes, but you take the most valuable air time, which is at the closing of any debate, and here you insist on having the radio time on the final day, and then you want an additional 30 minutes. That would mean, Mr. Speaker, that on the final day of the debate, the Government forces would be occupying one and three-quarter hours, and the Opposition would have one-half hour, and yet the Provincial Treasurer wants his half-hour at the very end. What thin skins they must have, Mr. Speaker, over there? Wouldn't we love to have the opportunity on all debates to answer some of the ridiculous arguments that have been put forth by my friends opposite. But, no! The Opposition are not given that opportunity, and here they want another privilege which I do not think is coming to them, and I for one am not prepared to give this permission, or to amend Standing Orders to give the Provincial Treasurer this opportunity. I have no doubt that, if we do this, the Provincial Treasurer would be giving that time to some of the more able speakers on the Government side of the House, rather than taking it himself.

With those few words, Mr. Speaker, I want to say that I think Standing Orders can stand improvements. We need amendments; we need more time made available to the members of this House. There isn't any reason in the world why this House could not meet during the latter part of January, rather than almost the middle of February.

**HON. MR. WALKER:** You could make better use of the time you have . . .

**MR. MCDONALD:** No reason in the world; but of course, if the Government can rush things into the House and try to do everything in a few short weeks, work morning, noon and night, I suppose it is to their advantage, because the less time you give an Opposition to do their homework, then of course, the better the Government appears. But I cannot agree with this idea of having to rush things through, especially in a country like this where we have winter from the middle of November until the middle of April at least, and yet we want to rush things through. I don't think there is any need for it. I think it would give us better government, and better opportunities to bring these problems before the general public, if we were to take more time, give the members the opportunity to study reports. Sometimes it is most embarrassing — and the Government members must feel it as well as we do — that when we are asking questions, the Minister would say, "Well, it is explained in the Annual Report". Who on earth has time to read the annual report? The annual reports are not made available to us until we come in here, and I want to suggest to you that there is not time to read them, let alone study them, because members do have many responsibilities apart

from sitting in this Chamber or sitting in Committee. There are many people who come into this city while the House is in Session, and they expect to see their member. In some instances, a delegation might come. What opportunity have we to see them? Some members have a lot of correspondence to keep up. When are we supposed to answer it? Before daylight, or after midnight? I don't think that is good, and for those reasons, Mr. Speaker, I cannot support those parts of this resolution which I have outlined; and the requests I have made, I hope the Government will give every consideration to them.

**Premier Douglas:** Mr. Speaker, I have just heard a completely new alibi as to why the Leader of the Opposition can't think straight, and that is it is now placed on the air-conditioning system in the building.

**Mr. McDonald:** It's a lot straighter than yours! You've been here too long.

**Premier Douglas:** How he explains his inability when he's not in the building, to think straight, I don't know. He probably will be able to find some alibi for that, too.

**Mr. McDonald:** How funny! That's really funny.

**Premier Douglas:** Mr. Speaker, first of all, may I point out that the motion simply suggested that these matters be sent to the Select Special Committee on Standing Orders to consider their desirability and advisability. This motion does not commit the House to adopting any one of these suggestions. They are merely sent to the Committee, and the Committee can discuss them, bring them back and recommend them or not recommend them, or recommend something entirely different. Let me ask the House to just look a moment at what the Leader of the Opposition has said about the three suggestions.

First of all, he said that members are rushed, and he doesn't see there is any hurry, and I agree with him completely. There isn't any hurry. We have certainly no desire to hurry the members in any shape or form. I know the problems the members have. The hours here are long, and I sometimes think the Legislature itself could be thrown into court for unfair labour practices with the hours the members are worked here. I recognize that is a problem. I want to say, however, insofar as the Cabinet Ministers are concerned, we are tied down here in Regina anyway, and it makes no difference to us whether the Session lasts two weeks longer or three weeks longer. We are trying to think in terms of members who have to come long distances, who are away from their constituencies, and who might want to make the maximum use of their time. Certainly we have no desire to hurry things. If the committee decides to change this first part to say, "shall adjourn on Fridays at 5:30 o'clock p.m. as well as on Wednesdays", certainly this would make me very happy. I would appreciate an evening off. But we have always tried to keep in mind that many of the members who come long distances have commitments elsewhere. Some of them have to get back to

their own work, and they might want to make use of the Wednesday, in view of the fact that we would not sit Fridays. Certainly we are not pressing this. It is simply a suggestion which might go to the Committee on Standing Orders.

