LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Fifteenth Legislature
43rd Day

Tuesday, April 6th, 1965

The assembly met at 10:00 a.m.
On the Orders of the Day.

QUESTION RE APPOINTMENT OF THE LEGISLATIVE SECRETARIES

Mr. J.H. Brockelbank (Acting Leader of the Opposition, Kelsey): — Mr. Speaker, before Orders of the Day, I would like to ask the government if the Lieutenant Governor-In-Council under the Great Seal of the province has appointed any Legislative Secretaries.

Hon. D.G. Steuart (Minister of Public Health): — I'm not aware of any, but the Premier will be back in his place this afternoon. You can ask that question tomorrow and I am sure he will answer it.

Mr. Brockelbank (Kelsey): **—** Mr. Speaker, surely the government knows whether the Lieutenant Governor-In-Council has passed the orders appointing Legislative Secretaries or not.

Mr. Steuart: — There have been no Orders-in-Council.

Mr. Brockelbank (Kelsey): **—** Another question, will there be an Order-in-Council passed soon?

Mr. Steuart: — You keep asking, we'll let you know.

Mr. Brockelbank (Kelsey): **—** I'll keep asking.

RESOLUTION NO. 13 — RE INSURING CHIROPRACTIC SERVICES

Mr. H.H.P. Baker (Regina East): — moved:

> That this assembly recommends that the government give consideration to the inclusion of chiropractic services as insured services under the Saskatchewan Medical Care Act, 1961.

He said:

Mr. Speaker, I want to say how pleased I am to be able to introduce this motion. I won't have to speak too long. I'm sure you are all convinced without me having to say too much on this resolution judging by the thunderous applause I have received. I want to say how pleased I am to be able to rise and speak on behalf of the resolution as it reads in the Order Paper.

It is a privilege for me to stand up and make this recommendation. I don't think there should be too much controversy over it, because I am sure that both sides of the house have the greatest respect for this outstanding health profession. I noticed in the speech from the throne yesterday in the House of Commons, that the federal government is now planning to bring in an all-embracing medicare health program which is something we hope will come to fruition this time, I understand they want to meet with the provinces to discuss the various terms of medicare plan that will be brought in.

I would hope that it would be an all-embracing plan, one that would take in every type of health care and every profession. I think it is up to us now to include the various related professions in our plan so that we will be able to work this out on a cost-sharing basis. I am asking for the inclusion of the chiropractors because they have nowhere to go to appeal. The only place they can come is here to the legislature and put their case before us who represent the citizens at large.

I think there has been some discrimination against the chiropractors right in our own city. In fact, a few years ago they came to City Council

to ask that they be given the medical health building where they would be able to hold a clinic for children. This clinic was held for two or three days, free of charge, and hundreds of children were brought there. It was held for two years in a row, and after considerable opposition from the Regina medical and surrounding district organizations, City Council voted it down and so they had to hold their clinics elsewhere.

Now to me, this was rank discrimination on the part of our City Council to a profession that has been recognized and to people who also pay taxes to build this public building, and yet they were denied the privilege of using their medical health centre in the city of Regina for the holding of free clinics. So at this time they have to hold them in other buildings in our community in order to give this service to hundreds and hundreds of boys and girls. We talk about Bills of Rights and everything else, and here we find rank discrimination against a highly recognized profession by denying them the use of a building. I would think that in cases like this, our government should take a hand to see that fair play is given, not only to individuals but to professions and organizations as well.

After looking through various documents and books relative to chiropractic services, I am prepared to support the case on their behalf. Chiropractics should be included in medical care so that all citizens of Saskatchewan may have complete freedom of choice in health care. Chiropractic is the third largest healing profession in the world, exceeded only by medicine and dentistry. What is chiropractic? It is the philosophy, science and art of healing, correcting and adjusting interference with nerve transmission and expression in the spinal column and other articulations without the use of drugs and surgery. The science of chiropractic deals with a relationship between the articulations of the human body, especially the vertebral column, and the nervous system, and the role of these relationships in the restoration and the maintenance of health. Chiropractic is a specialized science. A chiropractor is a professional man trained in the use of standard diagnostic procedure as well as in the use of specialized chiropractic procedures. Chiropractors deal with structural adjustments. They do not set bones, treat cuts, or wounds, perform operative surgery, practice obstetrics, or prescribe drugs. The chiropractor refers patients with conditions outside the field of chiropractic to a qualified specialist in the needed healing art.

The educational requirements are four years of professional training, nine months each year, plus clinical training. Following graduation, the student must pass provincial licensing examinations in Saskatchewan, these are under the direction of the University of Saskatchewan. The Dean of Medicine is the Chairman of the Examining Board.

This profession is some seventy years old. There are more than 35,000 chiropractors on the continent and there are anywhere from forty to forty-five chiropractors in this province. The estimated total number of office visits for chiropractic, per year, in Saskatchewan, is slightly over 5,000. The Canadian Chiropractors Association was incorporated by letters patent on December 10th, 1953, under the Seal of the Secretary of State of Canada.

The Chiropractors Association of Saskatchewan was approved by an act of this legislature in 1943. The Saskatchewan Workmen's Compensation Board accepts and pays for services of a chiropractor, as a right of the injured workman to choose a doctor of his choice. Over 400 insurance companies in Canada and the United States accept and pay for chiropractic treatment for their claimants. Both dominion and provincial commands of the Canadian Legion have repeatedly passed resolutions urging the federal government to include chiropractics in the health service of veterans. Expert testimony of chiropractors as to diagnosis, treatment and prognosis of patient's conditions is accepted in the courts of law. The Saskatchewan Provincial Department of Education has accepted the Canadian Memorial Chiropractic College, Toronto, as an approved institution under the Provincial Student Aid Fund and the Canada Students' Loan Act.

So, you see, we do accept it as a part of the educational field for grant purposes. The Department of Veteran Affairs paid for the tuition and living allowances of 250 veterans returning to civilian life for their four year course of study at the Canadian Memorial Chiropractic College.

With regard to the position in other jurisdictions, in Wisconsin, the court has ruled that if the profession of podiatry is to be excluded from insurance programs, then foot care must be excluded, if foot care is included, then the profession of podiatry must be included. We take the same view in regard to the services of a chiropractor. If care of the spine

is included in medicare then the services of a chiropractor must be included as he is legally qualified to provide such care.

In the United States, insurance and welfare laws are being revised to require that the services of all licensed practitioners must be included in insurance and welfare programs. Such laws have been passed in the states of New Mexico, California, Delaware, Maryland, Minnesota, Indiana and Wisconsin. In March, 1964, the government of Switzerland amended its national insurance act to include the services of chiropractors on an equal basis with other health professions. The provinces of Alberta and Manitoba have recently enacted legislation which provide the services of chiropractors for recipients of health care under pension and social welfare legislation.

So, you see, chiropractic is a separate and distinct science of healing. The chiropractic profession is accepted by the public, by business, and by government and enjoys a status in the opinion of the public, comparable to any other healing profession, and under any government health program, Canadians should have the right to choose chiropractic or any other healing profession they desire, and the services of all such professions should be supplied to the patient on an equal financial terms.

Now, I could go on and give testimony from many people, and I am sure that there are many here that have had treatment, and, no doubt, excellent results in their own cases. I know that I could go on and say that we must embody other types of related professions to health care. I can think of dentistry, I can think of optometry and we spoke about including drugs in this health program. All these must be embodied into a plan to complete the cycle of a top-notch health program.

So, Mr. Speaker, I would urge that this assembly and the government particularly, that they include this profession under out health insurance program just as quickly as possible. In fact, I would hope that it would come this year. This would certainly help many people who find it a hardship to pay for treatment, especially those in the lower income brackets. Including it in our program would add another first to it and I would urge the Minister of Public Health, (Mr. Steuart) and the government on the other side to bring it in just as soon as possible.

With that, I take great pleasure in moving the resolution as printed on the Order Paper, seconded by Mr. Dewhurst, (Wadena).

Hon. A. Cameron (Minister of Natural Resources): — Mr. Speaker, in regard to this motion, I do want to comment on it. This is not a new type of thinking, of course, in this legislature. I might tell the members who weren't here in 1961, when we were discussing the medicare bill, the type of services which may be incorporated into any medicare program, the matter of inclusion of chiropractics at that time was thoroughly discussed. I had asked the Premier of the day if he was giving any consideration to including chiropractic services under the then medicare program. He informed the house at that time, that in the initial stages of the program consideration was not being given to this phase of health services. We have had some years of experience with a medicare program since then, and I think that Saskatchewan recognizes that the chiropractor plays a vital role in health services in this province. I think that, as time goes on, consideration must be given to broadening the basis and the type of health services which we are prepared to included in any insured services.

For my part I would welcome consideration, if not immediately, at least I hope before too long, to including chiropractic services in the medical care plan.

Hon. D.G. Steuart (Minister of Public Health): — Mr. Speaker, I don't want to belabor this and speak at any length on it, but I would like to say that I have met with chiropractors and with other members who have spoken here and I think we all hold them in high regard and recognize that exclusion from the medical care plan, creates problems for that profession, and creates hardships for those people who look to that profession for medical treatment. As members opposite who evolved the present medical care plan recognize, I am sure, the inclusion of chiropractic creates financial problems and other problems as well.

I was very pleased to notice, in the speech from the throne, that the federal government will be calling a meeting of provincial health ministers, in what we hope will be the next step towards a national medical care plan, and, of course, Saskatchewan has been pressing this. I didn't . . .

Some Hon. Members: — Hear! Hear!

Mr. Steuart: — . . . I didn't realize I was being so humorous, but since we became the government, we have been pressing in a realistic way with some hope of seeing it fulfilled, and the next step, we hope, will be that we will get cost-sharing with our present plan.

Of course, if the members opposite have their way, they will make it so restrictive that it will never come about, and sometimes I wonder if this is what they really want or if they really want to see the federal government get into a national scheme or not. But regardless of that, when they do come in, and I am sure they will, it will make our problems here, the extension of the medical care plan, in this or any other field, a great deal easier.

Certainly we will give consideration to this resolution, to the intent of this resolution, that is to give consideration to including chiropractic under the medical care plan. We have a commitment to institute a drug insurance program, and this must be given priority. I think that the high cost of drugs works a tremendous hardship on many people in this province and we intend to bring some relief to these people as quickly as we can.

All these suggestions to extend the present medical care plan are worthy. They all have serious financial implications and as a province, there is a limit as to how much the taxpayers can bear, so we have to take a responsible attitude towards the cost implication of any of these suggestions. I have a high regard for the chiropractic profession and as I say, I have met with them, as I am sure the former Minister of Health did, and I am sure they gave this consideration, and we will give it consideration. Beyond that, I can't say definitely when or if, it will be included, but I will be meeting again with the chiropractic association shortly after the session I am sure, and they will continue to press their case. I might say that they have placed their case before me in a very responsible way and I have appreciated this attitude and the co-operation that I have received from the association in the dealing that I have had with them since I have been the Minister of Health.

I think this resolution is a timely one, a good one, and we will give it every consideration.

Mr. J. H. Brockelbank (Kelsey): — Mr. Speaker, I just would like to take a few moments to deal with this subject. I am sure, Mr. Speaker, that if I should refer to the hon. member from Prince Albert (Mr. Steuart) as the funny Minister of Public Health, no one would call me out of order. I do appreciate his sense of humor, and whether it is funny or not, I am very glad to hear him say that the government is pushing the federal government to take action under the recommendations of the Hall Commission Report, because, believe me, Mr. Speaker, the federal government will need some pushing. So I wish them well in that line.

He also is funny, of course, when he states that there is some doubt whether the New Democratic Party wants a national program or not.

Mr. Steuart: — I know the NDP does, but what about the CCF?

Mr. Brockelbank (Kelsey): **—** Or the CCF, whichever way you like.

Mr. Steuart: — I don't like.

Mr. Brockelbank (Kelsey): **—** Because everyone knows except the minister apparently, that this is one of the things that we have worked for right from the start, when our party was organized. If I wanted to take a lot of time, I could point out the things that have been started by the CCF, and urged by the NDP party, the institution of free treatment for cancer, the hospitalization plan, later adopted by all of Canada and a great list of health services which we pioneered. We are very proud, very proud of that record. I noticed also that the minister said that drugs must be given some priority. I am glad to hear him say that too, but I just wonder what 'some' means in that case, because a few weeks ago, they didn't believe that it should be given very much priority.

Chiropractic, of course, is a recognized healing science and I don't need to say very much about it after the way it was dealt with by the member

for Regina East, (Mr. Baker), but the important point to remember is that practitioners are authorized by an act of this legislature.

The question before us is not whether a healing science is better or worse than any other healing science. The fact of the matter is that many people want the treatment that can be given by chiropractors, as many people want treatment that can be given by the medical profession. It is my opinion that they should have an equal chance and an equal choice in getting this treatment from any of the healing sciences which are legally authorized in this province.

To pass this motion and to take action under it will not completely take care of this situation. There are other healing sciences which are authorized by this legislature and certainly consideration will have to be given to them, but in the meantime, it would be good to get this start made, and I hope that we will pass this motion.

Motion agreed to.

ADJOURNED DEBATES

The assembly resumed the adjourned debate on the proposed Resolution No. 12 moved by Mr. Larson, seconded by Mr. Nollet.

> That this assembly views with alarm the increasing higher cost of farm machinery and other goods and services required by farmers which in the light of declining farm prices, has created an urgent problem of great national importance, and sincerely requests the government of Canada to implement immediately a comprehensive program of guaranteed farm prices maintained in fixed relationship to farm costs.

Mr. K. G. Romuld (Canora): — Mr. Speaker, when I adjourned the debate on the resolution moved by the member from Pelly, (Mr. Larson), I suggested that it was another Socialistic smoke screen to cover up the dismal record of the Socialist party relevant to agricultural problems and a resolution of this nature could enhance the image of certain members of the NDP party, pending possible by-elections this year.

Mr. Speaker, for twenty long years, barren years of Socialism in this province, the government prior to May 22nd, of last year, failed to recognize their obligation to the farming industry. But, we, the Saskatchewan Liberal party, took immediate steps to try and alleviate the cost-price squeeze that the farmer finds himself in today. We brought in tax-free gas for farmers, we removed the mineral tax, we reduced the sales tax. Mr. Speaker, it is interesting to note that the hon. member from Pelly, (Mr. Larson) spoke against tax-free gas for the farmers. Now, I ask the question did his statement against tax-free gas for farm trucks coincide with this resolution?

Of course, at that time, this resolution had not been conceived. This resolution talks about declining farm prices, yet the hon. members must be aware that farms income is now at the highest in history. Fixed relationship to farm costs mean rigid controls, surpluses, and would destroy the freedom of the agricultural producer to control his own production. However, Mr. Speaker, I maintain that it is abundantly evident that the members of the opposition do not place freedom of the individual before the state. This is demonstrated by quoting from the highly acclaimed Socialist propaganda document, the Regina Manifesto, and I quote:

> No CCF government . . .

I don’t blame them for laughing about that, I laugh every time I read it, except I get a little afraid.

> No CCF government will rest content until it has eradicated capitalism and put into operation its full program of socialized planning, which will lead to the establishment in Canada of the Co-operative Commonwealth.

Mr. Speaker, with a philosophy of this nature, one can readily see why curtailment of freedom is of little importance to the Socialist. I would like

to remind this assembly that years ago, the United States tried fixed parity prices based on a cost formula, which was established at ninety per cent of parity. What happened? Huge surpluses reduced acreage by government decree until finally the farmers in disgust voted out the whole program of parity prices and acreage controls.

We want a more enlightened and progressive program than that put forward by the hon. member whose thinking is tied to the dead post. Increase to farm income, the emphasis should be on markets. Mr. Sharp has set an expert objective of 400,000,000 bushels of wheat per year for the next three years to overseas customers. I was happy to see in the Wheat Pool report that they supported this move. The ARDA program, so strongly supported by this government, is aimed at directly increasing farm income. To assist in the establishment of economic units, the federal government has increased loans available under the Farm Credit Corporation, from $20,000 to $40,000 for land, plus an increase from $7,500 to $15,000 for livestock and equipment. This goes considerable distance in assisting farmers to establish themselves on economic units.

As a means of assisting municipalities, the federal government provides loans, under the Municipal Development Fund to municipalities for road constructions or other capital expenditures. On the amount loaned, the federal government is prepared to accept 75¢ as the payment for $1. In other words, the federal government is prepared to pay 25¢ of the cost of certain capital projects for our rural municipalities — another measure of government assistance to our farmers without controls attached.

Further as a result of representation by the Federation of Agriculture, all farmers will be included in the Canada Pension Plan. This means retirement in relative security for many farmers reaching sixty-five years of age and means the release of their land in many cases to a son or a younger person wishing to farm.

We want the same amenities and the same privileges extended to the farmers as are being enjoyed by others. The policies of increased road construction will bring highway facilities to a larger number of farmers. This has a direct bearing on the economic welfare of the farmers.

Mr. Speaker, while I realize the economic ills of the farming industry are far from being solved, I have pointed out programs initiated to assist the agricultural industry. However, we can all see the problem, but arriving at the solution is where we divide in our ideologies. I am sure that we will all agree that agriculture is in contrast to the centralized and integrated urban industries in Eastern Canada and the United States. Agriculture in Saskatchewan is an industry of de-centralized units. It is perhaps one of the most competitive industries in the national economy, since no single farm unit is large enough to dominate the market or affect the output or price of a single commodity.

Furthermore, the farmers of this province are required to sell their products to the free markets of the world and oftentimes purchase their consumer goods in a productive market. The results of these factors have often meant economic difficulty, for in the past, farmers have not enjoyed levels of income comparable to non-farm people. Moreover, incomes have tended to be extremely variable, hence aggravating the situation and further causing severe disruptions within the agricultural industry.

There have been several internal disruptions as well as external disruptions. For example, there has been a tremendous increase in farming technology and we are now able to increase production while cutting down on the size of the labor force necessary to bring out that production. This has brought about an increase in the size of farms and a corresponding increase in land prices, and a corresponding increase in the demand of farm credit in an increased demand for farm credit which the traditional lending institutions have not always been able to provide.

There is another complication which has caused dislocations within the industry. Since the second world war, we have witnessed economies such as our own, surge ahead to new income and production levels. While we were very proud of this and appreciate the benefits derived therefrom, we have tended to ignore and neglect several of the poverty stricken nations of the world. Usually, these nations are the most densely populated and present the best source of potential markets for our agricultural products. But they are not able to purchase our products because of the gap in income which exists between the two economies. This simply means that we are unable to sell our agricultural products at a price commensurate with our cost of production.

We in Canada are faced with several problems which are unique to our own economy. For example, Canadian agriculture is more variable than other countries because of such specialized products as grain and fruit which are susceptible to our variable and severe climate. Agriculture is more important to the total economy of Canada than agriculture is in most other developed nations. Furthermore, Canadian agriculture is more dependent on world markets than most other forms of agriculture in other nations. It is, therefore, important to point out these factors because it is within this framework and against this background that we must devise policies that are mutually beneficial to the people of this province and to the people of this nation. Any policy maker must be guided by certain variables which are fundamental to good agricultural policy.

Mr. Speaker, during the brief time I have been on my feet, I have tried to place the true facts before this assembly. I am not surprised that the Socialist approach has little comfort to the farmer in his fight for survival. However, this lack of knowledge by opposition members reminds me of the old saying, "when ignorance is bliss, it is folly to be wise."

In view of my remarks, Mr. Speaker, I propose the following amendment to the resolution, seconded by the hon. member from Elrose (Mr. Leith):

> That all the words after Canada be deleted and the following substituted therefor:
>
> To continue to develop a program to increase farm income, to assist in the establishment of economic farm units, and in conjunction with farm organizations develop policies that will increase security and opportunity for those presently engaged in the agriculture industry.

I so move the amendment.

Mr. Fred Dewhurst (Wadena): — Mr. Speaker, on a point of order, I would like you to rule on the validity of that motion, and I would like to speak on the point of order, if necessary. I would like to refer you to Beauchesne, Section 165, sub-section 2. It says:

> Having moved the adjournment of the debate, a member has spoken on the question and cannot make a second motion during the same debate.

That is page 137, section 165, sub section 2.

The member for Canora (Mr. Romuld) adjourned this debate at the previous time, as this section says, and now, even though he has spoken to the question, he cannot make a second motion which he is now attempting to do, so I would suggest to you, Sir, that this amendment is out of order.

An Hon. Member: — Is there a precedent in this house?

Hon. L. P. Coderre (Minister of Labour): — Mr. Speaker, on the point of order. Time and again a precedent has been established in this house, where members of this house have adjourned the debate and then have brought in an amendment later on. The hon. member from Wadena (Mr. Dewhurst) knows full well that he has ruled on that situation on several occasions.

Mr. Speaker: — It appears to me that this is a case of a conflict between the rules laid out in Beauchesne and the practice of this house. The question has been raised that the motion is out of order by reason of the fact that the mover thereof had previously moved the adjournment of the debate and I agree with subsection 2, in Beauchesne — citation 165:

> Having moved the adjournment of the debate, the member has spoken on the question and cannot make a second motion during the same debate.

But I would draw the attention of the members of this house that in the past, the practice has been that members have moved the adjournment of a motion, for instance of a return, and later brought in an amendment thereto. Members have moved the adjournment of the Throne Speech debate and later participated therein and brought in an amendment thereto, and I

think that the same thing can be said possibly, of the Budget Debate.

Here we have a conflict between the strict interpretation of the rules of parliamentary procedure, and the precedent and the procedures of this house, that has taken place in the past. I do not know how strictly the members want the rules interpreted. However, inasmuch as past precedents of the house has established that members have moved the adjournment of the debate and as such it has not been considered as a definite motion in itself, I think we have to follow the past practices of the house but let me say that in future we should follow the rules of the book.

Mr. J. H. Brockelbank (Kelsey): **—** Mr. Speaker, I do not want to appeal your ruling or challenge it, but I do want to raise another point which immediately becomes related. In citation 165, subsection 8, it points out that:

> A member who has moved the adjournment of a debate which has been negatived cannot speak on the original motion.

Now, in the one case, you see, the member moved the adjournment of the debate and I agree that this is a very insignificant procedural motion, and we almost regard it as no motion, but it still is there — that motion is carried — the debate is adjourned, then he can go on and speak and can move another amendment. But if the member moves or seconds the adjournment of the debate and that motion is negatived then he is not allowed to speak and consequently is not allowed to move any further amendment.

This seems to me that this kind of a situation is going to be against, very much against the minority in the house, and you know, Sir, better than the rest of us, that the purpose of rules of the house are largely for the protection of minorities and I would think that this point immediately becomes important to us — the application of subsection 8 of citation 165. I do not necessarily ask you to comment on it at the present time because the issue is not up at the moment, but it is a question that certainly will likely come up.

Mr. Snyder: — Yes, I appreciate what has been said the Leader of the Opposition (Mr. Brockelbank), if I take it correctly that what he is speaking in favor of is the very strict interpretation of the rules of the house, or the rules of parliamentary procedure. Let me say that I am only too happy to give them the strictest possible interpretation and I am glad that he stated as he did. I am happy to give them the strictest possible interpretation now and in the future. I, therefore, rule that the motion is out of order.

Mr. George Leith (Elrose): — Mr. Speaker, I have watched this resolution with some interest and I feel, in accordance with some of the principles often stated by the former Minister of Agriculture (Mr. Nollet), now the member from Cut Knife, that what the opposition speakers wish to do in this resolution is to have some agency collect all the costs incurred by farmers all through Canada, add them all up and then figure out how much produce is sold by the farmers of Canada and leave about 20 per cent over that cost and fix the prices at these levels. Now, we all know that it is not this simple — that it could not be done exactly this way. But I have never believed that a comprehensive program of guaranteed farm prices maintained and fixed relationship of farm costs could work, would work, or should work. Therefore, I am very happy to move the following amendment:

> That all the words after Canada in the original motion moved by Mr. Larson be deleted and the following substituted therefor:
>
> To continue to develop a program to increase farm income, assist in the establishment of economic farm units, and in conjunction with farm organizations develop policies that will increase security and opportunity for those presently engaged in the agricultural industry.

I so move, Mr. Speaker, seconded by the member from Yorkton (Mr. Gallagher.)

Mr. Brockelbank (Kelsey): **—** Would the hon. members supply us with copies please?

Mr. Leith: — You give me those back and I will sign them.

Mr. Dewhurst: — Mr. Speaker, under 165 — 8 again which says:

> A member who has moved or seconded adjournment of a debate which has been negatived cannot speak.

The same ruling, I say to you, would hold in this case. The member for Elrose (Mr. Leith) seconded the motion which you just ruled out of order. He has taken the same motion, word for word, as I can see it, and moved the motion, having been the seconder of the motion which was ruled out of order I would suggest to you, Sir, that it is out of order for him to move that motion.

Hon. D.G. Steuart (Minister of Health): — Mr. Speaker, on the point of order, the motion was ruled out, not because of the substance of the motion or not because of the seconder of the motion, and the seconder of the motion that was ruled out of order, did not second the adjournment motion. It was ruled out of order, as I understand it, because the member who moved it, did not have the right to move another motion after he moved the adjournment, not because the individual, the member that seconded it.

An Hon. Member: — There was no motion approved.

Mr. Speaker: — Objection has been taken that the mover of this motion cannot do so on the grounds that he seconded a previous motion which was out of order and thereby spoke to the question. I draw your attention Beauchesne, section 165, sub-section 3.

> By moving or seconding an amendment, a member if he utters a few words, actually speaks to the main motion. It is only after the amendment has been put by the speaker that it is considered a new question.

