

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session — Fifteenth Legislature
28th Day

Wednesday, March 15, 1967

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

WELCOME TO STUDENTS

MR. R.A. WALKER (Hanley): — I would take a great deal of pleasure in welcoming two schools to the gallery today from my constituency. The school at Sutherland which of course my family has been closely connected with for many years, my children having started school there and now having a daughter on the teaching staff there, I am very honored to be able to introduce them here today. I want to also introduce the Wilson School which is on the western outskirts of Saskatoon, both of which are still in my constituency and will remain a part of the Hanley constituency until the Premier decides to call an election. I don't think that has happened yet, but the fact is these folks are part of Hanley constituency and I am very proud as their Member to introduce them there today, Mr. Speaker.

I want on your behalf and on behalf of all Hon. Members, to say that we hope that they will enjoy their day here, that they will have a profitable visit and that they will have a pleasant journey home and a safe one.

SOME HON. MEMBERS: — Hear, hear!

MR. A.M. NICHOLSON (Saskatoon): — Mr. Speaker, we are honored in having so many students from Saskatoon today and I would like to introduce to the Assembly the principal, Mr. Wall and one of the teachers, Mr. Baltzer and 44 grade eight students from the Wilson School.

The Saskatoon pupils some time during their public school career have a chance to come to the Assembly. I hope that the Members will be on their best behavior today so that the young people in the gallery will wish to take part in the business of government sometime.

SOME HON. MEMBERS: — Hear, hear!

MR. G.B. GRANT (Minister of Public Health): — Mr. Speaker, the Speaker's gallery is largely occupied today by 90 students from St. Pius X School in my constituency and I am very, very pleased to introduce them to this Assembly through you, Mr. Speaker.

They are accompanied by Mr. Stockmol, Mr. Kraft and Miss Predenchuk. I know that the Members of this Assembly join with

me in welcoming them and wishing them an enjoyable period with us.

SOME HON. MEMBERS: — Hear, hear!

QUESTION RE: SCRIPT OF SPC TELECAST

HON. W.S. LLOYD (Leader of the Opposition): — Before the Orders of the Day are called, I direct a question to the Minister-in-Charge of the Saskatchewan Power Corporation. Is the Minister prepared to lay on the table a copy of the script which was used in last night's telecast under the auspices of the Power Corporation?

HON. D.G. STEUART (Minister of Natural Resources): — Well, I haven't got a copy of the script, but, if the Hon. Member saw it, I am sure he was enlightened by it and enjoyed it.

MR. LLOYD: — Mr. Speaker, may I put my question in slightly different words and hope to get an answer, although I realize this is straining the limitations of hopefulness somewhat. Is the Minister prepared tomorrow, at which time he will have had time to get a copy of the script, to lay on this table in this Legislature a copy of that script?

MR. STEUART: — I'll give it consideration, Mr. Speaker.

MR. LLOYD: — Mr. Speaker, may I lay on the table a copy of a letter which I have this morning sent to the Board of Broadcast Governors with respect to this telecast which was allegedly a telecast about the Power Corporation.

QUESTION RE: CONSTITUENCY MAPS

MR. LLOYD: — While I am on my feet, Mr. Speaker, may I make the request of the Premier. As the Premier undoubtedly knows the Chief Electoral Officer has recently been making available maps based on the new constituencies as passed in the Legislature last year. On some examination of the maps which pertain to the new constituency of Biggar and in comparison of the map with the narrative in the Act, there appears to me to be inconsistency. If this is correct, then this would result in considerable confusion at election time and could even result, I understand, in some people not being able to vote. Would the Premier please have inquiries made as soon as possible in this respect?

HON. W.R. THATCHER (Premier): — Yes, I would be very pleased to do that, Mr. Speaker.

QUESTIONS RE: RETURNS

MR. C.G. WILLIS (Melfort-Tisdale): — May I ask the Provincial

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Secretary if he has tabled Return No. 21, and answers to Return 26, 35 or 36, today, and if he hasn't when I can expect to get an answer?

HON. D.V. HEALD (Attorney General): — I didn't keep a record of the ones that I tabled, but I did table four or five today and I tabled all that were given to me and were in my office, that could be tabled. Perhaps if the Member from Melfort-Tisdale (Mr. Willis) would give me those numbers again, I'll check them up as I'm not sure that I tabled them.

MR. WILLIS: — Returns 26, 35 and 36.

MR. F.A. DEWHURST (Wadena): — I would like to ask the Provincial Secretary when I may expect Returns No. 40 and 22?