With reference to the idea of Private Members' day on Tuesdays and Fridays instead of Tuesdays and Thursdays, as I pointed out the other day, we thought this would be a better division in time between Government business and Private Members' day with Private Members' resolutions and Private Members' Bills. Again we don't feel strongly about it, but it does seem that if we are going to have only a half-day Friday, that two full days, all day Tuesday and all day Thursday, given over to Private Members' work is a bit long. It is rather a disproportionate share. I recollect, at Ottawa I think we had two hours, from eight to nine Tuesdays and eight to nine on Thursdays, for Private Members' Bills, etc. Two full days does seem to be a little lengthy. Again, as I say, it is not something we are pressing. It is simply something we are tossing out as a suggestion which the Standing Orders Committee might consider.

The third suggestion, that there should be a provision in the Standing Order allowing the Provincial Treasurer the right to close the debate, is not giving a special privilege to the Provincial Treasurer at all. It is simply that this Order is in conflict with another Order which says that any mover of a motion has the right to close the debate. In other years, the Provincial Treasurer, in most cases, did close the debate. Since we adopted this new Standing Order, limiting the number of days on both the Throne Speech debate and the Budget debate, it means that on the last day, half an hour before adjournment, the vote must be taken. That means, of course, if the other members use their time right up to that half-hour before adjournment, that the Provincial Treasurer has no opportunity to exercise the prerogative which is given to him by another Standing Order, in that he has the right to close the debate.

This, it seems to me, is only right and proper. If the members of the Opposition introduce motions, if they introduce a private Bill, if they introduce a motion of no confidence, they have the right to close the debate. It seems, therefore, that someone moving a Government motion should have the same right to close the debate. That is all we are suggesting here. If it were done, it would simply say that one hour before adjournment, the mover of the motion would have the right to speak for 30 minutes, and a half-hour before adjournment, the vote would be taken. That is all the difference it would mean. It would be giving to the mover of the motion the right to which he is entitled under the other provision for our Standing Orders.

Mr. Speaker, as far as I am concerned, and I think I am speaking for my colleagues; I have had no opportunity to discuss it with my colleagues, but I think I am speaking for them when I say that we don't feel strongly about any of these three recommendations. If the Opposition don't want this thing to go to a Standing Orders Committee, I am prepared to withdraw the motion. All this motion is is to consider the "desirability

and advisability” of these suggestions. If the members think that this motion should go to the Committee, and let them consider the advisability and desirability of these suggestions, the Standing Orders Committee can then report back for the proposals, against the proposals, or offer some amended version of these proposals. I submit if there is to be a division on this thing, I would ask leave to withdraw it, unless the members opposite are interested in having these questions discussed by the Standing Orders Committee.

**Mr. James Gibson (Morse):** Mr. Speaker, does this withdrawal mean that the Provincial Treasurer will lose his prerogative to close the debate?

**Premier Douglas:** I might point out that a motion can only be withdrawn by the unanimous consent of the House. If the members are all agreed to a withdrawal, I will withdraw it. If the members don’t want it withdrawn, I won’t withdraw it.

The motion Hon. Mr. Douglas (Weyburn) was then agreed to.

## SECOND READINGS

### CROWN ROAD-ALLOWANCE OIL

The Assembly resumed from Wednesday, March 18, 1959, the adjourned debate on the proposed motion of the Hon. Mr. Brockelbank:

That Bill No. 68 – An Act respecting Crown Oil within, upon or under Road Allowance, be now read a second time.

**Hon. Mr. Brockelbank (Minister of Mineral Resources):** Mr. Speaker, I rise to take advantage of this special privilege of closing the debate on second reading of Bill No. 68. I am not going to take up much of your time, but I would like to make a few comments regarding the remarks made by the hon. member from Maple Creek (Mr. Cameron) and the hon. member for Humboldt (Mrs. Batten) when they were debating this motion. I notice that both of them referred to this Bill as imposing a ‘royalty’, but I notice also that the member for Humboldt said, “this is nothing more than expropriation”. Now, as you can’t have it both ways, expropriation and the royalties, too. As a matter of fact, it is neither. The member for Maple Creek referred to it as a ‘royalty’ and he said that on previous occasions, when the royalty increased, there was consultation and agreement with the industry. That is hardly correct. No oil industry will ever agree to an increase in royalties. Let us just not be so foolish as that. You don’t get bouquets and roses for doing those things.



**Mr. McDonald (Leader of the Opposition):** Mr. Speaker, on a point of privilege, that is not what the hon. member said.