Now, if I recall correctly, I may be wrong in this regard, when the member for Elrose (Mr. Leith) seconded the previous motion, he never spoke. His name merely appeared on the paper as the seconder thereof. He never rose in his place or said anything. It seems to me that we have got into a somewhat time-consuming procedural hassle in regard to this matter but it is my personal opinion that on those grounds, the amendment is in order. However, if the house would wish I will reserve my ruling and bring in a written ruling at the first opportunity.

Mr. Dewhurst: — Could I refer one more citation to you, Mr. Speaker? I am fully cognizant of number 3 which you read, but number 8 is that:

> A member who has moved or seconded the adjournment of the debate which has been negatived cannot speak to the original motion.

The seconder, if he has seconded it, he hasn't spoke. It has been negated by the mere fact that he has seconded it. He is also barred from speaking to the original motion, and in seconding the amendment which was ruled out of order, he seconded that motion, which I said a number 8 would put him out of order on this count.

Mr. Coderre: — Mr. Speaker, the motion was never put to the house and, therefore, it is not considered a motion if it has not been put to the house.

Mr. Dewhurst: — It was put to the house.

An Hon. Member: — It was not put to the house. Nobody voted on it, negatived or otherwise.

Mr. Speaker: — It has been brought to my attention that this house does not require seconders for an adjournment motion. However, as I think the hon. member's question is quite involved, I will reserve my ruling and will bring in a ruling at the earliest possible occasion.

The assembly resumed the adjourned debate on the proposed motion of Mr. Smishek: that Bill no. 60 — An Act to amend The Hours of Work Act, 1959, be now

read a second time, and the proposed amendment thereto moved by the Hon. Mr. Coderre.

Hon. J. W. Gardiner (Minister of Public Works): — Mr. Speaker, in entering the debate on the bill introduced by the member for Regina East (Mr. Smishek) I wish to make reference to certain submissions made to the former government from time to time by the Saskatchewan Federation of Labour. My sole purpose in making the reference to these submissions is to establish the fact that the member for Regina East (Mr. Smishek) seems to have been a member of one or more of the delegations from the federation, to the former government, at which time the federation would be asking, amongst other things, for the introduction of the 5 day, 40 hour week.

As a matter of fact, Mr. Speaker, in the federation's submission made on December 17th, 1956, we find that the hours of work for manufacturing were 40.3 hours a week, but at that time a strong plea was made for the 40 hour week on the strength that 85 per cent of the Canadian plant workers were working a five day week and 62 per cent were working 40 or less hours a week as their standard work week.

In the same submission, Mr. Speaker, the federation congratulated the former government for effecting beneficial changes for garage workers. It is my understanding that this beneficial change resulted from a reduction from 48 to 44 hours for garage workers in the cities of the province. It is interesting, Mr. Speaker, to note that in this same submission the federation urged the government of the day to provide statistics on hours, regular earnings, rates of wages by centre and by industry, etc. Obviously, Mr. Speaker, the government of the day was not too impressed as we find that when the former government left office in 1964, the federation was still waiting for these statistics.

I wish now, Mr. Speaker, to refer to a booklet issued by the Saskatchewan Federation of Labour, entitled "The Case for a Forty Hour, Five Day Work Week Law in Saskatchewan." I am indeed grateful to the federation for the information which has been made available in this booklet and I would like at this time to make some comparisons between the information furnished in this booklet and the references made by the member for Regina East (Mr. Smishek) in his address to this assembly on Tuesday of this week, or Tuesday of last week.

If my memory serves me correctly, he stated that the average weekly hours of work in Saskatchewan manufacturing is now 38.8 hours. It seems that in 1959, the figure was 39.1 hours — really not too much improvement after five years of the previous government's rule. Referring further to the booklet, Mr. Speaker, I note with interest that at a 1946 convention, the Saskatchewan CCF party urged the government of the day to enact legislation to provide for a 40 hour week as soon as unemployment as Saskatchewan became a serious problem.

If we read further in the booklet in question we find that at almost every convention from that time in 1946 down to the time that the previous government went out of office in 1964, CCF conventions passed similar resolutions asking for a 40 hour week and this was continually turned down and continually ignored by the government of the day.

Let us, just for a moment, look at the approach of the national Liberal party in this country. In 1961 the national Liberal Federation at a rally held in Ottawa, passed a motion for the adoption of $1.25 minimum wage and a maximum 40 hour work week. It took only two years after they took office, and only four years after the passage of that resolution by the national Liberal Federation for the government of the day to put into effect the motion that was passed by the national Liberal party. I am just going to ask my friend and people generally to indicate which group they felt, at least attempted to carry out the pledges that they had made to labor. I would suggest that the CCF party had done very little to accede to the requests of labor in this province for consideration of their problems and I want to suggest here that the action of the federal Liberal government in this past year, indicates the position that the Liberal party has always taken down through the years to assist in the work of all organizations, whether they be labor, whether they be farmer, whether they be professional, or business people.

They believe in looking to the needs and wants of all groups in this country, and I can assure the member from Regina East (Mr. Smishek) that in the next few months that the Minister of Labour and this government will be considering fully labor legislation in this province, and I am

quite certain that he would, in all fairness, agree that the government surely has the right to look over statistics which were not presented by the previous government and to try to draw up statistics under which they can implement what they feel is reasonable and good labor legislation in the province. I think he and our friends on the other side of the house, and labor generally, would say that the government has the right to at least take a good look at labor legislation of this type before implementing it.

I am certain that I can speak for the Minister of Labour and this government to say that by the time the next session rolls around, legislation affecting the working man in this province will be brought in by the minister after full consideration has been given and after all the facts are available and a survey has been undertaken that the labor organizations asked for in 1956.

I think anyone who wants to be reasonable could not ask for more. There is no one on this side of the house opposing the idea of a 40 hour week, but we are asking that the Department of Labour and the new minister be given a reasonable period of time to bring down the new labor legislation, which we believe will prove to be in the best interests of all. I think that the amendment that has been moved, asking that a six months hoist be given to this bill. This will provide the minister and the government with the opportunity of making a full investigation into the problem and coming up, in the next session, with legislation which can be to the welfare of all the working people in this province.

So, Mr. Speaker, it gives me a great deal of pleasure to second the motion of the Minister of Labour (Mr. Coderre) and to ask this house to consider that request reasonably and give him and his department an opportunity to work out a solution to the problems of the working people of this province.

Some Hon. Members: — Hear! Hear!

Mr. W. G. Davies (Moose Jaw City): — Mr. Speaker, I would like to say something on this bill, and in doing so, I would like to make a comment to start with about the remarks of the Minister of Public Works (Mr. Gardiner). He said at one point in his talk that the CCF had done very little for labor. I wonder if he remembers the Vacations with Pay Act, the Minimum Wage Act, the Compensation Act, that passed this house because they, Mr. Speaker, still happen to be superior to any other legislation of its type in Canada, and, of course, the 1944 legislation on hours of work is still superior to other parts of Canada, in many respects, and certainly superior to the Liberal provinces of Newfoundland and New Brunswick. There is no doubt about this.

When you talk about progress and how quickly this takes place, one thing is very evident in the Liberal provinces, as well as at Ottawa under a Liberal government — progress in labor legislation has been very slow. The Minister of Public Works (Mr. Gardiner) made reference to the quick action of the Liberal party at Ottawa and said that this is only a few years after a resolution had been passed in a national Liberal convention. I want to remind the minister, Mr. Speaker, that for over a decade, Stanley Knowles, as a member of parliament, rose in his place to move bill after bill for hours of work, vacations with pay — as a matter of fact all the things that are now contained in the Canada Labour Standards Act. It was not until the present minority position that it proceeded to the Canada Labour Standards Bill.

Some Hon. Members: — Hear! Hear!

Mr. Davies: — If anyone is responsible for creating the climate and creating the opinion and the support for this legislation it is Mr. Stanley Knowles, and believe me, this is not a partisan comment. Mr. Speaker, this is the kind of comment that you will get from impartial press people at Ottawa. I have heard it and I am sure the hon. members opposite, if they want to admit it, will also say that they have heard it too.

Mr. Steuart: — Toronto Star . . .

Hon. A. Cameron (Minister of Natural Resources): — Who is he?

Mr. Davies: — Well, if my hon. friend has not heard of this name until this time, I am afraid it is no use trying to remind him of it.

May I also say something about the fact that the previous CCF administration had not proceeded to a 40 hour week. I want to reply to the Minister of Labour (Mr. Coderre) who said the other day, "no voices had ever been raised on this side of the house." Of course, the Minister of Public Works (Mr. Gardiner) today had contradicted him, because he has told us about resolutions and about considerable discussion in CCF conventions. And as a matter of fact, he intimated that there had been progress made in hours of work by legislation. One of the examples he gave was a fairly recent one — that of garage workers, where the hours of work of garage workers have been reduced form 48 to 44 hours.

Now, there has been, over the years, quite a lot of progress in hours. It certainly has not been all that we would have liked to have seen. The fact remains, however, that legislation for hors of work in Saskatchewan is still superior to most provinces in Canada, and is superior to the Liberal provinces that I made reference to.

The Minister of Labour (Mr. Coderre) speaking the other day, (and I thought at that time speaking against the idea of hours of work legislation), said that jobs were made by industry, that is, suggesting that jobs were not made by reduced hours of work. He said something that is true in general. But again, experience all across Canada is that where we have had the greatest industrial progress, we have also had some of the highest levels of unemployment. All you need to do is look at areas like British Columbia and Ontario to see the truth of this statement. Where you have had enormous expansion, you have also had expansion of unemployment levels. So the problem is not just simply that of industrialization, important though this is.

This is the big conundrum of 1965, that we have advancing levels of technology with advancing levels of unemployment. This is one reason for recommendations like the 40 hour week. The Minister of Labour (Mr. Coderre) the other day talked about a tremendous shortage of manpower. He did not qualify this on that occasion by talking about skilled manpower. I say that there is no shortage of manpower as such in Saskatchewan, and even in the most buoyant year that Canada has had in a long period of time, there are still some 20,000 unemployed persons, at peak, in this province. There is no room for complacency and certainly there is lots of room for concern in the figures that we know about.

There are some other comments that I think are important and I wish to proceed to those, Mr. Speaker. May I submit, that whenever hours of work legislation has been talked about anywhere, that it has been accompanied by much opposition. Just as many other social measures have been opposed throughout time and I do not intend to go into a long list of examples. Anyone in this house could in his own recollection and memory, cite numerous examples. But if we had listened to the comments and the representations of those who have opposed this legislation, we would have been working on the most archaic hourly schedules. I can recall twenty-five years ago, when the packing houses of this province and across this country began to be organized. I know a lot about this because I was one of those who took part in this organization.

At that time people were working up to 72 hours a week. This was not uncommon. Some working hours per week were more than that. The first union contract of the packinghouse workers in the Regina, Moose Jaw and Saskatoon plants, over a period of years — and the best that they could get was a 54 hour week. Overtime was on the basis of 10 hours per day for five days a week. There were literally anguished cries raised on these occasions to the effect that it would be impossible for the packinghouse managements to operate. It was going to mean ruination for the industries. Fluctuating livestock receipts were going to impose impossible conditions for management. What is the condition today? The industry is flourishing and thriving as never before. Not only 40 hour weeks are prevalent in the industry, but lesser weekly hours of work than that.

So, I say that this is a graphic example, that one cannot trust the advice of persons who have always given conservative and backward advice on matters of social reforms. I cannot hear the member for Souris-Estevan (Mr. MacDougall) when his back is turned and he is facing the wall. I do not think he had anything really very important or intelligent to contribute to this question anyway.

I want to say too, that when we look at some of the employee sections in the population, we can see that office workers, people who do not have the most arduous types of physical labor, are working more hours of work per week than those who have harder physical labor to perform. The schedules for people in offices are 36, 37, and 38 hours a week — often less. As a

matter of fact, right in the government service, it is a matter of common knowledge, that our clerical people work a 36¼ hour week. This has been the case for years.

On the grounds of logic alone, how on earth can we stand in the way of a 40 hour week when many people on much less repetitive types of operation, less demanding physically, work fewer hours each week. Let us take into consideration, too, all of the new industries that have come into being in the last decade in this province. Let us look at the oil industry, the potash industry, the cement industry and the steel industry. Who would dare to suggest that any of these industries would be hurt by a 40 hour week? As a matter of fact, I think it is true to say that most of them are on a 40 hours or lesser schedule of hours each week now.

One of the matters that must have been brought to our attention in this brief discussion is that we have had already on this bill is that this legislation would not be of most benefit to the organized worker but would benefit the unorganized worker, the person who does not have collective bargaining, and who does not have the advantage of contracts of work between his representatives and his employer. He has also reply upon legislation for his working conditions, and especially, insofar as hours are concerned.

Hon. L. P. Coderre (Minister of Labour): — I want to . . .

Mr. Davies: — I want to tell my friend again that if his government can make the progress in labour legislation . . .

Mr. Coderre: — We will, we'll do more.

Mr. Davies: — . . . that the last government has made over the last decade and a half, you will be doing very well indeed, but I don't expect to see it.

Mr. Coderre: — We'll do much more, we will provide him with work.

Mr. Davies: — My friend has had his opportunity to speak, and while I don't think he has contributed very much to this debate, I wish he would let me make my contribution.

I remind you that as far as Canada is concerned, since there have already been figures quoted for Saskatchewan, there is every reason to believe that working conditions and hours in this country should be as favorable as they are in other countries. Unit labor costs in Canada, we are told by the Economic Council of Canada Report, issued last December, are substantially less than in other advanced countries of the world over the last twenty years. As a matter of fact, unit labor costs have risen in the United States from the period 1939 to 1963 at a far faster rate than the unit labor costs in Canada.

Another factor, that escapes our attention from time to time, but one that we should keep in mind, is that we need good labor conditions in this province, to keep our labor force. It is no secret that we have somewhat less favorable climatic conditions in Saskatchewan than in some other parts of Canada. We have a short summer season, and heaven only knows this year illustrates that we often have long winters. We have a powerful argument here for securing, as far as we can, good conditions of work and with respect to the duration of work especially in this context, so that we can keep people, especially skilled people, that the government are prone to talk about lately.

I think that the labor laws of the last twenty years have done a lot to keep many of the employed population in this province, who would otherwise have left this province, if it had not been for that legislation.

An Hon. Member: — . . . the statistics.

Mr. Davies: — The statistics certainly don't contradict what I have said, at all, Mr. Speaker, and I could prove it to the satisfaction, I think, even of the Minister of Labour (Mr. Coderre) were I given the opportunity.

We have too in Canada, as perhaps is also known to some of the members of the government, the highest unemployment rate among the industrial

countries of the world. This has been consistent over the last decade. We can look at the Scandinavian countries which have somewhat similar weather conditions to our own, or we may look at the northern United States. Yes, here, the levels of unemployment in a similar environmental condition, are much lower than our own. Apart from all other reasons, it seems to me that we have reasons to improve our hours of work legislation because of the fact that we do have a high level of unemployment, both in Canada and in the province of Saskatchewan.

Not so long ago, I read some very interesting figures given by Mr. Gerard Piel, the editor of the Scientific American. He has written several books on technology. He has told us that one man-hour of work today produces what it took three man-hours to produce about 60 years ago. He has told us, also, that we could be producing today the same national product as in 1900 with one third of the 1900 labor force. He also tells us that if we had left hours stationary, that is, hadn't disturbed them from the level of the 1900s, we would have had some 60,000,000 people in the labor force of the United States, unemployed. Of course, the American people have elected to apply their rising productivity to the production of a much larger volume of goods, about six times that of 1900. The major part of this great increase is represented by products that were unheard of, a half a century ago. In other words, the workers that were disemployed by rising productivity in the old industries, have been absorbed in new ones, so as to produce an expanding variety of goods of entirely new functions, that have been created by the flow of abundance.

So, Mr. Piel, from these figures suggested that this shortening of the work week from 60, as it existed in 1900, to 40 hours, as it exists generally now, (and less) in the United States, has resulted in a much larger labor force which puts on a total number of man-hours only 40 per cent larger than those worked by the labor force of 1900. He said that if the 60 hour work week with all modern factors was still prevalent, only 40,000,000 workers would be needed to produce today's goods as at 1961, and some 27,000,000 workers would be unemployed.

Aside from all this, are we not heading into an era where automation simply spells the need for reduced hours? It is not my reckoning, but the reckoning of a number of people who appear to know what they are talking about, that in the next 34 years we are going to see an condition where possibly five per cent of the work force will produce approximately twice the per capita production of today. I think the problem of today's worker is getting to be that of finding work in a shrinking labor market to qualify as a consumer of the abundance that is being created. When we consider the numbers of young people who are coming into the labor markers that in the current decade we are going to have ten times the numbers of young people, from 20 to 24 years of age, arriving in our midst, than appeared in the last decade, it seems to me that one simply cannot argue about the need for reduced hours of work.

I want to remind the Minister of Labour, (Mr. Coderre) and the Minister of Public Works (Mr. Gardiner) that when they talk about the need for a new investigation, that after considerable plodding and prompting, their counterparts as Ottawa did produce the Canada Labour Standards Bill, which provides the 40 hour week for those workmen who come under federal jurisdiction. This didn't require any nationwide investigation or survey, even although the whole environment they were dealing with, dealt with ten provinces over the length and breadth of this country. I don't see why it should now be necessary for the Minister of Labour, (Mr. Coderre) to fall back on the subterfuge that an investigation is needed before he can do something positive in the way of reforms for hours of work.

We have heard lately about the possibilities of a pulp and paper mill. We have heard also something about what we can expect to see in the lumber industry in the province of Saskatchewan. I want to point out that this, also, is an industry that because of technology fewer persons are required to do the work than was the case ten or fifteen years ago.

The issue of Monetary Times of last September states that the pulp and paper industry in Ontario would require only 1/10th of the numbers of workers by 1970 that were in the industry in Ontario in 1950. Here again, is another reason that should urge us to the quickest possible type of consideration of a reduction in hours of work. I say in concluding, Mr. Speaker, that the time is really overdue for surveys. There should be evidence in the office of the Minister of Labour that would obviate the need for any survey. I grant that the statistics are not all that we would like to see in some areas. But I don't think that very much information is needed on hours of work, because, as the minister has already admitted, the information

on hours of work in the industries of the province, and among classifications of working people in Saskatchewan, is such that I don't know how a survey would help his case. It is not perhaps quite the same when one talks about classifications of skilled workers, or problems of women. The hours of work subject is something that they have information on now. It should not be necessary for us to delay further.

May I finally add, Mr. Speaker, that there are no longer the same reasons for us to say, as we once said in this house, when questions of this kind were brought before it, that we would have to wait until action was taken at Ottawa. I can remember, Mr. Speaker, this being said by some of my hon. friends who are now sitting opposite. I say that this action has now been taken by Ottawa. It should be for this government, if only as a Liberal government in support of the Liberal government at Ottawa, to try and do something in Saskatchewan that would support and complement the actions that has already been taken by the Pearson government.

This, I suggest, would do much to reinforce the principle that they have finally agreed to introduce at Ottawa, and result, by and large, in a better situation for the working people and the citizens of this province.

Some Hon. Members: — Hear! Hear!

Mr. J. E. Brockelbank (Saskatoon): — Mr. Speaker, I listened with interest the other day to the Minister of Labour (Mr. Coderre) putting his case, this particular bill, and I listened with interest to his amendment thereafter.

During the presentation of his case, he was seeming to say, "we will proceed without delay" and this is one of his main themes during his speech. After a liberal amount of rambling around in order to try and show to this assembly, that we on this side of the house were placing the cart before the horse, he made his amendment to give the bill a six months hoist. It seems that the Liberal picture on labor and health and farm assistance for a number of years has been a cart before a horse picture. It is only logical that he would follow up with this type of picture the other day.

As you may gather, I will be speaking against giving this bill the six months hoist. The working people of Saskatchewan for a number of years have had the benefit of the best legislation in Canada, and I think the working people of Saskatchewan appreciate that legislation. It appears now, very soon, that there will be a chance that many of the citizens of Canada will win a uniform code of labor standard. The Canada Labour Standards code, when passed by the House of Commons, will be a welcome event, and just in time for our hundredth birthday.

Of course, the area of responsibility of the federal government has been discussed during the presentation of the bill. The area of responsibility is in the field of shipping, air transportation, inter-provincial rail and highway transportation, communications, as well as banking, uranium mining, grain elevators, feed mills and some crown corporations. The people in these jurisdictions will be covered by the federal bill C126 for minimum wages and maximum hours. Vacations with pay and holidays with pay. In Saskatchewan the record of productivity is excellent from the working man's point of view and from the businessman's point of view. It was brought out in the debate that Canadian labor costs were in a relatively good position when compared to labor costs in other industrial countries.

It follows that, as we in Canada and Saskatchewan move into the age of automation, it is logical because of the nature of mass automated processes and increased productivity, that we should shorten the work week at the first opportunity. Over recent years and very recent years, I might add, the Liberal party has continually implied that they would "remove irritants" from the labor laws, and in addition they promised "real benefits" for the laboring people. I, too, am interested in keeping our provincial development moving ahead so that the benefits can be shared by all people who labor to bring about those particular benefits.

I suppose that each of the Saskatoon MLAs represent more people who are commonly referred to as working people than any other members in this assembly, and, therefore, because they are our constituents, we must speak out strongly on their behalf. However, a number of members in this assembly do represent some working people from their constituency, and, Mr. Speaker, because of that I would be interested in hearing comments from other people in this assembly, particularly comments from across the way. This is an important bill and I think the endorsation should be forthcoming from across the way. I might just cite a couple of clippings that I happened

to come upon to reinforce this particular suggestion that their endorsation should be forthcoming. This was a discussion of the budget in 1947, and one of the members speaking said:

> Mr. Patterson has inferred that such measures as the shorter hours of work, introduced by the CCF government, were a burden on agriculture; This view could not be reconciled with the Saskatchewan Liberal's platform of encouraging a forty hour week.

Here is a clipping that sets forward the very convention in which the Liberal party came out in favor of a forty hour week. This is from the Leader Post in 1946, August. The dateline is Saskatoon.

> Delegates attending the provincial Liberal convention became embroiled in a heated discussion Tuesday before a resolution urging the enactment of legislation to encourage the bringing about of a basic forty hour week in Saskatchewan was adopted. The resolution specifically stated that such legislation to be brought in by the Liberal party, on its return to power would be applicable to industrial and service employment and not to agriculture.

This appears to be the Liberal platform and I see no reason why the members opposite could not vote against hoisting this bill and then support the forty hour work week as implied in this bill.

Conditions have changed considerably since the federal government saw fit to bring in Bill C126 and this of course, will throw a completely new light on the labor laws of Canada.

I suggest to the hon. members opposite that the Premier established an interesting precedent in an earlier debate when he said:

> You will be asked to co-operate with the government of Canada in introducing the Canada Pension Plan at an appropriate time, if necessary, legislation will be introduced in to the legislature to effect such co-operation.

I would suggest that the same good sense approach could be applied to Bill 61 with the introduction of the federal bill C126. I feel, at this time, that Bill 61 should not be given the six months hoist by this assembly.

Mr. G. T. Snyder (Moose Jaw): — Mr. Speaker, I wouldn't want this opportunity to pass without expressing my support for the provisions contained in the bill which was introduced by the member for Regina East, (Mr. Smishek).

My comments will not take a great deal of time. I think the waterfront has been covered rather carefully by other members who have already spoken. The motivation for the bill, the principle of it were explained rather thoroughly by the member when he moved second reading and I want to congratulate him for it at this time.

I want also to express my disappointment in the attitude of the Minister of Labour, (Mr. Coderre) in his efforts to obliterate the provisions of the bill by moving the six month hoist.

I think it is widely recognized, Mr. Speaker, and generally accepted, that we are presently involved in what might be properly referred to as the second industrial revolution. At no time in our history, have we been able to produce such a volume of goods and services and at no time in our history have we seen productivity for worker at such a high level. It is my belief and statistics bear me out in this impression, that wages comprise a lesser part of production costs than at any time in the past. This is a trend which we know is going to continue and will be exaggerated further as we enter more deeply into the age of automation and cybernation.

It is a matter of record that wages now make up less than 15 per cent of total product costs as compared to a considerably higher figure only

a matter of a few years ago.

The age of abundance and technological change has associated with it some features that are genuine causes for concern not only for working people, but also for those people in a position with authority in government as well as people in the management end of the operation.

Agriculture, as well as industry, has undergone a transformation in recent years. We have seen mechanization on the farm, accompanied by the cost price squeeze which has had the effect of reducing the agricultural labor force from about 148,000, a decade and a half ago to a point just slightly in excess of 110,000 today. This has meant, Mr. Speaker, that farmers and the sons of farmers have found it necessary to seek employment in the non-agricultural sector of our economy, as farms grew larger and as the agricultural labor force diminishes in number.

Elsewhere, Mr. Speaker, the value of reducing the average hourly work week has been recognized as an effective device for distributing the available amount of work among those who are seeking employment.

In 1940, in the United States, the Federal Fair Labor Standards Act came into effect with the general application of a forty hour week.

At long last, Mr. Speaker, it appears that we are to have a national labor code with a maximum hours of work provision set at a basic forty hour week.

So I suggest, Mr. Speaker, that in view of this and in recognition of the problems which we know we are going to encounter in the immediate future in providing work for all those people who will be seeking jobs, I think that the time is now most appropriate to bring our provincial hours of work act into conformity with the provisions of the National Labor Code.

I believe, Mr. Speaker, that Labour Minister McEachen, is to be congratulated for the position which he has taken on this matter despite opposition from members of his own political party. It has been recognized that the federal Labor Minister is one of the progressives in his political movement and I think he should be congratulated for having the courage of his convictions. It is my hope, Mr. Speaker, that the Minister of Labour, (Mr. Coderre) in Saskatchewan will assume a similar attitude in the not too distant future.