MR. HEALD: — No. 40 was filed today and No. 22, I am sure you will get before the end of this session.

MR. J.E. BROCKELBANK (Kelsey): — . . . Return No. 14, ordered on February 13.

MR. HEALD: — The ones filed today are Nos. 13, 15, 40 and 43.

QUESTION RE: 7TH SERIES SAVINGS BOND SALES

MR. W.A. ROBBINS (Saskatoon City): — Mr. Speaker, might I direct a question to the Provincial Treasurer. I wonder if he would care to report on the total sales in the 7th Series Savings Bonds?

MR. THATCHER: — We hope to have final reports tomorrow. I may say that \$14,600,000 have now been reported which is about \$2,500,000 better than total sales last year. We think there are a few more to come in yet.

MR. ROBBINS: — Mr. Speaker, I wonder if the Provincial Treasurer would care to comment on the proportion of 7th Series sales which were redemptions of prior sales?

MR. THATCHER: — No, I very much regret we haven't that information yet. The turnovers have not been heavy as far as we know. I can give that information but probably it would take a week.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of The Hon. D. Boldt: That Bill No. 56 — **An Act to amend the Automobile Accident Insurance Act** be now read a second time.

MR. E. WHELAN (Regina North): — Mr. Speaker, in rising to speak on second reading on this Bill, I would like to direct my first remarks to the Government for releasing infinitely more details and information regarding this Bill to the press than it gave to the Members of this House.

Members of this House are asked to hurry through Committee, on extremely short notice, legislation, details of which were given to the general public on March 4, 1967.

One cannot fault, Mr. Speaker, the newspaper people, whether they represent the press in Toronto or Regina, or other media, because they had details of this legislation, and had the details long before the Members who must vote this Government the money for the administration of The Automobile Accident Insurance Act. Proceeding in this manner adds up to treating the elected representatives of the people of Saskatchewan with contempt.

SOME HON. MEMBERS: — Hear, hear!

MR. WHELAN: — My only source of information regarding interpretation of this Bill comes from the news media, not from the Minister, who actually was in the Crown Corporations Committee and discussed the Automobile Accident Insurance Act the very day the details of this Bill were introduced through the press. It seems incredible that we should have to rely on round-about information from the government, in order to be able to rise in this House and debate this Bill.

If someone else rises on second reading and says that this is the manner in which this legislation has always been handled, this is the way these rates have always been announced, let me say that I don't care how many times it was handled wrongly. It was wrong if it was handled in this manner. I contend that the Government erred in making its policy known to the world at large prior to giving the information to those charged with the responsibility of acting as Her Majesty's Official Opposition.

Mr. Speaker, there are several principles in this Bill with which I must take issue.

While the press announced that — and I quote — "A \$25 surcharge on the driver's licence will be paid by the driver found more than 50 per cent responsible for an accident which cost the Insurance Fund \$50 or more," I find that upon reading the Bill that this is not so.

In actual fact, Mr. Speaker, the principle in the Bill, as set out, provides that you will pay the surcharge if you are at least 50 per cent in fault. This, in effect, means that where

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the courts or the insurance office finds both parties equally responsible, each person will pay a levy of \$25 where there are two parties involved in a collision. In other words, the surcharge in two-vehicle accidents, in many instances, will not be \$25 but \$50.

I should point out, too, that there are two distinct and separate sections to The Automobile Accident Insurance Act under the Claims Section. One is pertaining to collision and there is an automatic \$200 deductible for collision. Therefore the surcharge will not apply, if I read the legislation properly, unless there was \$250 damage in the accident, provided the claim was a collision claim.

It is my understanding the \$200 deductible does not apply to other kinds of claims, such as property damage or liability. It is therefore essential that we establish in the legislation the specific manner and circumstances under which the \$25 surcharge will be applicable.

There is principle contained in this Bill which makes its application retroactive which could be for a very long period of time.

To begin with, I am not discussing the surcharge section, I am discussing the principle contained in it. The surcharge section comes into force the first day of January, 1966. In other words, accidents for which there has been a complete settlement since January 1, 1966, and which have been settled satisfactorily 14 1/2 months ago, can now be disinterred and one or both drivers can be surcharged.

If you will look carefully at one of the sections in 5A, you will discover that a "chargeable accident occurs in the year when payment is made by the insurer." Let me give you an example of what this could mean.