**Hon. Mr. Brockelbank:** Well, the hon. member can speak for himself. I am saying it as I heard it, and the hon. Leader of the Opposition is only saying it as he heard it.

**Mr. McDonald:** You're questioning it.

**Hon. Mr. Brockelbank:** He said that certainly there was consultation and agreement on the question. Well, you never do get agreement on those things. We have always had consultations. He said also that at that time we had instituted a sliding scale of royalties. That is not correct, either. A sliding scale of royalties was in effect here in the province for the last 15 years. The scale or formula was amended, but it was not the introduction of a sliding scale of royalties.

Then the member for Humboldt (Mrs. Batten), said as I heard it, that "such action referred to as an increase in royalties, was contrary to the lease agreement", and she spoke of the questions of the sanctity of contracts. The member for Maple Creek also referred to the action as a "breach of contract, or a breach of understanding or commitment" – "breach of faith", that was it.

In the province of Saskatchewan, I think concerning all our royalties in regard to minerals, the Act provides that "such royalties shall be paid as is from time to time prescribed by regulations by the Lieutenant-Governor in Council". It has always been recognized that royalties can be changed, and so, even if this were a royalty, it would be no question of a breach of faith. It is not expropriation. We are not taking anything that did not belong to us already, and certainly when you are taking action in regard to your own property, it is pretty far-fetched imagination that can refer to that as expropriation.

The hon. member for Humboldt mentioned the freehold owners and the effect it would have on them. She said people who owned freehold land would be subjected to fear – fear that the oil companies will not go on with development. These road allowances were never a part of the property to which the oil company was entitled as a result of undertaking exploration work; never included in any agreement is anything more than the legal parcel of land mentioned. For people to produce arguments like that is a bit fantastic.

Besides calling it a royalty, it was also referred to as a tax. I think it was the hon. member for Humboldt who said this "is a vicious type of tax, because the Government could take it in kind, rather than in cash". It has been in the laws of the province of Saskatchewan for many, many years that royalties can be taken in kind rather than in cash at any time the Government so desires.

**Mrs. Batten:** On a point of privilege. When I referred to it being a vicious tax, I was not speaking of royalties, I was speaking of the freehold land.

**Hon. Mr. Brockelbank:** Mr. Speaker, she was speaking of road allowance soil all the time, and it no more belongs to the free-hold land, than it belongs to the Crown land which has been leased to the oil companies; just as much separate from the one as from the other. But, in the one case she says it's a royalty, the other case she says it's a vicious tax, when in effect it is neither. She said it was an indirect, round-about way of doing something that we have not the courage to do directly. Well, I know, as far as the oil industry is concerned, that it's all the same to them; I don't suppose they care whether you call it a tax or royalty or something else. It's all the same to them if it's going to cost them a million dollars, no matter what you call it, and I would submit to you, Mr. Speaker, that it would take no more courage to go to the oil companies and say we are going to raise your royalties a million dollars than to go to the oil companies and say we are going to take a share of the oil on the road allowances, which would mean that the oil companies would get a million dollars less revenue. It takes no more courage to do one than the other.

**Mr. McCarthy (Cannington):** Why don't you do it that way?

**Hon. Mr. Brockelbank:** The hon. member from Cannington says, "Why don't you do it that way". I haven't got the time to explain it to him so he would understand. I have tried; he apparently can't understand that this property is the property of the Crown.

Now, Mr. Speaker, we have not broken any agreements, and I don't think that we are frightening any oil industry away from the province of Saskatchewan either. This is a matter of opinion. Of course, it was mentioned that there were many oil drilling rigs that are sitting idle at the present time. Whether this House passes this legislation or not, I don't think it will make a difference of one rig more or less sitting idle. This is not the land that has provided the incentive and the encouragement for the drilling rigs to be used.

I have in my hand here, Mr. Speaker, a couple of pages from the "Oil and Gas Journal" dated March 2, 1959, and here it says: "Leases on Highway Right-of-Way Will be Granted by Texas' Newly Created Board of Lease of Highway Department Land", and it goes on to point out the methods. It says two recovery methods have been suggested. One would permit directional drilling from adjoining property; the other calls for pooling the State's interests with adjoining property owners to use a common well. That in fact is what we are doing; we are pooling the province's ownership in the road-allowance oil with the other oil in the province, and allowing almost half of the road-allowance oil on the new survey to the oil companies for the trouble of lifting it through those wells. That is what it amounts to; we are doing the same thing as in Texas.

