

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session — Fifteenth Legislature
32nd Day

Tuesday, March 21, 1967

The Assembly met at 10:00 o'clock a.m.

On the Orders of the Day.

ANNOUNCEMENT RE: TWO SASKATCHEWAN CEMETERIES

HON. W. ROSS THATCHER (Premier): — Before the Orders of the Day I wish to make an announcement which I think may be of some interest to the House in connection with cemeteries. The Provincial Secretary (Mr. Heald) has informed me that two cemetery companies, one in Moose Jaw and another in North Battleford, are no longer in a position to fulfil their financial obligations. This has given rise to a situation in which our Government feels it is absolutely imperative to act directly in order to avoid any injustice. Accordingly we have undertaken a complete investigation which reveals the following facts:

The two companies in question began operating in 1953 and 1954. At that time no steps were taken to provide for the protection of those citizens who entrusted their funds with these companies. This was unfortunate since investigation of similar companies in Ontario at the time revealed the need for action. The Ontario findings were passed on to the Saskatchewan Government of the day. In 1959, 1960, and 1961, accountants were retained to investigate the operation of these two cemetery companies. In 1961, the auditors reported that at least the one in Moose Jaw was in serious financial difficulty. No further action was taken, however, until this Government's first legislative session in 1965. At that time this Legislature approved a new Cemeteries Act which would make impossible any repetition of this tragedy of personal embarrassment. Today, Mr. Speaker, the only issue under consideration is action to help the citizens who have been misled and need help. As a result of the 1965 legislation, it is now possible for us to act directly, following recent meetings with the contract holders of both these cemeteries. I wish today, therefore, to inform the House that our Government intends at this session to introduce legislation which will empower the Provincial Government to take over the administration of these two companies. In this way the Provincial Secretary will take the necessary steps to ensure that every contract holder will be provided with the services and goods for which they contracted.

I may say, Mr. Speaker, that there are only two cemeteries at this moment in such a position but there could be others as time progresses.

SOME HON. MEMBERS: — Hear, hear!

QUESTION RE: RESOLUTION RE PRICE OF WHEAT

MR. I.C. NOLLET (Cutknife): — Before the Orders of the Day may I ask the Premier, since the Resolution was passed some time ago asking the Federal Government to negotiate for an increase of 50 cents a bushel when the International Wheat Agreement was under consideration again, has that Resolution been brought to the attention of the Federal Government?

MR. THATCHER: — I'll ask whether it has or not.

MR. NOLLET: — It should be automatically, shouldn't it, Mr. Speaker, because it is a Resolution passed by this Legislature.

MR. THATCHER: — It probably has.

ANNOUNCEMENT RE: WEYBURN SPORTS CHAMPIONS

MR. J.A. PEPPER (Weyburn): — Mr. Speaker, I would like to bring to your attention and to inform the Members of the Assembly of two recent sport events when Miss Margo Tincher from Weyburn was one of the gold medalists in the recent Dominion Figure Skating Championship held at Quebec. I'm sure all Members join me in congratulating her and wishing Miss Tincher continued success in this great field of figure skating. The other, Mr. Speaker, was the Saskatchewan Midget 'A' Hockey Championship that was won this past weekend by the Weyburn Midget Beavers. This Weyburn club defeated the Regina Midget A's in winning the Southern Saskatchewan title and this weekend defeated the Prince Albert club, this giving the Weyburn Championship to them. I can only say, Mr. Speaker, where in Weyburn we perhaps lack in quantity compared to these other two larger centres, we certainly have the quality. I'm sure that all Members join me in congratulating these young participants in both their recent championship activities in this great field of sport.

SOME HON. MEMBERS: — Hear, hear!

SECOND READINGS

MR. T.M. BREKER (Humboldt), moved second reading of Bill No. 85 — **An Act to amend the Optometry Act.**

He said: Mr. Speaker, in moving second reading I would like to briefly outline the changes proposed by the amendment. Until 1956 an optometrist had to apprentice in Saskatchewan for one year before becoming entitled to write examinations under the Act. In 1956 this apprenticeship requirement was repealed, because most of the optometrists in Saskatchewan came from the Toronto School of Optometry. This school had extended its course from three years to four years and had increased the

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clinical training being given to the students. Now the reason for the proposed amendment is this. The Association states that in recent years almost all of the optometrists writing examinations in Saskatchewan immediately after graduating from the Toronto School had failed. It also states that some of the students have practised under supervision for a few months before taking the examinations and all of these had passed. It is therefore concluded that the clinical training at the Toronto School had become inadequate and that optometrists should be required to practise under supervision for some months before becoming entitled to take the examinations. There are three proposed amendments. The first one, before an optometrist may take the examination under the Act he will be required to practise under supervision for at least six months or have equivalent qualifications. The second one, the Association may make by-laws governing the practice of these persons under supervision. The third amendment, the practice of optometry of these persons under supervision will not constitute an offence under the Act. I move now, Mr. Speaker, that Bill No. 85 be read a second time and referred to the Law Amendments and Delegated Powers Committee.