This action, Mr. Speaker, which was initiated by the Federal Minister of Labour recognizes the value of creating jobs through the medium of a shorter work week. Economic trends indicated the medium of a shorter work week, they indicated that the time is appropriate to take this action. We are told that the work week can best be reduced with no less in weekly pay while the economy of the country is still comparatively prosperous and before unemployment pressures have mounted to become a dominant economic force.

We are told, Mr. Speaker, that shorter hours of work provisions are held in reserve too long, and turned to only after the full shock of recession or excessive unemployment arrives, that the positive benefits of such a program will be severely reduced. Shorter hours of work would then result in a reduced wage, work-sharing sort of a proposition which would not be adequate to contribute to the task of increasing employment.

Reduced hours of work cannot be regarded as the solitary solution to the problem of unemployment arising out of our complex and automative society. The reduction of the hours should be considered as only one of a large number of steps to be applied to control the problem of unemployment. The effectiveness of other programs will determine to a very large degree, the rate at which hours of work provisions must be reduced.

Too often in the past, Mr. Speaker, I believe we have been inclined to think of and deal with unemployment in terms of unemployment insurance but I think the time has surely arrived when we are going to have to make a decision as to whether man in going to be the master of the machine or its slave. I think governments have the responsibility of making this decision as neither organized workers or unorganized workers or employer groups have the authority or the scope to make such a decision. I think the onus in on government to give leadership in this direction.

It should be kept in mind too, Mr. Speaker, that through the efforts of organized labor, the concept of the 40 hour week has received national recognition. Among organized workers the basic 40 hour work week is a generally accepted fact all across Canada and in a variety of field, a good

deal less than 40 hours a week is the order of the day. This in turn, Mr. Speaker, has had a profound effect on the working conditions of the unorganized and in the majority of cases, similar conditions also apply to these groups.

So I believe quite properly, Mr. Speaker, this should lead us to conclude that a basic minimum of forty hours a week should be established for those workers who do not enjoy as favorable conditions as are in effect for other workers. The provisions of the act which is before us, point in this general directions with a reduction to forty hours a week for those people who are presently in the forty-four hour a week bracket and a reduction to forty-four for those where the forty-eight hour week presently applies.

I believe, Mr. Speaker, quite sincerely, that the government has a responsibility to provide a more general application in the hours of work provisions. I personally am unable to conjure up any logical argument why workers should be discriminated against in this connection merely because they are employed in some geographic area of the province, or because they have chosen to reside in one of the smaller urban areas. I hope the government will see fit to recognize its responsibility in maintaining and improving the working conditions of wage earners in this province progressively in the same manner as the federal government has finally taken action in the introduction of a National Labour Code.

The Minister of Labour, (Mr. Coderre) when he expressed his opposition to the bill which is before us, the other day, based his opposition mainly on the fact that the previous government had not taken action in this respect, previously. The Minister of Public Works, (Mr. Gardiner) echoed these comments and I must say at this time, Mr. Speaker, that I consider it extremely fortunate that not only these two members but other members on the other side of the house, during other debates have expressed the feeling, and the contention has been repeated that the government should not be required to take measures or to move in the direction which had been acted upon by the previous administration. I think the Premier, in particular, has adopted the attitude that the previous government has X number of years to introduce measures which were being suggested by members on this side during this session.

Now, this analysis, Mr. Speaker, appeals to me as a most sincere compliment from the Premier. It seems to accept the thesis that everything worthwhile has already been done. It suggests that new proposals are without merit because the former government had not taken action in this direction. It assumes, Mr. Speaker, I think, that if the CCF government had not acted that suggestions are not worthwhile. I think to assume this attitude, Mr. Speaker, represents the most sincere compliment that could be paid to the former administration.

However, I would remind hon. members that if this attitude had been adopted by the CCF when they took office two decades ago, that this province would still be the wilderness which it was in 1944. Because of changing times and changing circumstances, Mr. Speaker, and changing conditions, a good many things remain to be done today and a good many things will remain to be done in the years directly ahead. In spite of the record of accomplishment and achievement of the former government.

I hope that the present government is not intending to coast on the record of its predecessor and assume that those things which have not been done are not worth doing. After all, Mr. Speaker, all those new things which were done between the years 1944 and 1964, were things which had not been done before and had the CCF government remained in office, you can be sure that new measures would have been emerging progressively.

So I think, Mr. Speaker, that we in the opposition are justified in hoping that as time goes on, as long as the present administration remains in office, that beneficial changes will take place under a new Liberal government. In turn, Mr. Speaker, I think the government should properly expect that we in the opposition will continue to make representation to them for the adoption of new and worthwhile measures.

Over the past twenty years, Mr. Speaker, Saskatchewan has obtained a record and a reputation as the leading province in Canada in terms of hours of work, adequate protection for workers, superior provisions under the Workmens Compensation Act and other benefits. It is our hope on this side of the house, that these provisions will be continued and improved.

The provision of adequate labor legislation, Mr. Speaker, in this

province, has been responsible for a rather enviable record in terms of industrial peace. Our record in connection with time lost as a result of work stoppages, is the best in Canada per capita of population. To maintain this good record, I believe, is a worthy objective of government regardless of its political persuasion.

I would just say, before taking my seat, Mr. Speaker, then, that the advantages outlined in the legislative proposals which are before us in the forms of the bill which was introduced by the member for Regina East, (Mr. Smishek) are real and significant. The arguments in its favor are infinitely more valid than the imaginary objections which the Minister of Labour, (Mr. Coderre) has raised in opposition to it. So I am most pleased of offer my support for the provisions contained in the Bill and I will vote against the amendment to implement the six month hoist in connection with this Bill, Mr. Speaker.

Mr. W. A. Robbins (Saskatoon): — Mr. Speaker, I would like to make a few brief comments with respect to this bill.

The Minister of Labour, (Mr. Coderre) says that it is premature. The time is not yet ripe. Wait a little longer. This is typical Liberal policy. The Saskatchewan Liberal party always leads by being pushed. The leadership is similar to the French leader in the revolutionary wars in France, who when asked why he was following the mob said, "I must, for after all, I am their leader".

If the Minister of Labour, (Mr. Coderre) would spend less time looking for lost cars which he cannot apparently now identify, and pay more attention to the economic needs of the people, who by reason of their effort, of their effort by hand and brain, provide the productivity essential to the economic process, he might make a reasonable contribution of Saskatchewan and its people.

Mr. Coderre: — Sure, the car . . .

Mr. Robbins: — Automation is a fact of economic life today. The issue cannot be avoided. It will increasingly provide opportunities for society and in addition, it creates problems for society and these cannot be avoided.

For example. Mr. Speaker, we have evidence and I think perhaps some of the members are already aware of this fact that a large refinery located in Wales, in the old country, operated by the Shell people and British Petroleum as a consortium, currently can produce 5,000,000 gallons of energy fuels per day, with six men working in the plant. It is interesting to note that they can produce more gallons of energy fuels in a six week period than 209 men can do in a year working in a refinery in the city of Regina. This is some indication of the productivity available in terms of automated and cybernated factories.

Henry Thiebold, a British economist, and currently a consultant to President Johnson, contends that the age of cybernation and automation will force society and people to become more and more important as consumers in terms of economics, rather than important as producers in terms of economics. He contends that the United States will have to, within the next few years, guarantee $1,000 per annum per adult and $600 per annum per child in that country to ensure that they have a capability to consume.

We may find this a rather startling proposition but the fact remains that automation is and will continue to remove jobs and purchasing power must of necessity be available to people to purchase the products of the automated age.

The immediate need is for some reductions in the hours of the work week. At least to provide some transitional approach with respect to this problem in the age of cybernation and automation, I strongly urge the members on both sides of this assembly to support Bill 61. It is reasonable and realistic in the light of the present economic situation, and it will assume increasing importance as we move at an increasingly faster pace into the age of cybernation and automation.

I will support the bill and vote against the amendment.

Mr. Speaker: — I must draw the attention of the members to the fact that the mover of the motion . . . wait a minute here. We've got an amendment on this. Yes, he can speak to the amendment. Yes, sure he can, he's not closing the debate. I'm sorry.

Mr. W. E. Smishek (Regina East): — Mr. Speaker, I am disappointed that the Minister of Labour, (Mr. Coderre) is not in his seat while this important topic is being discussed. Certainly I think, it is in the interest of the Minister of Labour to hear all the debates taking place on this important bill.

I was indeed surprised and disappointed when the Minister of Labour, (Mr. Coderre) the other day, moved a six month hoist motion. He argued that the time was not ripe for the passage of bill 61. Mr. Speaker, I want to say that the situation has never been more appropriate, nor the time more opportune to enact this bill for a reduction in hours of work in Saskatchewan.

There are two new factors, as I have stated the other day, that have appeared on the scene. One, the introduction of the National Labour Code which provides for a standard forty hour work week for all employees under federal jurisdiction. The other more compelling reason is that the age of automation and cybernation is upon us and if we are to provide employment for our people, then hours must be reduced.

The Minister of Labour, (Mr. Coderre) in his debate, argued that there is inadequate information regarding hours of work and working conditions in the province and that when he took office, he found no information available, no studies have been made. Mr. Speaker, I would suggest that the Minister of Labour, (Mr. Coderre) consult his people in the Research Branch, because there is a study respecting hours of work, which is fairly recent. A survey was conducted by the economic advisory and planning board in co-operation with the Department of Labour and in co-operation with the Department of Industry and Information. That information is available to the minister. It is comprehensive study, and I would suggest to the Minister that he start taking another look at what is available in his department, instead of going around for walks looking for cars. There was a survey conducted as I've said, in fact the forms are attached to the report that I have. I know the Department of Labour does have a copy of this report. I don't' intend to quote from it, but it does break down the hours of work in the cities, in the town, by industry, by villages, by towns, sufficient information is available now for the government to proceed with the passing of this legislation.

Mr. Coderre: — You call that a study?

Mr. Smishek: — Yes, it is a study.

Mr. Coderre: — Hours of work. That's all it is.

Mr. Smishek: — This is precisely what this bill is dealing with — hours of work. And if this is not a study then I suggest that the Minister of Labour, (Mr. Coderre) take another look at this survey and the comprehensive information that is available.

The minister said that it is his intent to undertake a further study. Firstly, I don't believe it is necessary to conduct any further studies to make a decision on this matter. Furthermore, I am very dubious of whether any kind of a study will be undertaken in the light of the fact that the Research Branch of the Department of Labour has cut staff by twenty per cent. The money appropriated to this branch has been reduced by eight per cent. The budget of the Department of Labour has been cut by over $100,000.

The people who would be involved in any kind of a study, it seems to me, would be the Research Branch and the Labour Standards Branch and putting these two branches together we find that their appropriation has been cut by over $34,000. Certainly this does not appear as if the government had intentions of any sort to conduct any studies, to conduct any surveys. But even if they did, Mr. Speaker, I think that the information now that is available to the government is sufficient to enable them to make a decision on this important matter.

Mr. Speaker, much has been said about new jobs that are looming on the horizon,. I hope that this is true, Mr. Speaker, but somehow the facts do not bear out the situation. There are, at the present time, 22,000 workers unemployed in this province. A reduction in hours of work would create several thousand jobs which are badly needed in the province. In terms of shortage of skilled labor, a program of training and retraining is necessary. However, Mr. Speaker, I might bring to your attention that

the speculation that there would be a shortage of labor does not come on the scene since the present government took over. I want to refer to the speech made in this house on February 14th of last year, where the Minister of Industry and Information, Mr. Brown, said this:

> I am going to suggest, Mr. Speaker, in all sincerity, that with the continuation of the kind of development that we have had, the kind of development which we can expect to continue under this present government, Saskatchewan is rapidly reaching the point where we will have a shortage of labor to fill the new jobs which are become available in this province.

So the shortages of skilled labor is not something that has been envisaged by the present administration The shortages were foreseen by the previous administration and steps were taken to insure that our people will have the first opportunity to train and retrain for the new jobs.

Mr. Speaker, the Minister of Labour, (Mr. Coderre) in recent months, in speaking to labor groups, has tried to persuade them that he is all for improving labor standards. Yet, when an opportunity does present itself for the Minister of Labour to support an improvement in labor standards legislation, he moves a six months hoist. He moves a motion which will kill consideration of this bill during this session.

The Minister of Public Works, (Mr. Gardiner) asks why didn't the previous administration take action in this respect. We know that the previous administration did legislate some of the finest labor legislation that has ever been put on the statute books in the dominion of Canada. I think that the reasons for not proceeding, was partly because of the consistent criticism of the Liberal opposition, that the former government was proceeding too far in the field of labor legislation.

An Hon. Member: — Oh! Oh!

Mr. Smishek: — The Liberal party has consistently opposed favorable labor legislation and favorable labor standards. To suggest that they will conduct a study, is merely to dodge the issue before us. The Liberal party promised the people of Saskatchewan that they would proceed with the improvement of wages, vacations and hours of work, yet what do they do when they are faced with a situation to support a bill for a reduction in hours of work? I will indeed be interested, Mr. Speaker, how the urban members on the government side of the house will vote on this matter. The hon. member from Prince Albert, (Mr. Steuart), the hon. lady member for Saskatoon, (Mrs. Merchant), the hon. member from Regina South (Mr. Grant), the hon. member from Estevan, (Mr. MacDougall), the hon. member from Yorkton, (Mr. Gallagher), the hon. member from Melville, (Mr. Gardiner) — these people did receive some support from the urban voters. It will be interesting to see what kind of an answer they will have to the urban worker, who has been advocating and suggesting a reduction in hours of work for some time. How they will vote on this and what answers they will give to their electors, saying that "we are opposed, to in fact to reduction in hours of work".

Mr. Speaker, I do hope that the members opposite will reconsider their position and will vote down the motion that has been moved by the Minister of Labour, (Mr. Coderre) and that they will support Bill 61 as introduced.

Some Hon. Members: — Hear! Hear!

Mr. Speaker: — The question before . . .

Mr. J. H. Brockelbank (Kelsey): **—** Mr. Speaker, members are coming into the house, four of them, five of them, six of them, while you are standing taking a vote.

An Hon. Member: — They didn't vote.

Mr. Brockelbank (Kelsey): **—** They had not business coming in.

Mr. Speaker: — Call in the members, I'll settle the argument that way.\

Some Hon. Members: — Hear! Hear!

Mr. Speaker: — The question before the house is on the proposed motion of the member for Regina East (Mr. Smishek), that bill no. 61 — An Act to amend the Hours of Work Act — 1959, be now read the second time, and the proposed amendment thereto, moved by the hon. Minister of Labour, (Mr. Coderre):

That the word "now" be deleted and the words "six months hence" added to the motion.

The question being put before the house is on the amendment, it was agreed to on the following recorded division.

Yeas — 30

Howes	MacDougall	Leith
McFarlane	Gardiner	Bjarnason
Boldt	Coderre	Romuld
Cameron	McIsaac	Weatherald
McDonald (Moosomin)	Trapp	MacLennan
Steuart	Grant	Larochelle
Heald	Cuelenaere	Asbell
Guy	MacDonald (Milestone)	Hooker
Merchant (Mrs.)	Gallagher	Radloff
Loken	Breker	Coupland

Nays — 24

Brockelbank (Kelsey)	Whelan	Broten
Cooper (Mrs.)	Nicholson	Larson
Wood	Dewhurst	Robbins
Nollet	Berezowsky	Brockelbank (Saskatoon)
Walker	Smishek	Pepper
Blakeney	Link	Pederson
Davies	Baker	
Thibault	Wooff	
Willis	Snyder	

Mr. Speaker: — The question before the house is now on the motion as amended.

An Hon. Member: — Six months.

Mr. Speaker: — The question before the house is on the motion as amended. It's the British custom that, when a six months hoist is carried, you don't put the motion as amended. It has however, been the custom, I am informed in Ottawa and also in this house, that you do put the question as amended. Is the house ready for the question?

The question before the house is on the proposed motion of the member from Regina East, (Mr. Smishek) as amended. Will the house take the motion as read?

Motion agreed to.

MOTION REGARDING STANDING ORDER NO. 5, SUBSECTION 2 SUSPENSION

Hon. G. D. Steuart (Minister of Health) moved: seconded by Hon. D. Heald, (Attorney General):

That on Wednesday, April 7th, 1965, and on each Wednesday until the end of the session standing order 5, subsection 2, be suspended so that the sitting of the assembly may be continued from 7:30 o'clock p.m. until 10:00 o'clock p.m.

That, notwithstanding Order 2, on Saturday, April 10th, 1965, and on each Saturday until the end of this session, the assembly shall meet at 10:00 o'clock a.m. until 5:30 o'clock p.m. and there shall be a two hour recess at 12:30 o'clock p.m., the Order of Business on Saturday to be the same as on Friday.

Mr. Speaker: — The question before the house is on the motion of the hon. Minister of Public Health, (Mr. Steuart) seconded by the hon. Attorney General (Mr. Heald).

Motion agreed to.

ADJOURNED DEBATES

The assembly resumed the adjourned debate on the proposed motion of the hon. Mr. Heald:

Mr. R. A. Walker (Hanley): — In the few moments that I took after the mover had moved this resolution, I reminded the house that in my view this problem of what we are to do with our constitution is the most momentous question to come before this assembly, at least in the sixteen years, that I have had the privilege of sitting here, because to a very large extent, the constitution of Canada will govern and will limit the opportunities which we will have in the future to adapt our national political structure and legal structure to the changing conditions of society. There is no doubt, of course, Mr. Speaker, that many Canadians will derive some satisfaction from the prospect of asserting Canada's full sovereignty and obtaining all the forms and trappings of a domesticated constitution.

We should remember that the proposed repatriation, or patriation as it now seems to be called, of our constitution is however, more apparent than real. For in fact, Canada, during the past 100 years has made more amendments to its constitution than has the United States, although we have no formula for doing so in our own country. Canada has had, in my view, real and actual control over her constitution. Canada has never been embarrassed by any refusal of the Imperial Parliament to enact any amendments that have been requested by Canada. Indeed, if there has been any embarrassment on anyone's part, it is on the part of the Imperial Parliament, as a result of their being obliged to pass periodic amendments to our constitution to the British North America Act, without having any real control over their own legislative actions in this respect.

The British parliament's control over Canada's constitution has, I submit, become as much of a fiction as the sovereign's right to disallow or refuse assent to our domestic statutes. Neither right exists in any practical sense of reality.

So, Mr. Speaker, if we are to celebrate Canada's centenary by fiddling with the constitution, if we are bent on providing subject matter or after-dinner speeches, for patriotic harangues in 1967, then we should take special care to see that what we are doing is not pursuing the illusion of greater independence by sacrificing the real and substantial economic and social well-being of our people.

I believe that Canadians are taking the word of the gentlemen like the Minister of Justice and the Attorney General, that this formula for amending the constitution will somehow benefit them. That it will somehow help Canada to have incorporated in the British North America Act, an amending formula. But many do not realize is that in reality we have always had control of our constitution and over its amendments. Indeed we have had more amendments in the last 100 years, as I have pointed out, than the Americans have during the same period, although they have a domesticated formula built into their constitution for amendments, we have not.

I submit, that it makes no real difference in a practical sense to the Canadian people, whether amendments to our constitution are, in the

future, passed by the Imperial Parliament or whether they are passed by the parliament at Ottawa. The effect of the words contained in any amendment are the same whether they are passed at either place.

We can now obtain amendments to our constitution with reasonable dispatch under the present method of petitioning the Imperial Parliament. The real significance of the amending formula is that in the future, it will be more difficult to get amendments, indeed, it will be virtually impossible to get amendments, if we adopt the Fulton-Faverau formula. We will, therefore, be trading our present mild degree of flexibility, in making constitutional amendments needed to implement important legislative programs, the nature of which at this time, we have no means to guessing. We will no longer be able to adapt our constitution to changing economic and social conditions as readily as we have in the past. In the past, it hasn't been all that easy, but I emphasize that it will be much more difficult in the future.

Let us look at part one of the proposed amending formula. It divides the various provisions of the constitution into five separate categories and it makes a special amending formula for each of these categories. The five categories are set out in sections two to seven inclusive.

Section 7 represents no change from the existing rule that each province may amend its own constitution except as regard to the office of the Lieutenant Governor. There can be no quarrel with leaving this in its present form.

Section 6 represents a serious curtailment of the power of parliament to make laws exclusively amending the constitution of Canada in relation to the executive branch of the government in relation to parliament and in relation to the Canadian Senate. The present power to amend the constitution of Canada in this respect is analogous to the power which the province presently have over their constitution, and to curtail the freedom of parliament to make these amendments, is in my view, an unwarranted assault upon the integrity and independence of the parliament of Canada.

Section 4 provides that no constitutional amendment can be made relating to education in any province unless it is concurred in by the legislatures of all provinces. I am sure there is no one in this house who would criticize that proposal. Saskatchewan has always taken the view that the rights that are presently existing in this field should be entrenched.

Section 3 refers to those sections of the constitution which apply to only certain name provinces. There are a number of examples. For example, section 97, relative to the selection of appointment of judges in Ontario, in Nova Scotia, and in New Brunswick. Section 98, relative to the selection of judges in the province of Quebec; or section 144 providing for the erection of townships in the province of Quebec, are examples of provisions in the constitutions which relate to only one or more of the provinces and it is proposed that no amendment should be made there, except with the concurrence of the provinces effected by the amendment. I think no one will disagree with that.

Section 2 however, is the key section. It deals with almost every important area where important amendments are likely to be required, amendments going to the economic regulation and the economic development of our country, and amendments involving as they do, transfers of power or the granting of concurrent powers to the other legislative body. This section requires that every law affecting any provision of the constitution embraced by this section shall have the concurrence of every legislature in Canada, and the provisions and the classes of provisions are set out in this section.

Clause D refers to the use of the English and the French language. No one, I suggest, would be in favor of making that provision more flexible, everyone, I think concurs with entrenchment of that provision.

Clause C refers to laws relating to the assets or property of a province. I think quite clearly, Mr. Speaker, that Ottawa should have no power to legislate on these matters without the consent of all the provinces.

Clause B and Clause A. Well Clause B entrenches the rights or privileges guaranteed or secured to the provinces under the British North America Act, and Clause A entrenches the powers of the legislature of a province to make laws.

The powers of the provinces are set out in section 92. That section itemizes several classes of powers over which the provinces have exclusive jurisdiction. The two most important insofar as their effect on

the freedom of scope of federal legislation, are clauses 13 and clauses 16, which the Attorney General referred to in his speech on this subject.

Clause 13, property and civil rights in the province.

Clause 16, all matters of a merely local and private nature, in the province. Except for these two heads, no one could quarrel very much about entrenching the other matters coming under classes of matters coming under section 92. Most of them are so clearly of a local or private nature that no one could quarrel about entrenchment of the other fourteen.

Most scholars of our constitution express the point of view that Canada was intended by the Founding Fathers to be governed by a strong central government with only matters which are essentially of a local or private nature, falling to the exclusive jurisdiction of the provinces.

When successive cases came before the Privy Council to decide just what is the scope or freedom of Parliament of Canada to legislate, the courts held in succession of cases in the latter part of the 19th century that the general powers of parliament granted by section 91, must be confined to such matters as are unquestionably of national interest and importance. Parliament's legislation must not entrench to any extent on any of the subject enumerated in section 92 as within the scope of provincial legislation. Those were the words in one of the leading constitutional cases in the decision.

Now, as a result of this rather narrowing construction on the powers of the federal government, many federal enactments have foundered because they were held to be ultra-vires, because they conflicted, because they entrenched upon property and civil rights, which were assigned to the provinces. Among these legislative enactments were Canada's first attempt at labor legislation. The Industrial Disputes Investigation Act, of 1907, Canada's attempt to set up national marketing boards for natural products passed, I believe, in 1934 or 1935, and our first attempt to institute a national system of unemployment insurance. These are also passed in 1935. These are four examples. There are many others, but these are four examples which deal principally with economic and commercial matters and in each instance, the parliament failed to enact legislation that was valid because of this construction given to our constitution by the Privy Council during the latter part of the 19th century.

So I submit that because of these judicial decisions that the vision of the Founding Fathers of a strong national government with provinces mainly concerned with purely local and private matters failed. We got a federated system which placed the emphasis on provincial rights and provincial powers instead.

Now there are only three instances in nearly 100 years, where powers had to be given to Ottawa or where power was given to Ottawa by constitutional amendments, which Ottawa would not have had apart from constitutional amendments. In my view the first one of these, was the constitutional amendment in 1940, which gave parliament the exclusive jurisdiction to pass laws relating to unemployment insurance. The second one was in 1951, when there s an amendment giving parliament concurrent jurisdiction over Old Age Pensions, and then last year, in 1964, the power over Old Age Pensions was extended to include certain supplementary benefits. But it should be noted that neither of these two represented or resulted in any curtailment of the powers of the province because the jurisdiction of the federal parliament was merely concurrent and could not override any provincial legislation that might be passed in these areas.

So there is really only one instance where the amendments were passed giving parliament power to pass legislation which might otherwise have entrenched upon provincial powers and which parliament could not otherwise pass. Under the Fulton-Favreau formula, such amendments can be secured only in the future, only by the concurrence of parliament and the consent of all the provincial legislatures.

There seems to be a general impression abroad, Mr. Speaker, that we have always had the unanimity rule in matters of transferring powers from the province to the federal parliament or vice versa. Well, I suggest there has not always been, nor is there now, a unanimity rule on questions, involving the changing of jurisdiction between parliament and the provinces. In the first of the three instances, which I have mentioned, the Prime Minister announced to parliament when he was introducing the legislation, that all nine of the provinces had assented to the proposed constitutional amendment.

