LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session — Thirteenth Legislature
23rd Day

Monday, March 14, 1960

The House met at 2:30 o'clock p.m.
On the Orders of the Day:

QUESTION RE REGULATIONS UNDER BILLS NOS. 44 AND 55

Mr. A.H. McDonald (Leader of the Opposition): — Mr. Speaker, before the Orders of the Day are proceeded with, I would like to ask the Government if it would be possible to have the Regulations under Bill No. 44, and Bill No. 55 made available to the House. The reason I ask, Mr. Speaker, is because there are government officials now holding classes or lectures out in different parts of Saskatchewan, dealing with these two pieces of legislation, and apparently certain regulations must have been made available to these officials, because it seems to me that a good deal more information has been made available to people in other parts of Saskatchewan than has been made available to members of the House. I, for one, and I am sure my colleagues, would like very much to have the regulations made available to us before we proceed with any further discussion on either of these two Bills, namely, Bill No. 44 and Bill No. 55.

Premier Douglas: — Mr. Speaker, it would not be possible for us to give actual regulations, since the regulations cannot come into existence until the Acts themselves are passed. There are some clauses in what will be in the regulations when they are passed that are now decided upon, and they are matters of financing financial grants, and so on. There are other regulations which may be subject to some change. It might meet the wishes of the members if, when we go into Committee of the Whole, we could have at least a draft of the proposed regulations put on members' desks. It would have to be understood that these are not final. They would still have to be subject to change in some items, but not in matters of the amounts of financing and financial assistance that will be available. We would be only too glad to discuss it with the Ministers concerned, and see what we can prepare for the members.

Mr. McDonald: — I refer to the regulations that have been made available to the officials who are now doing this

work in the country, and whether these could be made available to us even before the Committee of the Whole. I think my colleagues and I would very much like to have them, even before Second Reading, if that is possible.

Premier Douglas: — I will inquire and see if it is possible, but there is some difficulty about it. No regulations have gone out to the people in the field. What have gone out to them are directives on matters of policy that have been decided – the formula for financial assistance, and so on. That type of thing has gone out, but regulations, of course, have not gone out.

Mr. McDonald: — I don't want to prolong this debate, but how could directives go out when the legislation hasn't passed this House.

Premier Douglas: — Directives have gone out saying this is the type of financial assistance we have in mind, if the legislation passes. That kind of information can be made available.

Mr. McDonald: — If we could have that, it would be most helpful.

WELCOME TO STUDENTS

Mr. A.T. Stone (Saskatoon City): — Mr. Speaker, before the orders of the day are proceeded with, I wish to welcome a group of public school children from the Albert School in Saskatoon, with their teacher, Miss Thorkessan. I am sure all members will join with me in saying how happy we are to see them, and hope they have an enjoyable trip in Regina.

SECOND READINGS

Bill No. 58 – An Act respecting Insurance

Hon. R.A. Walker (Attorney General): — Mr. Speaker, in rising to move second reading of Bill No. 58, I would like to say that The Insurance Act of this province has been virtually unconsolidated or un-revised for nearly 50 years, or a good deal more than 25 years, and I do not know exactly when the last one was. The Act has become rather obsolete in a lot of its phraseology and in a lot of its structure. Amendments to sections have been put in from time to time which, while they are legally not inconsistent with other sections already in the Act, nevertheless violate the general principle that there should be some unity and coherence in the Act. Accordingly, during the past year or year and a half, some of the officers of the

Department of the Provincial Secretary have been spending a good deal of time in revising and consolidating The Saskatchewan Insurance Act.

This Act, as members will see, is quite lengthy, and a large part of it is identical with the uniform act adopted by the Uniformity Conference of Superintendents of Insurance. The first portion of the Act, which deals with the agents and general matters, is not subject to uniformity by the Uniformity Conference, and is left pretty well to the provinces to be enacted as the various provinces see fit. This section particularly was a bit archaic, and has now been revised and consolidated. It was the hope of the Government that this consolidation could have been completed earlier in the year, or perhaps even before Christmas of last year, so that it could have been circularized to the insurance interests, and their comments could have been had several weeks before the Session began. That was not possible. The Act was printed only about 10 days ago, and was put on the Order Paper and distributed to members of the House at that time. At the same time it was sent to every insurance company, having an interest in the insurance business of this province, for their comments.