Motion agreed to and Bill read a second time.

The Assembly recessed until 2:30 o'clock p.m.

WELCOME TO STUDENTS

MR. W.A. ROBBINS (Saskatoon City): — I would like to introduce to the Members of the Assembly a fine group of students from Haultain Public School in Saskatoon. I believe there are 27 of them in the group who are accompanied by their teacher, Mrs. Morris. I am sure every Member of this Assembly wishes them an educational and enjoyable day in our capital city and a safe trip home.

SOME HON. MEMBERS: — Hear, hear!

MRS. SALLY MERCHANT (Saskatoon City): — Mr. Speaker, could I add to the remarks of the Member for Saskatoon that we have a second group from Saskatoon, a group from Hugh Cairns School who are seated immediately behind the other Members for Saskatoon, and I would want to welcome them as well as the group from Haultain.

SOME HON. MEMBERS: — Hear, hear!

MR. E. WHELAN (Regina North): — Mr. Speaker, through you I would like to introduce to the Members and welcome to this Assembly 50 students from Regent Park School in Regina North. They are grade six students, and are with their teacher, Miss Hallam and are in the Speaker's gallery. I'm sure all Members join me in expressing the wish that their stay with us this afternoon will be pleasant and educational.

SOME HON. MEMBERS: — Hear, hear!

HON. G.J. TRAPP (Touchwood): — Mr. Speaker, I would like to introduce to you and to the House a fine group of students from the Goodeve School who are visiting this afternoon in this Legislature. I hope that the students will have a very enjoyable afternoon and a safe journey home.

SOME HON. MEMBERS: — Hear, hear!

HON. J.W. GARDINER (Melville): — Mr. Speaker, I understand the Hon. George Trapp was very good to my constituents and welcomed them on my behalf. I would also like to join with other Members in spite of my voice today. It would probably be better not to bother because of that, but I would like to extend to the students from the Goodeve School a welcome on my behalf as their Member of the Legislature; at least, some of them of course belong to Mr. Trapp's constituency. I would like to add my voice in welcoming them. I hope they have a very pleasant day in the city and that they enjoy their experience in the Legislature. I wish them a safe journey home.

SOME HON. MEMBERS: — Hear, hear!

The Assembly recessed until 7:30 o'clock p.m.

WELCOME TO VISITORS TO THE ASSEMBLY

HON. D.G. STEUART (Minister of Natural Resources): — I am sure you are all interested. We have of the Parsons and Whittemore Company of the Prince Albert pulp mill, Mr. Landegger, Mr. Hamilton, who is the president of the Prince Albert pulp mill; Mr. Joseph Condon, who is vice-president of Parsons and Whittemore; and Mr. Bill Parks, the Deputy Minister of Natural Resources; and Mr. George Boyhan who is also with Parsons and Whittemore of New York.

SOME HON. MEMBERS: — Hear, hear!

HON. W.S. LLOYD (Leader of the Opposition): — Mr. Speaker, Mr. Minister, is this the branch of which Mr. Cote was the previous director? Could the Minister indicate roughly when Mr. Cote left the service?

SECOND READINGS

HON. G.B. GRANT (Minister of Health) moved second reading of Bill No. 82 — **An Act to amend The Saskatchewan Medical Care Insurance Act.**

MR. WHELAN: — Mr. Speaker, I beg leave to adjourn the debate.

Debate adjourned.

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MR. GRANT moved second reading of Bill No. 83 — **An Act to amend The Hospital Revenue Act, 1966.**

He said: Mr. Speaker, the amendments contained in this Bill can be considered to be of a housekeeping or administrative nature and do not involve matters of policy. At the present time this Act authorizes the council of a municipality to enter into an agreement with the hospital for the purpose of making an annual grant to that hospital. Under these provisions a grant to be made to a hospital pursuant to an agreement between that hospital and the council of the rural municipality would be financed by the levy of taxes throughout the entire municipality. There are a surprisingly large number of municipalities in this province having portions included within a hospital district. In these cases the hospital revenue tax would be levied only in that part of the rural municipality not included within a union hospital district. Rural municipal officials in various parts of the province have requested that an amendment be enacted for the purpose of authorizing an agreement to be entered into with the hospital in respect of a portion of the rural municipality. Provisions are therefore contained in this Bill, authorizing an agreement with a hospital in respect to a portion only of a rural municipality and providing that, where such an agreement is entered into in accordance with certain stated conditions, the portion affected will be exempt from the hospital revenue tax levy. The other amendment contained in this Bill is being proposed for the purpose of clarification as intended to clearly set out the position of a municipality if it does not pay the Provincial Treasurer the required amount by the end of the year.

