LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session — Fifteen Legislature
35th Day

Monday, March 27, 1967

The Assembly met at 10:00 o'clock a.m.
On the Orders of the Day.

QUESTION RE: LOCKAGE FEES ON WELLAND CANAL

MR. W.E. SMISHEK (Regina East): — Mr. Speaker, before the Orders of the Day I would like to ask the Premier a question. Last week, on the Orders of the Day, I asked whether the Government was making any representation or considering making any representation protesting the imposition of the lockage fees on the Welland Canal and the Premier assured me that he would check into the matter. I wonder whether the Premier can now tell us whether any representations are being made or have been made by the Government in this important matter.

HON. W.R. THATCHER (Premier): — Yes, representations have been made.

QUESTION RE: CONDITION AT BUFFALO POUND LAKE

MR. W.G. DAVIES (Moose Jaw City): — Mr. Speaker, before the Orders of the Day, last week I made an enquiry of the Minister of Natural Resources (Mr. Steuart) with regard to the condition at Buffalo Pound Lake and he said at that time that he would be looking into it. I see some press reports but I wonder at this time if he would enlighten us further.

HON. D.G. STEUART (Minister of Natural Resources): — I'm sorry, the Deputy Minister will be over later today. I've asked him to bring back whatever they're doing over. I'll inform the House when we start this afternoon.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of Mr. G.G. Leith (Elrose) that Bill No. 90 — **An Act to amend The Medical Profession Act** be now read a second time.

MR. A.E. BLAKENEY (Regina West): — Mr. Speaker, there were a few comments I wanted to make on this Bill. I think that the Bill has possibly some wider implications that we thought at first. I accordingly regret that the Bill came on our desks so late in the session. This is not meant to be a criticism of any particular individual but I think it is unfortunate that potentially controversial Bills do come in so late. I want to make comments on two of the principles contained in the Bill. The Bill as I view it contains three major principles: One, providing for the establishment of an educational register; Two, changing the reciprocal licensing arrangements with respect to the registration of doctors in Saskatchewan; Three, dealing with a substantial number of changes in the procedures by which the Council or the College of Physicians and Surgeons and its various committees carry out its functions

under the Act and more particularly, its discipline functions. There is a fourth provision dealing with mentally ill physicians. Those I would think would be the four main principles contained in the Bill.

Dealing first with the educational register, I have not had an opportunity to study that as comprehensively as I might and I make no comment on whether or not the principle contained therein is objectionable.

Dealing secondly with the provision with respect to mentally ill physicians, I have no quarrel with the basic principle contained in that provision. I do quarrel with the provision whereby on the shortest possible notice a physician can be judged to be mentally ill and summoned by telephone or telegraph and be suspended very summarily. I simply want to point out to Members of the House that for a physician to be suspended because in the view of someone he is mentally ill is a very serious matter. If at any other time he goes to some other place and has to give an indication of whether or not he has been struck off a register or suspended, he will have to declare this. However much we might deplore the fact, a suspension, however ill-advised and on whatever small basis of fact and however short the suspension, is something which it will be very difficult for this particular doctor to live down. I think to have a judgment of his peers, however ill-considered a judgment, that a professional man is mentally ill is a serious matter and accordingly I would suggest a review of the procedures whereby this judgment is made.

I turn now to what I consider to be the two principles in the Bill which I think are objectionable. I will deal firstly with the reciprocal licensing provisions. A word of explanation is perhaps in order. The present Act provides that any doctor who is registered in Britain as a doctor on the home list is entitled to transfer to Saskatchewan without further examination. On the home list by and large means that he has been educated either at university or otherwise in a manner satisfactory to the Royal College of Physicians or the Royal College of Surgeons in Britain. There are one or two other ways to get on the register in Britain but I think these can be ignored since they are almost never used. This method of reciprocal licensing has provided Saskatchewan with a steady stream of doctors over the past 30 or 40 years, and I doubt whether anyone can reasonably take issue with the quality of the doctors who have come to us. I am not suggesting that all of them have been excellent doctors or indeed that all of them have been good doctors, but they have been up to a good reasonable standard and the short question we must ask ourselves is whether this is the appropriate time to change the standards.

May I make one general observation, and that is, that as medicare plans come to be introduced across Canada, it is likely that there will be more competition for doctors from other lands and it may well be more difficult for Saskatchewan to attract doctors from other lands. We do not and we have no reasonable prospect of providing a sufficient supply of doctors from Saskatchewan graduates. Accordingly we will, in the foreseeable future, have to attract medical practitioners from other lands. Under this general condition and having regard to the fact that the competition is likely to get stronger rather than weaker, we have to ask ourselves whether this is the time for a restrictive change. And quite apart from that comment, we have to ask ourselves whether restriction is the right approach to this problem

at all. I would not particularly quarrel with a provision which was designed to raise the quality of practitioners who came to Saskatchewan. But you do not raise the quality of practitioners who come to Saskatchewan simply by excluding one group when you fail to include another group who may be highly qualified. May I just illustrate that. The effect of the provision in the Bill is to exclude from Saskatchewan physicians who have not had their basic medical training in Great Britain, notwithstanding the fact that they may be on the British home list, the UK home list. You may say that this is justifiable on the grounds of quality. If quality is the sole consideration, would it not be equally justifiable to say, that, for example, graduates of Johns Hopkins University who are properly licensed medical practitioners from the State of Maryland might come here. I could pick out any one of half a dozen first class American universities. However, no effort is made to introduce into the Bill provisions whereby very highly skilled people from the United States, for example, may come here without the necessity of interning and writing examinations. Nothing is done to include among the people who may enjoy reciprocal licensing skilled people from all over the world. The only effect of the Bill is to exclude some people. And note carefully how the exclusion is achieved. It is not done on the basis of any precise measure of quality. It is done simply on the basis of where a person took his undergraduate training. That method has two objections. Firstly, it does not in any sense acknowledge what the doctor's postgraduate training may be. It is entirely possible for a person to have taken his undergraduate training in India, have gone to Britain, have become a member of the Royal College of Surgeons, to have become a fellow of the Royal College of Surgeons of London, indeed become a professor of surgery at Guy's Hospital, become professor of surgery at Cambridge, be a Nobel Prize winner in medicine, and yet not be able to get into Saskatchewan. Why? Because he took his undergraduate training in India. Now if indeed someone felt that people who only had Indian medical training ought not come to Saskatchewan, then it surely should be easy enough to frame a Bill which says that. But a Bill which says that notwithstanding what honor you may have won, the fact that you took your undergraduate training in India, Pakistan, or as the case may be, is a bar to coming to Saskatchewan on a reciprocal arrangement, lends itself to the charge that we are simply discriminating on the basis of racial origin, since you don't really make any judgment as to his medical proficiency. As I said, he may be a professor of medicine at Cambridge or be a Nobel Prize winner in medicine, we still apparently don't let him in. If I may say for the sake of the Member for Yorkton (Mr. Gallagher) it is also possible as I read the Bill to graduate in Medicine from Cambridge, and if you are misguided enough to make your way after that to Ireland and be admitted as a medical practitioner in Ireland, you cannot come to Saskatchewan because you have not at one and the same time taken your education in Ireland and been admitted in Ireland. As my seatmate says that's enough to cause another Easter rebellion. However, my general point is this that the changes made are, firstly, only restrictive and not inclusive at all; and, secondly, they deal only with the question of where a person may have had his undergraduate training, they are not really based upon quality. The changes may give that superficial appearance, but my point is that the person may have achieved any standard of eminence after his undergraduate training and the Bill still won't let him in. This does lead to the allegation, rightly or wrongly, that the basis is really discrimination on the basis of racial or national origin rather than medical proficiency.

I deal now with the second major principle contained in the Bill to which I object and that is the changes which make much more rigorous the provisions with respect to discipline. I understand that there may be some changes in some aspects of this Bill. I'm speaking to the Bill as it's printed. I may later mute my criticisms a bit because I understand that some changes are under advisement. But I want to point out to the Members of the House this; firstly, we have to consider the climate we are operating in. There are still tensions which remain because of the difficulties of 1962. I think we would be unwise to assume that these no longer exist. I'm not attributing any praise or blame as to their origin. I'm simply pointing out that these tensions continue to exist in certain areas.

Secondly, I would like to point out to Members of the House that for a period from about 1930 until 1962 or 1963, the disciplinary action by the College of Physicians and Surgeons was very restricted. If we delete any cases arising because of chronic alcoholism or drug addiction, we find that the number of disciplinary actions taken by the College would be a good deal less than one a year, in fact there would be about one every five years, if that. I have a little chart here, I don't know whether it's entirely complete, but it certainly seems to indicate that in a couple of decades there have been practically no disciplinary proceedings except those based upon chronic alcoholism, drug addiction, abortion or some manifestation of one of these such as drunken driving. I don't say none, but practically none. In the last couple of years there have, on the other hand, been a number of disciplinary proceedings and some believe that these proceedings are the basis for applying differing standards as between different practitioners in the province. Some would even say that they are a method of harassment. I'm not saying that, I'm just trying to outline the climate in which we are working. With this climate I think it is important that we do not give any of the disputants in this still simmering dispute any cause for belief that the Legislature is taking sides in the issue. The dispute is working itself through and I think quite satisfactorily. I think this is no time to pour any oil on the coals. As I view these revised provisions in The Medical Profession Act, they are probably designed to give the College additional powers to discipline its members with respect to improper activities related to the Medical Care Insurance Act. If this is their purpose, we of course do not quarrel with the purpose. I am, however, quarrelling with the methods chosen. May I just point out two or three things to illustrate what I have in mind and here I am not reviewing the clauses one by one. That is something that I would like to do in Committee; but I am pointing out that the provisions are capable of being very onerous with respect to individual physicians. Clause 4 of the Bill makes it an offence for a practitioner to fail to appear before a whole series of committees. And note this carefully, if a practitioner fails to appear before a whole series of committees, he is guilty of unprofessional conduct. And unprofessional conduct is a ground for having his licence taken from him. But there is no provision with respect to him having notice to appear before these committees. It is quite possible for someone to give him a telephone call and say, "You come," and if he fails to come, he finds himself guilty of an offence which by the statute is equated to unprofessional conduct and which lays him open to have his licence suspended. The previous Bill provided that this was true with respect to two committees, and it provided for proper notice with respect to those two committees. The present Bill before us adds another series of committees where this is true and

provides no provisions with respect to notice to the practitioner to appear before them. The provisions of Section 6, as I view them, are unique in that they are attempting to apply the Bill to an ambit of activity which was not previously covered by The Medical Profession Act at all. By and large, The Medical Profession Act regulated medical practitioners who dealt with the public and if they didn't deal with the public, they didn't come under the ambit of The Medical Profession Act. If they needed a licence, they came under the Act. As I view this section, the principle now contained is that even for certain activities for which they would not need a licence, the College is nonetheless authorized to prohibit them from carrying on such activities.