It is not my intention at this time, to try to outline the changes of principle because there are no major changes of principle in the Act. There are only minor changes, mainly changes of phraseology; but again, I would not want to be taken to say that I guarantee there are no changes in principle.

I would like to leave this Bill before the House in this fashion that, in the event there is any widespread questioning of the provisions of the Act, or any widespread suggestion for changes in the Bill, then we would like to just leave it on the Order Paper and let it die at the prorogation of the Assembly, with the view that, during the next 12 months, it will receive even more widespread publicity than it can receive during one particular Session of the Legislature. On the other hand, if the response from the insurance interests and the general public is favourable, I would then want to have it proceeded with, and passed at this present Session.

I would therefore ask that members of the Opposition take their friends, who are acquainted with this subject, into their confidence and get their views on it, so that, when the matter is revived again (if it is revived again in the present Session) we can approach the whole thing in a free and non-partisan way.

I do not propose to say anything more about the Bill at this time. I will have more to say when I have received letters from the insurance people. With these few words, Mr. Speaker, I would not beg leave to adjourn the debate on this Bill.

Mr. Speaker: — Order! The hon. member has not moved second reading yet.

Hon. Mr. Walker: —Mr. Speaker, if it is agreeable, I am satisfied with giving this explanation that the Bill go through second reading and lie in Committee until such time as we have these reports from the general public, and people who would be affected. Therefore, with these words, Mr. Speaker, I would be glad to move second reading of this Bill.

Mrs. Batten (Humboldt): — Mr. Speaker, I don't know whether the other members are as confused as I am about even the procedure that has been suggested. The second reading, as I understand it, is if everyone votes in favour of it, is in agreement on the principle of the Bill. Now, the hon. Minister who introduced the Bill doesn't want to guarantee to this House, or even assure this House (as I understood it) that there are no major principles involved. He says there aren't; but he doesn't want the House to understand that there aren't. In case there is any widespread feeling that there is a change in principle, well, then, he thinks it should like in Committee, but of course, in order to go into Committee, it has to be approved in principle, which is quite a contradiction.

Contrary to what we occasionally hear in this House, I can assure you, Mr. Speaker, that neither I nor my colleagues on this side of the House, at least in the official Opposition, have any tie-ins with any insurance company that can give us any good advice on this matter. Certainly we are not representing any insurance company or their interest. We have to study this Bill strictly from the point of view of the public which we think (or at least we hope) we are representing, and it is almost impossible to study a bill on which a year's work has been done, as was outlined by the Attorney General, and discuss it in principle, discuss the changes, without months of study.

Certainly I cannot be prepared to vote for this Bill on Second Reading without being given an opportunity of studying if for a considerable time, and I, therefore, ask permission to adjourn the debate.

(Debate adjourned)

Bill No. 59 – An Act respecting Land and the Title Thereto

Hon. Mr. Walker: — Mr. Speaker, this represents a consolidation of the amendments that have been made to The Land Titles Act during the last five or six years, and does not represent any change of principle. With these words, I move second reading of Bill No. 59.

The question being put, it was agreed to, and the Bill referred to a Committee of the Whole at the next sitting.

Bill No. 60 – An Act to amend The Court of Appeal Act

Hon. Mr. Walker: — Mr. Speaker, this Bill does represent a change in the principle involved here. The Saskatchewan Court of Appeal has always sat, since the formation of the present courts in this province, which was about in 1915, in the city of Regina. It consists of five judges, and this is where they sit. In other provinces, Alberta for example, the Court of Appeal sits in two cities alternately, Calgary and Edmonton. In British Columbia, the Court of Appeal sits in two places, Vancouver and Victoria. I am not acquainted with the travels of the Court in other Canadian provinces, but it has been strongly recommended to the Government by many Bar Associations in the northern part of the province, that the Court of Appeal should sit in one other place in Saskatchewan, preferably Saskatoon. The Government took no action on these recommendations until the Law Society for Saskatchewan had made the proposal, which was at their last annual meeting which was held in June of last year. Since they have proposed it and since we see nothing wrong with it, and since it will have the effect of making the administration adjustments more readily available to people all over this province, we are proposing that the Court shall sit in Saskatoon, as well as in Regina.