MR. E.I. WOOD (Swift Current): — Mr. Speaker, I note the changes in the Act or the changes in the Act that are proposed by this Bill and agree that they are to be concurred with in the main. This one item I notice says that the municipality, if it doesn't pay these funds to the Provincial Treasurer by the end of the year, is in the debt of the Provincial Government irrespective of whether these funds are collected or not. Now I realize that this is the case with local government, with the Union Hospital Boards, that where money is not collected for them by the municipality, it has to be turned over to them irrespective of whether it has been collected or not by the municipality. But there, it seems to me, is a slightly different case where the municipalities are expected to turn this money over to the Government whether they have collected it or not; and the Government, it seems to me, is possibly, of the two the better able in many cases to carry the burden of this debt until it is collected from the ratepayer. I think it is something worthwhile giving consideration to in this regard.

Motion agreed to and Bill read a second time.

MR. GRANT moved second reading of Bill No. 84 — **An Act to amend The Public Health Act.**

He said: Mr. Speaker, the amendments contained in this Bill are being proposed either for administrative reasons or as a consequence of other legislative provisions being made. You will recall, Mr. Speaker, that amendments to The Water Resources Commission Act have been introduced providing for the Saskatchewan Water Resources Commission to become responsible for approving water works and sewage systems, certain provisions of the Act are being revised. Provisions for ministerial approval is being removed but the Minister will continue to be authorized to require appropriate remedial action to be taken with respect to water works or a sewage system, in any case where he is of the opinion that the public health may be endangered. I have already announced, Mr. Speaker, that effective April 1, 1967 the operation of the Provincial Geriatric Centre in Regina will be taken over from the Department of Welfare by the Department of Public Health and the hospital will be operated by the Department in conjunction with the Physical Rehabilitation Centre in Regina. This action is being taken for the purpose of administrative efficiency and in order to give more emphasis to the medical rehabilitation measures being undertaken in this geriatric hospital in the provision of care and treatment of the patients. An amendment will authorize the operation of this hospital by the Department. As most of you know, Mr. Speaker, a most important departmental employee in the field of environmental sanitation and hygiene is the sanitary officer. Measurers are being taken throughout the various provinces to have the name of this official changed from 'Sanitary Officer' to 'Public Health Inspector', and the remaining amendments provide for this change to be made in our province.

MR. A.E. BLAKENEY (Regina West): — Mr. Speaker, I did want to raise one issue with respect to this Bill and with respect to Section No. 5 of the Bill being Section 83 of the Act. Some concern is being expressed that the taking over by the Department of Public Health of the Geriatric Centre, as it used to be called, and its operation as a hospital for chronic diseases will result in those patients in the Geriatric Centre who many have been there for some time and who may not be responding at this time very rapidly to rehabilitative processes, being forced to leave the hospital. Mr. Speaker, this concern is being expressed and I wonder whether the Minister when he is closing the debate would indicate whether or not this change in the Bill indicates any substantial change in the admission and discharge policies of that institution and whether, if it does indicate a substantial change in the discharge policies of that institution, there is going to be alternative accommodation for the people so discharged.

Motion agreed to and Bill read a second time.

HON. D.V. HEALD (Attorney General) moved second reading of Bill No. 75 — **An Act to amend The Legal Profession Act.**

He said: Mr. Speaker, in rising to move second reading of an Act to amend The Legal Profession Act, I would first of all beg

to inform the Assembly that His Honour the Lieutenant Governor, having been informed of the subject matter of this Bill recommends it to the consideration of the Assembly. By way of explanation, Mr. Speaker, I should say that two or three of these Bills were introduced before they were printed and the message from the Lieutenant Governor was not on my desk. I have checked with the Clerk and I am informed that it is quite in order to read the message on second reading. Mr. Speaker, this amendment to The Legal Profession Act is a companion amendment to the amendment that passed second reading yesterday to The Attorney General's Act and has to do with the legal aid plan which the Government proposes to institute. It is a very simple little amendment which gives the Law Society power to provide for the establishment and operation of a plan or plans, under which the legal services of any member of the Society in respect of civil or criminal matters should be made available to indigent persons. For the information and edification of the Members for Hanley (Mr. Walker) and Regina West (Mr. Blakeney), and so that they can become members of the legal aid battery or roster, I would refer them to Section 15(e) of The Legislative Assembly Act, and Section 15(v). They would be protected under either of these sub-sections so that they could receive fees under the legal aid plan and still be Members of the Legislature. We wouldn't want to deprive the people of this province of the very high degree of skill of their services, particularly when they are going to partially subsidize the taxpayers of the province in defending them.

Motion agreed to and Bill read a second time.