The House will recall that in 1937, the Privy Council had tossed out the Unemployment Insurance legislation passed by the Bennett government in 1935, and that the Minister of Justice had this to say, as he spoke in the House of Commons in 1940,

> Ever since the decision of the Privy Council, it has been the intention that parliament should acquire the necessary power to enact unemployment insurance legislation.
>
> Always we have tried to get the approval of the several provinces, to an amendment of this kind, but it is only recently, that unanimity has been signified in the matter.

I want to make it clear, that he is not there saying that unanimity is necessary, constitutionally. Indeed, he goes to some pains to point out that it is not, because later in the same debate, Mr. J. T. Thorson, was the member I believe, for the province of Manitoba, and who until very recently, was the president of the Exchequer Court of Canada, was a member of parliament at that time, and he said:

> But I would not wish this debate to conclude with an acceptance, either direct or implied of the doctrine that it is necessary to obtain the consent of the provinces, before an application is made to amend the British North America Act. Fortunately this is an academic question at this time.

And Mr. Lapointe said:

> May I tell my hon. friend that neither the Prime Minister nor I have said that it is necessary but it may be desirable.

And Mr. Thorson said:

> The Prime Minister has made it perfectly clear that the question does not enter into this discussion. In view of the fact that all the provinces have signified their willingness that this amendment should be requested.

So that the opinion of the actors who took the leading role in the matters in the parliament at Ottawa, was that there is no unanimity rule or was not at that time.

What was the view of the British parliament in this connection? Well, when asked whether or not the provincial legislatures had agreed, the Solicitor General of the United Kingdom said that he did not know and I quote from the House of Commons debates:

> It is a sufficient justification for the bill that we have here the request of the dominion parliament and that we must operate the old machinery which has been left over at their request and in accordance with their wishes.

So that it is perfectly clear that the British government and this view was not dissented from in the British parliament at the time, it is perfectly clear that the British government and this view was not dissented from in the British parliament at the time. It is perfectly clear that, whatever, the provinces may have thought about the necessity for unanimous consent, certainly the two principal actors in the event did not believe that the prior consent of the provinces needed to be obtained before some of the powers of the provinces were transferred to the parliament of Canada.

It is now proposed to say, by the Fulton-Favreau formula, that not just a majority of the provinces, but all must consent and what binds it up even more tightly, I submit, is that the amending formula specifies not just the provinces, but the legislatures of the province.

You might ask me, how does that make the matter any worse to require the consent of the legislatures rather than of the governments? I submit that this makes concurrence even more difficult to obtain. Let's remember that the legislature of British Columbia was the only province,

In the legislature of New Brunswick, a resolution was indeed passed dissenting form the amendment and likewise in the legislature of Alberta. In both cases, resolutions were passed opposing the proposed constitutional amendment. Seven of the provincial premiers notified Prime Minister King, that they were approving of the amendment to the constitution at that time. Two cited the resolution passed by their legislatures, that they were opposed and later on, the Premier of New Brunswick, I think it was Premier McNair changed his view. But Premier Aberhart never actually changed his view, all Premier Aberhart said after eight of the province has concurred was that he would not oppose it any further, but he did not concur, and neither of the two legislatures reversed their position by passing a fresh resolution. I submit that there is real doubt whether either of those Premiers would have faced their legislatures and asked their legislatures to do an about face on this matter within two years.

The federal government's white paper is clearly in error in the closing sentence of the paragraph on page 13, headed:

> Unemployment Insurance Amendment

The paragraph, as hon. members will see, they have it on their desks, states as follows:

> This was the first amendment to change the distribution of legislative powers between Parliament and the provinces, as provided in the 1867 constitution. It transferred the authority to legislate on unemployment insurance from provincial to federal jurisdiction. Before seeking this amendment, the federal government obtained the consent of all provincial governments. For this, as in previous cases of provincial concurrence there was no reference of the question by any government to its legislature.

This just is not so. British Columbia got a resolution concurring in it. Alberta and New Brunswick, as I have said, passed resolutions dissenting it. So that the impression seems to be abroad, that by requiring unanimity, we are not really tying our constitution down any more firmly than it is now, that we now in actuality have such a rule. I submit that that is not the case and if hon. members want to refer to the authorities, I refer to the volume, Constitutional Amendment in Canada, by Paul Gerin-Lajore, who is presently the negotiating minister for the province of Quebec at the Dominion-Provincial Constitutional Conferences, and I refer to 1937, and the foot note gives the legislative citations in the journals of the legislature is concerned. The two subsequent amendments that I have referred to, involving some transfer of power from provinces to Ottawa merely, as I said, merely gave the parliament a concurrent jurisdiction over Old Age Pensions.

In the 1951 instance, the legislature of Quebec, Saskatchewan, and Manitoba, concurred and in the 1964 instance, only the Quebec legislature concurred. So that here we did not go through the exercise or the formula of having legislatures formally ratify the concurrence.

Now of course, under the Fulton-Favreau formula, this is going to be different, and I suggest this is a very real difference because there are often times, that a government will consent to a proposal when if it is forced to run the gauntlet of legislative debate, may not consent. I suggest that in the province of Quebec, we may see this situation. Nearly a month ago, the Quebec government probably would have consented and all it required was a letter from the Premier or a cabinet minister that would have already been on the way. I seriously question whether the legislature of Quebec will approve of this formula, in view of some recent discussions in that province.

I say it is putting an extra burden on those who would try to amend our constitution, by requiring that the legislatures must pass resolutions. I personally prefer of course, to see decisions of this kind taken by the legislature, rather than by the government without consulting the legislature, but this is not the point I am arguing. If it were left for me to say what I think, I would require a smaller number of legislatures than ten. But I merely make the point now, that to put this burden on legislatures, does in fact, make the constitution more rigid against further

amendments. This is particularly true when a legislature is facing an election year and there is hardly a year in Canada when there isn't one or more provincial governments facing a provincial election.

Now, the Hon. Attorney General, (Mr. Heald) said on page 36 of his speech:

> As I have stated previously, since confederation, no amendment has altered the powers of a provincial legislature under section 92 of the B.N.A. without the consent of the provinces.
> We will therefore, under the proposed act, in no different position with respect to altering basic provincial rights than we are now.

Well, for the reasons that I have tried to give to the house, I don't agree with that conclusion of the hon. Attorney General. I submit there is distinct difference. It will be distinctly more difficult.

Suppose it becomes necessary for Canada to have system of national regulations, governing for example, the discharge of pollutant into interprovincial rivers. What chance is there really, of getting a province that has only the head waters of streams within its borders? What chance is there of a down stream province with respect to any stream, agreeing to wave its advantage. I submit there is just no possibility of any provincial government in its right mind concurring with surrendering this jurisdiction to Ottawa, when they are in the position to acquire no benefits whatsoever, as a result of losing this jurisdiction. Or why should a province, for example, that has no interprovincial streams, like Newfoundland or Prince Edward Island, why should they have to concur to a constitutional amendment, vesting control over the discharge of pollutants in interprovincial streams, when they don't have any?

This would be an ideal opportunity for one of those provinces to get a causeway, I suppose and for the other one, to get a power grid, so that it could sell power to New York, at federal expense, I suggest that it is just opening the doors, to provinces to be recalcitrant about important amendments, and to exploit the advantage which their veto gives them in the future. Or take a case of a shortage of power, and this country is inevitably going into the period when hydro electric power will be at a premium all across this country and suppose that our national interests requires that the federal parliament acquire jurisdiction over the disposition of hydro electric energy. Are we going to say that any province may prejudice the national well being, by selling power which it doesn't need, in disregard of the true national interest in a matter of this kind? I suggest that some day we may want to have some genuine national authority over the use of hydro electric power, and its disposition. The same is true of water rights for irrigations, because in the foreseeable future, water will become so scarce, so precious, that there will be serious disagreements between provinces, as to the sharing of the water rights of particular streams.

It is a fact, Mr. Speaker, that investment funds for resource development can be more readily raised in those jurisdictions which impose the least control, which follow the most relaxed standard of securities, law administration and does this mean to entice investment capital into the province, that the province must continue to engage in a competition with the other provinces to see who can maintain the shoddiest standard of enforcement of securities law? How can a province and who can expect a province that deliberately debases the standards of securities law enforcement to agree to give up the advantage that it gets in form of increased flow of investment, in order to yield this power to a national authority, in order to achieve uniform national securities law?

Those who waged the campaign back in the 1930's on behalf of the farm organizations and I can remember as probably most hon. members can, the battles that went on in Canada, during the 1930's to secure from the government of Canada, legislation to provide for national marketing of farm products, and how the Minister of Agriculture at Ottawa used to always remind people quite rightly of the limitations and the powers of the parliament and the farmers would come home empty-handed and broken-hearted about the chaotic mess that existed and to a large extent still exists in the farm marketing situation.

Provinces which attempt to maintain a decent minimum standard of labor relations, of labor conditions, face unfair competition in attracting

industry from those provinces who are less scrupulous about the standards of the labor which they enforce. It may be in the national interests, it may come to be recognized by nine of the ten provinces that it is in the national interest, that there be a broad authority on the part of parliament to maintain high minimum standards of working conditions. A constitutional amendment to make it possible for parliament to do this, in these fields, would be so difficult to achieve, indeed it's already so difficult to achieve, that little progress has been made in this direction. The Fulton-Favreau formula forever closed the door, I submit, to any possibilities along this line, in the areas which I have spoken.

In 1961, the Saskatchewan delegation agreed to the entrenchment of all the matters contained in section 92 referred to in section 2 of the amending bill, except that we desire some flexibility in the transfer of certain provincial powers falling under the classification of property and civil rights in the province.

Some passing reference should be made to section 5. It provides for those classes of matters not falling within 2, 3, 4, 6, and 7, that amendments can be made with the concurrence of two-thirds of the provinces representing at least fifty per cent of the population. Such a formula has a nice round appearance of restraint and workability and flexibility, Mr. Speaker, but I cannot think of any important matter of legislature jurisdiction or any important matter, in the British North America Act, which does not fall under one or other of the more restrictive classifications, except in one area, the transfer of parliament's powers to the provinces. This appears to me, that it falls under the more flexible section. But to transfer them back from the province to Ottawa, falls under the more rigid section requiring unanimous consent. So you have there a built-in, a sort of one way street, whereby parliament powers can be dismantled, and transferred to the provinces, but which can be restored back to parliament, or provincial powers can be given to parliament only with the utmost difficulty. So you have there, in my opinion, a sort of a ratchet effect which has the effect of, it's a built-in balkanizing feature which builds in the de-centralization of Canada's powers to the province.

Though the formula contained in section 5 requires the consensus of the major portion of Canadian opinion, and this of course guarantees my opinion against casual or ill-considered amendments, yet it seems to Canada's present constitution makers, that this is too liberal to be applied to any important area of the constitution. Surely, this formula has this more flexible one in section 5, has sufficient built-in restrains to make it a safe method for transferring provincial powers in all matters except education, language, and amendments to the amending formula itself.

In effect, it required the concurrence of either Quebec or Ontario and at least six other provinces in order to make the minimum fifty per cent population and the two-thirds of the provinces.

It seems to me that if that is not sufficiently rigid, the Fathers of De-Confederation, as I think they are, ought to consider some other formula somewhere between the formula requiring unanimous consent and the one requiring two-thirds majority. One that I came across somewhere, (I've forgotten where) was a proposal that Canada be divided into four regions, Maritime regions, the province of Quebec as one regions, Ontario as another region, and the four western provinces as a region, and that a majority would have to be obtained in each region, which would mean that you would have to have at least Maritime provinces, plus Quebec, plus Ontario, plus these four western provinces, in order to get a consensus, sufficient to amend the constitution. Rigid as that is, at least it infinitely more flexible than the one which is proposed by the learned gentlemen who are meeting now on this subject because it would require a veto by at least two of the Maritime provinces, or Quebec, or Ontario, or at least two of the western provinces. It would strike me, that that ought to be safe enough for anybody. It would give both Ontario and Quebec an absolute veto and this would require two of the western provinces to veto, or two of the Maritime provinces. It seems to me that is sufficient, that is tough enough and ought to, some formula of that kind, ought to commend itself to anyone's feelings of security and restraint in a matter of this kind.

I think we in Saskatchewan, should acknowledge that Quebec has a special interest in preventing the other provinces from encroaching upon her historic rights and her cultural values. There is nothing illogical about conceding this to Quebec and that fact that Quebec has a distinctive character among the provinces, by virtue of several sections of the British North America Act.

Saskatchewan recognized this in 1961, and put forward a compromise

to the 1960 Fulton formula, suggesting that head (13), property and the civil rights in the province should be subject to the more flexible formula of two-thirds of the provinces' representing a majority of the population, subject to the right of the Quebec legislature to opt out from any legislature impinging upon Quebec's civil code and leaving it to them to say whether they find that it does impinge on Quebec's civil code.

Although we believe that this would have provided sufficient protection to Quebec's historic right, it would at the same time have insured the other nine provinces of some flexibility.

The difficulty that we are under is that we assume that in order to protect the legitimate interests of the province of Quebec, that we have to accord even to Prince Edward Island or Saskatchewan or Newfoundland an equivalent right to frustrate a flexible, workable constitution.

We believe that the other provinces, or at least several of the other provinces were prepared to go along with this proposal but this proposal that Quebec be given a special role in the amending formula, did not meet with the approval of the majority of the provinces.

As I have already noted, the same rigidity does not apply to the transfer of powers from the dominion to the provinces as applies to the transfer of provincial powers back to parliament.

Section 2, the section that I am talking about, does entrench all powers in the legislatures even those which were transferred to the legislatures from parliament under section 5.

It seems to me, Mr. Speaker, that at a time when the political and social forces of our country are moving toward greater concentrations of power, are becoming more and more centralized and powerful, that the constitutional vehicle is being put in a position where it can only be centralized in any practical sense and cannot move to cope with the growing concentrations of power in the economic and social areas.

It was argued in 1960 and 1961 that the disadvantages of rigidity could be made up by giving the provinces power to delegate legislative authority from one jurisdiction to the other. For example, suppose some of the prairie provinces wished to have a national board to handle livestock so that this board would be competent to engage in the marketing of livestock on an interprovincial and in export paid to do that, is to have it established by parliament. Instead of running the gauntlet of a constitutional amendment, under this delegation formula, the provinces could delegate to parliament the power presently vested in the provinces over property and civil rights, so that parliament could, that is to the extent of enabling parliament to pass, provide such a marketing board.

Here again, the balkanizers worked their will on the formula. First they say that the provinces may only delegate certain limited areas of power, certain powers under heads 6, 10, 13, and 16 of section 92. On the other hand, they were willing to concede to parliament, the right to delegate all of its powers to the provinces. Here again, you have a one way street, in favor of de-centralization and weakening the powers of our national government.

Let us just examine briefly how this delegation of powers would work out in a practical case. Suppose, for example, that three provinces wanted to delegate the power to parliament to create a livestock marketing board. At least one other province would have to be found, willing to go alone with the scheme, either to implement the scheme within its borders or to concur in the scheme. The whole scheme would fall through unless a fourth province could be found willing to go along.

Suppose that one province was prepared to assume responsibility for health care for Indians. Suppose the parliament wished to delegate this responsibility to one province, with regard to the Indians in that province, but for parliament to agree to do this, it would be necessary to find three other provinces willing to go along with the proposal. Suppose you did get four provinces that set up provincial scheme of this kind, and then parliament decided to rescind the authority. These four provinces, their health scheme would just fall to the ground. So that anyone who knows anything about the practical problems of government would know that provinces under that circumstances, wouldn't set up an elaborate and complex programs under such an uncertain authority, or take the converse example. At the present time, Canada may not enter into international treaties, effecting matters of provincial jurisdiction without the concurrence of every province. This explains why Canada has had to stand aloof from many important

international conventions, international treaties, sponsored by the League of Nations and the United Nations, pertaining to labor matters and to human rights matters. Canada's power to make and live up to treaties, is limited to those matters which come under the jurisdiction of the parliament of Canada. At present, Canada is in the position of being unable to live up to treaties pertaining to matters falling under provincial jurisdiction. Canada may make a treaty on the bases of today's provincial laws, only to find that she has been forced into default of her solemn treaty obligations as a result of the repeal of one of those laws by one of those provinces. In my opinion, the powers of delegation offer no real solution to this problem of inflexibility. But suppose that this power delegation really did work, would it be flexibility or would it be chaos, Mr. Speaker? We could have a constitution which varies enormously from one part of the country to the other. Marriage and divorce might be subject to provincial laws in one part of Canada, and to federal laws elsewhere. Labor relations could be a provincial matter in one part of Canada and a federal matter elsewhere. All of these arrangements would be subject to unexpected collapse where one province has a change of heart as I have already indicated.

One of Canada's greatest constitutional lawyers, Dean Frank Scott says that the name of this proposal will have to be rechristened. Instead of "Fulton's Folly", it will be, if it is adopted, it will become "Canada's Calamity".

Mr. Speaker, I am sometimes asked, if this proposal is so disastrous, why are so many otherwise respectable people willing to go along with it, and I include the Attorney General, (Mr. Heald). Some of the most respectable people are opposed to such things as national agricultural marketing boards, to national securities laws, to a genuine national labor code affecting all workers, to a national medicare plan. Indeed, most of the people presently in office in Ottawa, the only kind of a medical care plan now that Ottawa wants, is like the hospital plan where they just subsidize. They can't really operate a national plan if they want to. Indeed, most of the people presently in office at Ottawa and in the provincial capitals are instinctively opposed to any extension of the positive role of government in society. It is easier for these people to shore up a dyke against vital programs of social progress under the guise of repatriating the constitution than it would be to fight the development of the welfare state on a piecemeal basis. Professor A. V. Dicey in "Law of the Constitution" 1885 edition page 171 said:

> Federal government means weak government.

The entrenchers are trying to prove that he is right. But I warn these economic Tories, (I include my hon. friends opposite) that they too will suffer from the straitjacket which they are threatening to impose upon Canada. The future prosperity of Big Business may very well depend upon some rationalization of the transportation mess that we have in Canada. The future prosperity of Big Business may well depend upon the improvement of the investment climate in Canada. Industrial development, may in the near future or distant future, require some national control over the use of or alienation of hydro-electrical resources by parochial local interests. Mr. Bennett likes that one! These and countless other problems will be placed beyond the effective control of the citizens of Canada by adopting the Fulton-Favreau formula.

I am pleased to note, Mr. Speaker, that there is even opposition to this formula coming from the province of Quebec. Union Nationale at its recent congress passed a resolution criticizing the formula because, and I quote from the press report:

> it would result in a constitution too rigid for the best interests of Quebec.

I am sure many Canadian welcomed two statements made by our Premier at Charlottetown last autumn. He is reported, in the Saskatchewan Star Phoenix of September 1st, saying that he favored a chance for public discussions on proposed constitutional changes. He was further quoted in the same newspaper the following day as saying that he still believes that only such fundamentals as language, education and the amending formula should require unanimity. The Premier has said that he is opposed to raids by the provinces upon the Ottawa government. These sentiments, I am sure, are applauded by many. A week later the Star Phoenix carried two editorials in the same issue. The first one said:

> Mr. Thatcher's belief in maintaining a strong national government, and his view that the provinces should ease up on demands from Ottawa,

But on the same page, when commenting on the most shameful raid of all on the substance and integrity of our central government, namely, the garb for enlarged provincial jurisdiction, the pressure to balkanize our country, the demand for a veto power over the lawmaking powers of parliament, the same estimable newspaper editorialized as follows on the same page:

> By accepting the principle of unanimity, Premier Thatcher knows that in this way only, will each province acquire an effective voice in important national decisions; because, under this principle, one province, no matter how small or how poor, will speak as loudly as every other province, no matter how large or how rich all the other provinces may be. This could be called the thinking of a statesman and perhaps a maker of history.

Well, I am not surprised by the split personality of the editor of the Star Phoenix but I would hope that there is a healthier state of mind prevailing amongst my friend on the other side of the house in regard to this matter, because I think the house should benefit by some opinions given by some people whom we all recognize as experts in the constitutional law field. I have before me, a clipping from the Financial Post of November 7th, 1964. I don't know all of these gentlemen but from their titles obviously they are estimable gentlemen whose views ought to weigh much in this house on this question. Professor G. A. McAllister, University of New Brunswick, Fredericton, says: The article begins, "We may be making a giant mistake in the way we are bringing home Canada's constitution", and this symposium or a summary of points of view by a number of constitution authorities. Professor McAllister says:

> The repatriation formula as presently conceived should be rejected categorically. It compounds any reasonable motion of fundamental provincial rights. It exacts an unwarranted requirement in unanimity. It could preclude the development of national standards sought by a preponderance of the nation or desirable in the context of Quebec. The present formula is an arrangement for walking backwards into the future. It shows little regard for Canada as a nation, for the maintenance of federal principles, or the role of central government.

Professor R. D. Gibson of the University of Manitoba has this to say:

> I am violently opposed to the amendment proposal. The present flexible machinery is very effective. There is no humiliation in asking the British for an amendment when they have no choice. Anyway it is a small price to pay. The proposal requires unanimity for all important changes and delegation of provisions adds flexibility but it won't help in many cases. For example, a single province like Newfoundland could prevent constitutional entrenchment of the Bill of Rights.

And here is another one. Professor Maurice Allard, Sherbrooke University, Sherbrooke, Quebec:

> This lame formula, if it is applicable, would dislocate the practice in Canada of a real federalism and would not favor the intimate approach of the two great founder nations.

Here is what one of our own experts, Professor Strayer, at the University of Saskatchewan, says about this:

> I believe the new constitutional amendment formula is unsatisfactory because it is unnecessarily rigid by requiring the consent of all provincial legislatures. It will make future constitutional amendments virtually impossible. To preserve cultural distinctions it is unnecessary to entrench all provincial powers. The amendment formula should entrench

> fundamental matters such as languages and education but leave most other matters capable of change by agreement of parliament plus a substantial majority of the provinces. Also any revision of the constitution should provide for more concurrent powers.

Here is what Dr. Alex Smith of the University of Alberta has to say:

> The constitution must be at once sufficiently rigid to ensure stability, yet sufficiently flexible to accommodate change. Flexibility therefore, remains to be achieved by amendment yet the unanimity requirement of the recently proposed formula must render the Canadian constitution the most rigid in the world. Important amendments are to be at the mercy of a single province's vote. This is a grave error and be it remembered no escape is permitted. For the rigidity injected into the constitution proper is likewise injected into the amending procedure itself. Like a people destitute of faith and terrified of the future, we are to lock the gate and throw the key. An amending procedure in Canada is needed but the feature of unanimity must be no part of it.

Here Dean Lederman, of the University of Kingston, and here is what he says:

> The principal feature of the current proposal is that any change in the present distribution of lawmaking powers between the Canadian parliament and the provincial legislature requires the consent of parliament and all the legislatures. This is very rigid and means that important amendments would be very difficult if not impossible to obtain.

Professor C. B. Bourne, law professor of the University of British Columbia says this:

> I would urge that a constitutional amendment formula should be postponed and considered along with other constitutional changes that now seem imminent. I prefer a formula without a veto for every province although I recognize the special claim of Quebec.
>
> Now, there are other view points here but I think there is only one of this whole group who has anything favorable to say about the Fulton-Favreau formula which my hon. friends are trying to sell to this house.

One final point that I would like to make, Mr. Speaker, by the Fulton-Favreau formula, it is proposed that we should fragment the power of parliament to petition for a constitutional amendment, and vest in parliament the power to enact specific amendments only with the concurrence of ten legislative assemblies. It is said that once the constitution has thus been patriated or repatriated, there is nothing to prevent us from sitting down in a spirit of goodwill, (the Attorney General implied that this was possible), and then work out or adopt a new and more flexible formula. It is said that the important thing now is to repatriate the constitution. We can work out something in the future as to flexibility.

Well, they tell us that we must gain control over our amending of the constitution before 1967 in order to demonstrate that we are a grown-up nation. But is it a sign of maturity on the part of a nation to seize upon the tinsel and bunting of a repatriated constitution, if in doing so, we set into motion forces which threaten to balkanize our country or to render our national government impotent? Rather we can demonstrate patriotism and love for Canada by taking no ill-considered action to render Canada powerless to meet the changing demands of the times. We would do better in my submission, to take a little longer about this matter, that is if necessary, and to adopt an amending formula which will allow Canada's basic law to grow and change and keep pace with our dynamic society.

This suggestion that we can work out a flexible amending formula one we get control of our constitution. I see no virtue in this argument

whatever. There is no advantage to be gained in repatriating the constitution which outweighs the importance of having a decent kind of amending formula when we get it.

In 1961, the provinces of Canada had an opportunity, if they had any inclination to accept a more flexible formula. They had an opportunity and not a single province, not one of the other provinces indicated a willingness to go along with a more flexible formula in order to achieve the agreement of the province of Saskatchewan; How then, once the formula has been adopted with its built-in veto, can we expect any of the ten provinces enjoying the vested right of veto, to give it up in favor of flexibility? I suggest that no one with any practical sense of handling public affairs could possibly be so naïve as to believe that this could happen.

Once this formula is adopted, if it is, then Canada will have to struggle along with a system based on federal-provincial and interprovincial deals, contracts, arrangements, secret contracts, secret diplomacy. We have witnessed this trend in recent years. Instead of adopting amendments to the constitution, so that the powers of the various legislative authorities could be adjusted from time to time to keep pace with the demands and keep pace with the changing responsibilities, we will see the real power of decision taken away from our legislatures and our parliaments and exercised more and more by the Dominion-Provincial Conference and this will, I submit, rob legislatures of the initiative and the degree of control and scrutiny which they ought to be able to make of proposed changes in policy and actual changes in policy. Statutes and budgets will give way more and more to fiscal agreements. Joint cost-sharing programs will take the place of programs devised by legislatures and tailored to meet the needs of the local people.