I may say there has been recently come urging that the Government ought to have a second look at this proposal, and we are most anxious not to do something which is against the public interest in this regard. We feel, however, that we are justified in accepting the decision of the Law Society made last June, as to their views on the matter. The administration of justice is only good if it is available to all equal people equally, regardless of their location in the province. Justice delayed is justice denied; and if it is necessary for residents of the northern part of the province to delay their judicial determination of their appeals, to that extent they are then denied access to justice.

Mr. Speaker, with those words of explanation, I now move that Bill No. 60 be now read a second time.

The question being put, it was agreed to, and the Bill referred to a Community of the Whole at the next sitting.

Bill No. 61 – An Act respecting Retailers

Hon. Mr. Walker: — Mr. Speaker, this Bill is called an Act respecting Retailers, and substantially, the Bill provides that retailers in this province shall be required to hold a license from the Provincial Secretary in order to carry on business. It has been suggested

this is a radical departure from the ordinary principles of democracy and freedom, and so on. I would just point out that it is not an uncommon principle to require people dealing with the public to be licensed. We have many pieces of legislation which require licenses. I need only refer to some of them. There is The Insurance Act, which requires agents to be licensed; real estate agents have a licensing Act; The Commercial Agents Act, which requires peddlers and hawkers to be licensed; there is The Seed Dealers' Act; The Farm Implement Dealers Act; The Securities Act, and many others. In addition to that, of course, there are the Municipal Acts, which give the right to license many other people who do not come under the scope of provincial legislation. So to suggest that this represents an infringement upon people's civil rights is completely irrelevant.

I see that 'The Leader-Post' has apparently decided that this is against the public interest, and has, as usual corrupted its news stories by its own editorial opinion, and I refer to the news story on the third page. . .

Mr. Speaker: — Order! Order! If the hon. Minister is going to give us a news story that's fine, but I suggest that editorials dealing with the matter before the House are not in order.

Hon. Mr. Walker: — Mr. Speaker, I am referring to the news story on the third page of 'The Leader-Post' of last Saturday, in which six people in the city of Regina are quoted and named in this news story, but the headline may fall foul of your ruling that it is an editorial comment. The headline says, "Bill termed threat to Competitive Enterprise". Well, there were six people quoted and three of them expressed themselves as being in favour of the legislation, and three of them expressed themselves as being against the legislation. One of the three who said he was against it happens to be a Liberal candidate.

Mr. Speaker: — Order! Order! I must ask the hon. member to refrain from quoting newspapers either for or against a Bill which is before the House. It is the opinions of the members here which you must deal with.

Hon. Mr. Walker: — Mr. Speaker, I am not purporting to quote the opinion of the newspaper, but I am quoting the opinion of six people who were interviewed in Regina in reference to this matter. I say that the opinion of these people seems to be equally divided on the subject. Mr. Speaker, I am convinced that the headline which the newspaper editor sought to attach to the article is not justified.

Mr. Cameron: — Tell us about the Bill, Bob!

Mr. Speaker: — Order!

Hon. Mr. Walker: — Yes, I propose to tell you. Just be patient. There has been a good deal of public misinformation about the effects of this Bill, and therefore I think it is appropriate that I try to clear up some of this at this time.

The Bill aims at preventing or prohibiting any unethical or dishonest practices on the part of retailers. I may say this is not asked for by the public because of any particular propensity of retailers in this province to be dishonest or unethical. This Bill, as a matter of fact, is asked for by the retail trade, and by representative organizations representing the retailers of the province. The retailer, the honest retailer, has an interest or a stake in preserving the good name and the reputation of his industry, and this motivates the retail industry of this province to ask for this legislation.

The retailer also has a pecuniary interest in seeing to it that his competitors do not engage in unethical or dishonest types of sales promotion. Needless to say, this is another reason why the Retail Merchants Association of this province has asked for this legislation. The Canadian Association of consumers, Saskatchewan Branch, is not concerned primarily with the welfare of retailers, as such, but they support the legislation. The Co-operative movement of this province, I suppose having the interests at heart of its members and also of its business enterprises, has urged and supports this legislation.