MR. HEALD moved second reading of Bill No. 76 — **An Act to provide for the Payment of Compensation in respect of Persons Injured or Killed by Certain Criminal Acts or Omissions.**

He said: Mr. Speaker, I also have a message from the Lieutenant Governor in respect to this Bill. I beg to inform the Assembly that his Honour the Lieutenant Governor, having been informed of the subject matter of this Bill recommends it to the consideration of the Assembly. Mr. Speaker, it is my pleasure both as a Member of the Government and as an individual, to say a few words about the purpose and intent of The Criminal Injuries Compensation Act. Crimes of violence, I regret to say, are on the increase in Canada. Cases where innocent persons are injured or killed as a result of crimes of violence are becoming more frequent. Criminal methods of operation have become more sophisticated with the result that victims of criminal activity more than ever are unaware of the identity of the persons who are the cause of their injury. Even in cases where the identity of the offender is known, the remedy afforded by a civil action at law is often most unsatisfactory, because to pursue this remedy is initially an expensive and time-consuming process. And of course there is always the possibility of having a judgment which can't be realized upon when they do come

to the end of the road. Now society has provided the machinery of the courts to enable injured persons a means of redress against persons responsible for those injuries. The remedy of an action of civil law is based on the principle that liability only exists where fault for the injury or death is brought to the person against whom the suit has been taken. It is our belief that society should assume some of the loss that is suffered by a person who is the victim of crimes of violence, whether or not fault can be established against an offender. And it is for this reason that this Bill is placed before the House for consideration. The scope of the program for the payment of compensation to persons or to their dependents who have been injured or killed as a result of the commission of crimes of violence or as a result of apprehending offenders or rendering assistance to law enforcement officers was set out in the Government White Paper which was tabled in the House some time ago. This Bill will provide for the establishment of a Board, the duties of which will be to consider the merits of claims for compensation submitted to it by persons injured or the dependents of persons killed as a result of certain crimes or as a result of attempts to perform a citizen's arrest or to render aid to law enforcement authorities.

I am unaware of any similar program in operation on this continent. New Zealand and the United Kingdom are the only countries that I know of that have such a program at the present time. These programs in these countries provide for the payment of compensation to persons in the event of injuries suffered by those persons or provide for the payment of compensation to dependents of persons who have been killed as a result of crimes of violence. You will probably know, if you have had an opportunity to compare our Bill with the New Zealand bill, that this Bill extends the scope of the New Zealand and United Kingdom plans by providing for the payment of compensation as well in the event of persons being injured or killed, while arresting or attempting to arrest criminal offenders or while rendering aid to law enforcement officers. Those items are not included in the U.K. and the New Zealand bills. The Board to be established by this Bill will have wide powers of discretion in making awards of compensation and will be guided by the nature of the injury suffered, the financial situation of the victim and the degree if any to which the injured person was the author of his own injuries. Awards will be made by the Board to compensate for expenses incurred and for certain monetary losses suffered by the victim. To avoid duplication of payments in respect to the same injury or death, compensation under the Bill will be reduced by any amount received by the victim or his dependents in respect of the injury or death pursuant to any statutory authority in Canada. The Bill also contains provisions for providing for the recovery from an offender of any amount paid as compensation for an injury or death caused by the offender. The offender will also be subject to a civil action for all or any portion of compensation paid in respect of an injury or death where the victim could have taken such an action. Now, Mr. Speaker, I am of course aware that there will be problems arising when this program goes into operation. We are ploughing fairly new ground

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here. I think we all realize that it is inevitable that, when a program such as this is implemented and there is no practical experience to draw upon, we will have problems. I am confident, however, that none of the problems that arise will be insurmountable, and I believe that after a short period of time the program will provide a great service in relieving the economic hardships of unfortunate victims of criminal acts. I know therefore that the program will be well received. Mr. Speaker, I commend this Bill to all Members of the House.

Motion agreed to and Bill read a second time.

MR. HEALD moved second reading of Bill No. 77 — **An Act to provide for Relief from Unconscionable Transactions.**