Suppose a payment is made by the insurance company on January 2, 1966, after lengthy litigation for an accident that took place, we will say two years earlier, the driver who is 50 per cent in fault — and there may be two of them in the accident — will suddenly find himself faced this year with a surcharge of \$25 for an accident that took place way back in 1964.

Retroactive law is thoroughly bad law and this Act is extremely retroactive and therefore is a thoroughly bad piece of legislation. As a matter of fact, I am surprised that the Attorney General would introduce in this House such retroactive features because together with the "in fault" clause, in my estimation, both of these aspects are grievous transgressions which violate good judicial principles.

SOME HON. MEMBERS: — Hear, hear!

MR. WHELAN: — I would hope that the Attorney General would introduce House

amendments to correct this.

The entire procedure for handling an appeal strikes me as being cumbersome, the kind of legislation that will hatch litigation. But where the surcharge is in dispute, even though the driver has not been found guilty, we would think that the insurance company would automatically issue a special operator's certificate, if we are to uphold the principle of "The driver is innocent until found guilty." But, again the legislation is weak, slanted against the defendant, and says that the insurer, the insurance company, not shall but may issue to the applicant a special operator's certificate.

Finally it should be noted that the appeal procedure as it is presently written is limited in scope and is hardly in step with the usual attitude we have for the process of law and the operation of our country's courts. The principle again is open to question and I think deserves more consideration and closer scrutiny than it has been given by the Attorney General and his law officers.

Mr. Speaker, in looking at the cumbersome, involved and difficult procedure by which we have decided to use through this legislation, that is to add a surcharge, one wonders why we would not consider a method whereby the deductible would be increased for those who are accident-prone rather than the procedure that is being set out in this Act. Increasing the deductible would provide funds, would penalize the driver. The procedure would be automatic without involving the courts in the 50 per cent of fault retroactive aspects and appeal arrangements. This present arrangement, if it becomes law, would tax the legal ability of lawyers throughout Saskatchewan.

I suppose the argument against increasing the deductible is that the deductible applies to the car and not to the driver. Indirectly it does apply to the driver and indirectly to his pocketbook sooner or later.

Mr. Speaker, in this whole field of announcements, announcements which we don't seem to be able to discuss any place, I find that there will be an increase in insurance rates on passenger cars in certain classes, and 20 per cent increase in the insurance on taxis and commercial trucks. Taxi operators and truck drivers have protested to me; they claim that statistics do not justify this levy and that the 20 per cent increase is aimed at them.

Mr. Speaker, I am critical of the approach we are taking on this Bill. While I cannot oppose an attempt to prevent accidents, I think this is a negative approach to solve a problem we are really concerned about. Every Member of this Legislature, I think is concerned about the expenditures, the high expenditures caused by traffic accidents and also about the deaths that occur on our highways. We are going to surcharge operators of cars because they didn't operate the vehicle properly. We may not be surcharging the right people. Every night when we pick up the paper, there are automobiles being called back because of brake

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defects, because of defective steering or bad engineering. Many times we may be surcharging someone \$25 when the manufacturer of the vehicle may be at fault.

A tire manufacturer in the United States, when his product was being examined recently, admitted that they had made a bad batch of rubber and in cold weather this particular group of tires had little or no traction on pavement because of their composition. He said that they had made many sets of these tires before the defect was discovered.

In another instance statistics of deaths at rail crossings indicated that vehicles of a certain make and model and year were involved in crossing fatalities because the brakes were defective. Mr. Speaker, we should be prepared, if we are going to take surcharge money, to use some of it to prevent accidents. We should spend a portion of this money in that manner and I would suggest that this principle should be contained in this Bill. A portion of the money that is going to be gathered from surcharges should be spent to find out who and what cause the accidents.

Mr. Speaker, if we are serious about preventing accidents, there is an old saying "An ounce of prevention is worth a pound of cure." Then a portion of the money that is gathered and that comes from this surcharge should be spent and this should be set out in this Act for improvement clinics, for vehicle testing, for traffic court clinics, and for driver testing. I think we have a sacred responsibility to do more than levy a surcharge, and that is all that this legislation does. Mr. Speaker, we have a responsibility to take concrete steps to take a percentage of this money and write into this Bill that a portion of it will be used to develop a program of research, driver education, and vehicle testing that will reduce the deaths, injuries and property damage caused by traffic on our highways.

SOME HON. MEMBERS: Hear, hear!

Motion agreed to and Bill read a second time.

The Assembly adjourned at 5:04 o'clock p.m.