I might just refer the Minister of Public Health (Mr. Grant) to some of the provisions of this Bill. A look at the origin of a good number of his psychiatrists would seem to suggest to me that he should perhaps have a look at whether or not this might have a serious effect on the operations of the Psychiatric Services Branch.

However, I think my most serious objection is based upon Section 7 of the Bill, the one dealing with service of notices upon medical practitioners. Firstly, the Bill provides that a notice of a hearing can be served and no mention of the nature of the charges against the medical practitioner need be given. I say that I take the strongest possible objection to that. To get, again, the feel of this, I'd like you to take a look at The Medical Profession Act and look at some of the other provisions in it which talk about charges and guilt and innocence — making it perfectly clear that these procedures are essentially penal in their nature. I refer you for this purpose to Sections 46 and 47 where the marginal note is notice to defendant and then it talks about notice to be served, and about a copy of the allegations made against him, about the testimony witnesses shall be taken under oath and there shall be a full right to cross-examine all witnesses and to educe evidence in defence and reply. This is the language of a penal proceeding, and very rightly it's the language of a penal proceeding because this is what the proceeding is. When a man is on charge that he did something for which his professional licence may be withdrawn, it is a very serious matter. May I say that under those circumstances, I would have thought that two things would be cardinal, firstly, that he had full and clear notice of the charges and secondly that he have adequate advance notice. The Act as it now sits provides that the College must give him an outline of the charges against him. The Bill before us eliminates this. I believe that this may have been a typographical error. It gives no evidence of it on the printed Bill but I am certainly hopeful that this is the case. May I refer Hon. Members to The Legal Profession Act or The Chartered Accountants Act or the Architects Act or I could give you a good number of others all of which contain roughly similar provisions, and all of which provide that the person upon whom the notice is served shall get, in the case of The Legal Profession Act, "a copy of the charges made against him or a statement of the subject matter of the enquiry" and, in the case of The Chartered Accountants Act, "a copy of the charges against him or statement of the subject matter of the enquiry," and The Architects Act, "a copy of the charges against him or a statement of the subject matter of the enquiry." I think that the pattern is perfectly clear. The person who is on charge is entitled to a statement of the charges against him or the statement of the subject matter of the enquiry. So we will be pressing for that, and I think I've already had a brief conversation with the Minister on this point.

Secondly, with respect to the notice that he is to have of these charges, the Bill now provides for personal service of not less than seven days or registered mail not less than ten days. With respect to personal service, I have no real quarrel with that, seven days may on occasion be a bit short but if the man is personally served, he can usually make some arrangement to have someone there and appear for him. If no adequate adjournment is given, then probably the courts will redress this injustice, although I would like to see the seven days lengthened if this were possible. Seven days I think was in the old Act and I do not strongly quarrel with that.

The Legal Profession Act has seven days. The Chartered Accountants Act has two weeks. The Architects Act has one week. The Engineering Profession Act has 15 days. These are the patterns. But with respect to service by registered mail, this is really quite an unfair provision. First, may I point out it is service at the address on the records of the College and this is a man's home. Now it's quite possible to go away for two weeks and to find mail sent to your home, even I regret to say, if you have put in a change of address form, and it would never get to you in ten or fourteen days. May I point out that this has to do with whether or not a man should lose his licence to practise, and it is a type of service which could not now be used if I were suing that man for $20. If I am suing him for $20 and I want to do it by registered mail, I have to do it by a return card which he has to sign. This Bill provides that a man could have his licence put in jeopardy by service by registered mail sent to his home ten days before the hearing.

Well, Mr. Speaker, I had an opportunity to look at some material on file in a case involving the College of Physicians and Surgeons and one Dr. Samuels. I know nothing of the merits of Dr. Samuel's case. It had something to do with improper methods of practice and on this I am not in any sense qualified to judge. But I did look at some of the problems which arose because Dr. Samuels took a Christmas holiday in the United States or least a December trip to the United States, I don't know whether it was a holiday. At least he went down to the United States in December and documents were sought to be served upon him during this period. It led to what I thought was almost manifest injustice, and I think that was even under the old Act. The new Act would multiply the possibilities of this type of injustice, and I cannot help but take the strongest possible objection to this method of serving these very important notices. I will request a provision which will very greatly strengthen the rights of the physician who may be put in jeopardy with respect to his professional life. I will make only one further comment before resuming my seat and that is to suggest that the provisions of Section 8, are to me very obscure and they may involve a principle to which I would take very substantial objection. They could be interpreted as meaning that at a Discipline Committee hearing evidence can be given upon which the Discipline Committee may act. Then if the physician appeals this to the court in accordance with the provisions of The Medical Profession Act, this evidence then could not be adduced; as meaning that evidence could be used in the Discipline Committee which couldn't be used in the court. That may not be what it says. It certainly says that in some legal proceedings held by the College, dealing with causes of death, care and treatment of patients, matters of morbidity and mortality, evidence given before the College can't be given before the court. So long as these do not involve discipline, I suppose there's not really

any strong objection to it. If in fact they do involve discipline, then of course I think everyone would agree that they are the most reprehensible kangaroo court provisions whereby a witness could give testimony possibly in camera, for which he could never be held accountable in the court of law, whereby a judgment could be made on the basis of the testimony and whereby nothing could then be done about it. When you were appealing the decision of the Discipline Committee or even if you were suing this man for the slander, you couldn't even bring forth that evidence. If it could mean that, then of course I would take the strongest possible objection to it. I would suggest that the wording of it lends itself to that interpretation.

Generally speaking, Mr. Speaker, I have to repeat my objections to the Bill. Firstly that the reciprocal provisions are solely restrictive and they are not leavened by any effort to provide reciprocal arrangements for physicians who may be very highly qualified. Secondly, that the discipline provisions could be used as a instrument of real oppression against members of the medical profession and that in the particular climate which we have now — a climate of some measure of edginess between certain members of the medical profession — it is most unfortunate to place on our statute books any provisions which in the eyes of some, could be used as a method of harassment of them. It is not a question of whether or not the provisions would be used for that purpose, it is a question of whether or not these provisions will contribute to the state of uneasiness and tension which still to some extent persists following the events of 1962. Accordingly, Mr. Speaker, for the reasons I have outlined, I find myself unable to support the Bill. I believe that nothing would be lost if the Bill were given some additional consideration and I accordingly will not be supporting second reading of the Bill at this time.

SOME HON. MEMBERS: — Hear, hear!

MR. G.B. GRANT (Minister of Public Health): — Mr. Speaker, I must agree with the Hon. Member (Mr. Blakeney) when he indicates that this Bill has come a little late in the session, but the medical profession seemed to have more legal authorities than any other profession that I know of and this is one of the reasons for the delay and the difficulty in getting somewhat of an unanimous agreement on the clauses that are suggested to be changed. I'll deal with the various sections in the order that I have them in front of me and not necessarily in the same order that the Hon. Member spoke of. I think that I will catch most of them.

As far as the educational register is concerned, I feel that this should be supported because while the register exists at the present time there is no statutory authority and it is generally agreed that the College should exercise supervision over the physicians to be appointed as hospital interns and residents. This is one section that we did not have too much discussion on, but pretty well agreed on.

Now dealing with the section pertaining to reciprocal arrangements, I cannot totally agree with the Hon. Member in this regard because if a dike is leaking, the first thing you do is try to plug the leak and before you worry about reconstruction of the major works. I feel in this particular case that what he says may be true that it might be better to open up the reciprocal

arrangements a little wider, that is an entirely different point than this one. I think he pretty well stated the case that actually a British physician may fail to obtain a degree from a medical university or other qualifying body and may then become qualified by the granting of a licence by the Apothecaries Hall of Dublin and we don't think that this is an area of our reciprocal arrangements that should be continued. In the last few years very few people have been involved and so it is going to have little or no effect on the supply of physicians for Saskatchewan. If they still wish to come into Canada and into Saskatchewan, there is still machinery available for them to qualify and so they are not being completely excluded but the reciprocal arrangement would be discontinued. Actually this is a one-way road anyway as there is none of the doctors taking advantage of it.

Regarding Section 4 of the Bill, he refers to the lack of notice except in the case of the Discipline Committee. I feel that this was a possible omission and we'll take a look at the practicability of extending this notice to include the other committees as well.

Section 6, where he took exception to it, is Section 44 of the present Act, gives permission to the College to strike a physician's name from the register, revoke his right to practise in Saskatchewan, reprimand or authorize the President to reprimand him, suspend his privileges, etc. My understanding of this particular section is such that I feel that it is a good move. Where they are disciplined, the College would be able to restrict certain branches in medicine that they might practise, but not necessarily cut them off from practise altogether. I think this is a step in the right direction.