He said: Mr. Speaker, the Province of Ontario has had an Unconscionable Transactions Relief Act for many years. In 1963, the Supreme Court of Canada held the Ontario Act to be constitutional, there was a constitutional reference. Since that time, Alberta, British Columbia, Manitoba, and Nova Scotia have passed similar legislation. The purpose of the Bill is to give the court powers to relieve borrowers and persons obtaining credit from transactions which the court considers to be harsh or unconscionable, or where the court considers that the cost of the loan is excessive. The Bill provides that a person who is sued may ask the court for relief from the transaction on the ground that the cost of the loan or the cost of the credit is excessive or that the transaction is harsh or unconscionable. The Bill also provides for a borrower or a person obtaining credit to bring an action to bring relief from such a transaction. An action can be brought by any borrower even after he has paid in full the amount owing under the contract or mortgage. The only restriction is that such an action cannot be brought more than two years after the account has been paid. So there is a limitation period of two years. Manitoba amended its Act in 1965 to make the provisions of the Act apply to assignees of the original contract. Nova Scotia passed similar legislation in 1966. The Bill now before the House contains provisions similar to those enacted in Manitoba and Nova Scotia, so that our Act will apply to an assignee. A provision in earlier Acts providing that it did not apply to assignees for value without notice has been left out and provision made that, where the security given in the loan or credit transaction is transferred by the creditor to a third party before or within two years after the monies of the loan are disbursed or the credit granted, the assignee shall be deemed to have notice of every particular and of all circumstances surrounding the loan, unless the debtor has supplied to the assignee an acknowledgment in writing made before a solicitor, setting out the amount of the loan or credit granted and the amount of the loan actually received. This provision is made in applicable to assignments or transfers of security made prior to the coming into force of the Act. The provision as to assignments and assignees for value without notice was made as a result of a suggestion made by the Tallin Commission which sat in

Manitoba a couple of years ago. This Commission investigated various mortgage transactions in the Province of Manitoba. The Tallin Commission found that in many cases a very large bonus was taken in a mortgage transaction, even though the interest rate apart from the bonus was high and the security good. I mentioned some of those, Mr. Speaker, in an earlier speech — examples of the kind of transactions they ran into when they got into this in Manitoba. This Act applies to such transactions and would enable the borrower to obtain relief from the courts in these circumstances. The experience in Ontario and other provinces so far is that the mere fact that such legislation is in force has a very salutary effect and not too many cases actually end up in the courts. It appears that, when a lender has taken an unfair advantage of a borrower, either by taking a large bonus or charging an excessive rate of interest, the threat of action under this kind of an Act in the province is in most cases sufficient to enable reasonable settlement to be worked out. That's the way it has worked in Ontario.

It is considered that this Bill along with The Cost of Credit Disclosure Act will assist materially in protecting the public against the exorbitant rates which are charged by a few lenders. I think this only applies to a few lenders, but I commend this Bill to all Hon. Members in this Legislature because I think it's the kind of deterrent legislation that we need. With that short explanation I would move second reading.

Motion agreed to and Bill read a second time.

HON. D. BOLDT (Minister of Highways) moved second reading of Bill No. 65 — **An Act to amend The Highways Act.**

Mr. McIsaac: Mr. Speaker, on behalf of the Hon. Minister of Highways (Mr. Boldt), Bill 65 proposes certain amendments to the existing Highways Act, and I would like to deal briefly with several of the chief provisions. In reference to the first section, these sections will enlarge the original bridge activity work to include such custom work for municipalities as oil treatment of roads, maintenance, and other minor construction work, which can be carried out in the same manner as the former bridge construction service was. The next section, Section 21, subsection (2) deals with the warehouse advance account. According to the present section of the Act the \$9,000,000 advance from the Provincial Treasurer is used as follows: to maintain and operate the equipment fleet of the Department, to operate repair depots and stock rooms, to carry out a public improvement or bridge construction service and administer the operation. Now all of these activities have expanded, Mr. Speaker, because of more dust-free mileage in the highway system, and additional mileage of approximately 1,000 miles in the highway system and more custom work for some of the municipalities. A projection of finance to meet the needs of these activities for the next few years indicates that the amount here should be raised from \$9,000,000 to \$12,000,000.

The next section of the Act that could be commented on is a new section. The present Act does not allow the Department to expropriate land other than that required for actual construction needs. Problems have arisen where small uneconomic parcels that are severed are left with the owners, where severance prevents the legal access by the owners, and where the owners have difficulty in disposing of unwanted parcels. In these cases excessive damages have sometimes had to be paid or access has had to be provided. Acquisition of these parcels of land by the Department will eliminate some of these problems, effect savings, and allow better control of access. Next, is a new section (Section 41A). There has been cases where the Department has started expropriation proceedings for certain land, but before being finalized the highway locations have been changed and the land or parts of them perhaps are no longer required. Under the present Act such proceedings must be finalized and title taken to such land. This new section will allow the land or part of it to be returned to the owner and will reduce the amount of compensation being paid where the original land under expropriation is no longer required. It will also minimize the damage done to the landowner. And companion section to this, (by adding another new section to the Act), will allow land to be abandoned. A further section is then included to define the extent of compensation due to the landowner. Basically, of course, he should be entitled to all of the costs and damages that have been incurred by him up to that point.

Now the remaining amendments, Mr. Speaker, are rather straightforward and I would now move second reading of this Bill.