Parliament and the legislatures will be displaced by the Dominion-Provincial Conferences as the real seat of power in this county. Increasingly the important decisions are now being made just as the Fulton-Favreau amending formula was made, secretly and behind closed doors at one of these meetings.

The agreements and the formulas, designed as they are to circumvent the legal realities of our constitutional structure, will grow increasingly complex. They will therefore, be increasingly remote from scrutiny and consideration by legislative bodies.

We saw here in this house, and we have seen it over the years, how the legislature treats the provisions of such agreements as more or less sacrosanct, beyond control. We see amendments to the provincial income tax law presented rather perfunctorily and voted without argument because we know we have no real power to change one word of these Statutes without throwing the province out of its agreement with the other nine provinces and with the dominion. The real decisions have been made for us before those Statutes ever come before us for consideration.

We have seen how the staff of various provincial government departments negotiate with their opposite numbers in Washington and in Ottawa. I'm a little ahead of myself here. The Premier hasn't quite achieved this yet, but negotiates with his opposite number in Ottawa and evolves complicated and expensive joint-shared programs, and when it has all been set up they both go to their ministers and they say, "well, this is agreed to." and what can the minister do? What can the government do? Indeed, often these agreements are set up on the basis that Ottawa will provide all the funds for the first year of a new program and the departments and the provincial government accepts this because it is part of an agreement and then next year Ottawa cuts off the aid and the decision has really been made, not by parliament or by the legislature, but by some civil servants in a secret agreement to inaugurate these shared programs. I submit, that this is derogation of the power and dignity and responsibility of the elected bodies of parliament and the provincial legislatures. This comes about because of the anomalies in our constitution and because of the present difficulties in ironing out those anomalies and bringing our constitution up to date. So we need, not a constitution that is more difficult to change but rather, a constitution which is more flexible even than the one we have at the present time.

We are marching, whether we like it or not, towards a new system of government, where the real decisions, in the process are being taken at Dominion-Provincial Conferences between Premiers, between departmental heads and between departmental program officials.

This new medium of government is not subject to the disciplines felt by parliament or by the legislatures. They don't have to levy monies.

These conferences don't have to levy money as the legislature has to do. The don't arrive at their decisions in public as the legislatures do. The public has no opportunity to participate in choosing alternative policies that are discussed and debated at these secret conferences, or even to know what the choices are that are made by our Premiers and ministers at these secret conferences.

I want to make it clear that I am not opposed to consultation between the provinces and the government of Canada. I welcome evidence of economic planning at the federal level. But it is an altogether different thing when we have to build up an edifice of tax agreements and shared programs to try to correct the imbalances between the legal powers and the social and moral responsibilities of the two levels of government.

By clinging to an archaic distribution of powers, we are driving governments into these expedients. We are getting unheralded and far-reaching changes in our real system of government, because of our reluctance or inability to amend the constitution. Surely the remedy is not to make the amending formula for the constitution more rigid or more difficult.

I want to just say, before I sit down, something about an article that was written in the Leader Post on March 30th by Maurice Western on this same subject and which I would like to place in the records of the house, certain conclusions and opinions which he expressed. He refers in his article to the resolution placed on the order paper by my learned friend. He says that there are two features to it. First, that we repatriate the constitution by adopting the Fulton-Favreau formula and secondly that there be open public discussions by a committee or commission authorized and appointed for that purpose. He summarizes the effect of the resolution and then he says:

> It will certainly be argued that the recommendation is of secondary importance . . .

That is the recommendation for the holding of public hearings.

> It will certainly be argued that the recommendation is of secondary importance since the legislature is asked in the first paragraph to assent to the draft.

Now, speaking a day or two later, the Attorney General, (Mr. Heald) said that is exactly the way he construed it, that the concurrence with the draft was the primary question and that the hearings were secondary, indeed so secondary that they could even take place after the constitution had been repatriated, as I understood him. So that is really secondary. That is really of very little importance he attaches to the public hearings and public discussions. But Maurice Western says:

> It will certainly be argued that the recommendation is of secondary importance since the legislature is asked in the first paragraph to assent to the draft. But it is a most unusual procedure for a legislature to recommend the course that parliament should follow in its own domains. We must therefore assume that Mr. Thatcher and his colleagues have serious reasons for putting their resolution in this form. Evidently they do not share the complacent, Ontario view that the formula as it now stands represents the summit of constitutional wisdom in this country.
>
> Why then proceed at all. Mr. Thatcher in the course of his long public career has demonstrated more than once, that he has the courage to change his mind. It may well be that since the Federal-Provincial Conference, he has come to realize more clearly the dangers inherent in the formula and at the same time the possibilities of averting them through realms of these minor modifications.

The second explanation which Western puts forward may well compliment the first:

> That Saskatchewan has always looked with distaste upon the one province veto. Mr. Thatcher presumably has no desire to imply in advance by an act of outright rejection. He has instead chosen a constructive

course. Instead of erecting a barrier, he has attempted to re-open the door.

This is something new for our Premier.

> The very fact that the agreement of last October has been interpreted in such radically different ways, suggest that it is capable of considerable improvement. Mr. Thatcher shows an awareness that constitutional guarantees are of concern, not merely to government, but also to the people of Canada. The hearing should not be confined to Ottawa but should also be held in Regina, Winnipeg, Quebec City and other provincial capitals.

He says then.

> These proposals imply naturally enough that modifications of the October agreement are still possible.

In conclusion, Mr. Speaker, I re-echo the sentiments of journalist Western. I hope that the government hasn't firmly made up its mind that it is going to push this through irrespective of public opinion, irrespective of the trend of expert opinion on this subject. I hope that the government will take a second look at it, in light of Quebec's recent reactions to this proposal. I call upon the government now, to take a long-range view and hold onto our present more or less workable system of constitutional amendment until a more workable plan comes to hand.

Mr. Speaker, I call on the government and I call on the legislature to reject the bunting and trappings in favor of the reality of genuine sovereignty.

I will vote against the motions in its present form, Mr. Speaker.

Some Hon. Members: — Hear! Hear!

Mr. M. P. Pederson (Arm River): — Mr. Speaker, in rising to speak to this resolution, I do so with a fair amount of trepidation. In view of the fact that this is a field that is normally left to the legal profession and with all due deference to my friends in this house and outside who are lawyers, I think perhaps it is a shame that as much has been left to their jurisdiction on matters such as this. I think that it is right and proper that someone outside of the legal profession should express an opinion on this so-called amendment to the constitution, dealing with the repatriation of our constitutions, how it would effect people who approach it with something other than a legal attitude. I think, too, that it would be proper for me, as the representative of my party, to place that party's position on the record.

In spite of the remarks that I have just made, regarding the legal profession, I must confess that I have some things in common with them and that I intend to say a good few words on this resolution and will probably speak, perhaps not as long as my legal friends, but certainly at some length. For that reason, I beg leave to adjourn debate at this time.

Debate adjourned.

The assembly resumed the adjourned debate on Bill No. 16 — **The City Act**.

Mr. H. H. P. Baker (Regina East): — Mr. Deputy Mayor, I want to thank those in charge for giving me the opportunity of saying a few words on this matter this afternoon. I waited patiently from ten o'clock yesterday morning until now, and I didn't know I was going to follow the hon. member from Hanley, (Mr. Walker) who is a man of such few words. But I must commend him on his interpretation and what he has brought to us from the Atlantic to the Pacific and from the Northlands to the U. S. boundary. But I must say that there is much in what he has said and food for thought for all of us.

So, I want to at this time, in a few words, try to, in entering this debate, to try to convince the government that they do not proceed with the night openings sections in Bill No. 16. I think it is of such serious magnitude to this city and our province that it requires considerable debate and discussions and further investigation. I would hope it would be delayed for further research on the whole matter.

This afternoon I want to present a few points that I think will probably help us to think about it and refer this to some other group. I'm sure that many members across the way are not unanimous on these amendments because recently a house amendment was moved here which indicates to me that there are some second thoughts on the other side as well. I don't say this in a derogatory fashion but in a manner of caution to them and to others who may believe in night openings. A delay for more research referring it to some commission, I think would be appropriate. I don't' think this would be a source of embarrassment to anyone in this house.

As you know, Regina today has excellent shopping hours and because of it, it has had the highest business turnover on a per capita basis of any major city in this country. It has the least shopping hours and the biggest business turnover.

The amendment that has been moved again allowing Thursday night, adds another night to night opening, and we might as well say that this could lead to three night openings in week. In not too many years, other legislatures no doubt, would take out a few 'ors' and add a few 'ands' and you would have three nights instead of the one that you are trying to put through.

As I mentioned, Regina has excellent shopping hours. I might tell this house, that at a convention in Los Angeles not too long ago, our shopping hours were held up as a shining example from the standpoint of retail marketing. They were told about the hours and the business turnover. In the United States, you find that they are trying to cut down their long hours, those during the day as well as night. We have a fine shopping pattern and good shopping habits.

This legislation would eventually destroy much of that. Now, the Monday closing that we have in our city has been a real blessing to our community. You and I like two day weekends. This is what Monday closing does for management and for labor. We all agree that people need to get away from the tremendous business pressures of the day and the technical changes that have taken place.

The retailers tell me that when Monday closing was brought in, that their business turnover had increased substantially. Shorter hours creates a basis for permanency of the employees. It creates security such as pension plans and greater fringe benefits, greater sick leave benefits which come under the fringe benefits. Permanent employees become real promoters of their establishments thus helping the whole business climate, for their own concern and for others.

Many cities have followed our pattern of Monday closing and as I said, that this legislation would do away with this sort of shopping habit or shopping pattern. It has worked well for us here and I understand the hon. Minister of Health, (Mr. Steuart) has Monday closing in the good city of Prince Albert, and I believe it is working well there too. Let's not destroy a good thing that has worked out so fine for management and for labor. Night opening will destroy the smaller and average retail outlets. The small and average merchant is the backbone of our retail trade and industry, just as the family farm is the backbone of agriculture, which is our primary industry in this province. It will have a serious effect on stores within a sixty mile radius of each major urban centre. The rural communities need these business outlets for service and convenience and as assets to the hamlets, villages, or towns. Smaller stores in the shopping malls would be affected. Small businesses are the backbone of our tax base. This foundation will be destroyed in years ahead because of the tremendous overhead that would take place in keeping up smaller outlets.

All retailing would get in fewer hands, building sort of an apex type of control in the commercial industry, similar to what I think what happened in 1929, when we had the financial crash on this continent. The trend today is similar to what it was then in putting control in the hands of fewer establishments and fewer people. I would think that if another financial crash of that type ever struck us again, in this country, it would make the thirties seem like prosperity to us. Let's not promote policies of this type.

Night opening will harm your corner drug store. Of course, the recent amendment that was passed in regard to the Liquor Act, in giving drug stores liquor outlets, may help some. It will harm our tea rooms, confectionaries who are designed and equipped to give an evening type service. Not many of us would want that kind of life. It has been mentioned about family shopping. What about those who have to work at nights?

So you see this claim is sort of balanced out. We have only so many dollars to spend and with the costs as they are, it doesn't take too long to get rid of the incomes we have. We don't need added hours in which to do this. But what we should be doing or spending our time at, is to see how we can put more dollars in the hands of our consumers so that they will have increased purchasing power.

Another important factor that is being overlooked is the added cost to municipalities, the added police force that would have to be put on to take care of crime activities, the added fire protection that would have to be engaged for fire hazards and so forth. And I think also that you will destroy or curtail much of the community activity, such as the work of service clubs, the work of your parent-teacher organizations, of young peoples groups in churches or other fraternity organizations. So all in all, this night opening will be a tremendous hindrance to us rather than a help.

I would like to turn to the brief that was presented to the cabinet and the Premier last fall sometime, from the Retail Merchants Association, their head office, I believe located in Saskatoon, and at their annual meeting last year, I had the privilege of attending their closing dinner and had considerable discussion on this subject. At this meeting, I want to quote from some of the minutes and the statements that were made by them.

> At the annual meeting held in Regina, May 11th, 1964, the following resolution was passed and we pray your government will give serious considerations to its request, regularly moved and seconded and passed unanimously.

This is the motion:

> The Retail Merchants Association Incorporated approached the government of Saskatchewan asking the government to continue to govern the legislation dealing with the Provincial City Act governing store hours. And asked that no change in the City Act made, that would give, that would give municipalities the right to legislate store hours.

This was carried:

> We are of the opinion Saskatchewan has the very best legislation respecting store hours in Canada and possible in North America. Legislation dealing with store hours was all put on the Statutes by former Liberal administrations at the request of retailers of the province.

And this took place in 1934 when, I believe, the hon. Mr. Gardiner, was the Premier.

> We believe the legislation should be continued from a central authority and not be legislated by city governments. Competition between cities would break down the legislation and in place of having one evening open for shoppers, it is quite conceivable the we would have six evenings. The province of Saskatchewan is not by any means the only area that legislates early closing. For instance in Europe, we want to outline here below the countries and store operation as to hour legislation.

I have sixteen countries listed here, I will pick out five or six.

> In Denmark, for example, all shops are open from 9 a.m. and close at 5:30 p.m. on week days and not later than 2:00 p.m. on Saturdays.
>
> In France, department stores are open from 9 a.m. to 6:30 p.m. Large department stores and better shops close Sunday and Monday and a large number close in the month of August. Specialty shops open Tuesday through Saturday to 6:30 p.m.

> In Germany, week days 9 a.m. to 6 p.m. Saturday 9 a.m. to 4 p.m.
>
> Great Britain business hours are from 9:30 a.m. to 6 p.m. but close on Saturday noon at 12 o'clock. Most communities have at least one early closing day at 1 p.m. Restaurants are not affected by closing hours.
>
> In Greece during the winter, their hours are from 8:30 a . . . to 1:30 p.m., 3:30 p.m. to 7 p.m. In the summertime, 8 a.m. to 1 p.m., 5 p.m. to 8 p.m. Shops all close Wednesday of each week.

Here is the Netherlands.

> Shops open from 8 a.m. to 6 p.m. Close Sunday Large stores all close Monday.
>
> Switzerland store hours 8:30 a.m. to 6:30 p.m. with the exception of large department stores closed on Monday and all shops and stores close at noon from 12 to 2 p.m.

And so they continue.

> Store hour legislation in Saskatchewan has not curtailed retail sales in any area over the years that the legislation has been in effect. In 1963 consumers in the province increased their purchases to $1,119 per capita.

I believe this was read before in the house.

> from $1,031.77 per capita in 1962. In the province of Saskatchewan, independent retailers have successfully held a very large share of the market. We must give part of the credit to early Saskatchewan governments, in the legislation given.

I could go on and read many more things, but I think I should follow on page five, two or three more paragraphs dealing with how this will effect certain groups.

> From the information available to the members of the association, it appears there are only two agencies requesting amending the legislation respecting administration of the act. They are the press of the province, principally the two large daily papers and a small number of the urban municipalities. It is quite possible that the two groups listed above would request change in legislation as it would be desirous and profitable for both groups t press for additional advertising and the second for additional taxes on new shopping centres that some promoters would hope to have built in an already over-built number of business areas. In the event the government abandons the sections of the City Act, dealing with store hour closing, retailers now in business will find their volume reduced and financial operation affected. In fact, even if the expected new plants were opened in Saskatchewan, the different taxing levels might receive less in total tax revenue than at present.

And they conclude with these final facts and statements:

> There have not been any requests whatsoever to our office for change. The Association suggests that if the government legislates to give the urban municipalities the power to legislate store hours, it will have the following immediate effects.
> 1. Complete abandonment of regulated uniform hours of store operation.
> 2. An increase in commodity prices.
> 3. A sharp increase in cost of operation for urban business places.

4. Heavy loss of small independent operators in all categories of trade.
5. A serious loss of and closing of a large number of business places in a radius of fifty to sixty miles of each urban area in the province.
6. Chaotic hours would be the result as each urban area would endeavor to outbid each other.
7. There has been no demand from consumers for a change in legislation.
8. Organized retailers have not requested any change.
9. It is not in the public interest for a change in this act.

Now, these are the words of the Saskatchewan Retail Association, a provincial body that has gone all out to oppose any change in our wonderful store legislation, the hour openings in this province of ours.

And so, Mr. Speaker, I have tried in these few moments to convince the members opposite to give a stay on this, say perhaps a year's grace, and have this investigated, do more research on it. I'm not doing this to satisfy my own wishes. I believe wholeheartedly in the shorter hours, as I have stated. Regina with its five day week has done so well that we would hate to disturb these opening hours because they will not be beneficial to the small or average outlets, and you will find it will also eventually affect the large ones as well.

So I would appeal, Mr. Speaker, to the government across the way and any others that may not be sold on this as I am, to lay this on the table or refer it to some commission, and do more research and give it more thought over the next year.

So with that, I am prepared to support most points in the bill, but the sections dealing with night opening. I appeal to you to let's leave it and give it further study.

Mr. W. E. Smishek (Regina East): — Mr. Speaker, I want to make reference to two provisions in this bill, probably one that is in it and one that I think was omitted and should be in the bill.

Firstly, may I refer to the provisions that I think should have been in. Certainly, I was left with the impression that it would be in, and that is an amendment to section 33 of the act which would increase the indemnity allowances for members of City Council.

Early in the fall, the City Council of Regina, or rather late in the fall, had a meeting with the Regina MLA's and the Minister of Highways, (Mr. Grant) and the Minister of Municipal Affairs, (Mr. McFarlane). The purpose of the meeting was to discuss with us, some of the difficulties that City Council members are having in terms of the kind of indemnity or remuneration that is paid to them. At the present time, as I understand section 33 permits a payment of $10 for meeting with a maximum of $2,400 a year to any City Council member. The city the size of Regina and Saskatoon, councillors have a great deal of work. I understand that the council members in the city of Saskatoon have to act on some thirty committees. They attend over two hundred meetings a year and it seems to me, Mr. Speaker, that the time has come to amend that provision permitting the councils to, particularly in the larger areas to pay larger indemnities.

An additional reason for increasing the indemnity and that is because of the present provisions are much too restrictive as far as people who would like to run for office but because of the low paid indemnity, cannot afford to run for office because of the small remuneration that they would receive and people who would have to take time off and be docked wages cannot afford to do this.

I would ask, Mr. Speaker, that the Minister of Municipal Affairs (Mr. McFarlane) before bringing this bill for third reading, that he give serious consideration to amending section 33, increasing the indemnity allowances, yes, in fact I think in the cities of Saskatoon and Regina particularly, there is justification for doubling the indemnity. Probably in smaller locations, the indemnity might be pared down a wee bit. It might be good reason for having limitations rather than having the councils set their own indemnities but I would appeal to the minister to make a change in this respect. I certainly was left with the impression when we had the meeting with the council of Regina when the Minister of Municipal Affairs

(Mr. McFarlane) was present, that this matter would be considered and I was also left with the impression that an amendment would be forthcoming during this session of legislature. I deeply regret that there is no change.

Now, the other area I would like to speak on, Mr. Speaker, is the provision regarding night shopping, that is section 17. It seems to me this was a section that was hastily conceived and not given proper and adequate consideration. Certainly no opportunity was given to people who are mostly concerned and directly affected, to meet with the government to present their views and to get proper assessment of whether night shopping is desired.

I know that independent merchants are opposed to night shopping. They have submitted a brief in this respect through their organization, the Retail Merchants, and while it might be true that in recent days some alternative suggestions have been made, it is only because of the government's adamant position that they are trying to have the act altered in such a way which would be the least harmful. I have a letter under the date of February 6th from the chairman of the downtown merchants in Regina, and he states emphatically that his group are opposed to the idea of night shopping. He states here:

> They are still of the one mind. We want to continue with our five day week and no night opening. I have discussed this with numerous businessmen in town and this is the way they feel. I am also convinced that the co-operative stores are not in agreement with the idea of night shopping.

I know that employees working in retail stores, are very much opposed to the idea. They know that with night opening there will be staggered hours unless there is a restriction by provincial statute and so far I don't see it. I tried to include a restriction in Bill 61 but the members on the government side chose to kill Bill 61 this morning. There is nothing in the Municipal Act to prohibit night shopping or split shifts.

The volume of business, I think, depends on the economic condition of people and not on the length of store opening. There has been an argument presented by some that the longer you will keep store hours open, the more business will be done. Well, if that was the case, Mr. Speaker, then during the hungry thirties, we should have had tremendous prosperity because store hours during the thirties were open from the wee hours in the morning to the late hours at night. Here we see the statistical facts; in 1939 per capita spending in Saskatchewan was $149, in 1964, because of the economic conditions, we had per capita spending of $1,212. So on the one hand we had low spendings with late or long hours in retail establishments and on the other hand we have had good economic conditions but shopping hours have been shortened.

Mr. Speaker, I think it has been said that there are really two groups that are favoring night shopping and that is retail chains, national chains and the advertising group. I am sure that all members of the house received this journal a few days ago, National Retailer, and the figures are indeed interesting. In Saskatchewan retail chains did 16.25 per cent of the business; department stores 6.89 per cent; co-operatives 9.2 per cent; and independents 67.7 per cent.

It seems to me that really the department stores and the retail chains are interested in night opening so that they might be able to cut into some of the business done by the independent merchants of this province. We know that the independent merchant is still the lifeblood of Saskatchewan. Any profits that he makes stay in the province.

I would also like to refer to some recent articles that appeared on this matter in eastern papers. A. F. Rands, former general manager of Toronto Retail Merchants Association is reported to have made this statement:

> It is well known in the trade, that young people are shying away from the retail food field because of demands made on their time. If independent retailing is losing ground in the battle for survival, it is due to a great extent to the fact, to the lack of appeal that it has to the young persons as a life work. Thus we are fast becoming an industry of middle-aged and old people with no

> substantial bank of young people to take up where we have left off. As an individual, I do not favor running to the government for aid and assistance when minor annoyances come up, but surely here is a matter which deserves more than passing fancy from our legislatures because it could mean an end of the independent retail industry as we know it. Some government action is necessary on the hours question to give the individual merchant a fighting chance. The Ontario Retail Merchants Association has been backing uniform store closing hours at the provincial level. I suggest all day closing Monday, and opening five days a week.

The Financial Post of October 14th, 1961 deal rather extensively with this matter and I quote again:

> What many independent spokesmen want is a province wide store law to bring uniformity.

Mr. D. W. Dole, a weekly newspaper publisher in Brampton, Ontario, speaking in favor of provincial store hours legislation said:

> It is not fair to ask local councils to police discount houses, shopping centres, and downtown merchants alike.

The people who have had experience with night opening, particularly in eastern Ontario, particularly the independent trade, are convinced that it is to the benefit of the independent merchant, to the benefit of the welfare of the independent trade, to have provincial government regulate store hours.

It seems to me that one other reason why this legislation is being introduced at this time, Mr. Speaker, is for political pay-offs. I have heard rumors that members opposite or their party, have received substantial sums of money from retail chains and department stores in order that they may be able to . . .

Mr. Speaker: — Order! That is an unparliamentary imputation, and I ask that you withdraw it.

Mr. Smishek: — I will withdraw, Mr. Speaker. One other area of great concern to me, is that with night shopping, will come split shifts. It also threatens Monday closing as we now have it. It is indeed, important that before this legislation is given any further consideration that the people, the consumers, the trade, the employees, have an opportunity to express themselves in full, Mr. Speaker, I will move, seconded by Mr. H. Link, (Saskatoon):

> That all words after the word ‘that’ be deleted and the following substituted therefor;
>
> This bill be not now read the second time but that the subject-matter thereof be referred to the Select Standing Committee on Law Amendments and Delegated powers.

The debate continues on the amendment.

Mr. Speaker: — It now being 5:30, I leave the chair until 7:30 this day.

The house recessed at 5:30 p.m.

Hon. D. G. Mr. Steuart (Minister of Public Health): — Mr. Speaker . . .

Mr. J. H. Brockelbank (Kelsey): **—** What, again?

Mr. Steuart: — Mr. Speaker, I am not going to speak very long on this debate but I do have something that I want to say. I represented the Saskatchewan Urban Municipalities Association on two or three occasions when we

presented briefs to the former administration, requesting that changes in the City and Town Acts to allow local communities, allow towns and cities, a wider latitude in the matter of shop opening. I would like to reiterate here, and point out that this act does not, in fact, extend store hours. It does not even mean there will be night shopping in any of our towns and cities, but what it does mean is that there will be local option and I don't think, although it has been raised two or three times by the opposition that this will mean and probably may mean lack of uniformity in store hours. The store hours and shop opening hours will vary from city to city and from town to town. This is probably true and I see nothing wrong with this. I see no reason why we should have a strait-jacket on store hours, why we should have rigid uniformity throughout the province when people in different communities may shop for their wants.

I think all members on this side would agree that there should be and we feel that there is, ample protection for employees in stores, that they are protected by the Hours of Work Act and they should continue to be protected and if abuses spring because of night shopping, and I can't see how they will, that the legislature would have a responsibility to take a look at these abuses that might creep in and as I say, I don't anticipate that they would. Split shifts may happen, and if this started to any great extent, I think we could then take a look at it.

I think the point that should be emphasized here is that right now we have bylaws whereby the municipalities, towns and cities, are allowed to have one night opening and that one night is Saturday night. I don't think there are any storeowners, if there are, they are very few, who would like to see shops remain open Saturday night, so I have felt for years, that to give towns and cities the option of staying open Friday night to Thursday night or some other one night in the week, was a step in the right direction, so we are not suggesting that hours be extended. We are just suggesting that a night more suitable to working people, more suitable to store owners, could be chosen if the local community desires.