I suggest that the retail trade ought to be given every encouragement to improve the methods of operation; it ought to be given means at our disposal to stamp out dishonest and unethical activities. It is for this reason that the Government has recommended and introduced this legislation to the Assembly, to provide a legal and formal framework within which the associations can work to improve its standing, and the standing of its members with the public.

This would be but the beginning of a general program something similar, I suppose, to the program of the Department of Agriculture, wherein the testing and research laboratories of the Department are available to protect the farmer, and the purchaser of farm machinery, from purchasing defective machinery. I personally think that, at some future time, it would be a very worthwhile activity of the Government to provide a retail consumer testing laboratory to help to maintain and raise the standards of consumer products. This would, of course, require a licensing act to ensure the retail trade did observe the findings of the testing agency. But there is a more urgent and pressing need for it, in this regard. Many communities now have a nucleus of a Better Business Organization; Better Business associations; Better Business Bureaus, which attempt, on behalf of the public, to provide the public with some reliable information as to the reputability of merchants and other business men in their community. These organizations find it somewhat difficult to deal with a trade or industry where there is, first of all, no roll or list of members or persons engaged in that

industry, and where there is no permanence of this occupation. It will assist the work of these voluntary agencies considerably if there is, at all times, a list of licensed retailers in each community that they can consult to determine whether or not any person, about whom an inquiry is being made, is in fact, licensed as a retailer in that community.

This, I believe, will foster and encourage the development of such voluntary agencies in the communities of this province, and it will reflect itself in an improving standard of ethical conduct on the part of the retail trade in those communities.

Mr. Speaker, no one has asked that this legislation be framed in a way which will enable, or which could enable, retail merchants to combine in restraint of trade, or to in any way protect themselves against the ordinary legitimate influences of the competitive system. There has been no attempt made by any one to induce the Government in any way, to set up a monopoly position for retailers in this province. Nor has there been any request or urging for certain classes of retailers to be given a preferential position with regard to other classes of retailers. I am convinced that the interests of Retail Merchants' Association – who are in favour of this legislation – in this thing is purely and simply to protect themselves from being exploited by fringe-type operators, who give a bad name to the whole industry. The Government is certainly not interested in creating a protected industry; that is, protected in the sense that it would be free from the ordinary influences of the competitive market. The Government's interest in this matter, as I have already indicated, is for the protection of the public, to ensure that the public is not exposed to predatory activities on the part of the minority of merchants.

Mr. McCarthy: — Would the hon. Attorney General permit a question? Could you tell me how many paid-up members there are in the Retail Association?

Hon. Mr. Walker: — I cannot give my hon. friend the figures for that, but I would say there must be a fair number, because, when the Leader of the Liberal Party attacked the Licensing Bill, a large number of retailers apparently felt it was sufficiently important that they sent telegrams to the Government on this matter, and I have here. . .

Mr. McCarthy: — I'm not asking anything that Mr. Thatcher said. I am asking you the question.

Hon. Mr. Walker: — Well, the hon. member would like to tell me what I am to answer. . .

Mr. McCarthy: — Well, do you know how many members there are in the Retail Association?

Hon. Mr. Walker: — Mr. Speaker, I am sure I gave that answer, and then I went on. . .

Mr. McCarthy: — No he didn't. How many are there? That's all I want to know.

Hon. Mr. Walker: — I said I did not know, Mr. Speaker. The fact is they are not an organization without some support from the people of Saskatchewan. Of all the people who have been in touch with me about this, I have not received a single telegram from anybody who is opposed to this legislation, and I have here 71 telegrams, 10 or 12 from Co-operative Associations, and a large number from private retailers in the province. My hon. friends may look them over if they like; I will lay these telegrams on the table.

Mrs. Batten: — The hon. Provincial Treasurer had more than that from people who didn't believe in additional outlets, and look at the way the vote went! You didn't have one from anybody that wanted one.

Hon. Mr. Walker: — I may say in addition to that, of course, I have the letters from the Retail Merchants Association, the Sherwood Co-op. Association, The Co-operative Union of Saskatchewan, and the Lloydminster District Agricultural Co-operative, and they are still coming in. There may be more on my desk at the moment.