MR. W.J. BEREZOWSKY (Cumberland): — There's one principle that I find in Section 35A that rather bothers me. It could be a situation where the Government may take away a home and premises of a person if it judges that it's going to cost the value of the land. I wish the Minister when he closes the debate would give us some assurance that this will never happen.

MR. C.G. WILLIS (Melfort-Tisdale): — There are some minor amendments in this Act which we don't object to particularly, such as changing the name from "Bridge Construction Services" to "Public Improvement Construction Services." This has been practised by the Department for a long time. The name doesn't make any difference. It could still proceed under the old name and work could be done exactly as before. We do take strong objection to four amendments, which in our opinion and in my opinion infringe on the rights of individuals or give too great a power to the Department or rather to the Minister. First, I find no need for the increase in the advance account from \$9,000,000 to \$12,000,000 here. The present amount in the advance account now is \$8,400,000. At least this is the amount which was advanced according to the last annual Public Account report. This is close to the statute limit of \$9,000,000, Mr. Speaker. But the Department has control of this advance account in that rental rates on equipment can be advanced and thereby keep the advances below the \$9,000,000 required by

statute. The precedence here, Mr. Speaker, is that contracting costs have increased by more than 50 per cent since 1964. If the rental rates charged by the Department of Highways for the equipment which they rent out increased by 50 per cent, the advance account could easily be kept within the \$9,000,000 limit. Besides this, Mr. Speaker, if the Department were encouraged to practise economy it would help. I have here an answer to an Order for Return which I asked for two or three weeks ago regarding the purchase of equipment by the Department. One of the questions had to do with the number of crawler tractors purchased, the price and prices paid as well. One of the answers shows that the Department bought a single or twin-powered 21-24 cubic yard capacity machine from Allis-Chalmers for \$78,000. They bought a similar machine from Kramer Tractor for \$85,280 and there's no reason, Mr. Speaker, why they could not have bought two Allis-Chalmers machines and saved the Department, saved the advance account approximately \$7,000 in this one item alone if these two things were done, there's no doubt about it that the ceiling on the advance account could be held below \$9,000,000. I take exception, Mr. Speaker, to extending the power of the Department to expropriate land that is at a surplus to its requirement. The House is aware of the fact that about three years ago a Committee of the Legislature was set up to look into the matter of expropriation. This Committee made a unanimous report back to the Legislature. Two of these recommendations were very important. One was that a new Act be passed, an Act which would unify all the expropriating powers which at present are spread out among a number of departments and a number of other agencies throughout the province. The second recommendation in the Expropriation Committee's report was that a board be set up, a public and private rights board, to look into complaints regarding expropriation. All we have here in regard to expropriation are these two matters which minor, perhaps, but which show that the Government has no concern at all when it comes to expropriation in the broader sense. This Section 9 extends the power to take or to expropriate property surplus to the needs of the Government. There's no need of this at the present time, Mr. Speaker, the Department may purchase surplus property at the present time through negotiating with different people regarding such property for sale. If along side of that property there's another piece of property which the person who's selling the property to the Department wishes to sell, then the Department has in the past been making arrangements to buy that property. There is no reason why this couldn't continue on this arrangement. It is an unwarranted assumption of authority of expropriation powers to take surplus property, particularly when the Government gives itself the power to sell this surplus property sometime in the future.

Then the second part which I take a great deal of exception to, Mr. Speaker, has to do with filing of notice of abandonment. The Department wishes to expropriate land or wishes to buy land for right-of-way or for other use. It makes an agreement with the owner of the land and then it has put in this Act a section which gives to the Government a cooling-off period. The Government may take an agreement which has been mutually agreed upon, signed by the owner of the land and the Government, and at any

time before the Government pays for the land, the Government may say to the person, "We'll back off here. We won't go ahead with this agreement to buy." This, Mr. Speaker, gives to the Government a method of compensating for poor planning. If the Government took into account all of the circumstances before the land was bought, then it wouldn't have to have this cooling-off period in this regard.

Then there's another section here which the Minister who introduced the Bill, Mr. Speaker, didn't refer to at all and this has to do with abandoned vehicles on public highways. At the present time when a vehicle is abandoned on a public highway, the Department of Highway may remove that vehicle and store it, have a lien put against the vehicle in order to recover the cost of removing and storing that vehicle and make an effort to find the owner. The owner when found, if he wants the vehicle, recovers it by paying the lien cost. If he doesn't want it, then the Department may sell the vehicle, obtain the cost or otherwise dispose of it. But, Mr. Speaker, this proposal first of all divides abandoned cars into two categories. First, if the Minister decides that a car which is apparently abandoned on the highway has a value of less than \$100, he then has the power to have his people remove that car from the highway and destroy it or otherwise dispose of it without making an effort to find out who owns the car, or without finding out why the car was abandoned on the highway. This is bad enough, Mr. Speaker, in this regard, but again it has a different rule for cars which are over \$100 in value. If a car is abandoned on the highway, left unattended for more than 48 hours and has a value of more than \$100, then the Department may take the car, store it and may charge a person with abandoning the car on the highway, fine him \$25. If he doesn't pay the \$25 then he is liable for a month in jail. Now, Mr. Speaker, this is an unwarranted assumption of power in the fact that it covers all public highways in the Province of Saskatchewan and we have 130,000 miles of public roadways in the province. A car abandoned on any one of these 130,000 miles of roads may be handled in this high-handed fashion by the Minister or by the Minister's servants here. There's no reason why the present section which is presently in the Bill isn't adequate, if enforced, Mr. Speaker. Mr. Speaker, for the above reasons, I find myself unable to vote for this Bill.