Now, I think that when people standup in this house and speak on behalf of the workers in the stores, and say that store hours should be tied to the work week of the employees, I think this is wrong. If we develop this principle, I think we are standing in the road of any shortening of working hours. We have heard in this house, talk about a 40 hour week, and I think that all of us recognize that, as time goes by, we may see even a shorter work week, and it is ridiculous to say that if the employee hours of work are shortened, then we must not tie store hours to this. If this happens, you will really see costs go up, because most expenses that storekeepers face, go on regardless of how long they are able to keep their stores open. So if you reduce stores to 40 hours, 35 hours, say 30 hours, expenses like rent, heat, light, taxes, go on and costs must then go up. So the argument that this will increase costs is nonsense.

Much has been made in this house over the years about the fact that the Retail Merchants Association of the province have in the past opposed any change in store hours. I would like to say here that the Retail Merchants of Saskatchewan do represent some of the merchants of this province, but they don't represent all of them. In fact, I doubt if they represent a majority of the merchants of this province, and I would remind this house that it was the same Retail Merchants Association that supported the infamous Retailers' Act passed by the CCF when they were the government of this province and I would say the Retailers Act was opposed by 75 or 80 per cent of retailers in the province of Saskatchewan. So, the Retail Merchants, and they don't represent the majority of people. There is one factor that I think has been overlooked in this whole discussion and that is the desires of ordinary people to shop other than to say from 9 to 5:30 or 9 to 6. If what happened in and around the city of Prince Albert is any example, and I think it is, the general public would like to see one night of shopping. Outside the city of Prince Albert, two or three shops opened where the hours are not restricted, and they stay open every night of the week, and I can report that the acceptance by the public has been very great. They have done a terrific amount of business. They have done it at the expense of shopkeepers inside of the city limits of Prince Albert so we have another very unfair situation. Because of the difference in the acts, outside of our urban centres, stores may stay open longer hours and they live generally speaking, off the urban centres that they are close to, and this sets up a very unfair situation as far as competition is concerned. This change in the City Act and the change to be proposed in the Town Act will give the merchants in the urban centres the opportunity if they so desire, to lengthen the store hours and to reduce this unfair competition. So I say that we have more people to consider in this. We have the wishes of the storekeepers and I am a retailer myself, and I would

be the first to say that retailers are by no means unanimous one way or the other, when it comes either to Monday closing or night opening. I went through that in the city of Prince Albert when I was mayor.

The idea that all chain stores are in favor of longer hours and that all independent merchants are opposed to longer hours is nonsense. Some chain stores are in favor of longer hours, some are opposed to it, some independent retailers are opposed and some are in favor. There is really no dividing line. Generally speaking, I would think, that a tremendous number of people, especially working people, where you have the husband and wife both working, find that night shopping is a tremendous convenience they like to and they would like to see it extended. They would like at least the opportunity to extend it, if they so desire.

So, I think, Mr. Speaker, that we should look on this legislation for what it is. It is permissive, it means that this government will not be imposing its will on the communities and the communities may decide by a plebiscite themselves to set their own hours to suit the convenience of their own people.

Now, the member for Regina East, (Mr. Smishek) the one that is not the mayor, (I can't figure out which is the junior and the senior) the one that is here most of the time, well, anyways, when he got up and said he was in favor of this bill, he talked about the independent retailers. If I had been in favor of it, I think I might have been opposed to it, when he was finished. Really, when he shed those crocodile tears for the poor little independent retailer, I couldn't help but think there was a little bit of hypocrisy there, and that he was really speaking for one segment of labor that has opposed this and I think opposed it not in the best interests of working people.

Again, I want to reiterate that if we attempt to tie store hours to the length of working hours, we will not be doing storekeepers a favor, and we won't be doing the working people a favor either.

He also said that we are rushing this through, that the people that oppose it, haven't been given a fair opportunity to be heard. Well, let me point out that this has been raised year after year and that those people that have opposed it year after year, have had their say and they have had lots of opportunity to have their say. It is the people, I feel, that over the years have been in favor of this permissive legislation, are the ones who haven't really been given a fair hearing. They have been given a fair hearing in this session of the legislature, if this passes, again, let me point out it is permissive, they will have a chance to have their say at the local level.

So, Mr. Speaker, I favor, both as a retailer and one who has had some experience in municipal affairs, I favor this legislation, I think it is a step forward.

Some Hon. Members: — Hear! Hear!

Hon. D. T. McFarlane (Minister of Municipal Affairs): — Mr. Speaker, in rising . . .

Mr. Speaker: — Order! I must draw the attention of the house to the fact that the mover of the motion . . .

An Hon. Member: — He is speaking to the amendment.

Mr. Speaker: — Oh, he is speaking to the amendment. The question before the house in on the motion of the hon. Minister of Municipal Affairs, that bill no. 16 — An Act to amend the City Act be now read the second time, to which an amendment has been moved by the member from Regina East, (Mr. Smishek) seconded by the member for Saskatoon, (Mr. Link).

Mr. Smishek: — Mr. Speaker, just a brief comment in closing . . .

An Hon. Member: — Order, he can't close . . .

Mr. Speaker: — Order, it is not in order for a member who moved the amendment to close the debate on such amendment, only on the main motion.

The amendment was negatived.

Mr. J. H. Brockelbank (Kelsey): **—** Mr. Speaker, I would like to say a few words on the motion. I regret that we did not take the opportunity to give this bill a chance to be talked to by the public, but that is past now. I just wanted to say this, there are many things in this bill and I don't see how I can oppose the bill as such, but in the committee I can oppose certain clauses because there are a great variety of amendments which need to be dealt with, and certainly I would not want to go against those amendments that are necessary and desirable. This is the kind of a bill that I think does present some problems in dealing with the question. In committee it will certainly be our privilege to deal with certain of the proposed amendments.

Mr. Speaker: — I must draw the attention of the members to the fact that the mover of the motion is about to close the debate. If anyone wishes to speak, he must do so now.

Mrs. Sally Merchant (Saskatoon): — Mr. Speaker, I would like to take this opportunity to say something on this bill. There has been a great deal said in connection with the bill. I haven't a great deal of voice, Mr. Speaker, but what voice I have, I would like to raise in support of the bill for many reasons, but I feel that as the member for Saskatoon I would be remiss if I didn't rise to support this bill.

My own city of Saskatoon has asked for the right to make their own regulations in council for the city of Saskatoon, and for this reason, I feel I must speak out. But there are other reasons that I find this a particularly attractive departure in that it is in line with my own thinking in terms of returning to those levels of government, those areas in which their jurisdiction should hold.

I feel that this is one of them. The member for Kelsey, (Mr. J. H. Brockelbank) has just referred to the fact that he regrets that the people have not had an opportunity to express their opinions on this. I think, perhaps the member from Swift Current, (Mr. Wood) realizes that the people have in many ways expressed their opinions on this, and one thing that has impressed me over the course of listening to this debate is that I have heard a good deal of talk about chain stores, about the small merchant, about labor that is involved in the retail trade, but there has been very little concern for the consumer. It seems to me that the chain store, the small merchant, the person who works in the stores, all are working toward one end. There is one very important factor in all of this, without whom all of these things would not exist. This is the consumer. And it seems to me that the consumers' wishes in this matter should be considered, perhaps with a higher degree of attention than any other.

The consumers in Saskatchewan have made representation over the years. I have in my hand, the results of a province wide survey, that the Canadian Association of Consumers presented to the government of the day, September 1962. There are very many interesting things in the survey. One of the things that impresses me is that we have heard a good deal of talk about retaining the law as it now stands, allowing only Saturday night.

The answers to the questionnaire indicated and I quote from the brief to the government:

> A surprising number of requests came in for all day Saturday closing.

Now this is in diametric opposition to the position that now prevails, for they are allowed Saturday opening, and yet, a surprising number have indicated that they would like all day Saturday closing. This has been for a variety of reasons, one of them was the banks, doctors, dentists, wholesalers, machine shops, lumber yards, and a number of other essential services are closed all day, or for half a day on Saturday, and so people who come in from outside the urban area find that they can't do all the business that they need to do in the course of one day.

Then we hear a great deal about uniformity, that some of the opposition to the bill has been because it would create lack of uniformity in the province. Consumers who are, in my mind, the important people where business is concerned, consumers have come out very strongly in favor of a lack of uniformity. They have wanted to do that business which they do in the larger urban centres, close to their town, on one day, on a day on which perhaps the closing hours prevailed in the town in which they actually reside. These are some of the things which consumers want. But one of the things that I think is tremendously important is that in a survey that the

Canadian Association of Consumers did, 75 per cent have indicated that they would like to see councils in cities, towns and villages, set their own closing hours. And some of the reasons for this include the fact that needs vary from place to place, and services should be right for the area any particular business community serves.

They also indicate here that cities should be under different time schedules to the rural areas. As I explained earlier, in order that they can conduct the kind of business that they must go to the cities to conduct. One of the other things that consumers have asked for and this I think has been indicated as a house amendment when the bill comes into committee. They have asked for Thursday closing, rather than just Friday or Saturday. For my own part, I would very much like to see it thrown open to city councils and town councils to make their own decision as to any night of the week. I do appreciate the fact that there are very many small businessmen who will regret that they lose some of the controls that now exist, but I also trust the small businessmen know, and I think this is true in my own city, where there are people in small shops, small shop owners, who do regret that we change the legislation here, but on the other hand, I trust that most of them will appreciate the lack of control of their affairs in other aspects. I feel that these people will certainly appreciate the fact that we cannot ask to govern ourselves in some areas, and then in other areas ask to be over-governed.

So, as I have said, I have two reasons for very heartily supporting this bill. One, is that the consumers across the province have indicated in no uncertain terms that they do want night shopping and for a very good reason, and that it is in line with retuning the control of their own affairs to the proper hands, the city councils who will then deal with these matters and I support the bill wholeheartedly.

Some Hon. Members: — Hear! Hear!

Mr. Speaker: — I must again draw the attention of the members to the fact that the mover of the motion is about to close the debate.

Hon. D. T. McFarlane (Minister of Municipal Affairs): — In rising to close the debate, Mr. Speaker, I want to be very brief because most of the thoughts that I was going to express, have been ably done so by the member for Prince Albert, (Mr. Steuart) and the lady member for Saskatoon, (Mrs. Merchant).

However, there are one or two items that came up during the debate that I would like to deal with because I think the main principle of the change by this amendment, was not cited, and that is the principle of whether the government should control the setting of store closing hours, or whether it should be the local governments concerned.

I think this has been more or less lost in the debate, and many other issues dragged in. Some of the issues, some of the points that were raised, and one especially by the member for Regina East, (Mr. Baker) indicates that there is no reason for night opening, because the people of Saskatchewan have during the last two years enjoyed one of the highest per capita spending budgets of any of the people in Canada!

Well, there are reasons for that and the main reason for it was on account of the tremendous crops we have had during the last two years, and because of the terrific sales that were set up by the government at Ottawa. Of course, this gave us tremendous spending power in the province of Saskatchewan, and that was reflected all through the retail trade. A great deal of concern has been expressed by members on the other side of the house about the independent merchants. Well, Mr. Speaker, this is getting pretty late in the day for the members on the other side of the house to be concerned about the independent merchants. Because we all know the record of the independent merchants in this province and the way they have been treated for the past twenty years. We remember one of the more totalitarian acts that was ever introduced in this house, trying to curtail the activities of retail merchants in this province and the only reason it isn't in effect today is because of public opinion that swelled throughout the country and the government after it was passed in this house didn't have the courage to enforce it and so I say, that their late concern for the independent merchants of this province certainly won't gain them any support.

Of course, that was reflected by the results of the election last June. There was one matter raised this afternoon that I want to deal with

at this time. It was raised by the, (I suppose you could call him the junior, inexperienced member) for Regina East, (Mr. Smishek). This, Mr. Speaker, was one of the lowest type of political tactics that I have ever seen introduced in this house, as long as I have been a member. He referred to a dinner meeting that was held downtown by the member, the mayor for Regina, (Mr. Baker), and the members of the city of Regina, where they invited the Regina members and myself to be at the meeting. This is the first time in my public life that at any time when I was ever asked to sit down and discuss certain matters with any organization. The text of the discussion was dragged on the floor of the legislature. At that meeting we were discussing the salaries of the aldermen of city councils in this province. They were also discussing the salaries of MLAs, they were discussing the salaries of men in public life in this province, and at that time, in respect to the suggestions they made to me, I said I would be quite prepared to bring the suggestions to the attention of my government. This I did.

Further to that, by way of the suggestions they made, I thought it was proper to bring these to the attention of SUMA, and this has always been my policy, when anything comes up pertaining to urban municipalities of this province, I immediately contact the executive members of SUMA. This, I did, and the matter was raised at the recent SUMA convention. In fact, it was brought up at the convention so that all cities in the province, by way of their representatives, could have a chance to talk about this matter. But then, for a member of this legislature to attend a private dinner, an informal gathering and bring some of the subject matter that was discussed at an informal gathering into the legislature, for cheap political gain, I think reflects entirely on the member and I don't wish to deal with it any further.

I just want to say, Mr. Speaker, that as long as I am in charge of this department, I am going to be very wary of the actions of that particular member. I am certain that the members of Regina city council will be most disturbed, will want to apologize for it, I don't know about the mayor, but I am certain the members of the city council will be embarrassed by the actions taken by the member for Regina East.

Mr. Speaker, as I said, the reason that this amendment is being brought in at the present time, is because we have had representation from some of the other cities in Saskatchewan. The government does not feel that it is up to the government to tell the cities what they can do, but rather would think it our policy to bring down permissive legislation that would let the cities carry on with their own affairs as best as they see fit. It has always been our policy to try and establish and foster strong local government, and we believe that by turning over the autonomy of local affairs to the local governments concerned, we can foster and preserve and strengthen these local governments, and so on this occasion, we are making this legislation permissive. If the ratepayers in local areas wish to have one night a week shopping, other than Saturday night, and if their council agrees to go through with it, then of course, this could be done on a local basis. To say that this has affected employment and driven small businessmen out of business, that it would do that in this province, I think is fallacy, because there is no evidence in other provinces in Canada that have night shopping, that this is the case.

So, Mr. Speaker, rather than driving small merchants out of business, we think that the policy we have for the future, will bring industry of Saskatchewan, will bring business to Saskatchewan, and by virtue of this type of legislation, we think that we can strengthen and preserve the autonomy of local governments.

Mr. Speaker, I will support the bill.

Some Hon. Members: — Hear! Hear!

Mr. Smishek: — On a point of privilege, the minister made remarks regarding the meeting with the city council of Regina. I would like to point out, Mr. Speaker, that this was not a confidential meeting. It was a meeting where the council members made representations to the MLAs. They wanted to get out opinions, and we expressed our opinions at that meeting. I didn't say that the minister committed himself, I did say that the minister did say that he would give the matter consideration. Furthermore, Mr. Speaker, just in the last week, Mr. Speaker . . .

An Hon. Member: — Sit down.

Mr. Smishek: — Mr. Speaker, I did rise on a point of privilege the minister

made some allegations and I think I have the right to comment. Just in the last week or so, I have been in touch with two city council members, rather they were in touch with me, and asked me whether I would raise this question in the house, which I did.

Mr. Speaker: — The question before the house is on the proposed motion of the hon. Minister of Municipal Affairs, (Mr. McFarlane) that Bill No. 16 — An Act to amend the City Act, be now read the second time.

Motion agreed to and bill read the second time.

The assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Boldt, Bill No. 59 — An Act respecting Housing and Special Care Homes and related Matters in Saskatchewan.

Mr. A. M. Nicholson (Saskatoon): — Mr. Speaker, in making a few comments, I want to commend the minister for making it possible to have all the housing and special-care legislation in one bill. I will have some questions to ask about the individual clauses as we proceed. I think that the minister might have made a few comments regarding the importance of two aspects of the bill. The importance of additional nursing home care and also the importance of moving into the low rental housing field.

I presume one of the reasons that this legislation is before us in that the federal government passed in the last session, Bill C102, An Act to amend the National Housing Act, 1954. This bill has provided a number of very important amendments and when it was introduced in the House of Commons, members on both sides of the house, paid tributes to the late John Garland, who had done most of the work in preparing this bill. Hon. members will be interested in knowing that Mr. Garland, just a few weeks before his untimely death, visited Saskatchewan and a number of other provinces to tell them about the proposed changes in the bill and to ask the provinces to co-operate with the federal government in recognizing the importance of the proposed changes. When Bill C102 was introduced in the House of Commons, again though they had a very busy year last year, the debates in connection with this bill, were among the most interesting in the house. My namesake, the hon. J. R. Nicholson, who is the responsible federal minister made some comments that I think should be remembered. It's a sobering thought that in the last fifteen years, we have only built 12,000 public housing units in all of Canada, a figure which works out to .7 per cent of the total addition to our housing stock. What a deplorable statistic. In terms of human experience, it means that nearly 500,000 Canadian families are still living in sub-standard accommodations. In the light of today's affluence and technology, I find this is a humiliating fact.

Mr. Nicholson said that the federal government can make low interest loans to provincial or municipal agencies to provide housing for low income groups. However, he noted that the federal government cannot initiate urban renewal or low rented projects. The initiative remains as it always has been at the local level. Only the municipalities and the provinces can decide when the provisions of the National Housing Act are required in a particular locality. The amendments which have been made do offer real incentives to provinces and municipalities to take advantage of the federal fund. I am sorry that the minister, in introducing his bill, didn't indicate that additional funds are to be made available in Saskatchewan to take advantage of the more generous facilities that are provided by Bill C102. The federal government is moving into the field of hostels, and I am sure that a great many communities in Saskatchewan would be interested in building this type of accommodation. I am sorry that the minister's estimates which were concluded have not made provision for sizeable appropriations which might be used under this legislation, to provide nursing home accommodation. The special committee that made a study of this problem in Saskatchewan, pointed out that this is one of our most serious gaps. Their proposal that grants to over fifty per cent of reasonable and approved construction be provided by the provincial government for the construction of non-commercial housing nursing homes was a proposal that was realistic. They were able to point out that in our general hospitals throughout the province, there are patients who are receiving care at rates from $15 to over $30 per day. Some of them are in the general hospitals for several years at a time. In the new Seventh Day Adventist Nursing Home that was recently opened in Saskatoon, I saw one of the patients who had been in a general hospital for five years. Both the federal and the provincial governments have large investments in our hospitals. They are contributing towards hospital maintenance. The providing of additional funds in Saskatchewan to encourage the local communities to provide care, nursing home care would receive general support.

The other defect in Canada and in Saskatchewan, is the point that was raised by the federal minister, in not giving higher priority to low rental housing. I think it was a great pity that one of the first acts of the government was to fail to negotiate with the federal government, and the city of Saskatoon in making use of the housing units at the Saskatoon airport. I asked the minister if he had received representations from the city of Saskatoon, regarding using this property and I understood him to say that he hadn't. But in this sessional paper which was brought down earlier in the session, I find that the city of Saskatoon, on two different occasions, did ask the provincial government to participate in making use of this facility. The McNabb Park Development Corporation stated that they had, in August of this year, received a contract for the purchase of this area from Crown Assets Disposal Corporation and paid cash for the property, and were waiting for an Order-in-Council to complete the sale. This was at a price of $250,000.

When one realized that the federal government was prepared to sell this to a group of private investors at this very low price, they would no doubt have been willing to negotiate with the city of Saskatoon and the provincial government at the same price. People in lower income brackets who have been waiting for low rental housing in Saskatoon, would have been able to have taken advantage of the facilities which were ready for occupancy. So I hope when the minister has the assurance of the federal government that they are anxious to move in the direction in the field of providing greater care for elderly people and the moving to provide low rental housing in all parts of the province, that he will not lose any more time in providing leadership in the cities, towns, and rural communities to take advantage of the federal funds that are available.

Mr. W. E. Smishek (Regina East): — To the extent that the bill is an improvement, I think it is worthy of support. However, it seems to me, Mr. Speaker, that the legislation does not go far enough in meeting the housing needs of the people of the province, not only those who need special housing, but people generally. I would hope that the minister in the months ahead, would consider that the government would consider taking steps towards the provisions of adequate housing for all the people in the province. I have before me, Mr. Speaker, a housing survey report for the city of Regina, which was taken back in 1960. The report states that in the city of Regina at that time, there were close to 20,000 homes. Ten per cent of the homes were in very bad conditions, 56 per cent were in the average condition and only 34 per cent were in good condition. The report documents the kind of dwellings that many of our citizens have to live in, and it is indeed a sad indictment on our housing situation throughout Canada, when we consider all the resources that we have for building a decent home. The report says that over 17 per cent of the families are living in very overcrowded conditions apart from the immediate deficit of some 5,200 dwellings that there is the problem by 1975 of providing 22,400 more dwellings.

Mr. Speaker, I would hope that the government also recognize the fact that housing is a very important job-creating factor. The former Minister of Public Works in the Diefenbaker government in 1960, is reported in the Regina Leader Post on November 24th, 1960 to have said and I quote:

> There is no greater way of creating employment than by building houses.

The minister said:

> Every unit kept a total of five men occupied for six months.

Mr. Speaker, when the current administration took over, they found a surplus of close to $10,000,000 for the previous year. It seemed to me that they would have been well advised to take that $10,000,000 surplus and invest it into housing. With that, they would have also been able to get under the National Housing legislation, another $30,000,000 for housing. This would have created some 8,000 jobs. It is unfortunate, Mr. Speaker, that while the federal and provincial legislation in fairly reasonable in terms of funds, the federal government will provide 75 per cent of the money and the province is prepared to put up 20 per cent of the money for low cost housing, thus leaving the municipalities only 5 per cent.

It is unfortunate that our municipalities have not taken up the offers from the federal and provincial governments. Municipal authorities have been very lackadaisical in taking steps to providing adequate housing, despite favorable financial conditions that exist and are available from the federal and provincial administrations.

It seemed to me that the answer lies in the provincial government picking up the total 25 per cent and the federal government will provide 75 per cent, for low cost housing. I think the government would be well advised to take into consideration the establishment of the housing authority, and putting up the 25 per cent and proceeding with massive housing construction for our people.

Not only is there a need for housing in the urban areas, but I think there are many rural homes that need both repair and modernizing and many of our people on the farms, need new housing. In the Throne Speech in Ottawa presented yesterday, the Pearson government has apparently become committed to the declaration of war on poverty. I suggest one of the first things that should be tackled is the provision of adequate housing. Good housing has many multiplying features. It tends to stabilize the labor force and make conditions more attractive for new industry to settle.

Surveys show that new industry before it comes to settle in a community, among the first things they look at, is the kind of housing there is available for employees they may be hiring. Another feature of good housing, is that it will encourage skilled people to come to the province. Where good housing is available, people do tend to come to those areas. Good housing will also improve health standards. It will reduce juvenile delinquency, and will save the province money on social aid.

So, Mr. Speaker, I would hope that the government in the months ahead will consider the establishment, as I said, of a housing authority picking up the 25 per cent instead of the present 20 per cent that they are prepared to pay and to which the previous administration did commit itself and would proceed with the large housing programs for the people of this province.

Mrs. Sally Merchant (Saskatoon): — I would like to say a very few words in support of the bill. It is a bill that covers a very wide area and I want to deal with only one particular portion of it, and that having to do with the standard of nursing care in nursing homes, because this is something that over the course of time, I have become quite interested in, as everyone in the province should be. I am fortunate in having had an association with the Council of Women, who have taken this on, as a special interest over the course of time. They have made many representations to governments on behalf of standards in nursing homes. They had, of course, representation on the committee on long term illness and it was their recommendation to establish some kind of standard of nursing care in nursing homes, that could be enforced.

I think at the moment, we have in the province of Saskatchewan, something like 77 nursing homes. Now this is apart from, I take it, the Geriatric Centres, that are under direct provincial control, but they house almost 4,000 people. In the nursing homes, there has been no uniformity of nursing standards. There has been no way of controlling the kind of care that people have. One of the reasons that the former government gave to the Council of Women in particular for not wanting to establish and enforce standards in nursing care, was the scarcity of nursing beds for the elderly, in particular. This is why, in this act, I see that there is provision for enforcing those standards, but at the same time, doing what the former government might have done, giving some time for those homes that were not able to come up to standards, giving them some time to bring themselves up to a standard of nursing care, because over the last few years, the numbers of nursing homes have increased tremendously. We find, not only communities, but community service clubs and church groups, as well as municipalities themselves, going into the establishment of homes for care of the elderly. But we find now, in the province of Saskatchewan, quite a number of privately owned nursing homes for the elderly, and it seems to me that if we allow this kind of thing to develop without some control over the nursing standards, we are inviting trouble.

It also appears that this will have a very beneficial affect upon the standards of nursing care in the Geriatric Centres themselves. There has been over the course of time, a changed approach. I know that among the patients who can be admitted within the
Geriatric Centres, you will find not only geriatric patients, but people who should be supplied with some kind of institution for the care for the long term ill. I think, perhaps, in the establishment of standards of control over the nursing home, we will be able to maintain perhaps a little higher standard in the Geriatric Centres themselves.

This is the part of the bill that particularly appeals to me, I find that the rest of the bill, in many ways contains the kind of things

that we needed in the province for a long time, but in particular, standards of nursing care that are long over due, Mr. Speaker. I heartily endorse the bill.

Mr. Speaker: — The question before the house is that Bill No. 59 be now read the second time.

Motion agreed to, and bill read the second time.

The assembly resumed the adjourned debate on the proposed motion of the hon. Mr. Steuart, that Bill No. 42 — An Act to amend the Hospital Standards Act be read the second time.