Regarding Section 7, dealing with the new Section 46, the Hon. Member is correct that the omission of the notice to contain the allegations was an oversight and we will be recommending this to the College to be included by way of an amendment. I agree with him that such a notice should not be given without citation of the allegations. The ten-day period is somewhat short and we will take a look at this as well. I might say that we have had some discussion in the last two or three days about these two points.

Regarding Section 48, where he questioned the admission of certain evidence, these committees are appointed only for study purposes. They are not concerned in any way with the disciplining of physicians or the administration of justice. Therefore, I feel that the procedure set forth in this amendment should be approved. Apparently there is precedent for this in other provinces.

I believe there is also reference made to the question of notices so far as a mentally ill physician is concerned, that the notice was somewhat short. This is considerably different than dealing with an ordinary matter of discipline involving a reprimand. This is a very serious situation and notice and action must be short. Let me point out that before such a notice has been sent out the physician in question has already been suspended under sub-section 3 of Section 53, whereby the registrar may suspend him for four days or until the person is examined by a mental health committee whichever time elapses first. In such a case we feel that the provisions as set forth in the

proposed amendments are reasonable and we feel that it should not work any hardship on anyone involved in this particular area.

I think, Mr. Speaker, that I have touched the main points that the Hon. Member has brought up and while I agree with some of his points, there are other ones that I cannot agree with. I am sure that most of the areas of difference will be reconciled in Committee and I think that's all I have to point out at this time.

SOME HON. MEMBERS: — Hear, hear!

MR. W.G. DAVIES (Moose Jaw City): — Before the Minister sits down may I ask him a question? I wonder, Mr. Speaker, in view of the admission that the Minister has made and in view of the apprehensions that some of these sections seem to be causing, if it would not be better if this whole Bill was withdrawn at this time, or least the sections that cause concern.

MR. GRANT: — Mr. Speaker, this is a Bill containing suggestions that have been in the oven for about two years. I think that if we don't get started on some of these amendments, they'll go on and on. I think with the points we raised this morning that we can adequately deal with them in Committee tomorrow.

HON. W.S. LLOYD (Leader of the Opposition): — Mr. Speaker, I had hoped that when the Minister rose to speak on this Bill, he would have gone much further than he had intimated he is thinking of doing in respect to amendments. I admit that he has indicated an intention to propose a few changes which will be useful. I think that there are major changes that are necessary before the Bill is fully acceptable so far as many of us are concerned.

I think the Bill itself, Mr. Speaker, to begin with was a great mistake. I had hoped that the Minister would have indicated that he was considering even further changes in it, but welcome the changes he proposes. I don't think that they go nearly far enough.

As a matter of fact after listening to the Member from Regina West (Mr. Blakeney) I had hoped that the Minister would have announced to this House that he would support the withdrawal of the Bill until proper consideration could be given to it. He indicated in his comments that a number of the sections were certainly open to question, perhaps because of inaccurate or inadequate drafting. But even beyond that, there are questions in regard to how this Bill will apply that certainly have not been answered fully yet.

Just a word to begin with, Mr. Speaker, about Acts which establish professional organizations and professional groups. When we as a Legislature pass such statutes, and we have passed many of them, we are in fact giving to these professional groups the right to govern. We give them the right to make laws, laws for the most part affecting their own members, but inevitably these laws also affect the public in many ways. Now professional organizations perform a very essential service in this very complex society of ours, and we need the sort of things that they can do. But the question is always and the question particularly

now is, the extent to which we as legislators ought to delegate to professional organizations the right to make laws which affect not only themselves but others in society as well. The question is the extent to which governments elected by all the people should give to professional organizations, made up of some of the people, the right to make laws affecting all the people.

Quite obviously the over-riding issue in deciding the answer to that question is how is the public interest going to be affected? I submit, Mr. Speaker, that if the public interest is not going to be advanced by the changes, then our answer to the request for changes of these laws must be "No". If it is even not certain that the public interest is going to be advanced, then our answer should still be "No." Certainly if there is no demonstration of the need for extension of authority to the professional organizations, or to the private organization, our answer still should be "No."

May I remind the Legislature that the mover of the legislation when he spoke gave no reason for requesting the extension of authority to the professional organization. He gave no reason whatsoever to the reason for extending the authority in this way, nor did the Minister when he spoke just a few minutes ago, give any substantial reason why there should be this extension of more authority to the college of Physicians and Surgeons the group in question in this legislation.

There has been no attempt to show that giving more restrictive control over the admission of physicians trained in other countries is necessary, or is going to be beneficial to the people of this province. There has been no attempt on the part of the mover of the Bill or the Minister to show that more comprehensive access to disciplinary powers by the profession, is going to be of advantage to the people of this province. And unless there is evidence that the public interest will be advanced by giving the Association even greater authority to restrict physicians coming into Canada, unless there is evidence as to why the profession needs greater disciplinary measures, then I think the answer of this Legislature to this request for legislation, should be "No."

We need to know some answers to some questions, such as what is going to be the effect on recruitment of this legislation? Many of us perhaps saw some television programs and news reports going back some months ago, with respect to problems in Ontario, with regard to very well qualified physicians who had been practising in other countries but who were unable to practise in that province. We should know what is the effect on doctors of this kind of change which is being recommended to us will have. We should know more than we know now. Who can be shut out by this legislation? On what grounds will it be possible to shut off recruitment of people of this kind? Certainly with respect to the changes regarding disciplinary measures, we need to know what kind of problems has given rise to this request for wider authority. We need to know what discipline is considered desirable which the profession now hasn't but which this will allow them to exercise.

Mr. Speaker, it seems to me that we haven't had answers to any questions, that we haven't really had any attempt on the part of the mover of the resolution or the Minister, to say why these changes are necessary. The one exception to this is with respect

to the register and we agree with this particular provision.

The other point that we need to remember is this, as the Member for Regina West (Mr. Blakeney) has mentioned, the Bill is introduced almost at the end of the session. As a matter of fact, if the Bill had not been adjourned on Thursday of last week, when it was presented, the Bill could have been in Law Amendments Committee today and could have been the law of the province tomorrow. This would have shut out entirely the right of people outside of this Legislature who might wish to comment on it to make such comments. The public was made aware of this Bill on Thursday, only. I submit that there is not in this session adequate time for the Government to re-think the clauses of this Bill; there is not time for persons outside of this Legislature to be informed about it and to arrange their matters so as to prepare to appear before the Law Amendments Committee. It is impossible for them to do so, and as a result, Mr. Speaker, I submit that this Bill, which is not proven as to its necessity, this Bill, which in our opinion can indeed be harmful, this Bill, which is introduced too late in the session to have adequate consideration given to it, this Bill ought not to be proceeded with at this time. As a result I move, seconded by Mr. Blakeney, the Member from Regina West:

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

SOME HON. MEMBERS: — Hear, hear!

HON. D.G. STEUART (Minister of Natural Resources): — Now, Mr. Speaker, I would oppose the amendment, because I do think there is some urgency. I agree with the Minister of Health (Mr. Grant) that the Hon. Member from Regina West (Mr. Blakeney) brought up some good points. We discussed these before we went into the House, and there are some things that we think should be changed before this Bill is finally passed. However, we think that the principle behind the Bill is sound and should be supported. The Leader of the Opposition (Mr. Lloyd) said that at no time was there any reason given by the mover of the motion, and I would point out that there was. In his speech when he introduced this, the mover of the motion suggested that some of these amendments are intended to safeguard the quality of medical care being provided in this province. This is the keynote of this amendment, and the keynote of what we are trying to do here is the protection of the public. He goes on further to say that all the other amendments are related to administrative procedures already provided in the Act. He pointed out that Section 3 of the Bill revises the basis for registering physicians from Great Britain and the Republic of Ireland. This change has been recommended, again in the interest of maintaining good standards. It was pointed out that the change will not materially affect the supply of physicians in the province either at this time or any time in the future.

I think we should keep in mind that the College of Physicians and Surgeons has been a responsible body in this province for other half a century, and they have been given, and I think rightly so, the responsibility for the licensing of physicians and the standard of their quality or the standard of the quality of medicine that is provided to the public by those physicians. People don't come here — doctors and physicians who are graduated

from other parts of the world, don't come to Saskatchewan or any other place in the world and practise medicine by right. The practice of medicine is a privilege and it is a sacred privilege. Because of what we are doing in this Legislature, the powers that we are giving the College of Physicians and Surgeons will in fact control the quality of medicine and do in fact and should in fact and must give protection to the public. This must be our first concern. I think the paramount concern should be the protection of the public and not the right to earn a living of this physician or that physician or a graduate of this college or that college, this country or that country. In most professions the latter may be of prime importance. I don't think we can compare the profession of medicine to any other profession. The legal profession, architecture profession, for example, can have serious consequences on the public and must maintain high standards — as high as possible — and there must be confidence in them but when we are talking about doctors and physicians we are talking about human life. We know there have been problems and we know that it is difficult to always spell these problems out. There have been a great many problems with graduates of foreign universities and universities from other countries. We have in Saskatchewan what is called reciprocity. It is in fact, as the Minister (Mr. Grant) pointed out, more of a one way street. It is much more difficult for graduates of Saskatchewan to go over and practise medicine in Great Britain than it is for graduates from Great Britain to come and practise medicine in Saskatchewan. I freely admit that reciprocity was put in to help Saskatchewan, and it is a good thing it was. We have a more difficult time attracting physicians to Saskatchewan than they do to Ontario or to British Columbia because of reasons of climate and so on. Therefore we have this reciprocity. It is a good thing we have because a great percentage of our physicians practising in Saskatchewan are graduates of Great Britain, and if we didn't have them we would be in serious difficulty. I agree we should do nothing, still keeping in mind the protection of the public we should do nothing to stop this flow or we would be in the future in great difficulty. We have had problems. We've had problems that are not always simple, straight forward and easy to deal with, so when the College of Physicians and Surgeons ask for some streamlining of their bill and possibly for some more powers we should certainly keep in mind the rights of individuals. We should keep in mind, as the Hon. Member from Regina West (Mr. Blakeney) pointed out, the question of giving them too much power. They should have to act in a responsible manner. At the same time, we must keep in mind that they are responsible, have been responsible, and we must, I think, give them credit for acting in the best interests of the public. The question of mental illness for example, I don't think you can say we must give more time. They have experienced problems in this regard and have had to step in. In cases of mental problems, of doctors becoming alcoholics or drug addicts, they've had to step and step in very rapidly. I think everyone agrees they should. The minute they have even some doubt they should have the powers to step in and stop that particular doctor practising so the whole problem can be investigated.