MR. R.A. WALKER (Hanley): — Mr. Speaker, I want to comment on some of the provisions of this Bill in respect to a matter which wasn't raised by the Member for Melfort-Tisdale (Mr. Willis). I would think that the Attorney General, who I'm glad is in the House and who professes to be concerned about people's rights and about civil rights in general, and who from time to time introduces innocuous legislation in this House which tends to support that view, would be quite concerned about some of the provisions in this Act. I refer to the section which allows the Government to go back on its word to break agreements, to renege on its commitments. I refer to Section 41, 41A, and 41B. All of these have to do with acquisition and expropriation of land by the Department of Highways.

It seems to me that the Department of Highways should be in no better position than any other person who makes a contract to acquire land. The Department of Highways should not be able to make an agreement on which the other person, the owner, may have acted to his detriment and then the Department to simply abandon its agreement. The landowner may have contested the taking of the land and arbitrated the damages and may have gotten an award for damages from a judge. Then the Department says that at any time before the judgment is final well, we'll abandon it. The owner, who has been put to a great deal of expense and who recovers practically nothing in the way of costs from this exercise in expropriation, is suddenly having the thing tossed back at him and he is out his costs. The Attorney General, I'm sure, will agree with me that in expropriation proceedings, in dealing with the Department of Highway you don't get any costs even if you are successful. All you get is a little bit of witness fees for your witness, his mileage and his day in court, your expert witness. You get nothing for solicitor's fees or costs, you get nothing for costs of transcripts of examinations for discovery, in fact an owner of land may be out hundreds or even thousands of dollars of costs and recover only \$40 or \$30 from the Department of Highways and then have the Department of Highways renege on the proceedings at the conclusion of a three-day hearing. Well, it seems to me that the Department of Highways, having access to the Provincial Treasury, having all the money in the world so the Premier tells us from time to time, ought not to take this kind of advantage of poor citizens who didn't get involved, they don't get involved with the Department of Highways as a matter of choice. The average owner of property doesn't get involved with the Department of Highways as a matter of choice. The engineers just simply descend on him like locusts. They start crossing his land and running back and forth with survey instruments, and the poor farmer has no choice in the matter. Then after he's gone to a lawyer and after he's gone to a lot of expenses and arbitration, the Department simply says, "Where at any time before compensation is paid or before the conclusion of the hearing," — the conclusion of the hearing is when the judge finally hands down a decision — "the Department may abandon the matter." Then the owner is right back where he started from. 41B says, "Where the whole of the land taken for a public improvement is abandoned, the person entitled to claim compensation with respect to such taking is entitled to compensation for all damages sustained and all costs incurred by him." But I point out that costs are limited to witness fees and mileage and all costs certainly don't mean all costs. It certainly means just the costs referred to in the Act and the costs referred to in the Act are very, very trivial compared with the actual costs of the expropriation. So the farmer can be out \$1,000 and the Department simply gives him back his land and that's the end of it.

I want to say further that I think that Section 35A is objectionable because the Department may cut a piece of land in two. The Department may incur damages by reason of severance of two parcels left which are no longer connected. And so what the Department is proposing to do is to take the whole

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quarter section, if it's cheaper. Well, it seems to me that the Department is in the position of being able to make the rules. If the Department wants to take land to make a road, then it should certainly pay the owner of the land for the damages and it ought not to be in the position of saying, "All right if you complain to me about the offer of damages for the road allowance that we are taking through your land, we'll take the whole damn works." And that is just what Section 35A says. The Department of Highways can say to this farmer who's reluctant to sell a strip diagonally through his quarter section of land for say \$200 an acre, "You sell us this at \$200 an acre of we'll just take the whole quarter section." This is at the option of the Department. This means that the Department can do whichever is the cheapest for them. The Department will have the power to do whichever is the cheapest for the Department. And what's cheapest for the Department isn't necessarily best for the citizens.