Mr. W. A. Robbins (Saskatoon): — Mr. Speaker, I was speaking to the motion, when the house adjourned on Tuesday, March 30th, at 10:00. I was expounding the views that discrimination against the medical practitioner in the matter of obtaining hospital privileges, is in fact and effect, a professional death sentence. These discriminations do exist, Mr. Speaker, the recommendations of the Royal Commission on hospital privileges produced by Justice Mervyn Woods, after an exhaustive and intensive survey of the problem, recommended the establishment of the Hospital Appeal Board. The bill to introduce the setting up of such a board, was unanimously agreed to by the legislative members, in the sixth session of the fourteenth legislature.

In the Debates and Proceedings of the sixth session, Mrs. Batten, then member for Humboldt, speaking in that debate said, and I quote directly, as reported on page 694 of the Debates and Proceedings:

> Not one person in the province should suffer injustice and not be allowed redress.

But, Mr. Speaker, people are suffering injustice and do lose the right to redress or appeal, and what does this government propose to do? It deliberately legislates to remove the right to redress and appeal. Why does the government of the day, reverse itself with respect to the stand members on the opposite side took, when in opposition? At that time, they supported the legislation setting up the Hospital Appeal Board. Do they change their minds annually? Sort of an off again, on again, gone again, Finnigan approach? They say they support the medical care insurance in effect in this province. Will they change their minds, and throw it out the window next year? What assurance will we have that the same will not happen with respect to other government programs. For example, hospitalization. The record clearly indicates that the Saskatchewan Liberal party denounced it in its infancy, defamed it in its adolescence, are they going to effect its demise in the adulthood? The Minister of Public Health, (Mr. Steuart) said in the debate, when introducing Bill 42, that he wanted to remove the appeal board to get rid of socialism. Well, if this is socialism, according to his definition, so are the hospitalization and medical care programs. Do they intend to get rid of them too? Does the problem of hospital privileges not occur in other areas outside of this province? Doctor J. McHugh, Conservative member for Lanark, in the province of Ontario, is quoted on this subject when speaking about his own province, and I quote him directly,

> There is a condition existing in this province today, which I believe is unjust and completely intolerable. There are many hospitals in the province which will not allow a general practitioner to gain hospital privileges.

I would like to see legislation produced which would require every hospital board, at present not doing so, to extend hospital privileges to these people. Does the hon. member for Prince Albert, (Mr. Steuart) the Minister of Public Health classify the Conservative member for Lanark in Ontario, as a socialist? Does he classify what Dr. McHugh desires with respect to the hospital privileges in Ontario as socialism? The trouble with the hon. Minister of Public Health, (Mr. Steuart) Mr. Speaker, is that he may mean well, but he just doesn't know what well means. Injustices to medical practitioners in Saskatchewan do still occur, that is generally admitted. Injustices to patients of those medical practitioners who cannot secure hospital privileges do still occur. This is a logical sequence in the chain of events. Injustices occur to taxpayers who become patients and who are not permitted to enter hospitals and be treated by the doctors of their own choice, by reason of the denial of hospital privileges to those doctors.

This also occurs in this province at the present time. Yet the

minister, Mr. Speaker, proposed to remove the right of redress as permitted in the Hospital Standards Act and established through the Hospital Appeal Board. I would remind him, the former Liberal member just previously referred to, just one short year ago, speaking on this bill, and again I quote directly,

> Not one person in this province should suffer injustice and not be allowed redress.

One must conclude that the government of the day is motivated by necessity of meeting a promissory note on a political debt presented and now due. The government must now meet the debt and deliver the desired legislation to satisfy the power-that-be or may be behind the scenes. I am in the name of justice, and reasonable redress, Mr. Speaker, completely opposed to Bill No. 42.

Some Hon. Members: — Hear! Hear!

Mr. H. Link (Saskatoon): — Nothing could demonstrate, Mr. Speaker, more clearly the need of this type of appeal procedure provided in this legislation than the recent case of Dr. Rayman of Biggar. Here is a case of the most clear cut discrimination. Yet in order to have the way clear for the repeal of the legislation, the government has done its best to sweep this case under the rug. The minister has done his best to give the impression that there are no outstanding problems of hospital privileges, and the way is, therefore clear to repeal the legislation.

Fortunately, Mr. Speaker, the people of Biggar and district know the facts of the discrimination that had taken place, and were not willing to let the doctor leave without some protest. The events which occurred at the time of Dr. Rayman's departure from Biggar have led the minister to make a public statement. His public statement is in direct contradiction to the impression he had previously tried to create, the impression that no problem remained in the field of hospital privileges discrimination.

In his public statement, the minister admits that he had a request from Dr. Rayman for an appeal board on his case, and that he had asked the Biggar Hospital Board for information. He admits also that since that time no action has been taken by his department. This means that the minister instead of appointing an appeal board when requested, as it was his duty to do, under the terms of the legislation in effect at the time, did not even obtain, Mr. Speaker, Dr. Rayman's side of the story. The minister obviously wished to convince this house that an appeal board is not necessary. But at the same time, he is demonstrating the kind of justice that a doctor can expect from the Department of Public Health, in the absence of an appeal board.

He has demonstrated that the minister, himself, is prepared to listen to one side and one side only, and let the matter stand at that. Here is a statement made by the minister according to the Leader Post of March 29th and I quote:

> As I understand the situation, Dr. Rayman is alleged to have walked into the hospital and assisted during an operation before being granted privileges. This is against all rules and regulations.

According to the newspaper, the words used by the minister were that Dr. Rayman is alleged to have done certain things. Further in the statement, the minister admits that since received that allegation from the Biggar hospital, no action had been taken by his department. The minister has allowed four months to go by without taking steps to determine whether the request of Dr. Rayman for a hearing was well founded, or whether the allegations by the hospital were well founded. One can only assume that it was the minister's hope that Dr. Rayman would give up and go away, so that the minister could continue to give the impressions that there are no problems with regard to hospital privileges in Saskatchewan.

What appears to have happened in fact, is that the minister has accepted the discrimination, and has accepted at face value the excuse given by the hospital in an attempt to white-wash the discrimination. I believe that what really happened could have been easily determined by the minister if he had taken the trouble to obtain information from both sides. I understand, Mr. Speaker, that shortly after Dr. Haffan Rayman arrived in Biggar, he was invited by his brother, Dr. Ray Rayman to observe during an operation.

This is extremely common in North America. Doctors other than those performing and assisting in an operation are frequently invited to be present. I also understand, Mr. Speaker, that there were three doctors conducting this operation, with a surgeon in charge. Mr. Speaker, there apparently was never any question whatever, about Dr. Haffan Rayman taking responsibility for any part of the operation procedure.

Furthermore, Dr. Haffan Rayman had been licensed by the Saskatchewan College of Physicians and Surgeons, and he is an honorary member of Britain's Royal College of Obstetricians and Gynecologists. The minister is quoted as saying "this is against all rules and regulations". I would invite the minister to cite one rule or one regulation that was violated by Dr. Haffan Rayman at that time.

If there is a rule against qualified doctors being visitors in the operating theatre, the person who broke that rule was the surgeon in charge, and not the visiting doctor. If the minister felt there was any doubt as to the actions of Dr. Haffan Rayman, or doubt as to whether such action could prevent him from being able to serve his patients in the hospital, the obvious step to take was to appoint an appeal board as provided under the legislation and have an impartial investigation.

Mr. Speaker, what possible justification could the minister have for not taking such action? Mr. Speaker, just who has requested that this appeal board be dispensed with? Is it the hospital boards in Saskatchewan? Is it the College of Physicians and Surgeons? Is it the people of Saskatchewan? Or, Mr. Speaker, is it the Minister of Public Health, (Mr. Steuart) and the present Liberal regime in Saskatchewan?

Mr. Speaker, surely it is better to have an appeal board that we never use, than to need a board that we haven't got. Surely, Mr. Speaker, if an appeal board means that only one doctor has a chance to appeal a decision, then this board would be justified.

I suggest that the only reason things have run comparatively smoothly during the past year is because there was an appeal board, not because it was used, but the very fact that it existed. I suggest this board kept situations from developing that ordinarily would have developed had it not been there. In a democracy, Mr. Speaker, surely it is most unusual not to have some place where an appeal can be launched. I just noticed in tonight's paper, I believe it was, that even the federal Liberal government is talking about investigating the possibility of establishing an Ombudsman.

Mr. Speaker, under the circumstances, it makes one wonder just what was in the brief from the College of Physicians and Surgeons, that requested the minister make available to this house in a motion for return, earlier this month, and which was refused.

I am sure, Mr. Speaker, the people of Saskatchewan are wondering why this brief was not made available. They will be wondering about its contents, Mr. Speaker, I submit this act is being repealed at the request of a powerful minority group in Saskatchewan. I submit this act is being repealed because the present Liberal regime is keeping a promise that they made to a certain group of people. This is a disgraceful sell-out to certain interests and a real blow to all the people that believe in democracy and, Mr. Speaker, I will not support this legislation.

Some Hon. Members: — Hear! Hear!

Mr. C. MacDonald (Milestone): — Mr. Speaker, after listening to the comments this evening, and over the past few evenings, on this debate, I cannot refrain from passing a few comments.

First of all, perhaps, I should say to the member from Wadena, (Mr. Dewhurst) who is at this time not in the house, that I rise to speak in this debate with a certain amount of dismay and hesitation, after hearing the sterling challenge that he issued on my behalf. I can't help but refer to his brilliant conclusion, that the real cause for repealing this Hospital Standards Act, was that great text-book of evil, the Doctors' Brief. He has told us that something dark and mysterious lurks within its pages. That here lies the great blue print of horror for all government thinking on problems of health in Saskatchewan.

You know, Mr. Speaker, after hearing him speak, I can't help but think he is very fortunate that that woodpecker that the member from Cut Knife, (Mr. Nollet) mentioned a couple of weeks ago, isn't loose in this

assembly, because if it ever landed in the wrong place, he would be in serious trouble. He should note perhaps, that the member from North Battleford (Mr. Kramer), the ailing member still hasn't found what bill this is. I remember a few days ago, he woke up, jumped up, bayed hard, and then sat down. I wonder if he is going to make a contribution this evening.

It is very obvious, Mr. Speaker, that the arguments of the socialists are based upon community clinic doctors. The member for Swift Current (Mr. Wood) rose and said that community clinic doctors have no relationship to this problem. Mr. Speaker, there is one fact that is very obvious and that is . . .

Mr. E. I. Wood (Swift Current): — Will the hon. member permit a correction? I did not say that, I said that they were not the only thing this bill applied to.

Mr. MacDonald (Milestone): — Very good. You certainly stressed the point that there was a relationship between the community clinic doctors and the repealing of this act. I want to point out, Mr. Speaker, that there is one fact that is very obvious, that there is a definite relationship between the attitude of the hon. members opposite and the medicare crisis of 1962.

Before the smoke of battle had cleared from the medicare crisis, another battle loomed on the horizon of health care in this province. The battle between Saskatchewan Hospital Boards and the Community Clinic Doctors. I point out that in the past, there is no question that occasionally certain problems revolving around hospital staff appointments had existed. Medical competence was the cause of most of these differences. On occasion it is not unlikely that attitudes, personalities, and differences of other than medical competence may have caused problems in the settlements of these disputes.

All of us will agree that no capable doctor should be denied hospital privileges. It is a basic right that each individual should be permitted the selection of a doctor of his choice, it is equally important that that doctor be allowed to use the hospital privileges, to serve that patient, if he is competent and if his moral character is beyond reproach. However, Mr. Speaker, the problem concerning community clinic doctors was not the usual and normal kind. It was an artificial problem, born in the midst of controversy, suspicion, caused by the medicare crisis itself. The question of hospital privileges was centered not in the medical profession as a whole, but rather in a small group known as community clinic doctors.

Perhaps the best illustration of this, we should turn to the Woods' Report and this report is filled with illustrations of this fact. For example, on page 25, point 5 ethics:

> This was not a major issue in the hearing, but it was a part of the background of distrust and illwill.

It goes on, on page 37, section 4,

> The issue was not raised by way of the parties to the complaint, but it lurked constantly in the background.

In another portion, it mentioned the four hospitals that were involved in the dispute, and it says, Mr. Speaker,

> In each of the four hospitals in the past, the record of admissions to the medical staff privileges was singularly free from dispute. Privileges were readily granted to qualified physicians. The rules and procedures for processing applications worked smoothly and well. This cannot be said of any of the applications of the five complainants.

I point this out to emphasize that this was not a usual and normal problem. Strong suspicion lurked throughout the province of Saskatchewan, the people, the hospital boards, the medical profession, that this conflict was being nursed and fostered by the NDP government of the day. Many felt that in reality the problem of community clinic doctors was an abortion out of the womb of the NDP. There was a growing suspicion that this was a political problem and not a medical problem. Once again, it was the people of

Saskatchewan that had to pay the results. Evidence since April 22nd, would appear to substantiate this suspicion. Once again, overnight, the problem of medical privileges appeared to disappear. The major areas of contention were Eston, Estevan, Regina, and Saskatoon. In all, it totalled something in the neighborhood of eleven doctors, by using the original powers under the act and negotiations originated by the Minister of Health, these problems were resolved, and all eleven of these doctors now hold privileges in those designated areas.

It is also interesting to note that of the thirty-two community clinics associations in the province, incorporated under the Mutual Medical and Hospital Association Benefit Act, and the Co-operative Association Act, seventeen associations have contracted with doctors and at the present time several others are trying to obtain contracts. It is also interesting to note that all seventeen of these associations are relatively now at peace with the medical professions and the hospital boards of their areas.

It is also significant that a serious division among the medical profession of Saskatchewan is well on the way to healing its wounds. These men, thanks to the demise of the former government, can now turn to the task of healing the sick, and not fighting the political battles generated by the previous government. It makes me wonder, Mr. Speaker, if the former government really wanted to solve these difficulties. What was their action? First of all, they appointed a Royal Commission under Justice Mervyn Woods. The final report of some 5,000 words was certainly a most exhaustive and detailed report of the whole problem of medical and hospital privileges in Saskatchewan.

Justice Woods has certainly received the well deserved accolades for this contribution to research and hence our knowledge of this problem. What was the actions of the former government? They immediately amended the Hospital Standards Act and set up an appeal board to hear the appeals concerning differences between hospital boards and doctors. This act was amended in opposition to the Saskatchewan Hospital Association and the College of Physicians and Surgeons. It was legislated in the midst of a crisis. No opportunity was given for conditions to return to normal, for wounds to heal and for tempers to cool In addition they named the members of the appeal board after their defeat, while a caretaker government.

Mr. Speaker, we rescinded that board, not because we questioned the integrity or the competence of its members, but because it had neither the confidence nor the approval of the government nor of the Hospital Association. We have permitted conditions to return to normal. We have solved the existing problems. We are confident that future problems can be solved through trust and co-operation. We find a continual distrust and hostility to the act from both the Hospital Association and the medical profession.

Mr. Speaker, let me discuss for a moment some of the comments of the members opposite. First of all, I think we should face facts, the real problem in the province of Saskatchewan today, is to reconcile the difference between the members of the medical profession. Doctors are doctors, they are not community clinic doctors on one hand and ordinary doctors on the other hand. This legislation has done much with the attitudes of the former government to pit one group against the other group. We cannot divide teachers, we should not divide nurses, we should not divide any members of any profession, and any act, or any attitude, that does perpetuate a division and a hostility within a profession, cannot be a good act.

The member for Saskatoon asked why is this government reversing its position when they supported this amendment last spring? The reason for support at that time was obvious. The province was embarking on another medicare crisis. The lines of battle were drawn. Can anyone remember a day or a week or a month in the past two years, previous to April 22nd, when there was not a member of the opposition, then the government, or a member of the community clinic, on radio, on television, or in the newspaper, attacking the medical profession or vice versa?

Of course, this was caused by the socialist inability to obtain the trust and the confidence of both sides in the dispute. I think also, that we should remember what are the purposes of hospital privileges. First of all, they are to protect the patient. Not to discriminate against any member of any profession or any doctor within that profession. First of all to suggest that the decision of a hospital board is unjust or is discriminatory, is to show a complete lack of confidence in that form of local government. These people are dedicated people, volunteering their time and their effort for the benefit of the patient. We have a great deal of confidence in School Boards, in R.N.s and in city councils, also other medium of local government. Why do we not have confidence in hospital boards? Is it because

two years ago there was a medicare crisis in the province of Saskatchewan? The member from Moose Jaw brought out the point that because the medicare and hospitalization are financed through public funds, that the provincial government has the right to interfere. Mr. Speaker, I don't agree with that. First of all, there are many areas . . .

Mr. Davies: — What I said was that the patient as a contributor to these services, has a right to be served in these processes.

Mr. MacDonald (Milestone): — I will agree that is what the member for Moose Jaw, (Mr. Davies) said, if he has corrected me, but I want to point out that the point is, that because the patient has contributed through taxation to hospitalization and medicare, that he has a right to protection. The public contributes in many other forms of local government, we don't insist upon an appeal from decisions of other areas of local government, school boards, RMs and so forth. Also, the member from Saskatoon, this evening, stood on his feet and suggested that because we repeal the board, he suggested that we might remove hospitalization and medical care. You know, Mr. Speaker, this is a common error of all socialists, they like to consider social legislation pertaining to welfare, as socialism. Socialism is an economic movement, whereas welfare is humanitarianism, and I want to suggest to the member from Saskatoon, that his party has no monopoly on humanitarianism.

Also, he suggested that the reason that we are repealing this bill is because we were paying a political debt. Perhaps, Mr. Speaker, he would like to substantiate that, certainly, any act of this government is not based on a class system or class division. We have experienced too much of that in the past in the province of Saskatchewan. Also, the other member from Saskatoon got up and suggested that we have an excellent example of the problem in the Biggar area. He implied rank discrimination in the case of Dr. Rayman. I wonder, Mr. Speaker, if all the facts were known, would the member for Saskatoon say that? You know, the hospital of Biggar had another problem, not so long ago, when the members of the opposition, then the government, stood on their feet and expressed complaints against another doctor much to their embarrassment in the days ahead. I can suggest that if there was an occasion when Doctor Rayman did disregard the rules and regulations of that hospital, that the hospital board and the sisters or the people responsible for administering that hospital, have a responsibility to the patients of that area to see that they are protected.

It is also interesting to note that he chastised the now Minister of Health, (Mr. Steuart) and suggested that he has done nothing to solve the problem in Biggar. I wonder, Mr. Speaker, if he can go back and recall the fact that they had two years to solve this problem and nothing was solved. Now, a problem has been created in the last week, and they have immediately attacked the minister for not solving that problem. It is interesting. Let's consider the facts. What is the attitude of this government? Number one — we as a government feel that there has been a continually erosion of individual rights and local autonomy; we are convinced that local authority know the situation, are concerned with the good operations of their hospitals and will administer those hospitals in a fair and just way, including hospital privileges. The suggestion that honesty and fair play can only be done by a centralized bureaucracy is not accurate. Number two, there is a provision in the act to set up a board of inquiry, to handle any special problems in a specific area. A general appeal board, where every refusal on hospital privileges would immediately be referred to that board, will remove once and for all the responsibility of the local body to handle that situation, and yet, Mr. Speaker, even though the moral responsibility is taken from them, they will retain the legal responsibility. We suggest that we have confidence in the local authorities, the local hospital boards will handle these problems in an honest and a just manner. We feel that the real problem today and particularly in hospital privileges, is to remove once and for all the segregation and the differences between members of the medical profession. If we can do that, and bring back a single unified profession, through trust and co-operation among its members, this will be the solution to the problem of community clinic doctors.

Mr. Speaker, I certainly support the repeal of this bill.

Some Hon. Members: — Hear! Hear!

Mr. A. E. Blakeney (Regina West): — Mr. Chairman, I think that I should make a few comments on the remarks which have gone before. I particularly want to make a few comments on the remarks of the member for Milestone, (Mr. MacDonald).

As might be expected, I have some notes which I want to refer to later on in this debate, but for the time being, I will refer to two or three of the remarks of the member from Milestone, (Mr. MacDonald) because it seems to me that he has misconceived the problem. He talks, in his remarks, of a battle between the Saskatchewan Hospital Boards and the Community Clinic Doctors. This I think can only come from a misreading of the Woods Commission Report. He paid tribute to Mr. Justice Woods, as well he might. He paid tribute to the careful and exhaustive analysis which Mr. Justice Woods had made of the problem. If he had considered the report of Mr. Justice Woods with equal care, he would have found that Mr. Justice Woods said, time and time again, that the dispute was not one between doctors and hospital boards, but a dispute between one group of doctors and another group of doctors, a dispute in which the hospital boards were almost inert bystanders.

This was not a question of the hospital boards versus any particular group of doctors but rather a dispute arising from philosophical differences among members of the single profession. This was not a usual and normal problem but it was a problem between the leaders of organized medicine and a group of doctors who were opposed to that leadership largely, as the member points out, community clinic doctors.

Now the member would have us believe that these problems were resolved in 1964 by the magic wand of the member for Prince Albert, (Mr. Steuart). But I point out that every single problem, which was resolved while the 1964 amendments were in force.

Some Hon. Members: — Hear! Hear!

Mr. Blakeney: — This is an interesting argument. The idea is sought to be put abroad, in this house and all across the province, that all this bill does is remove the provisions with respect to the Hospital Appeal Board. This, of course, is manifestly not true. The act passed in 1964, provides for a number of other very important changes in the law other than the appeal board. And if the appeal board provisions were taken out in their entirety and the remainder of the 1964 amendments left, they would still be very valuable, very worthwhile, and very fruitful amendments. These are amendments which I will come to more fully later, dealing with the enunciation of criteria for granting hospital staff appointments to applicant physicians and provisions requiring hospital boards to give reasons to the physicians who may be denied hospital staff appointments. These were the 1964 amendments which were in force while the member for Prince Albert, (Mr. Steuart) was carrying out his functions in resolving some of these disputes. I have no wish to belittle any efforts of the member for Prince Albert, (Mr. Steuart), the Minister of Public Health. I am not here to belittle them in any way. I am here to suggest that they have not been entirely effective. I cannot agree with the member for Milestone, (Mr. MacDonald) that all the problems are solved or substantially solved. I cannot, for example, believe that all the physicians who made complaints to the Minister of Public Health, (Mr. Steuart) have received hospital staff appointments. Such is not the case. At least one doctor at Eston I know, made a complaint to the previous Minister of Public Health and did not receive a hospital staff appointment before he found it necessary to leave that community, even though he had been there about a year.

He speaks of relative peace at Biggar. But I think the members should know that his ideas of peace perhaps don't correspond with mine, because in point of fact, there has been litigation commenced there as early as February 3rd, litigation over two months old. The problem is much older than that.

He pointed out that the problem of staff appointments was a serious problem and then he pointed out that the government opposite in dealing with this, had appointed a Royal Commission. The government of the day in 1963 and 1964 indeed appointed a Royal Commission and what, I am sure, shocked members of the Liberal party was that having appointed the Royal Commission and having got some concrete and sensible recommendations, the government of the day acted upon them. I know and every member of this house knows that the 1964 amendments were based very substantially on the recommendations of Mr. Justice Woods.

Now, the member has suggested that the appeal board was dis-established, I think was the word he used, and he said this was dispensed with because the board had neither the confidence nor the approval of the government. May I first point out that the board was not appointed in its entirety. Members who have been approached prior to the election, were appointed because, I may point out to hon. members, this legislation was

accepted unanimously by the house and because I believe that no fair minded person could take objection to the appointments made to that Hospital Privileges Appeal Board.

I wonder if the member for Milestone, (Mr. MacDonald) or any hon. member suggest for example, that Dr. Harvey Christiansen from Nipawin was not a good appointment, a member of the community clinic who had not in any way been involved in the controversy, a person with a point of view not tinctured or tainted by actual participation in any dispute? I wonder if he thinks that Dr. Matthew Dantau from Saskatoon was an inappropriate appointment, a man of very lengthy experience in public health work in Saskatchewan, a man who sat on the board of a Saskatoon City Hospital, and as such had probably more experience as a board member than any other doctor whom one could find, because of a usual practice of not having doctors as members of the hospital boards. Dr. Dantau, a man who was Saskatchewan educated, but had medical training in Britain, a man who because of his peculiar experience and talents brought very rare gifts to a hospital appeal board.

I wonder if he felt that Professor Wahn, Professor Ed. Wahn, was an inappropriate appointment, a man who had been assistant administrator of the University Hospital, a Swift Current boy, a member of a distinguished family, a graduate in law and a person with very extensive experience in the field of hospital administration. I wonder if he felt that he was an inappropriate appointment?

I wonder if it was perhaps Dr. Homer R. Lane that lacked the confidence of the government? I wonder if it was Dr. Lane who has had a distinguished career in the United Church, a man who has been president of the Saskatchewan Conference of the United Church of Canada, who held pastorates or pulpits in Regina and Moose Jaw and is altogether a very distinguished member of the clergy?

I wonder if it was a couple of the alternate members. Dr. R. W. Sutherland, a person who has had extensive experience in public health work in Saskatchewan, a person who was born in the Peach River district, graduated from the University of Alberta, practiced medicine in rural Saskatchewan and went into public health work.

Or maybe it was another alternate, Mr. A. B. Douglas of McTaggart? Perhaps they lacked confidence in his public spiritedness or his political perspective. I think not. I think these are people who would command the confidence of any fair minded group in Saskatchewan. I frankly am surprised to hear that the government lacked confidence in this group.

Now, Mr. Speaker, I pointed out that there were still two vacancies to which physicians named by the College of Physicians and Surgeons could be appointed. These two vacancies were not filled and certainly a board consisting of two appointees of the College of Physicians and Surgeons, Mr. Speaker, Dr. Christiansen and Dr. Dantau, being the four doctors prescribed by Mr. Justice Woods, Professor Wahn and Dr. Homer R. Lane, and Judge McLelland would have been a board the like of which would be very difficult to assemble in Saskatchewan.