Somebody mentioned in the House, why don't we lease the road-allowance and have pooling agreements in each case? Well, I don't think the oil industry would want that. It would be extremely cumbersome both to the industry and to the Department to administer it. When I took up this Bill with the industry (and I do discuss these things with the industry), as the Bill now stands, as far as the method is concerned there is no criticism whatsoever. Naturally the oil industry does not like any Bill that will mean an additional cost to them, and neither would any of us if we were in the oil business. But I don't think this is an unfair kind of a proposition, and I don't think it will cause any undue hardship to the oil industry, nor will it, to any extent, reduce the activity in the province of Saskatchewan. It is true always, of course that any province where the natural resources are given away without any royalty, or practically no royalty, does make the place more attractive; but I don't think the people of Saskatchewan are interested in that. The people of Saskatchewan are interested in the development of our resources provided that they are developed in such a way that the people of the province, through their Government, get a fair share of the returns.

The motion for second reading of Bill No. 68 was then agreed to, on recorded division by 28 votes against 13, and the Bill referred to a Committee of the Whole at the next sitting.

### **GROUND WATER CONSERVATION**

The Assembly resumed from Friday, March 13, 1959, the adjourned debate on the proposed motion of the Hon. Mr. Nollet:

Bill No. 73 – An Act respecting the Drilling of Water Wells and the Conservation and Utilization of Ground Water be now read the second time.

**Mrs. Mary J. Batten (Humboldt):** The principle of this Bill as outlined by the Minister is for the purpose of finding out what the situation is as to water in the formation of land in that regard. Naturally I imagine everyone agrees with that principle, but there are two other new principles in the Act that I have to speak against. The first is embodied in Section 9, and it sets out that the Department can request the owner of a well to control the flow.

There is nothing different or inequitable about that in itself, but that section of this Act goes on to provide that were such an operation is conducted, the Minister can then determine the cost of controlling, where the owner himself does not control it to the satisfaction of the Department. The Minister or his Department can enter into this, to stop the flow of water, can control it, can go further than that and determine what person or persons are responsible for controlling it, and the persons who are liable in costs and can set the cost. Therefore, in effect, the Department is setting itself up as a court. There is now a remedy in the law that has always existed that, if anybody digs a well and it goes out

out of control or anything else, the people who suffer damage from that can, first of all, get an injunction to stop that flow, and secondly, can go ahead and recover damages after a court of law has looked into the matter.

This Act gives the Minister and his Department exactly those powers. They can enter upon the lands, control the flow, hold their own court without hearing evidence or witnesses or going into the matter, but simply determine who it is that is to pay for the cost, and the amount of that cost. I suggest this is quite contrary to the generally accepted principle under which we have been governed. In addition to that, after the Minister has determined who is responsible and what they are responsible for, he can compel the court to recover this money. He can use the court merely as a tool for the recovering of a judgment which the Minister himself has given; and again, I submit this is contrary to good principles of administration in things of this kind.

There is another section in this Act which gives the Minister the right to ask any member of his Department, and in fact, gives any member of his Department, or any agent of his Department, the right to do almost anything without any liability whatsoever except in the case of negligence. That is, they can go away beyond the bounds of their jurisdiction, and as long as they say they are doing it pursuant to the Act, whether in fact they are or are not, they are not liable except in the case of negligence.

I think the purpose of the Act is good in itself; but when you give the Department these vast powers without any control, I think it will destroy the good portions of the Act and the good principles that are intended to be pursued by this Act. Whereas I am in full agreement of the intention of the Minister in going head with the water survey (and I understand quite a lot of work has already been done in this respect), I certainly am not in favour of giving him this very wide latitude in acting as a court of the land, and in being absolutely free of any liability for mis-actions – if such a word can be used.

**Mr. L.P. Coderre (Gravelbourg):** Mr. Speaker, the lady member for Humboldt mentioned the legal aspects of this. I think there are some moral aspects of the Bill which should be brought up, and one of them is this. The hon. Minister should know that throughout the prairies there are many farmers who have some well-drilling equipment in their yards, and they use it to assist their neighbours in any sort of well-drilling, whether it is small or large. It amounts to about the same thing; it isn't a matter of how shallow or deep a well is; it does not apply to what depth you have to go, for him to report.

As far as I can see, this is just another little squeeze on the farmers. You take where there are going to be some wells drilled in the vicinity of a community where a farmer has had an old machine lying around his yard, and uses it to assist his neighbours to drill a well. Now you are coming out with a Bill that is going to have to license him,

so that the individual who may dig one well a year or one well in five years, has to get himself a licence before he does any work or before he can assist his neighbour. I think it is departing from the custom that the farmers of the west have been used to. You are insisting that he get himself a licence; you are insisting that he goes ahead and reports what goes on as he drills a well. What person, or what farmer who has been drilling wells for his neighbours, knows anything about land formation, types of minerals, and everything else? It is sort of ridiculous. I just thought I would inject these few thoughts in here, Mr. Speaker.