So while I would agree that there may be some changes necessary, I don’t agree that there hasn't been presented to the House, some reason why this Bill is before the House. I do agree that it is late. I think it's been one of the results of trying to propose amendments that would satisfy the House, but we are not giving the College of Physicians and Surgeons too much power and at the same time we are allowing them enough power to

do a job that they must do in licensing physicians and protecting the public. There still is time to bring up any suggestions for amendments and any objections, and go into the reasons why. The Member for Regina West (Mr.Blakeney) raised some points about Section 8. There is still plenty of time when it goes before the Committee. No one is cutting off debate. We are in what some people may say is the last week of this Legislature, but it doesn't necessarily have to be the last week of this Legislature. No one is cutting off the time. I suggest that this be hurried along for the simple reason that we are going into that Committee and we would like to have all the bills that come before that Committee considered at the same time. But no one has suggested at any time that the work of the Committee be cut short. All Members of both sides of the House will be given ample opportunity to question the representative of the College of Physicians and Surgeons themselves, or whoever they send to represent them and go into every detail as to why these amendments were brought in and what effects they will have on the day to day operations of the council of the College of Physicians and Surgeons and in licensing physicians and dealing with matters of discipline. So, Mr. Speaker, I hope that we don't hoist this Bill for six months, which will mean there won't be anything done this year and again we will face all kinds of problems — not with the College of Physicians and Surgeons but on behalf of the people of Saskatchewan — if you get doctors who are not qualified or have serious problems, especially since they tend to end up in rural Saskatchewan. I think we all recognize and are aware of many problems — some that are still current and some that never will be solved — but I think this is a step in the right direction, to head off these problems before they become too serious and before those doctors get out into some of our communities, get their roots down, and then have it discovered they are not properly qualified, which would create all kinds of additional problems. Then we really would have a mess on our hands. So I would urge the House to support this. Send the Bill to Committee, bring your objections up and let's see what amendments we need to bring in to safeguard the rights of the public and the physicians that are practising or those who may wish to come here. Let's get the Bill through and let the College get on with the job they are supposed to be doing, and I think have done by and large, to their credit over the years — that is licensing physicians to protect the best interests of the public as far as the standard of medicine goes in Saskatchewan.

MR. A.M. NICHOLSON (Saskatoon City): — Mr. Speaker, even though the present Minister of Health (Mr. Grant) and the previous Minister of Health (Mr. Steuart) have spoken, they haven't indicated why this motion for a six months hoist might not carry. The Minister of Health mentioned that proposals had been in the oven for some two years. It would appear that if the proposals are baked for another few months it would be in the public interest. The Minister of Health has intimated that there are going to be major changes made when we go into Committee but I submit that we should not be asked to let the Bill go under the circumstances. Neither of the two Members has indicated the reason why the changes in Section 29 are so urgent now. How many doctors have been admitted from the United Kingdom in recent years who shouldn't have been admitted, who would be kept out? We are asked to repeal clause (c) of Section 29, which reads,

> "if Part II of The Medical Act, 1886, of the United Kingdom

> applies for the time being to the Province of Saskatchewan, any registered medical practitioner of the United Kingdom, that is to say any practitioner who is registered for the time being in the Medical Register kept by the General Council of Medical Education and Registration of the United Kingdom (commonly known as the General Medical Council) established under Section 3 of the Medical Act 1859 of the United Kingdom, by virtue of any qualification or qualifications granted in the United Kingdom . . . and who satisfies the registrar by the proper evidence that he is so registered, proves to the council that he is in good standing as a medical practitioner and is of good character, and pays to the registrar the fee for registration provided for in this Act."

I hope that the Member in closing the debate will give this Legislature information as to the number of people from the United Kingdom who have been admitted who should have been excluded. A few years ago a Saskatchewan undergraduate was awarded a Rhodes Scholarship and finished his medical training in the United Kingdom. If he had remained there and was about to return to Saskatchewan after this amendment became effective, he would be barred without writing the examination. I would think that in this Centennial Year this is no year to pass legislation such as has been proposed in Bill No. 90 which is before the House. I hope that rather than having a number of major amendments made which will not be available to the public until after it is all over, that the House should accept the proposal moved by the Leader of this Opposition (Mr. Lloyd) that this measure be given a six month hoist.

SOME HON. MEMBERS: — Hear, hear!

MR. W. G. DAVIES (Moose Jaw City): — Mr. Speaker, just a word or two. I think my seatmate has very adequately said everything that I could possibly have said on this great deal more, and better than I could have said it. Therefore, I have only a few words to say.

It does seem to me, Mr. Speaker, that if this Bill has been two years in preparation it is rather peculiar that it should arrive before this House so late in the session. One would have thought that with all that preparation we could have had the Bill before us at the beginning of the session. The changes that the Minister of Health (Mr. Grant) has indicated might be made could have been placed before the Members and we would be in a far better position to clarify the questions that have been discussed this morning.

The Minister of Health said that the proposals have been in the over for some two years, I think almost anything that's been in the oven that long needs taking out if it hasn't been burnt to a crisp. At least it can't be said that the proposals are half-baked, but they must be pretty badly scorched around the edges. Seriously I do think that what we have here is a partial admission at least from the Minister of Health that the present provisions before us leave a good deal to be desired. Now I certainly have no reason whatsoever to suggest that the medical profession should not have fair, reasonable and adequate provisions for control of the profession so that the public is protected. I don't think any Member of this House would disagree with that principle. We must see in this Bill what we are

doing. The passage of this Bill as it is before us would mean that we are setting a more restrictive standard than now exists in Great Britain. I don't know whether we can afford to do that. I don't know whether it is necessary for us to do that; but this is what we are doing by the provisions of this Bill. I must also remind Members that a situation, pictured by the Member from Regina West (Mr. Blakeney) my seatmate, where if someone possessed of all kinds of supplementary medical degrees had received his original medical training in a place like India or Pakistan, he could be ruled out from practising within the province of Saskatchewan.

We don't have, Mr. Speaker, House amendments before us that would indicate the extent to which the Government might go in making some reasonable changes in this Bill. That is why I think that in the absence of any real or definite indications on what those changes might be we have no alternative but to vote for the six month hoist.

May I say too, in closing, Mr. Speaker, that it appears to me, that if the long period of two years was necessary to bring the Bill to us this late in the session, it indicates that there must have been a good deal of confusion, if not disagreement, in the minds of those that brought the Bill to the Government. This constitutes further reason why at this time a six month hoist should be given. I believe that the public interest is paramount in any Bill of this kind. I think that, in all measures and in all clauses and sections that deal with discipline, we have to assure ourselves that not only will there be a likelihood that the people who are charged will be dealt with fairly but that the sections set forth genuine safeguards for every person so charged. I feel that if we have them in any professional legislation we don't have to worry. If we don't have them, then there is real cause for concern by this House. Mr. Speaker, everything that has been said to this time indicates fully why there should be a delay of consideration by the House of this legislation.

MRS. M.A. HUNT (Regina West): — Mr. Speaker, I just wanted to say one word. I think the people on this side of the House are just as anxious as anyone could be to see that we have a high standard of medical care. I want to point out to the House that if the Members opposite had not voted down legislation that we suggested, that was suggested by Mr. Justice Wood with an appeal board, then we wouldn't have been so concerned about some of the aspects of this Bill. I think Members may be able to see that it would have been a good thing if we had this appeal board as recommended by Mr. Justice Wood. It would have settled a lot of problems, taken away a lot of worries. You settled it but you settled it in the wrong way.

MR. STEUART: — Name one that settled it the wrong way? Is that your . . .

MRS. HUNT: — You said you settled it, I thought you meant you settled by voting down that Bill. If that's what you meant, you settled it in the wrong way.

MR. STEUART: — We settled all the disputes too.

MRS. HUNT: — I'm afraid you can't support

that by fact.

MR. STEUART: — You want to let a bunch of people in that aren't qualified. Don't talk about standards.

MR. SPEAKER: — An Act to amend The Medical Profession Act be now read the second time to which an amendment has been made by the Hon. the Leader of the Opposition (Mr. Lloyd), seconded by the Member for Regina West (Mr. Blakeney)**:**

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

The amendment was negatived in the following Recorded Division:

YEAS — 22
Messieurs

Lloyd	Nicholson	Snyder
Hunt (Mrs.)	Dewhurst	Broten
Nollet	Berezowsky	Larson
Brockelbank (Kelsey)	Michayluk	Robbins
Blakeney	Smishek	Pepper
Davies	Link	Brockelbank (Saskatoon City)
Willis	Baker	Whelan
Wooff		

NAYS — 27
Messieurs

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

The debate continues on the motion.