The principal immediate effect which this legislation will have is to deal with trading stamps and other like promotional gimmicks. I would not be surprised if, during the next six months or a year, until effects of this bill, if it is passed by the Legislature. These other benefits which I have referred to will, of course, be enjoyed at the same time. It will likely be the decision of the Lieutenant-Governor in Council, that we should promulgate a prohibition against trading stamps or similar gimmicks which are deemed to be detrimental to the interests of the consumer.

Hon. members may ask, why is this necessary in view of the fact that the Criminal Code of Canada outlaws trading stamps? I have no desire to express an opinion which may be prejudicial to a proper judicial determination of this question. I will confine myself, therefore, to general statements which cannot be held to be in any way in contempt of court.

The Criminal Code of Canada specifically describes trading stamps at some length – almost a page in the Act. It sets out a number of very precise specifications of trading stamps. The danger and the difficulty of this, of course, is that, when you are too specific in describing a thing in a statute, you very often restrict the effect of it, so that only a very small proportion of the things that you might

like to aim at are actually defined by the statutes. Just to give you an illustration of that, there were two cases tried in the city of Moose Jaw. In the first case, the customer attempted to cash or redeem the stamps with the proprietor of the store or the cashier, I think it was. The cashier said, "I'm sorry, I have no information or instructions as to how to redeem these stamps. We send them in and exchange them for premiums, and you cannot redeem one stamp." So the customer took this stamp, and charges were laid in connection with this transaction. The next day the same customer went back – or another customer went back and made another purchase. The store, aware that it was a very important question whether or not this stamp was redeemed, when asked to redeem the stamp the second day, did redeem it, and did give one small candy jelly-bean in return for the stamp. Those two cases went to trial, and in the first case the storekeeper was convicted. In the second case, the storekeeper was acquitted, so that the one lucky green stamp was a trading stamp, the other lucky green stamp was not a trading stamp. This was the view of the Court. So it becomes a very highly technical matter; whether or not a trading stamp is a trading stamp within the means of the Criminal Code.

Now, of course, the Federal Minister of Justice has said that he has no intention of recommending to Parliament that the section be extended to include other types of stamps, and I may say that, in most of the provinces of Canada, the law enforcement departments are of the opinion, evidently, that these lucky green stamps are not trading stamps, because in most provinces no charges have been laid with regard to these stamps. It may turn out, when the cases presently pending before the courts of this province get to the Supreme Court of Canada, that every single one of them, where charges have been laid, are not trading stamps within the meaning of the Code. This is something about which we always have to make a choice, whether or not a charge is to be laid.

Up to the present time our experience has been fairly successful; outside of one case, there have been no acquittals. We have had convictions in every single case except one, so that I am saying, quite frankly, that I don't know what the Supreme Court of Canada will decide about these cases. I am saying, also, that even if the Supreme Court of Canada does convict in these cases, and the storekeepers make one jot or little of a change in the type of their operation, then we have to start over again, because it is now a different kind of operation, and the conviction on the previous case is not sufficient to say that the new type operation will also be unlawful.

It seems to the Government to be in the public interest at this time to so broadly define trading stamps that there is no doubt of legality of this kind of operation. The definition which will be drawn will be drawn wide enough to take in any trading stamp within the meaning of the Criminal Code, or any stamp of a like nature, which is

I may say that the other provinces, by and large, are not prosecuting for violations of the trading stamp section, if they have them, in their province. There is one other province where trading stamps are unknown, and that is the province adjoining us to the west. In that province, insofar as I know, no attempt was made to enforce the Criminal Code. They are prohibiting, or preventing trading stamps solely, purely and simply by virtue by their retailers' licensing legislation. With regard to the province of British Columbia, I am not aware that trading stamps have entered that province. The plan was to go from east to west by provinces, and the operation hasn't gone beyond Alberta, so far as I am aware. As hon. members know, in Ontario and Quebec trading stamp schemes are operating virtually with complete impunity.

Mr. Foley: — Would the hon. Minister permit a question? Will this Bill have the effect of increasing the financial outlay of the retailers throughout the province? In other words, is this a revenue Bill?