**Mr. D.T. McFarlane (Qu'Appelle-Wolseley):** Mr. Speaker, there is one particular section I wish to draw to the attention of the hon. members, and that is Section 9. It states: "Where the Department requests the owner of a well to control the flow of water from his well and the owner fails to do so . . ." and later on describes the penalties. I would like to point out that under this Act the independent farmer has no further control of his own farm in this respect. If he was in a position where he wanted to go ahead and drill a well for irrigation purposes, the Lieutenant-Governor in Council could send out officials and stop that, under this Act. I think if it pertains to Crown land over which the province has jurisdiction, it may be a different case; but under individual and privately-owned farms, I do not think the Department should have this authority. It should be left in the hands at the discretion of the farmer to do whatever he sees fit with the water on his lands. If he wants to use it for irrigation purposes, or any other purpose, I think he should have that privilege. It should be protected, and should not be interfered with by the Crown.

**Premier Douglas:** This doesn't allow them on anybody else's land.

**Mr. McFarlane:** I think any farmer is capable of taking precautions in that regard.

Then you go on in sub-section (10) you can prescribe the specifications of casing head, or any other materials in the wells. You could lay down a set of specifications that would almost make a well prohibitive to drill and make use of, under that regulation. Under sub-section (8) you have the clause in there governing the spacing and the depth of the wells. There in that clause again you could interfere with the individual rights, and the specific desires of any farmer concerned, inasmuch as he might want to have his wells drilled in certain places, or if he wanted to have a certain depth to his wells. So, Mr. Minister, I would like to point up these clauses in the Act that specifically interfere with the private rights of individuals. I would like to draw that to your attention, and to the attention of other members of the House.

**Hon. Mr. Nollet:** (Closing): Mr. Speaker, in connection with the objections raised by the hon. member for Qu'Appelle Wolseley, he is reading meanings into the Act that are not intended at all. As a matter of fact, I should point out to the House that this legislation

has been on the Statute Books, to my knowledge, since 1940, and probably before that. The Act was repealed a few years ago because it had not been used, and now, with the whole problem of ground-water supplies to the forefront, and with the studies which have been undertaken in connection with the discovery of ground water and the conservation of ground water, the old legislation was re-introduced.

The one new principle mentioned by the hon. member for Humboldt (Mrs. Batten) in connection with conservation of water from waste – there is no fear that if a person has a properly controlled well and wants to use it for irrigation, he can do so. The application of that section in connection with waste and control of wells will be used very seldom, if ever in connection with the shallow-drilled wells. We have one instance of a well that went wild in connection with an oil drilling project in the Souris Valley. The well is still running wild and that is the type of waste – it will lower the water table in that area to the point where there is a possibility there won't be ground water available for municipal supplies and farm purposes as well. So we do have to have powers; either you have legislation, or you don't have legislation. The purpose is primarily to obtain through a licence of well-drillers (and I should say, for the benefit of the hon. member for Gravelbourg, (Mr. Coderre), that the licence fees will be nominal) only for the purpose of registration.

I gave some thought, too, to the farmer who owns a drilling machine and does some casual drilling for his neighbour. We could exempt him, but at the same time he can also obtain some valuable information for us. He was included under the Act, previously; everyone was included under the Act previously. We wanted them included to obtain the necessary data and the formation of the ground. This data will be made available to the Research Council, who will in turn have it available for all well drillers who are registered with us. We hope, too, to have the well drillers take short courses in association with the University and the Research Council. What we are aiming at by this legislation is more information in the hands of the well drillers, and in addition to this, improving the technique of well drillers. We will have to go deeper and deeper for water supplies, and the more information we have available, the more assistance we can give to the organized well drillers, the better it will be for everyone concerned. That is the purpose.

I know there are controls, and in this legislation itself it may appear that we have extraordinary powers. I should mention to the hon. member for Humboldt that we are not interested in the property damage angle. People still have recourse to the courts if their property is damaged as a result of the action of someone who diverts water, or who lets a well run wild and the water runs off on to this neighbour's property. They have recourse to action. But our interest is conservation; our interest is stopping wasteful flow of water, and we realize that, if due to a sudden mishap, a well goes out of control, we could not levy a charge against some owners. But what we have in mind is principally large operations like the oil-drilling operations, which result in a well running wild, such as the one I mentioned in the Souris Valley. We had no power to do anything about it or to cover cases like that.