MR. J.H. BROCKELBANK (Kelsey): — Mr. Speaker, I was pleased to hear the Minister of Natural Resources (Mr. Steuart) say that there would be no rush to push anybody unduly in regard to dealing with this Bill and there would be plenty of time to consider it. In view of the very recent date when it was introduced to the House, and the turn the debate has taken I beg leave of the House to adjourn the debate.

Debate adjourned.

STATEMENT RE CONDITION AT BUFFALO POUND LAKE

MR. STEUART: — Mr. Speaker, before we move on to second readings, the Member from Moose Jaw asked me a question about the situation concerning the fish at Buffalo Pound. I have an answer. Because of the South Saskatchewan Dam there's been a reduction in

the flow of water into Buffalo Pound. This has resulted in an increased growth of algae which in turn has sharply reduced the oxygen content in that body of water and we anticipate an extremely large fish kill. My experts tell me — the people in my department tell me — they hope it won't be a total kill but it will be very high. I'm further told that in June or July of this year of 1967, water should be flowing into Buffalo Pound Lake from the Qu'Appelle arm of Lake Saskatchewan. We expect after that the fish will make a comeback, some from natural increase, and some from restocking with pike, pickerel and perch, which we intend to do just as soon as we are able. The DNR has been in contact with PFRA, with the Water Commission and with the Moose Jaw Fish and Game League. I'm told that barring the spending of an extremely large amount of money, there was just nothing that could be done about this very unfortunate circumstance, but as soon as we are able we will restock the lake and try to get it back so that there will be normal fishing there as soon as possible.

MR. DAVIES: — Mr. Speaker, could I ask the Minister before he takes his seat if this kill will include the Buffalo fish?

MR. STEUART: — I hope not. I didn't know there was such kind of fish.

SECOND READINGS

MR. STEUART moved second reading of Bill No. 74 — **An Act for the Protection of Game**.

He said: Mr. Speaker, most of the proposed amendments in this Bill No. 74, An Act for the Protection of Game, simply provide for a more precise and clear understanding of the definitions and the intent of the various sections. We have removed what might be considered unnecessary wording in an attempt to provide clarity.

Re-organizations of the sections have been done to provide for more logical sequence of the various sections of the Act. For example, several sections on administration have been brought forward, such as former Sections 59 and 60 which are now Sections 3 and 4.

Several sections have been re-worded to remove the necessity of involving the Minister in actions for which the Director of Wild Life can reasonably be held responsible, thereby facilitating administration of the Act; for example, the appointment of deputy Wild Life Officers and permission to serve game at banquets, etc.

Section 2 (p), is an interpretation, the main change being that Guardian or Game Guardian titles have been changed to Wild Life Officer.

Section 8, this change cancels some restrictions on large areas where Treaty Indians can hunt as applied to the Game Act, and adds a few small ones that are set up especially for game management.

Section 16 is new. It will allow the Director to issue permits for the protection of agricultural interests from wild life.

Section 19, the minimum penalty for hunting at night will be increased from $10 to $25.

Section 20, sub-section 4 there is a new clause which would reduce the minimum penalty for hunting animals other than game at night with the use of lights from $200 to $50. This charge has been considered excessive.

Section 22, sub-section 6 would raise the minimum penalty for hunting on posted land from $10 to $25. The ranchers in Western Saskatchewan have been asking for a minimum of $50, but we are suggesting in this that it be raised to $25.

Section 34 in the Act, as you have it in front of you, is a new section. It would make it mandatory for parties to carry guns in a manner that they would not be readily usable after legal hunting hours, but we are proposing a House amendment that will take this section out. My officials informed me that they wanted this section in to combat night hunting but I have discussed this with many hunters, with people in the Fish and Game League, and their argument is that we will be making it difficult and very inconvenient for 99 per cent of the hunters who do not hunt at night. They would have to break down their guns and put them in their trunks so they'd have to carry them in cases which many of them haven't got, just to make it a little easier for the officials to catch night hunters; and even then this might not be of any help to them. We are, therefore, suggesting a House amendment to delete this.

Section 34, sub-section 5, we are also bringing you a House amendment to delete this. This would state that all guns carried on track-type vehicles or tractors would have to be encased or sealed. Again since this was printed in the papers and given out over the news media, I've had a terrific amount of protest from farmers, from hunters, especially from hunters in Northern Saskatchewan, who use tractor-type vehicles. Farmers, for example, who carry a 22 on their tractor don't carry it loaded because that's against the law, but they carry it on their tractor handy. For hunters in Northern Saskatchewan who use track-type vehicles to take them from one place to another it is the only way of getting around in some parts of the province; so we are going to delete this. It will be against the law to carry a loaded gun on any kind of a vehicle including tractor-type vehicles or skidoos, and we are bringing in another House amendment that will make it illegal to kill animals with power boats or with skidoos. We've had a great many complaints from people . . .

MR. J.H. BROCKELBANK (Kelsey): — . . . they don't do their work.

MR. STEUART: — Of course I don't want to say anything because I'm in such a good mood. I just want to get on with the business of the House. So we intend to bring in a House amendment to delete that.

SOME HON. MEMBERS: — Hear, hear!

MR. STEUART: — These are some of the same officials we have and they haven't learned about our new policy of lack of compulsion and regimentation.

Section 34, sub-section 6, the minimum fine would be increased

from $10 to $25. This is when an offence is committed for carrying a loaded gun, etc.

Then there is a series of sections, new Sections, 38, 40, 42 and 43. We have taken certain things that have been in the regulations for years and are putting them into the Act. Again the officials tell me that they feel it would be more desirable to have these in the Act where everybody could see them and be more conscious of them rather than in regulations. There is no change here except, as I say, to take some regulations and put them in the Act.

There is a change in Section 50. This would limit the issuing of complimentary hunting licences. The present Act authorized the issuing of complimentary licences to the RCMP and Game Guardians. I'm told that none had been issued to these people for 20 years and it is not now considered desirable to do so.

Section 51, sub-section 3, this is for hunting at night with a light, one of the most serious violations. It is considered advisable to withhold hunting privileges for a period of three years instead of for one as is presently the case. This is just a different way. We don't regiment, but if they break the law we really come down hard.

Section 52, the present legislation prohibits hunting for a period of five years if the party causes bodily injury or death to another party while hunting wild animals, birds or on target practice. This is amended and would provide the same penalty if the party wounds himself under the same conditions.

Section 59, from now on, if this Act passes, locker plants will not be required to keep records of wild game. There are so many home freezers now that this approach is not considered effective any more in keeping track of game take.

Section 61 was reorganized to permit logical sequence of sections and sub-sections, some of which were re-worded for clarity and consolidation.

Section 62(d) is a change. This would allow the Minister to use a portion of surplus funds in the Wildlife Insurance program to pay for planning and managing wildlife areas without having a separate Order-in-Council for each one. These would not be large amounts and in some cases are merely for seeding, for cultivating or swathing crops on Crown land for the purpose of providing feed for waterfowl, so that they will not be a hazard to other crops in the area.

Finally, Section 78, the minimum fine for taking woodland caribou illegally would be reduced from $200 to $150. The minimum penalty for taking antelope would be established at $100, in line with the relative abundance of the game and the recreational value involved. Now with this very clear explanation of the Bill, Mr. Speaker, I will now move that Bill No. 74 be read a second time.

MR. E. KRAMER (The Battlefords): — Mr. Speaker, I would have appreciated a great deal if we would have had a copy of that very clear explanation over on this side of the House. I gather that the Minister (Mr. Steuart) is not in too good a humour today so I will try to keep on as even a keel as possible I congratulate him for withdrawing those obnoxious

features from the Act regarding the carrying of guns in vehicles at night. I don't suggest or agree for one moment with his disparaging remarks of certain of his officials. I think they are trying to do a job in protecting game and if they are a little over-zealous, it is up to the Minister and up to this House to see to it that we take care of the public interest. Mr. Speaker, I wonder if the Minister would tell us about skidoos. He did give us a rather sketchy statement on track-type vehicles; maybe I wasn't listening too close. However, I understand from your explanation that people will be able to carry a gun not encased, on a skidoo or bombardier or tractor, the same as any other vehicle. Will it be considered for the purposes of this Act to be the same as an automobile, a truck, or a saddle horse?

MR. STEUART: — That's right.

MR. KRAMER: — I think this will be accepted. Now in regard to running down and killing game with one of these vehicles, unfortunately this is being done. When you get to the fine print does this prevent anyone from running down and actually running over anything from a rabbit to a coyote or wolf? Did I gather that from your notes?

MR. STEUART: — Yes, it will be illegal to kill game with a vehicle or a power boat. As it is now they can deliberately go out and run down these animals and I'm told that there are some people — it is hard to believe — but some actually do go out in the field and run down animals and run over them or smash into them and kill them. This would be illegal.

MR. KRAMER: — Is there anything brought in here that would prevent actually stalking the game?

MR. STEUART: — No, but I think we could discuss this in Committee.

MR. W.J. BEREZOWSKY (Cumberland): — Mr. Speaker, most of the matters that I would like to discuss could be discussed in Committee but I am rather surprised at the principle of this Act. For example, I know the Hon. Member doesn't believe in imprisonment of people for not buying a licence or paying a tax, and yet we find under Section 78, very, very strict regulations, particularly, it says that no less than $25 or more than $200 where no animal was actually taken, wounded or killed. I presume that if a person didn't buy a licence he could be fined $25 or up to $200 and if he didn't pay it, bang, you put him into jail. It is strange coming from a Minister who only a year or two ago was so upset because the Government had a clause similar to that but much more moderate in connection with another act. The other thing I'm surprised at is that there is much more compulsion in the Act. I suppose we need it and we'll see whether it is necessary or not when we get into Committee. But he might comment on that particular aspect of it; that this jailing of people if they didn't conform to every little bit that you have in this Act.