Hon. Mr. Walker: — For the information of the House, Mr. Speaker, I think I should say on behalf of the Government, there is no intention of charging a fee for this license, more than the bare cost of bringing the licenses out. I would think it would certainly not be over $10, probably not even $5. It might be even less than that, depending upon the actual cost. We do not feel that the additional staff required will amount to more than about one-quarter of the time of an employee, and we are hopeful that, by some reorganization that is in progress in our Department, that we can handle this additional work without additional staff. That is certainly our intention, and we certainly intend to try to do so.

Hon. members will notice that the commencement date of the license is set for July 1, which is the date that is during the slack part of the year as far as our licensing staff is concerned, and for that reason we think we can accommodate the work. I hope we won't have to keep the staff in for their summer holidays in order to do it.

I am convinced that this Bill will result in the establishment in the retail trade of a desire to evolve a code of ethics which will protect the retailers, and which will protect the public. I am convinced that it will establish an atmosphere which will encourage voluntary organizations in our larger communities to act as watchdogs, or protective associations, to help us to police the provisions of the Act. I don't think it will be necessary, and I certainly don't visualize, that we will have any paid staff of enforcement officers enforcing the provisions of the Act. This is something for which, I believe, the public will have to assume responsibility.

I am convinced that, if these things are done, if these expensive sales gimmicks are outlawed and are prevented, this will

result in a lower cost of doing business in the province of Saskatchewan. I am sure that every one of these sales gimmicks add to the cost of doing business. No one can convince me that it is cheaper to be business by giving a Cadillac car every Saturday night, by raffling the tickets of the purchasers, and awarding a car. This, of course, adds to the cost of doing business. I am convinced that the people of Saskatchewan will save substantial sums of money if these wasteful and inefficient practices can be eliminated. This is the purpose of this legislation. The retailers, the people who have talked to me, believe that the two genuine competitive issues in retail trade are, first of all, price and secondly, quality. They believe that the two fronts on which competition should be pushed is on the fronts of price and quality; but when an unethical and unscrupulous minority get involved in these shady rackets, then of course they are all virtually compelled to follow suit. They would like to restore the principles of price and quality competition in retailing in this province, and this, of course, would be in the public interest.

It has been suggested that this legislation is dictatorial and arbitrary. Well, I must say that we looked at the legislation of the only other province which has retail licensing legislation; and I have it here, and could make it available to members, if they wish. But we felt that our legislation was an improvement over anything that exists anywhere also in Canada in this regard. We provide, for example, that any orders issued under this Act must be by Order-in-Council, not Minister's orders. These 14 good men and true, will have to concur in these orders before they become law. They are not the Minister's orders as in Alberta, but they are the orders of the Lieutenant-Governor in Council under our legislation. Our legislation more strictly defines the scope of the Act, and more narrowly limits the classes of people who come under the Act, then does the legislation of other provinces. Our legislation also provides for an advisory board of three people representing the municipality, the business association or trade, and the Minister, to act as an advisory committee to the Minister, in making decisions with regard to regulations, or with regard to licensing. This, I suggest, is a worthwhile consultative provision, and this is not found in any other Act.

In addition, our Bill provides that decisions made by the Minister may be appealed to a Queen's Bench judge. This also is not to be found in the Act. of Alberta, and we think it will go a long way to prevent the arbitrary abuse of power by the Minister.

So, Mr. Speaker, with these words of explanation, I would move the Bill be now read a second time.

Mr. L. P. Coderre (Gravelbourg): — Before I can deal with that, Mr. Speaker, I want to assure the hon. Minister that I won't send him a telegram. He mentioned at the outset that this is a radical departure. I can assure you it is a radical departure. There are thousands and thousands of dealers in this province who have served the people of this province without being licensed or regimented by a socialist government. They have served the people, and they have a good reputation, in every small town in this province. I believe it is an indictment upon every smaller dealer and small merchant in the province of Saskatchewan to have the Attorney General of this province getting up and saying, "We're going to protect the public against these merchants and these dealers." It is an indictment on them.

Hon. Mr. Walker: — Mr. Speaker, if I may, on a question of privilege. The hon. member says that I had referred to all the dealers in Saskatchewan, and then he says it is an indictment for me to say that we are going to protect the public against these dealers. No one has suggested that, Mr. Speaker.

Mr. Loptson: — It's true. You said that.