This is a board which whether or not it did command the confidence of the government, should have commanded the confidence of the government.

Now, the member for Milestone, (Mr. MacDonald) has pointed out that he opposed the hospital appeal board because it eroded local autonomy and he seemed to convey the idea that any dispute between doctors and hospitals would automatically or immediately be referred to the hospital appeal board and that this would accordingly erode the proper jurisdiction and proper prerogatives of the hospital board. May I point out that such would not be the case. A strict reading of the act, will suggest that no matter can be raised before the hospital appeal board without the consent of the hospital board. But if one thinks that is too strict a reading, and if one thinks that an aggrieved doctor has the right to raise these matters, the legislation is perfectly clear in providing that the aggrieved doctor must first ask the Minister of Public Health to refer it to the hospital appeal board. It is only in a case where the physician feels aggrieved and where the Minister of Public Health believes that there is an issue to be determined, that the case ever gets before the hospital appeal board. I think that this is not is not an arrangement such as will automatically and in any frivolous manner erode the proper influence and proper area of authority of the hospital board.

I agree with the member for Milestone, (Mr. MacDonald) that doctors are doctors and it is particularly unfortunate if philosophic differences should arise between groups of doctors. But I say this; that nothing will remove differences or remove them from the hospital at any rate, where they have no right to be, more quickly or more effectively than a fair and impartial method of determining disputes.

The previous government sought what it thought to be the best advice of finding a fair and impartial way to solve these disputes. It went to Mr. Justice woods, a man, the member from Milestone, (Mr. MacDonald) properly points out, deserves the accolades of the people of Saskatchewan, a man who has a distinguished record of public service as a community leader, as national president of the Royal Canadian Legion, as one involved in the active practice of law, as a university professor of law, the holder of a degree of Doctor of jurisprudence and the second ranking member of the Court of Appeal of Saskatchewan. I wonder where one could have sought a person who could give more impartial or wiser advice. No, after reviewing the whole problem, suggested a hospital appeal board and I think that his suggestion, his proposal, for achieving justice in this field is much better than the type of justice dispensed in the last few weeks by the Minister of Public Health, (Mr. Steuart) who by newspaper and press release, without even hearing one side of the case, has evidently made up his mind. I, for my part would believe that justice would be better served by following the recommendations of Mr. Justice Woods and obtaining the decision of the hospital appeal board whose members I have referred to, and whose wisdom and fairness I would have every confidence in.

Now, Mr. Speaker, turning to the bill itself, Bill 42 proposes to remove from the Hospital Standards Act substantially all of the provisions which were put there last year by Chapter 36 of the Statutes of 1964. There is only one little thing which will be left and that will be the provision that the bylaws of hospitals shall be open for public inspection.

I want to make some rather extended remarks on Bill 42 because I think it is a bill which ought to receive the closest consideration from this house. I want to frame my remarks under three chief headings. Firstly, I would like to review the general problem of hospital privileges, as it is sometimes called, the problem of hospital staff appointments, as this problem has arisen generally in Saskatchewan and indeed, in North America. Then, secondly I would like to go into the act of 1964 to try to explain what it provides for and what is being wiped off the statute book by the proposed Bill 42, and thirdly, I would like to advance some arguments as to why the provisions adopted last year were good provisions and why accordingly, Bill 42 ought to receive no support from this house.

Let me turn first to the general problem of hospital privileges or hospital staff appointments. These matters with respect to hospital staff appointments have always caused problems in hospitals in North America. The general question of hospital staff appointments is a serious matter, not only for the physicians but also for the patient. It is generally recognized that with the pattern of practice we have in Canada and indeed, in North America, a general practitioner, carrying on the ordinary practice of medicine, must have access to hospitals if he is to serve his patients. I could quote any number of authorities in support of that proposition. But fortunately a good number of them are assembled in on place.

A couple of years ago there was a book published called the “The General Practitioner” by Dr. Kenneth F. Clute. It is a Canadian book. It’s a study, prepared by the University of Toronto, into the patterns of medical practice and particularly into the way that a general practitioner carries on his work. Special attention was paid to the province of Ontario and Nova Scotia but there is no real difference in the patterns of practice in any province in Canada. Certainly from Prince Edward Island west, the patterns of practice are substantially the same.

In the foreword to Dr. Clute’s book, a Dr. Victor Johnson who was a director of the College of General Practice of Canada, reaches the conclusion that the College of General Practice of Canada has consistently maintained that the privilege of participation on the active staff of a neighborhood hospital including teaching hospitals is a fundamental privilege of the general practitioner. This is his basic proposition:

> That in order to be an effective general practitioner in Canada, you have to have access to a hospital.

A good number of other doctors are quoted, as I say, in Dr. Clute’s book.

There is an excerpt from the 1957 Bulletin of the College of General Practice and Dr. Robertson, an official of that college and more particularly, an official of the Toronto Academy of Medicine, states the view that he believes:

> That the time has come for general practitioners to seek recognition of these fundamental right.

and he goes on to say:

> That another fundamental right is that of being able to perform any service or procedure in a hospital of which he has proved himself capable.

Another right which Dr. Robertson believes is that of a general practitioner is that he should have equal opportunity with the specialist to admit his patients and further he should have equal opportunity with the specialist to admit patients in hospitals in a particular district even though he doesn't happen to be on the staff of that hospital.

There is a similar point of view expressed on page 119 of Dr. Clute's book where he quotes the May, 1958 Bulletin of the College of General Practice and he quotes a Dr. Morley A. Young who was then president of the Canadian Medical Association. Dr. Young, as I say, a past president of the Canadian Medical Association, says very bluntly:

> That every medical practitioner should have hospital privileges.

He goes on to say:

> That whenever hospital privileges are denied, someone has caused a step to be taken which lowers the standard of practice.

This is the Canadian Medical Association speaking, at least their president. Again, in the November 1958 Bulletin of the College of General Practice, the following resolution is recorded:

> Be it further resolved that the Canadian Medical Association use its full influence to discourage any arbitrary restrictions by hospitals against general practitioners as a group or as individuals.

Now, Mr. Speaker, I could continue with other quotations to that effect, all having the same effect, pointing out that practice as we know it in Canada is best facilitated by giving access to hospitals to the family doctor. There is a very forthright statement in Dr. Clute's book by a Conservative member of the Ontario legislature, a Dr. J. A. McCue. Dr. McCue says:

> There is a condition existing in this province today which I believe is unjust and completely intolerable. This is the fact that there are many hospitals in existence which will not allow a family doctor to become a member of their staff nor to treat any patient of theirs within the hospital.

And he goes on to say and as I say, this is the Conservative member of the Ontario legislature:

> I would like to see legislation introduced which would require every hospital board to take the family doctor on to their staff. In other words, let the doctors into their hospitals. Wherever they cannot now do so, why should there be any medical caste system anywhere? Why should there be any discrimination in a democracy such as ours?

That's a very good question that the Conservative member of the Ontario legislature has asked. Why should there be any discrimination in a democracy such as ours?

Well, the general tenor of these remarks is to the effect that it is wise and prudent in most hospitals to allow general practitioners and indeed, all doctors to have access to those hospitals to carry on their practice to the extent of their medical abilities.

A similar point of view is expressed in a relatively recent issue of The Canadian Doctor, just about a year ago, February 1964. There is an editorial there which talks about the need to re-educate the public about the best way that a doctor can serve the public. They point out that a doctor can't be on call twenty-four hours a day. It is not humanly possible for any doctor to be at the beck and call of his patients twenty-four hours a day, seven days a week, and that no man, no individual can maintain such a pace. Accordingly, the public have got to be re-educated so that when a crisis arises they will call their local hospital, with the full confidence that their family doctor can treat them in that local hospital. This is what we have got to come to, to a place where people regard the local hospital as their health centre and where they have every confidence that in that local hospital, their family doctor can treat them to the limit of his medical abilities.

Mr. Speaker, the problem of medical staff appointments is one of long standing in Saskatchewan. The College of Physicians and Surgeons has raised this issue with the Department of Public Health on several occasions. It was raised verbally in 1952, 1953, and at that time, on those occasions the College of Physicians and Surgeons asked for a procedure for binding arbitration in any dispute between the doctor and the hospital board. It was a subject of an article in the quarterly of the College of Physicians and Surgeons in September 1954 and in the 1954 copy of the College's own quarterly, the article went like this:

> Recently a copy of medical staff bylaws of a small hospital was brought to our attention, and it would appear that the board of this hospital was an exceptionally fair and reasonable one and realizes the position a doctor is placed in. An excerpt of these bylaws follows as an example of one solution to these problems. Perhaps more hospitals will adopt this sensible and reasonable approach to what at times has led to a very distasteful and unpleasant situation. No one will deny that the discharge of a doctor from a hospital staff in a small community, is disturbing to an area and that it has a far reaching and long lasting influence on medical care. Good medical care is necessary but it cannot be provided by a doctor if he continually lives in a frustrated and insecure environment.

And then the quarterly goes on to quote the hospital bylaw which it thinks is so sensible and reasonable and it goes like this:

> The hospital board may suspend or dismiss any member of the medical staff but no suspension or contemplated suspension or dismissal may occur without the board putting in writing the reasons why the doctor is being suspended or dismissed and these reasons being submitted to the approval of the College of Physicians and Surgeons and the Division of Hospital Administration and Standards of the Department of Public Health. If the College and the Division of Hospital Administration and Standards disagree then the decision must go to a board of arbitrators, composed of one representative from the College of Physicians and Surgeons, one representative from the Division of Hospital Administration and Standards, and a specialist in the field of medicine in question, approved by both the doctor and the hospital board. If the problem is not a surgical, medical, or obstetrical one, then the doctor and the board may choose another member in the place of the specialist.

Here is the last of the provisions in this particular hospital bylaw.

> The decision of this board of arbitrators is to be binding to both the doctors and the hospital board.

In 1954, if we accept the words of the quarterly of the College of Physicians

and Surgeons, This approach was termed sensible, note carefully that the bylaw requires written reasons and binding arbitration. It was approved by the minister under the Hospital Standards Act, it was termed by the College, a sensible and reasonable approach. We believe on this side of the house, in times of potential stress, these arrangements are sensible and reasonable. We, along with the College, believe these arrangements were sensible and reasonable, we believe that they were sensible and reasonable in 1964; we believe that they are sensible and reasonable now.

This was the position of the College during the 1950s. I could say that in 1956, the College of Physicians and Surgeons went further in the course of dealing with a particular situation which has arisen at a particular hospital, the College passed a resolution in 1956, which reads as follows:

> Whereas under regulations under the Hospitals Standards Act, there is no provision for an appeal from decisions, therefore be it resolved that the College of Physicians and Surgeons of Saskatchewan and the Saskatchewan Division of the Canadian Medical Association continued to press for changes in the regulations under the Hospital Standards Act whereby a doctor may have the right to appeal the decision of the hospital management.

The Leader Post carried that story under the headline, "Rights of Appeal Urge for Province's Doctors". So that we find in the 1950s the College believed that a doctor ought to have written reasons if he was removed from the staff of a hospital, that he ought to have the right of appeal, and that these two provisions were reasonable and sensible.

Mr. Speaker, I think if anyone looks at these hospital privilege problems during the last fifteen or twenty years in Saskatchewan, he will reach the conclusion that these problems can arise in small hospitals because of medical differences, because of clashes of personalities, because of professional rivalry. To anyone who doubts this, I would suggest that he read with care the report of the Board of Inquiry into the affairs of the Notre Dame Hospital in North Battleford in 1957. Here a board headed by Mr. Justice Harold Thompson, which went into a very violent dispute between groups of doctors in that hospital. Their report uses such phrases as 'unscrupulous tactics for the purpose of limiting the privileges of formidable competitors'. I want to point out to those members who think that this type of disputes between groups in the medical profession arose sometimes in 1962, that they ought to read, Mr. Justice Harold Thompson's report of 1957.

Some Hon. Members: — Hear! Hear!

Mr. Blakeney: — I think you will find in Judge Thompson's report that these problems with respect to hospital staff appointments revolved around differences other than medical competence. They revolved around straight differences of personality, or professional rivalry, or professional competition. And this is always a possibility. Medical men suffer from the same human frailties as we in this house. Occasionally, we fail to maintain the highest standards of objectivity in reaching our decisions, and it shouldn't be surprising that medical men may fall into the same trap once in a while.

Now the possibility of hospital staff appointments revolving around differences other than medical competence, was well realized at the time of the Saskatchewan agreement. It was at that time, recognized that other differences among medical men, differences of attitude towards the medical care plan, differences of attitudes towards co-operative organizations in their participation in provisions of medical services, differences as to where you were born and where you were trained, differences of the color of your skin, that these differences might be the basis for hospital staff appointments, and with this in mind, a particular provision was agreed upon to be incorporated into the Saskatoon agreement. I think members are familiar with those provisions in the Saskatoon agreement. There are a good number of relevant articles, articles 8 to 14, but I will refer to article 11, which deals pretty directly with this problem. Article 11 reads as follows:

> There must be no discrimination against any doctor in whatsoever way he practices.

> In particular, there must be no discrimination against any doctor in the manner of hospital privileges and attachments, referrals from one physician to another or other professional activities involving assistance and co-operation between physicians. The College endorses this view. It is no wish of the College that there should grow up divisions between physicians, and it will exercise its full influence to prevent discrimination in matters of professional practice. Accordingly, the College undertakes that in advising on applications for hospital appointment, applicants shall be judged solely on their merits.

I think that no other meaning can be given to that particular article than that applicants for hospital staff appointments shall be judged solely on their merits in terms of their professional competence and their merits in terms of their character; not their merit in terms of holding an acceptable political view, an acceptable philosophy or acceptable birth place.

Following the inauguration of the medical care plan, there were reports of difficulties with regard to medical staff appointments. A Royal Commission was appointed. The reports continues throughout the latter part of 1962 and on into 1963. Accordingly, the Royal Commission was re-activated and the services of Judge Woods were secured as the Commissioner. Now I have already said how fortunate the government of the day was in securing a man of Judge Woods' competence and character. I would find it difficult to name a man who was better qualified to investigate this problem on behalf of the people of Saskatchewan, than was Judge Woods.

As I indicated, in experience, in temperament, in education, and in the status which he held as a member of the highest court in the province of Saskatchewan, he was admirably suited to pursue this task, and pursue it admirably, he did.

In the course of discharging his duties, he carried out a very exhaustive investigation. He held very lengthy hearings. There were something like fifty sitting days in which he heard testimony and the testimony aggregated well over 5,000 pages. He carried out what was undoubtedly the most exhaustive, most careful and most detailed inquiry into the question of hospital staff appointments in the history of Saskatchewan.

As I indicated earlier, the question of hospital staff appointments has been a problem in many parts of North America. The problems are very common in the United States, more particularly in the southern part of the states where discrimination is ordinarily based upon race. They are quite common in other parts of the United States. Discriminations have sometimes been based upon race, sometimes on membership or non-membership in this or that medical organizations, sometimes on matters of personalities, or social status. As you might expect, these problems have been the subject of a good deal of attention by the courts and the legislatures in the United States.

In the United States, the general law offers some solutions which our general law does not offer. The substratum of American law allows someone to commence a legal action based upon discrimination even where no particular act or statute prohibits or proscribes that discrimination. They have developed a restraints of trade doctrine to a much greater extent than we have here in Canada. So that it is not possible in some parts of the United States, because of the attitudes taken by the courts, for one group of hardware merchants, one group of doctors or one group of lawyers, to get together and conspire to injure another man in the practice of his trade as hardware merchant, or his profession as a doctor or a lawyer. We have not developed our doctrine of law to that extent. But even with this substratum of law which we don't have in Canada, legislatures in the United States have found it necessary to deal with this problem.

In New York state, they have recently passed legislation, February 19th, 1963, dealing specifically with discrimination in hospital staff appointments. I will just quote briefly from the New York statute to illustrate to members of this house that this particular problem is not confined to Saskatchewan, is not solely the result of any particular care dispute, although obviously it was aggravated by that dispute and will not go away as that dispute recedes, into history. The member for Prince Albert, (Mr. Steuart) the Minister of Public Health, is viewing life from altogether too rosy a perspective if he believes that all these problems will vanish merely because he has assumed the office of Minister of Health. The New York

bill read as follows:

> Discrimination in hospital staff appointments and privileges in prohibited. It shall be an unlawful discriminatory practice for the governing body of a hospital:
>
> (A) to deny or withhold from a physician, staff membership or professional privileges in a hospital, because of his participation in any medical group practice, or non-profit health insurance plan, authorized by the laws of the state.

And it goes on to say:

> That it shall be equally unlawful and discriminatory:
>
> (B) to exclude or expel from a position of staff membership or to curtail, terminate or diminish in any way, a physician's professional privileges in a hospital because of his participation in a medical group practice or non-profit health insurance plan.

And then the act goes on to set up procedures where such discrimination is alleged to occur. The procedure is that a commissioner may be appointed, to hold the hearing. This commissioner may appoint a deputy commissioner and in fact, it is the deputy who holds the hearing. He makes an adjudication as to whether or not there has been any discriminations. A commissioner in American parlance, is not some person who is appointed by the governor, not a Royal Commissioner, as we understand the term, but he is an elected official. He is a man like the Minister of Public Health, who is elected to his office as Commissioner of Public Health, and who will make an adjudication as to whether or not there has been discrimination. If in fact there has been discrimination, the hospital is required to remedy the grievance.

Now this solution which had been arrived at New York State, the solution arrived at in the province of Quebec is similar. The particular statutory enactments which I quote, do not deal with precisely this problem, but they deal with a closely analogous problem. The provisions are found in the Hospital Act of Quebec of 1962, and I trust that no one will cast aspersions on the government of Quebec which was in power in 1962. The provisions are dealing with disputes between hospital boards and the organized medical staff. This statute says that any dispute between the board of management of the hospital and the medical staff of a public hospital respecting a medical or scientific matter, including the appointment, the re-appointment or the dismissal of medical staff, must be submitted to a joint committee and if it is not settled by the joint committee, it must be submitted to the conciliation committee consisting of a chairman and two others appointed by the Lieutenant Governor in Council. This so-called conciliation committee is to make a decision, a majority decision, and the decision of this so-called conciliation committee is binding on the hospital board and on the physician concerned. So that we have in Quebec binding arbitration with respect to hospital staff appointments. I would refer members to chapter 34 of the 1962 statutes. These have been some of the ways of dealing with these problems which occasionally arise as between individual doctors or groups of doctors and the boards of hospital. We note that it has been common to have litigation in the United States, court orders, ordering hospitals to reinstate doctors to their staffs. We have in New York flat legislation whereby, by quasi judicial decision, a hospital can be required to reinstate a doctor. And we have in Quebec binding arbitration requiring the appointment or re-appointment or indeed the dismissal of a member of a hospital staff. With this background, and with the exhaustive hearings that Judge Woods has carried on, he was able to reach certain conclusions. I think that Judge Woods' conclusions are well known to members of this house, and I won't read all the conclusions, although I wish hon. members opposite or some of them would read the conclusion arrived at by Judge Woods. I think that they can be summarized very briefly as three. He recommended that there be an appeal board, a board to be established dealing with refusals or deferrals or delays in granting hospital privileges. He recommended the findings of the board be binding on all parties, that is one thing. That we have an appeal board to deal with these problems and that their decisions be binding.

He further recommended that reasons in writing be given by the medical staff or any committee or persons acting on behalf of the board,

when hospital privileges are denied. Number two, written reasons, and his third one was that where a hospital is using a sponsorship system, a buddy system, as it is sometimes called, an alternative system should be available so that lack of sponsorship would not be a bar to admission of hospital staff appointments. These really were his recommendations, biding appeal boards; written reasons; alternative to sponsorship, not abolishing sponsorship, just an alternative and companion procedure.

Mr. Speaker, the 1964 act, follows very closely these recommendations of Mr. Justice Woods. It enacted all three of his recommendations.

Now, Mr. Speaker, I propose to take some time to review the portions of the 1964 act, so that members of the house may be able to relate that act to the recommendations in the Woods Commission report and that they might be able to have clearly in their mind, those things which would be struck out if Bill 42 is passed. I pass over the definition section in Bill 42, because it just takes out all the definitions added by the 1964 act or substantially all of them.

I want to refer now to section 13A of the 1964 act as it stands. Now this deals with the granting of temporary hospital privileges to physicians. Judge Woods dealt with this on page 19 of his report and the 1964 act followed the general suggestion which he put forward and followed it closely. It is suggested that medical staff bylaws and rules and regulations published by the Canadian Council on Hospital Accreditation should be followed. Section 13A is patterned off section 6 of the model bylaws of the Canadian Council on Hospital Accreditation with respect to the granting of hospital privileges for temporary or emergency purposes. That is what section 13A says.

Section 13B sets out the criteria, I think that if members would like to follow along, as I suspect some of them don't . . .

Mr. Steuart: — Sing along with Mitch.

Mr. Blakeney: — Well, sing along with Mitch, that's not bad, so late in the day. Well, section 13B sets out criteria which shall be used in deciding whether physicians shall be appointed or re-appointed to the staff of the hospital. Members will note that the criteria set out are professional competence, training and experience of the physician, the character of the physician, and the ability of the physician to meet reasonable residence requirements. Provision was also made for other possible criteria. It was realized that where a hospital was operated by a religious order, they might wish to provide other criteria, and this was provided for. We are aware that hospitals operated by religious orders have certain additional criteria that they require physicians who practice within their walls, to adhere to, dealing with, in the case of the Catholic hospital such matters as therapeutic abortions, and matters like this upon which the orders which operate these hospitals take a definite stand. This was provided for. It was also realized that other criteria may come up which hadn't really been thought about, and it was provided that the Board of Governors of a general hospital may hereafter make bylaws, rules or regulations prescribing reasonable criteria in addition to those set up, as a basis upon which decisions of the kind mentioned in this subsection are to be made.

So I think you can see that this is not really restrictive for hospital boards. It sets out criteria, professional competence, training, and experience, character, reasonable residence requirements, it allows for the special positions of hospitals operated by religious orders and then it says, in case something has been forgotten, something which is perfectly reasonable, a hospital board is permitted to make other reasonable criteria. So certainly this cannot be called a straight jacket provision for hospital boards in setting out rigid criteria.

It does provide that when applying these criteria, the members of the Board of Governors, shall set out in their bylaws what criteria they are applying, so that people will know what criteria are applied and so people will know that it is being uniformly applied. Thus if a hospital board decides that, let's say, fellowship in the American College of Surgeons shall be necessary in order to obtain surgical privileges, if they want to apply that as a regular rule, they must set it down that everyone will know that the rule applies to everybody, and this surely is reasonable enough.

They are required, and surely this is a provision that is included out of the abundance of caution, to apply their rules impartially, uniformly

and consistently which, of course, in any reasonable exercise of the powers given them as officials of local government, they would be required to do in any case. Then the section goes on to say that certain types of criteria are not permitted. It goes on to say that if a hospital board wants to add other criteria, and we have seen that boards are given the opportunity to add other criteria, that these additional criteria can't be based upon race or creed or religion or color or national origin or sex. Now these are surely pretty reasonable provisions. Who would feel that race or creed or religion was the proper standard in order to determine admittance to hospital staff appointments. Nor are they required, nor are they permitted to exclude a doctor because he was not sponsored or recommended or given references. Mind you they can set out all the professional criteria that they wish, but they cannot exclude a man because he can't find a buddy. Hospitals are not private clubs where you need a sponsor or where you can be blackballed and I think all of us would agree with that. Nor can you exclude a person because he is not a member of a private medical organization. He, of course, must be a member of the College of Physicians and Surgeons, the licensing body, and if he is not a member of that body, he has no claim to hospital staff appointments. But for any other private medical body, any other group which perfectly free to accept or reject membership on any basis they choose, as private organizations can, membership in that sort of a private organization cannot be required and surely that is reasonable, because our hospitals are not to be extensions of a private organization. Nor can a doctor be excluded because he is practicing in association with a group organized under the Mutual and Medical Hospital Benefits Association, or the Co-operative Association Act. Certainly, that is reasonable, if this legislation sees fit to authorize organizations of lay people to provide medical facilities, it seems not unreasonable to suggest that physicians are permitted to act in association with these lay groups.

Nothing here enables a physician to act unethically or split fees or carry on in a way which has generally been regarded as unethical. So this is the scheme of section 13B, it sets out criteria, sets out three main criteria, competence, character and residence, add some additional criteria, say that they must be applied uniformly and prohibits certain types of criteria based upon what I would call discrimination.

I wonder, Mr. Speaker, whether I might beg leave to adjourn debate.

Some Hon. Members: — No.

Mr. Blakeney: — Well, all right, then, I just turn, Mr. Speaker, to section 13C. I think that needs no particular study from this house at this time and I will turn to section 13D. It provides that where a physician applies for hospital privileges, he shall get a yes or no answer within a certain time limit and these are reasonably generous time limit of 60 days or 90 days, which in the ordinary course of events would give a hospital administration ample time to make any of the checks which are necessary.

Section 13E provides for written reasons. It provides that where a hospital rejects the application of a physician, it should give the physician the reasons why he was turned down.

Now, surely, members in this house will not say that a doctor can be denied hospital privileges and not be given the reasons why he is denied those privileges? The act, and more particularly, section E, makes clear that if a hospital sets out its reasons, in good faith, and they happen even to be wrong, and they happen to cast a reflection on the doctor, the hospital or the doctors who set out these reasons cannot be held liable in law. It allows the doctors who are acting for the hospital and the hospital board, the full protection of the law, if they happen to stray into making a defamatory remark about a doctor which is not accurate.

Mr. Speaker: — It now being 10 o'clock, the house stands adjourned until 10 o'clock tomorrow.

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