MR. STEUART: — Mr. Speaker . . .

MR. SPEAKER: — I must draw to the attention of the Members that the mover

of the debate. If anybody wishes to speak, he must do so now.

MR. STEUART: — Mr. Speaker, I compliment the Member for Cumberland (Mr. Berezowsky) for pointing out this compulsion; this we inherited. We didn't change this; we didn't get around to taking this out. I will have a good look at it in the intervening year and I will be back I'm sure next year. I certainly promise the Member that I will take a look at this. We inherited this compulsory putting people in jail from the Socialists and I'll certainly take a look at it.

MR. E. WHELAN (Regina North): — I want to point out that we in turn inherited it from the former Liberal and Conservative Governments.

Motion agreed to and Bill read a second time.

HON. D.V. HEALD (Attorney General) moved second reading of Bill No. 79 — **An Act to amend The Vehicles Act**.

He said: I beg to inform the Assembly that his Honour, the Lieutenant Governor having been informed of the subject matter of this Bill recommends it for the consideration of the Assembly. I'd like to briefly set out the principles which are involved in the proposed amendments to the Vehicles Act, Mr. Speaker.

First of all, licensing of motorcycle operations is going to be set out by requiring the individual to have his operator's licence endorsed for the operation of a motorcycle or if he does not hold an operator's licence, that is, an ordinary operator's licence, the licence issued will be restricted to the operation of a motorcycle. The amendment will also provide that there will be no learner's licence so far as motorcycle operations are concerned. Provisions are also made for the wearing of helmets being made mandatory and the use of face shields or goggles if the motorcycle is not equipped with a windshield. Provision is also made for certain equipment standards on motorcycles which are considered to be safety features. Provisions are also made to regulate the manner and method for the carrying of passengers and controlling the operation of this type of vehicle in the traffic lanes. So there are quite a few changes so far as motorcycles are concerned, and these are along the lines of the recommendations made by the Legislative Committee. Provision is also made in the amendments to rationalize the operation of snowmobiles by prohibiting their operation on the travel portions including the shoulders of provincial highways and on city streets and lanes. At the same time provision is made in the amendments to legalize the snowmobile as a vehicle by providing that they may operate with one headlight and one plate and without a horn. Provision is also made to give the Board authority to provide for the compulsory inspection of motor vehicles and to provide for the method and manner of testing and for prohibiting the operation of vehicles that do not pass the inspection. This is enabling legislation which will put the Government in a position to proceed with compulsory inspection of motor vehicles. This too was recommended by the Legislative Committee. Provision is also made in the amendments to provide the Highway Traffic Board with authority to carry out periodic driver-testing programs through the re-examination of drivers at regular intervals. This is enabling legislation and is also recommended by the Legislative Committee. Quite extensive amendments are proposed to Section

87 to re-arrange the demerit points in respect to convictions under the Criminal Code. Convictions under Sections 192, 193, Section 207 or sub-section 1 of 221 or 222 of the Criminal Code. These sections refer to death by criminal negligence, bodily harm by criminal negligence, manslaughter when caused by motor vehicle and criminal negligence in the operation of an automobile and the last one, Section 222 is driving while intoxicated — that's drunk driving. The number of points is raised considerably in this section. It will now carry 30 points which will mean an automatic suspension from five months to one year, depending on the points assessed by the court. Now for a violation of sub-section 4 of Section 221 or Section 223, which refers to dangerous driving and impaired driving, the points have been raised from 12 to 18 points which will provide for automatic suspension of from two to six months depending upon the points awarded by the court. Members will realize that there is no change in the provision, that the court can go down a half or up a half, so the effect of this is in the last two sections I've mentioned by raising it from 12 to 18 points there is an automatic suspension of at least two months. It can go up to six months depending on the number of points awarded by the magistrate.

Provision is also made in the amendments to provide the Highway Traffic Board with authority to reduce the number of points in the driver's record after reviewing all the facts. Provision is also made for the Board to issue a restricted licence but only in accordance with a court order, that is to say, where a court has issued permission for an accused to drive during working hours. The position at the present time is that the Board doesn't have power to make the same kind of order so that now with these amendments the Board will have the power after they review the circumstances to issue the same kind of order as the court order does at the present time. Provision is also made in Clauses 33 and 37 to rationalize the rules of the road in respect to right-of-way at intersections and at private driveways, crossing or entering public highways to give through traffic the right-of-way in both cases. Another new provision is made whereby a person 15 years of age may obtain a learner's licence if he is enrolled in the high school Driver-Training Program under the management of the Department of Education and has completed his classroom instruction and may operate a vehicle when accompanied by his instructor or parent or guardian. We thought this was necessary because of the comprehensive nature of the Driver-Training Program under the Department of Education.

Provisions are also made in the amendments to up-date the procedure of the Board in dealing with application for a public service Class A and B certificates of registration and for licences under the Motor Vehicle Transport Act of Canada. The amendments provide that the Board does not need to hold a public hearing in respect of these applications, if there is no opposition filed to the same with the Board after due notice of the receipt of any application has been published. Provision is also made whereby an applicant must deposit a fee of $100 with the Board to ensure that he will appear at the public hearing to support his application. If he does appear the $100 is refunded. This is to ensure that frivolous applications are not made. Provisions are also included in the amendments to increase the penalty for operating motor vehicles during that period when a person is prohibited from driving that the magistrate may assess a fine or imprisonment not exceeding 30 days or both a fine and imprisonment for such offences.

Mr. Speaker, those are the main amendments which are proposed. Many of them have been recommended by the Legislative Committee on traffic safety. We have tried in the short number of months at our disposal after the Government received the report of the Committee to incorporate as many of the recommendations by the Committee as we could. Some of the others we hope we will be able to incorporate in another year. I should briefly mention that one recommendation made by the Committee that is not included in these amendments is the recommendation with regard to a presumptive level for driving, alcohol level. The position there is that the Federal Government has assured us that they will be making amendments to the Criminal Code. My law officers advise me that there may be a constitutional problem with respect to us instituting a similar amendment. Their first opinion was that there wasn't any problem but having regard to the fact that the Federal legislation will probably specify a percentage that is .08 per cent, I do feel that there would be a problem so far as incorporating this amendment in our Vehicles Act is concerned. So the main reason why we are not proceeding with this at the present time is that we have the assurances of the Federal Government that it will be proceeding. Mr. Pennell told me not too long ago on the phone that at the next session they would be proceeding with the amendments to the Criminal Code which would put this new offence covering driving at a presumptive blood level, probably at .08 per cent. So that's the reason that amendment is not there. Some of the other recommendations of the Legislative Committee we feel that we can probably do by regulation, that the amendments which we are proposing now in the form of this Bill do substantially accept and place into the form of a statute the recommendations of the Legislative Committee. With that explanation, Mr. Speaker, I would move second reading.

MR. WHELAN: — Mr. Speaker, in discussing this Bill on second reading we must agree that it does make some very welcome changes in the Vehicles Act. Everyone of us knows that the death toll on our highways reached a frightening figure of 56 higher than in the year 1965; that is, the year 1966 was 56 higher than in the year 1965. Since this session began, the Government has introduced legislation to assess drivers with a surcharge and I would estimate the total income from this new levy, judging from the figures that were given us in the Crown Corporations Committee would run as high at $500,000. The tax on insurance premiums would net the Government another probably $200,000 and prior to the introduction of these two pieces of legislation, the Government through the Safety Councils had been paying a grant of around $150,000 for driver training. It seems to me, Mr. Speaker, with these new levies and the old grant, our expenditures to prevent traffic accidents could total a figure of $850,000.

As I understand it, the bulk of the money will be dumped into the Automobile Accident Insurance Fund. Some of it will be administered by the Department of Education and the Safety Council grant will disappear into the Automobile Accident Insurance Fund.

The question I ask is, will this disposition and administration of the $850,000 levied against the drivers prevent accidents and promote safety? I suppose the only answer we could give now, Mr. Speaker, is that the statistics on traffic deaths at December 31, 1967, will tell us. I would have hoped, though, that in this Bill all these monies, a total of $850,000 would have been placed under the administration of a joint committee, perhaps

made up of representatives of Saskatchewan Government Insurance Office, the Department of Education, and the Highway Traffic Board. The fund would be known as, perhaps, the Traffic Safety Fund or some explanatory title. The programs co-ordinated by the representatives of these three departments would include compulsory driver training, research, driver-improvement clinics, the study of new enforcement techniques. By establishing a separate fund, the public of Saskatchewan would know that the surcharge money, Mr. Speaker, the insurance premium tax, was being used to curtail highway traffic accidents and would be kept informed on a month-to-month basis of the program and the progress we were making in curtailing the traffic deaths. It seems logical, Mr. Speaker, to suggest that legislation of this type and its administration would be contained in this particular Act, that is, in The Vehicles Act.

Members on this side of the House do not object to expenditures to prevent accidents and to promote safety, if the program for the expenditures is administered properly and effectively. In fact we had grave doubts about the administration of the extra levies being collected from Saskatchewan motorists this year in respect to reduction of traffic deaths. I say that the public are alarmed, they are prepared to put up the money, but they will not accept an increase of 56 deaths on the highway as was the case in 1966, the worst record in the history of this province.

While the Bill provides for vehicle inspection and establishes certain classes of licences and puts restrictions on the operation of snowmobiles and motorcycles and provides the legislation for the surcharge; on the other hand, the Bill provides for new board hearing procedure which I think, to some degree, infringes on good jurisprudence practices. Requirements for a driver's test every five years in the reclassification of drivers, and the requirement for a medical certificate are improvements over the old Act and part of the Legislative Committee's recommendation. The Bill changes the schedule of points and the penalty for drunk driving is really high. But the problem of proving drunken driving may be an enforcement problem that we have not reckoned with. I recall enforcement officers appearing before the Committee indicating that very few people were convicted of drunken driving in the Province of Saskatchewan.