When the legislation goes to Committee there are some clauses that probably could be changed at that time, and we could still deal with this aspect, and still perhaps not lose the prime purpose of the legislation. I move second reading of the Bill.

**Mr. D.T. McFarlane (Qu'Appelle-Wolseley):** I mentioned sub-section (10) prescribing the specification of casinghead, and other materials in wells. Would that be charged to the farmer?

**Hon. Mr. Nollet:** No, the application of that is merely to guard. In case of farmland there is no intention of prescribing casings that are costly and beyond the people's economic means. That same power was in the old legislation. You have to have it; but in enforcing this kind of legislation, discretion is used. After all, if discretion is not used, the complaints are submitted to the representatives of this House, and it is very soon brought to the attention of the Government to correct it. There is less danger of abusive powers, insofar as Government agencies are concerned, than is the case of private industry.

The motion for second reading was then agreed to, and Bill No. 73 referred to a Committee of the Whole at the next sitting.

### **SOUTH SASKATCHEWAN RIVER COMMISSION**

Moved by the Hon. Mr. Douglas (Weyburn):

That Bill No. 83 – An Act respecting South Saskatchewan River Development Commission, be now read a second time.

**Premier Douglas:** This is an Act respecting the South Saskatchewan River Development Commission. I thought probably a few words of explanation might be in order regarding the purpose of this legislation. As all hon. members know, an Agreement was signed on the 25th July last with the Government of Canada, regarding the construction of the South Saskatchewan River dam. Members will notice that a copy of that Agreement is attached as a schedule to the legislation, so that they will have every opportunity of studying the Agreement.

This is the largest single development project ever undertaken in the province, and, consequently, it does raise a great complexity of problems. As hon. members know, this will create a great new water resource in the western part of the province. The reservoir will have some 8 million acre-feet, of which 2¾ million acre-feet will be in live storage. It will be 185 feet deep in the main dam, 140 miles long, with 475 miles of shoreline and, as all hon. members know, it is a multi-purpose project. That is, it is concerned with the conservation of water, concerned with irrigation, concerned with the generating of electric power, and will, incidentally, provide water for some of the urban communities, and for industries, as well as providing recreational sites.

Because of the many facets of this program, we feel that it is necessary that the whole project have a large degree of co-ordination. As hon. members know, in the main reservoir, which is anticipated to cost some \$96 million, the Government of Canada is paying 75 per cent of the cost, and the Provincial Government 25 per cent. But on the other cost, the Provincial Government will be paying all costs of the irrigation, the levelling of land, the construction of the secondary reservoir, the main canals, power installations, and so on. Out of the total cost of the some \$185 million the Provincial Government will be spending \$110 million, or roughly some 62 per cent of the total cost of the project.

This is a big undertaking particularly in view of the fact that it is a progressive program, and under the Agreement, hon. members will notice that we are supposed to have a certain amount of land ready for irrigation, and supposed to have certain secondary reservoirs built, and certain canals constructed, timed exactly with when the main reservoir will be completed. There will be a good deal of timing with reference to the power installation. The foundations will have to be put in at the early stage in the construction. Later on, the superstructure and the turbines will be installed. All this is a matter of very careful planning.

We have a measure of co-ordination now as between the Federal and Provincial Governments. Hon. members will have seen in the Agreement, which is appended as an Exhibit, that there is provision for a Federal-Provincial Construction Board of some seven members. Four of those members are appointees of the Government of Canada, and three are appointees of the Saskatchewan Government. Our three represented on that Construction Board or Committee are: Mr. T.K. Shoyama, who is Secretary of the Economic Advisory and Planning Board; Mr. David Cass-Beggs, General Manager of the Saskatchewan Power Corporation; and Mr. Harold Horner, Deputy Minister of Agriculture. Those are our representatives on the Construction Committee. But within the Provincial Government itself there is need for integrated planning of the program. That is, the Department of Agriculture, the Power Corporation, the Department of Highways, the Department of Natural Resources are concerned, because we are required, as members will see under the Agreement, to acquire ownership of any mineral rights in the area which is to be affected.