The Department has all kinds of options open to it here which the citizen doesn't have. Let's say this, Mr. Speaker. If the Department wants to have the right to take the man's whole farm if he objects, then let's give the farmer the same right to tell the Department to go somewhere else. Let's have these things mutual, let's have both sides having some rights in this matter. Let's give the farmer the right to say that if you are going to take a strip through my land, I'll give you the whole quarter, sell you the whole quarter. But it's the Department that has this option, and I'd say that this is the kind of one-sided legislation, Mr. Speaker, that demonstrates the true interest of this Government in civil rights and rights of people.

This Government is only concerned about the rights of people when it comes to a small loan company infringing on their rights. I agree that's all right, but this Government is not interested in the rights of people, this Government is only interested in the rights of people when it can protect them against somebody else and not from itself. It seems to me that, if this Government is genuinely concerned with the rights of citizens, this Government ought to delete Section 35, 41A and 41B from this Bill.

Section 41A I haven't mentioned, but 41B says that if by any chance the Department takes too much land or if it finds, Mr. Speaker, that it's going to cost it too much to take this land and the damages are based on what it has taken, then it can give back the part that it finds is costing it too much. Well, I suggest that this is just another option for the Government. Why not give the ratepayer, the taxpayer a similar option, if he doesn't like the way the courts have awarded the damages and he thinks the courts have awarded him too much on this piece and not enough for this piece. All right make the Government take the most expensive part. The Government says, "We'll have the right to take the cheapest part and give back the most expensive part." Well, let's have it work both ways.

This side of the House has protested for years and when we were on the other side, we did something about it.

SOME HON. MEMBERS: — Hear, hear!

MR. WALKER: — There's something very one-sided and unfair about these arbitration provisions.

MR. THATCHER: — Set up a Committee.

MR. WALKER: — Well, Mr. Speaker, in case the Premier (and the Premier is used to sounding off about things of which he apparently knows very little) doesn't know about it, this Legislature in 1962 decided to do something about this problem. This Legislature set up a Committee to work out a solution to this problem and several Members from the other side of the House were on that Committee. That Committee formulated an unanimous report and the Members on that side of the House apparently believed in that report. Mr. Speaker, we on this side of the House still believe in it.

MR. GARDINER: — You never brought it in, you never brought it in.

MR. WALKER: — I don't know what's the matter with the Hon. Member for Melville (Mr. Gardiner) because the Hon. Member for Melville does as much expropriating as anybody in the Government, his Department does. The Hon. Member for Melville at that time at least pretended that he was in favor of a new deal, a Bill of Rights for the people. Now I suggest that the Premier ought to implement the unanimous report of that Committee. This Government is going in the other direction. This Government is strengthening the hands of the departments of government, is undermining the rights of citizens. I say that 35A, 41A and 41B should be removed on those grounds and I appeal to the Minister to withdraw those sections.

SOME HON. MEMBERS: — Hear, hear!

HON. J.C. McISAAC (Minister of Municipal Affairs): — Mr. Speaker, I'd just like to say a word or two on two points raised by Members opposite. The Member for Melfort-Tisdale (Mr. Willis) referred to the advance account. I would just point out to him that I think he is unaware that the activities of this Department have expanded tremendously since he left office. There's more construction, more paving, more oiling and over 1,000 miles of extra mileage in the highway system. therefore, it makes very good sense to raise this account.

Now the Member for Hanley (Mr. Walker) again expressed very grave concern over the civil rights of the little fellow. I will not comment very much on many of the things he had to say. I am informed, however, by the Highways officials, in discussing this Bill this afternoon, that the expropriation procedures

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outlined here in this Act follow very closely those recommended by the Legislative Committee on expropriation.

SOME HON. MEMBERS: — Hear, hear!

MR. McISAAC: — And I think that the other points, some of them valid and some of them very invalid, raised by Members opposite can be best discussed in Committee, Mr. Speaker.

Motion agreed to on the following Recorded Division:

YEAS — 27

Messieurs

| | | |
|---------------------|------------|--------------------|
| Thatcher | MacDougall | Radloff |
| Howes | Grant | Romuld |
| McFarlane | Coderre | Weatherald |
| Cameron | Bjarnason | MacLennan |
| Steuart | Trapp | Larochelle |
| Heald | McIsaac | Hooker |
| Gardiner (Melville) | MacDonald | Coupland |
| Merchant (Mrs.) | Breker | Gardner (Moosomin) |
| Loken | Leith | Mitchell |

NAYS — 19

Messieurs

| | | |
|----------------------|------------|------------------------------|
| Lloyd | Whelan | Brotten |
| Wood | Nicholson | Larson |
| Walker | Dewhurst | Robbins |
| Brockelbank (Kelsey) | Berezowsky | Pepper |
| Blakeney | Michayluk | Brockelbank (Saskatoon City) |
| Davis | Wooff | Willis |
| Snyder | | |

The Assembly adjourned at 10 o'clock p.m.