Introduction of the use of helmets for motor bike operators and sections to improve enforcement are good housekeeping legislation. The transfer of the final authority for point assessment to the Highway Traffic Board and the new arrangement whereby the Board may dispense with public hearings on an application, are two developments that pass up the usual channels of justice and might develop a serious trend that would be an encroachment on the administration and practice of justice in Saskatchewan.

Countries around the world, so as to reduce traffic accidents, have curtailed, Mr. Speaker, or eliminated the practice of drinking while driving and have used a test for enforcing this legislation. The Minister himself, the Hon. Attorney General (Mr. Heald), in addressing the Safety Council on April 30, 1965, said that it should be an offence for anyone to drive with a blood alcohol reading in excess of 0.06. It was a marvellous speech. I was really impressed by his enthusiasm on April 30, 1965. Recently when the Legislative Committee on Highway Traffic and Safety met, they recognized that liquor is an important

cause in a number of accidents. In many accidents, liquor is involved. The Grand Rapids report suggests that the percentage is quite high. Yet nowhere, when I heard the Minister's explanation, in this legislation is there an attempt to introduce Provincial legislation, that would put a stop to placing irresponsible people behind the steering wheels of automobiles, people whose ability to drive is impaired by alcohol. Mr. Speaker, let me assure the House that I am not opposed to the use of liquor, but I am opposed to its misuses while driving. Our hesitation in this matter is going to cost the lives of good citizens, often times innocent citizens, on the highways of this province.

The recommendation of the Legislative Committee on Highway Traffic and Safety, page 10, reads:

> That immediate action be taken to make it an offence to operate a vehicle with a blood alcohol level in excess of .08 as that figure is understood on the Borkenstein breathalyzer.

We are hesitating, as I understand it, Mr. Speaker, because the Federal Government is going to bring out one act for all of Canada regarding this test. Surely we have learned by now that waiting for the Federal Government is futile and foolish. If we haven't learned this in regard to medicare, then we haven't profited from experience.

It is most disappointing and difficult to understand, and particularly bitter for those who have lost their relatives in an accident where liquor was involved, that we have no legislation here to introduce a method for measurement of impairment.

Nowhere in this legislation is there any provision for acquiring information or studying the cause of accidents. We are going to surcharge people, yet we don't know whether they caused the accident or the vehicle caused the accident. We won't know unless we examine in careful detail, whether we are making any progress by enforcement laws, whether we are making any progress by test drivers, test vehicles, by adding a surcharge or by operating the breathalyzer, or by increasing the speed limit or by reducing it.

Mr. Speaker, without a research bureau to provide the public with concrete information I suggest we are working in the dark. I am disappointed to find that nowhere in this legislation is there a provision for a research bureau. Perhaps it will be set up under regulations. I hope that the fact that it is not in these amendments will not prevent its organization.

Mr. Speaker, I could go on at length and talk about the prevention methods that could be introduced, the type of safety features that could be set out as requirements when our Government purchases vehicles, encouragement of engineering students to write their theses on safety not only on automobiles but also on farm tractors.

We are told in a recent Toronto Star and I have the clipping here and the date is March 9, 1967 and it says:

> Since January 1, 1966, 670,000 cars were manufactured in the United States which had to be recalled because they were unfit to drive.

Now there is the answer about the "nut" behind the wheel. Our research should establish why these cares were recalled, and, if they were dangerous to drive, whether they are capable of causing accidents.

Some of the improvements in the Act are good. Most of them were recommended by the Legislative Committee.

Mr. Speaker, I contend that we must work continuously on prevention of accidents, on the education of the driver, and for better engineering of the vehicles, and ascertain the cause of accidents by scientific study.

We are going to support the Bill on second reading, but there are many sections badly needed by the drivers of Saskatchewan if we are to reduce deaths, injury, and property damage, on our highways.

These amendments are a start. But if we are going to make our highways safer, then I contend some needed sections are missing from this Bill.

SOME HON. MEMBERS: — Hear, hear!

MR. H.D. LINK (Saskatoon City): — Mr. Speaker, I would like to refer to the section that deals with motorcycles. Perhaps it is because I have four boys that this particular part bothers me. I was glad to see the item regarding helmets, goggles and other safety devices that are being mention in the Bill. The thing that did bother me, unless I missed it in the Bill, was that I saw no place where we deal with the matter of rental of motor bikes. This is where a lot of our trouble lies. A young person, whether he be 13, 14, 15 or 16, can go to a rental establishment in the city. They don't ask them any questions as to whether they are qualified to ride a motor bike and they don't ask whether they have a licence. They don't ask anything at all except if they have enough money to rent one of these machines and away they go. It is rather frightening when you see 10 or 20 of these young people, probably without experience, being able to obtain these machines, rent them by the hour, and drive around the city. As I said, perhaps I missed it, but I can't see anything in the Bill that would regulate this sort of thing, to deal with the people or the garages that rent motorcycles to young people. Outside of that I agree with the Member who has just spoken, and I think many of the features are good and desirable, but this is one that certainly bothers me. I was just wondering if I perhaps had missed it. I hope I haven't.

SOME HON. MEMBERS: — Hear, hear!

MR. A.E. BLAKENEY (Regina West): — Mr. Speaker, my comments are very brief. Firstly, may I make a plea to the Minister that when he next year brings in some amendments to The Vehicles Act, he does it by way of a consolidation of the Act and not by way of another 50 amending sections. That is a plea with a special appeal to it, because for those of us who have to find our way around these Acts, when we get amendments, this gets pretty rugged. My second point is only simply to ask the Minister to deal with a matter, when he closes the debate, that had to do with the motorcycles and with learner's licences for motorcycles. I have had some representations by people

who rent motorcycles, who take the position that it is entirely proper for people to have to have their licence endorsed before they can ride a motorcycle. They are concerned with the excessive number of accidents which appeared to have occurred because of the faulty operation of the motorcycles and motor scooters. They are just wondering how the person is going to learn so that he can get his licence endorsed. Will there be an opportunity for a person with an ordinary driver's licence to drive on a motorcycle with a person who has an endorsed licence in order to get a learner's licence. Is there going to be a parallel to getting a driver's licence? The point that was raised with me was just how does a person go about learning to operate a motorcycle so that you can properly prove that he can do so, so that he can get it endorsed?

SOME HON. MEMBERS: — Hear, hear!

MR. J.E. BROCKELBANK (Saskatoon City): — I only have a brief comment to make on this particular Bill to amend The Vehicles Act. We were all pleased that the Government at a previous session of this House introduced an amendment to make it incumbent upon the Safety Committee to study the relationship between alcohol and driving and accidents. Just in order to test the sincerity of the Government on this particular aspect of it, I asked a very simple question, a straightforward question in the House, if representations had been made to the Federal Government with regard to changes in the Criminal Code of Canada, with regard to the blood alcohol content of people involved in accidents. This question was converted to a Return and I have not received the answer as yet. But when the Minister was presenting his remarks on this particular Bill, he did make reference to that fact that he had talked to the Federal Government officials on this. He mentioned the Hon. Mr. Pennell's name as a matter of fact. I am just a bit concerned that I am not getting the answers to the questions which are directly related to this matter as it appears that the Minister has conferred with them. I am wondering what the hold up is on this.

SOME HON. MEMBERS: — Hear, hear!

MR. HEALD: — Mr. Speaker, dealing first with the comments of the junior Member for Saskatoon (Mr. Brockelbank) the position is that I have answered my part of the Return because it was in terms of the Government. I don't think all of the departments have answered, but I can tell you that my answer is and you will receive it very shortly. I answered it some time ago. The answer is to the effect that I made representations at the conference which was held, I think it was a little more than a year ago. We had a conference in Ottawa, and I made very strenuous representations of Saskatchewan that this whole matter of blood levels was put on the agenda. It wasn't on the agenda of Attorneys General in the first instance and I asked for it be put on and it was put on and it was discussed. So the answer that you will receive from me will indicate that I made representation at this conference at that time that the Federal Government do something about amending the Criminal Code to have this presumptive blood level dealt with. When I spoke earlier in the debate in introducing second reading I was referring to a subsequent conversation with Mr. Pennell, when we were trying to take our decision as to whether or not we would include this kind of amendment in this Bill. It was at that

time that he gave me his assurance as Solicitor General and as Acting Minister of Justice that something would be done, certainly at the next session in Ottawa, with respect to amending the Criminal Code. So that is the position as far as my part in the representations is concerned. The representations were made a year and a half ago. I have forgotten the date, but the date will be on the Return. I think it was December of 1965, whenever that meeting was anyway.

Now so far as the other questions which were raised, the Member for Saskatoon (Mr. Link) raised a good question and I would like to deal with that in Committee if we could. It may be that we should put an amendment in and I'll certainly look at that and consult with my officials. I think he raised a pretty good point there. So far as the Member for Regina West (Mr. Blakeney) is concerned about the 50 section amendments, I agree with him also. The only thing that I can say is that because of the lateness of the time that we received the recommendations, most of the Government legislation was ready and we weren't in a position at that time to come in with a completely new Bill. But I would agree with you and I hope that by next year we will have a complete consolidation and a new Act because other things will have to be done. You will recall that one of the recommendations of the Legislative Committee was that we do away with the point system. Well, this wasn't possible this year because of the phasing-in of the computer. This is something we will have to look at. If we do that, much more extensive changes will have to be made to a number of sections and the sensible way to do that is certainly by way of consolidation.