Then there will be other departments incidentally interested in the project. There will have to be a change in community planning. There will be probably new town sites set up, because of the men working on the job, there may be new schools and hospitals which will have to be built. Municipal Affairs and Education will be interested. The Industrial Development office will be interested because of the industrial sites which will be set up. The Parks Branch, both in Natural Resources and the Travel and Information Department, will be interested, because of recreational sites, which ought to be planned along the shorelines of this lake. Local governments will be concerned in the construction area. Already we have had scores of requests from people who want to put up garages, hot-dog stands, tourist facilities, or something of that sort. We cannot just allow them to spring up all over the place, because it would be a



very difficult thing to straighten out. It is far better in the beginning to have proper community planning. This calls for a close consultation between the provincial department concerned and the local authorities in the area.

We have felt the need of having some type of co-ordinating agent. We looked at the various alternatives, and they ranged all the way from having a purely advisory body with no power or authority. We felt this would not work completely because, with no authority and simply the power to offer advice, we could find ourselves in great difficulty. We looked at the other extreme of setting up a South Saskatchewan River Authority, something after the Tennessee Valley Authority, and here we felt the powers were too extensive; what you were really setting up was another little province of Saskatchewan inside the province, and exercising functions and powers which should be exercised by the proper departments of government and by local authority. This legislation is an attempt to find a marriage of the two ideas, giving to the Commission largely advisory powers including powers to plan, to co-ordinate, to do research work, and yet with some authority so that if they come to the place where some authority must be exercised in order to prevent a chaotic situation, then they have the power to exercise such authority.

Hon. members will have noticed that the Commission will consist, in the main, of senior government officials, mainly representing the departments which I have mentioned, the ones which are vitally concerned with the various projects – Agriculture, Power, Natural Resources, Economic Planning, Industrial Development, recreation, and so on.

We also are giving some thought to the idea of having some people outside the Government service sitting in as members of the Committee, some people with provincial stature who could represent the general public in the interests of the local community. Hon. members will have noticed that in the legislation, this Commission, will in the main, act in a general advisory capacity to the Cabinet. They will be responsible for co-ordination. They will approve all research and planning required for the development and operation of the project. They will ensure that research and planning is done by the various government agents, and directed toward a common purposes, so that the construction work stemming from the plans will be properly dovetailed into the time schedule which will have to be worked out. They will have to work as a liaison between the Provincial Government and the Federal Government, and with the Prairie Provinces' Water Board. They will have responsibility for planning and controlling the eventual use of water.

As hon. members know, there has been some change from when we discussed this matter in the House last. Under the first draft agreement we had – and which we discussed here, I think it was on April 1st last – the operation of maintenance of the dam was to stay in the hands of the Federal authorities. The Federal Government made it clear to us that they did not want that arrangement, and they insisted we take over the responsibility of the operation and maintenance of the dam. This

means that we will have to be responsible for the allocation of water. Much of this water is not an unlimited quantity; if you let it go for power, you haven't got it for something else. If you use it for irrigation, you haven't got it for power, or something else in the way of urban communities, or for industrial purposes. So there is the need for this body to allocate water as between the alternative uses which can be made for it.

Hon. members will notice that they have some powers to acquire full access to departmental records, to get technical advice from the various departments, to appoint whatever sub-committees they require, to secure consultants, and also the power to carry on any inquiries which may be necessary, that may arise out of disputes as to the allocation of water.

I think this legislation will set up the kind of machinery that will provide an orderly and progressive and planned program, so that this whole gigantic project may move forward smoothly, and in order that all the departments of Government, and the local governments concerned, and the Federal Government may work together in order that this project may be a success. I think this legislation will help make that possible. I think many of the details can be discussed better when the Bill is in Committee of the Whole, and I, therefore, move second reading of Bill No. 83.

**Mr. Danielson (Arm River):** May I ask the hon. Premier a question? I take it from his statement that the legislation a year ago consulted with the Federal Government on this project.

**Premier Douglas:** Not for the area – just for the main dam.

**Mr. Danielson:** And the change of policy in that regard has been shoved on to the Government?

**Premier Douglas:** If I may answer, Mr. Speaker, without closing the debate. In the original draft which we had, and which we worked out when I was in Ottawa, we had carried over the old idea that we had had in the draft of the previous Government, that the Federal Government would retain responsibility for the operation and maintenance for the main reservoir – not for the construction area – just the main reservoir.

**Mr. Danielson:** But forever?

**Premier Douglas:** Yes, in perpetuity. They made it very clear they were not prepared to sign an agreement on that basis, and asked us to assume the responsibility. We won't go into it now; we had a long argument about what happened if, in the meantime, the project hasn't been well built and is washed out – who is going to be responsible! You will notice from the agreement that we got certain concessions, that they would accept responsibility, for, I think it was six years, for structural defects, and some 18 years for any act of God; that they

would assume responsibility. But we were compelled to assume responsibility for the operation and maintenance part of the dam.