Opposition Members: — You certainly did.

Mr. Coderre: — I don't know Mr. Speaker. I don't know how the Socialists are going to possibly improve the conditions and services of the dealers all over the province. My father has been in the business since 1909 to 1959, and I am sure he is held in the highest esteem by the people in the community which he serves. That is only one small community in the whole province.

He also mentioned, I believe, that there are some dishonest dealers. If there is a dishonest dealer, or if a person is out to fleece the consumer, the consumer is the first one to notice it. Any regimentation that can take place within the trade itself, the consumer can police the effect a lot easier than anyone else.

There was mention that there may or may not be a small licence fee. That is that we were assured sometime ago, in regard to machine dealers – a nominal licence fee of $5; but it is going up and up, and when is it going to stop? This regimentation is something that is contrary to the principles of free-loving people. People from all over the world came into Canada and into western Canada to be free, and now we are having the tentacles of trying to soften the very life. When is it going to stop? Who is next?

If we are really concerned in regimenting or stopping the trading stamps, I think we can specifically legislate in that respect; not have a blanket coverage to handle those, or cover those who do not come specifically under that regulation. Some of these dealers in the province are doing just about everything they can to keep their heads above water, serving the community in which they reside, without having to have a licence fee. It may only be $10 at the moment, but also an inspector comes along and takes a whole day to go through this and through that. Consider the value of time used, from the dealer's point of view, to deal with these inspectors or people who are going to come along. We are not going to add on any inspectors, says the Attorney General. But they will; it will come.

Another point I would like to mention is that the Attorney General, when dealing with this particular Bill, did not mention anything in regard to stamps or certificates from outside of the province. This is our greatest threat. The stamps are the dealings of areas outside the province, not what is going on within our own boundaries. In view of this Mr. Speaker, I would like to have the opportunity to go more thoroughly into this. Therefore, I beg leave to adjourn the debate.

(Debate adjourned)

Bill No. 62 – An Act to amend The Small Claims Enforcement Act, 1959

Hon. Mr. Walker: — Mr. Speaker, the only change in this Bill of any consequence is to provide for the collection of a small fee for the service. Hon. members will recall last year, when the Bill was first passed, it was put forward as being a low-cost means of recovering on small claims for debt or damages, and that we wanted to popularize the use of the Act; we wanted to encourage people to take advantage of its provisions. I gave the House, earlier in the Session, some statistics on the use being made of the legislation, and I do not need to refer to those figures again, except to say that the Act is proving itself useful.

There is no provision in the Act, as hon. members know, for the recovery of legal costs; the costs for legal services against the parties losing. There is provision in the District Court Act for a fee for the issuance of writs or the filing of a statement of claim, or a notice of trail, and so on. These documents are not required under this legislation, and it is, therefore, proposed to devise a lump sum which is approximately equal to what the fees would be in the District Court shall debt division. It is proposed, therefore, to provide a flat fee of $3 where an execution involves $100 or less, and a fee of $5 where

it is $100 or more. This will be the only fee levied by the Court for costs for services. This fee was selected because it is roughly equivalent to the fees provided for in the Criminal code in dealing with criminal offences, and it is almost exactly on a particularly with fees, which I have already said, are collected by the clerk in small debt matters under the District Court Act.

So, Mr. Speaker, that is the only principle involved. I do not propose to comment on the other sections and with those few words I now move that this Bill now be read a second time.

Mr. A.C. Cameron (Maple Creek): — Last year, when this Act came in in its original form, I think the Attorney General at that time went to great length to tell us that court charges, legal fees, fees for drawing up legal and official documents, was a great drain on the resources of very many small merchants and other people, and that because of that, he was going to make this service of adjusting these small debts available to people without these exorbitant charges that lawyers and legal people charge for this service. He put great emphasis on the fact that this, at least, was one activity where a judge could sit down with the debtor and the creditor and consider the pros and cons of it, and make a decision as to what he thinks is proper and just. He said the result would be that many of these claims would never come to court. There would be mutual settlement. He said many merchants had small accounts of a few dollars on their books which they had been unable to collect, and by the time you engage legal service, pay the court costs and all it entails in bringing court procedure against a debtor, it does not make the effort worthwhile. The costs would eat up all of the benefits that would be derived from getting a settlement. He stressed very emphatically that this was to be a service rendered, so to speak, in order to give access at least to one court or one mediator where the small debtor and the small creditor could come together and have a mutual arrangement made and thereby assist them in settling these small accounts.