**Hon. Mr. Nollet:** I just wanted to make this one observation, respecting the continued responsibility for the operation and maintenance of the reservoir – it is something completely new and unprecedented. There is no other project which has been undertaken by P.F.R.A. in western Canada, where that provision prevails. They have assumed complete responsibility for St. Mary's and all other reservoirs they have constructed in western Canada. This was an extra provision made as far as this particular project is concerned, by the people of this province.

**Mr. A.H. McDonald (Leader of Opposition):** Mr. Speaker, I am sorry now that I let the Minister go before me. That is part of what I wanted to say, and I want to repeat on this occasion some of the things I said a year ago with respect to the South Saskatchewan River Development.

First of all, I can see the necessity of the setting up of this particular Commission, and I think it is a wise move; but I am too, disappointed that the Government of Canada has not seen fit on this occasion to give the same agreement to the province of Saskatchewan as they have to other parts of Canada. This is only, as the hon. Minister of Agriculture has pointed out, an additional load, an additional burden, on this province, and to me it is most unfair. In my opinion, the construction of this dam will affect the economy of Canada as a whole, and it seems to me that the people of Canada ought to bear a far larger share of the costs than that which they are prepared to do, or have been prepared to do, in forcing this additional load on the province of Saskatchewan.

It seems to me we have too big a burden in the first place. I don't know why Saskatchewan should have different treatment than the province of Alberta. In the province of Alberta, the Federal Government paid for the dam and they should have paid for it here. I don't care whether there is a Conservative Government, or a Liberal Government, or what kind of government it is in Ottawa, I think the treatment to this province is most unfair.

I also feel that the Federal Government ought to have been responsible for part of the irrigation, as they were in Alberta. In the province of Alberta, the main laterals were put in (as I understand it, and I stand to be corrected) by the Government of Canada. I think they ought to have been supplied here by the Government of Canada, because what is the difference between Saskatchewan and Alberta? The only difference that I know is that we might be a little harder up as far as water is concerned than even Alberta, but this is an additional burden being placed on Saskatchewan, and I think it most unfair. However, I am one of those who believe that, if we have to spend this money in order to get the South Saskatchewan dam, then I suppose we have to do it. I certainly could not let this moment go by without protesting the treatment of the Government of Canada to the province of Saskatchewan as far as the river development is concerned.

**Premier Douglas:** Mr. Speaker, I think all I want to do now is to agree with the hon. Leader of the Opposition, and to say that we have felt all along, at least in our negotiations with the previous Government and the present Government, that we are being asked to assume too heavy a share of the total cost of the project, and what was even worse, in our opinion, being asked to assume responsibilities which had not been asked of other governments in similar projects. It is true that there are no other projects of the magnitude of this one, but certainly the principle has been established in the St. Mary's project, in the Bow River project and in the Canada Land deal. In all those the Federal Government had assumed a very large share of the responsibility.

**Hon. Mr. Nollet:** All of it, in the case of the Canada Land deal.

**Premier Douglas:** Yes, and of course in the St. Mary's dam, no part of the cost of the main reservoir was borne by the provincial Government at all. We have expressed repeatedly our dissatisfaction with having been asked to assume a financial responsibility which has not been placed upon other provinces. But we came to the place where it was either a matter of acceding to these conditions or running the very grave risk of not getting the project at all.

I do want to say, without being unkind to anybody, that I argued over this very thing, and held up in the signing of this Agreement for some weeks, last summer, after being suddenly asked, out of the blue, to assume responsibility for the maintenance and operation. I was insisting, before we would accept this onerous responsibility, that we should at least be given some guarantee that if, the day after we took it over and the whole dam blew up, we would not be expected to build a new one. Some members opposite wrote letters to the press saying, "Douglas is dragging his feet on the South Saskatchewan Dam and this now proves he never had any intention of doing it, either with the previous Government, and certainly he has no intention of doing it with the present Government". This did not help the negotiations any, and if these onetime letter-writers had just restrained their pens for a few more weeks, we might have been able to work out something better than we did.

We have made the best settlement we could, and I must say that, since we have made the settlement, the Federal Government has proceeded expeditiously. Some seven contracts have been let by the P.F.R.A. to date, to a total value of some \$5½ million. We are moving along quickly, and I think work will be in full swing this summer.

The motion for second reading was agreed to, and Bill No. 83 was referred to a Committee of the Whole at the next sitting.

The Assembly adjourned at 10:00 o'clock p.m., without question put.