I am surprised that, within one year, he comes back to the House and stands up and says that the charges are in line with any other court, with issuing of summonses, with all the legal documents that must be signed to bring a case before any court, and we figured that this court should operate in the same manner insofar as the fees and services are concerned. I would only suggest that, by this attitude or this change of mind that he has today, he is defeating the very purpose for which he said last year he was bringing the Bill in to do, namely, to remove these costs and fees and services. Now he makes it in line with all other legal acts and all other court procedures. I think that he has defeated the purpose of the Bill when it was brought in in its original form, and has put restrictions on these people bringing claims against small debtors to these courts of adjustment that he played up in such a great frame, last year, to be the "poor people's court."

Hon. Mr. Walker: — May I ask the hon. member a question?

Mr. Cameron: — I am asking you the questions by doing this, I was hoping that he would be able to clarify the purpose as to why now he has such a change of heart in regard to this particular Bill.

Mr. Speaker: — Is the House ready for the question? It is my duty to inform you that the hon. Minister is about to close the debate.

Hon. Mr. Walker: — Mr. Speaker, I am sure that what my hon. friend said was not exactly true that I would have some compunction about having a change of heart; but the fact of the matter is that there is only one aspect of the costs present in this Bill, and that is the costs paid to the court. There are no legal costs involved in this Bill, and I am sure that my hon. friend has had many cases in claims under $100 and claims over $100, many cases where he has sued. . .

Mr. Cameron: — Mr. Speaker, on a point of privilege. To answer that, I have had no claims that I have prosecuted anyone on, so I have had no experience.

Hon. Mr. Walker: — Well, then he could possibly consult with others who did sue their customers on some bad accounts, and he will find that if an account involved $150 or $175, the legal costs by the ordinary process would run at least to a quarter of the amount covered. That is quite a far cry from $5 on a $150 or a $175 claim. The costs of ordinary court procedures are made up of several things, including solicitor's costs and there are no solicitor's costs in this. The magistrate here is doing the work which the solicitor would normally do, and only charging a fee of $3 or $5.

I had anticipated what my hon. friend has said about a 'change of heart' and the Government had changed its policy in this regard, and I carefully read over what I said in the debate, last year, and nowhere did I say…

Mr. Cameron: — How did you know I was even going to speak on it?

Hon. Mr. Walker: — . . . that it provides for no fee. As a matter of fact nothing was said about court charges at all in the discussions, last year. This does not represent a change of heart. This merely represents the full bloom fulfilment of a plan which was launched a year ago and is now turning out to be so successful that we don't need to worry about killing it off by imposing a very modest charge of $3.

The question being put, it was agreed to, and the Bill referred to a Committee of the Whole at the next sitting of the House.

Bill No. 63 – An Act to amend The Securities Act, 1954

Hon. R.A. Walker: — Mr. Speaker, this one is very short. There is only one new section, 56 (a), and this section merely extends the civil rights of a person who has been defrauded as a result of a violation of The Securities Act in the sale of securities. Sections 6, 47, 51, 52, 54, 55 or 65 are all sections under which an individual may be misled by some action of the security salesman and where it is reasonable to assume that an individual would be misled by that violation. This provides that after a conviction under this section the victim may bring civil action to recover back his money.

We feel that this will not help in the great majority of cases, because in the great majority of cases the salesman probably hasn't got the money which he collected from his victims; but certainly the cases where he still has got the money, the money ought to be subject to attachment by the court and returned to the victim.

This, I believe, will strengthen the administration of The Securities Act and provide some encouragement for those people who have been victimized by the fraudulent security salesman, to come forward with their story and to give testimony at the time. This provides for the more effective enforcement of the security law, and I have no hesitation in recommending it to the House.

With these few words of explanation, Mr. Speaker, I move second reading of Bill No. 63.

The question being put, it was agreed to and the Bill referred to a Committee of the Whole at the next sitting of the House.

The Assembly then adjourned at 10:00 o'clock p.m.