I should make a comment or two with reference to the remarks of the Member for Regina North (Mr. Whelan) who was vice-chairman of the Legislative Committee and who made a very outstanding contribution, I think, to the work of the Committee. I don't disagree with very much of what he said. I think that we have to take a multi-pronged approach to this problem of traffic safety. There isn't any quick easy cure-all. There are a number of things that have to be done and I think all these things that we are doing are a step in the right direction. I would remind the Hon. Members that we have done a number of things in the last couple of years. We started with the driver-interview program with the Highway Traffic Board and they have now interviewed over 2,000 problem drivers, and the percentage of success with these problem drivers has been quite good. I am sure there are some repeats, but the percentage of success with people who after they have been interviewed and had a discussion with the traffic officer and he pointed out the error of their ways, has been quite good. There have not been too many repeats after they have had these interviews. So I think the driver-interview program is a good thing. I think the driver training program, which the Minister of Education announced, is a good thing. I think all these things are good, and I think a number of things in this Bill are going to help the problem and help us control the problem.

Now I don't want to say that we are making a great deal of progress, but I think the figures for the first two months of this year may be ground for a little bit of cautious optimism. I can only hope and I am sure that Hon. Members hope these figures will continue to reflect in this way. I just have on my desk today the report of accidents to the end of February, 1967. The fatal accidents for the first two months of the year, this year were six, compared to 16 last year. So this is as I say, it's too early to tell. It's been bad weather and probably there

haven't been as many people on the roads. But at least the number of people killed in the first two months, January and February in 1967, went down from 16 to 6. The amount of property damage is down modestly also. A year ago it was $1,329,198 and this year to end of February it was $1,286,695, so it was down a little whereas before it has always been increased. So let's hope that all these things that we are doing will help to control this very, very serious social problem we have on our hands.

SOME HON. MEMBERS: — Hear, hear!

Motion agreed to and Bill read a second time.

HON. J.C. McISAAC (Minister of Municipal Affairs) moved second reading of Bill No. 87 — **An Act to amend The City Act**.

He said: Mr. Speaker, Bill No. 87 deals with the amendments to The City Act, and all of the amendments proposed in this Bill are either the result of requests by the Saskatchewan Urban Municipal Association or city officials or department officials in some cases.

When this Legislature was in session a year ago, I advised you and Members of the House, that my department was making plans to consolidate all of the Urban Acts. And I also said that it was our hope that this could have been accomplished and the consolidations presented this year at this session. A good portion of that work has been done, but there is a good deal yet to be done, so it was necessary to amend the individual Act again this year. However, because of the present consolidation that is underway, fewer amendments are being introduced at this time than otherwise might have been the case.

I would like to discuss, very briefly, Mr. Speaker, some of the major amendments proposed in this Bill. Provision is made to allow cities to give grants to private airports which are being used by residents of the city. The city of Moose Jaw initiated the request for this provision, and it made good sense to us in view of their particular situation.

Many urban municipalities are experiencing difficulty in obtaining a satisfactory means of draining the effluent from sewage lagoons. Provision is made here to permit an urban municipality to enter into an agreement with the rural municipality to utilize the road ditches if it is feasible for this particular purpose. We are inserting in The City Act, also, those provisions from the Municipal Development and Loan Act, which permit a municipality with the consent of The Local Government Board, to amend the borrowing bylaw to allow more than one type of debenture to be issued in respect to any authorized project. This will have the effect of reducing the number of amending bylaws necessary to complete financial arrangements. We have received requests also from municipal officials asking that we permit a council to appoint persons other than commissioners and councillors to sit on the Court of Revision. And the reason given is a reasonable one. Council is indirectly responsible for the assessment, and it is not perhaps desirable that all members on that court be members of council. As a matter of fact the Province of Ontario specifically prohibits any member of council from sitting on such a Court of Revision. We felt that this request was reasonable, so an amendment is proposed to permit

council to make appointments other than members of council.

I think, Mr. Speaker, the balance can be best dealt with in Committee.

The motion agreed to and Bill read the second time.

MR.McISAAC moved second reading of Bill No. 86 — **An Act to Amend The Town Act**.

He said: Mr. Speaker, these are the amendments that are proposed to The Town Act. Many of the amendments are very similar or identical in some cases to those discussed for The City Act. Some again were requested by the Saskatchewan Urban Municipal Association and others, for collection and clarification. I do not think the amendments are controversial.

The motion agreed to and the Bill read a second time.

MR. HEALD moved second reading of Bill No. 88 — **An Act to amend The Treasury Department Act (No. 2)**.

He said: Mr. Speaker, by the Federal Deposit Insurance Corporation Act deposits with federally incorporated trust companies and loan companies are insured. Provincial companies may apply for insurance and upon such application The Canada Deposit Insurance Corporation will immediately insure deposits with those provincial institutions which are authorized to apply, subject to Provincial Government indemnification for a period expected to be about one year during which the company's application will be processed. During the time that the provincial companies are being examined as to their financial standing, they will be insured under the Federal Act. The proposed new Act here now before the Legislature for consideration provides first of all that the Lieutenant Governor in Council may authorize a provincial trust or loan company, to make application for insurance under the Federal Act. And secondly, it provides for the Provincial Government to enter into an indemnity agreement with Canada Deposit Insurance Corporation indemnifying the Corporation against losses suffered by reason of the insurance of provincial institutions. The Provincial Act does not supplement the Federal insurance provision where a provincial company fails to qualify for federal insurance. After the period of a year or so allowed for processing, presumably the federal insurance could continue if the Provincial Government indemnity was to be continued. Provision for this would have to be made in the indemnity agreement. The Federal Act affects trust companies and loan companies within the meaning of the Loan Companies Act, the latter being companies authorized to invest in the security of real estate, but does not include finance companies. Similarly the Saskatchewan Act only affects trust and loan companies within the mean of The Trust Companies Act and The Loan Companies Act. At the present time, Mr. Speaker, in this province, there are only three provincial companies doing trust company business. They are the Co-op Trust Company, the Mennonite Union Trust Company and Retailer's Trust Company. Of these only Co-op Trust and Mennonite Union accept deposits from the public. The loan companies within the meaning of The Loan Companies Act incorporated in Saskatchewan are the Saskatchewan Loan and Investment, the Saskatchewan Mortgage Company Limited, and Saskatchewan United Church Loans Limited. It is my understanding

that none of these loan companies are active. In view of the limited application of the Federal Act in this province, it was considered preferable to make provision for specific authorization of a trust company and loan company, rather than that trust companies and loan companies in general should be authorized to effect insurance with Canada Deposit Insurance Corporation.

Now the position in the other provinces at the present time so far as we can make out is as follows. In Ontario they are bringing in an Act which makes provisions for the establishing of an Insurance Corporation which will supplement the insurance of the Federal Corporation. With that supplement goes strong powers in the Provincial Act. Manitoba also is providing for an Insurance Corporation. Alberta is not establishing an Insurance Corporation but by their legislation it is proposed to authorize in general trust companies to effect insurance with the Federal Corporation. Alberta has no loan companies. I wish to point out further that the machinery of designating a company to effect insurance avoids the necessity at this state of defining deposit in the context of trust or loan companies accepting deposits from the public, which is the formula on which the Federal Insurance is based. A definition of deposit is not contained in the Federal Act. It is left to the regulations. A definition of deposit is contained in the Ontario Act and includes debentures of a loan company but leaves open the question as to what are debentures. Mr. Speaker, the area of what are deposits bristles with difficulties, and the question at this point can probably be avoided by some such provision as the provision for the designation of specific companies to insure. In connection with this problem of defining deposits I notice in this week's Financial Post, there's a reference to this, that you don't really know what the definition is going to be yet, so far as Ottawa is concerned. They are not telling anybody just what the definition is going to be and they're in the process of setting up the regulations. We felt that the best way we could handle it, was the way we propose to handle it in this Act, such as providing for the designation of specific companies to insure. I would like to point out further that the Federal Act makes provision for termination of insurance in the event that the financial standing of an insured company becomes unsatisfactory. In such cases the insurance of existing accounts continues for a period of two years. The new accounts are not insured. In this connection, under the Ontario Act, Ontario companies would continue to be insured by the Ontario Deposit Corporation and the very wide power to take over the trust company or loan company which has fallen into financial difficulties, would protect the Ontario Deposit Corporation. The Saskatchewan Act, this Act, provides that in the event of the termination of Federal insurance a company's licence may be cancelled or suspended or conditions attached by the Lieutenant Governor in Council. The Indemnity Agreement could no doubt provide for the case where a company does not qualify for financial acceptance by the Canada Deposit Insurance Corporation for it to be continued to be covered by the Indemnity Agreement. While the Canada Deposit Insurance Corporation was so covered by the Provincial Indemnity Agreement, it would not terminate the company's insurance. We feel that this is probably the most desirable way of dealing with this matter at the present time and with that explanation, Mr. Speaker, I would move second reading.

MR. W.A. ROBBINS (Saskatoon City): — Mr. Speaker, I've had people asking me whether or not

this Act would have any impact on the Saskatchewan Credit Union Society? Would you say the answer is "No"?

Motion agreed to and Bill read a second time.

MR. HEALD moved second reading of Bill No. 89 — **An Act providing for Certain Temporary Changes in the Law respecting Agricultural Leaseholds**.

He said: Mr. Speaker, this is a housekeeping matter. This Bill is of a temporary nature, applicable to 1966 crops. We've had to pass this Act every year or two. It is similar to Chapter 27 of the Statutes of 1966. All it does is gives tenants in leases that have expired the right of re-entry for the purpose only of removing threshed grain, which could not be marketed during the lease year of 1966 owing to a shortage of elevator or storage space or quotas and so on. This Act has been passed from year to year for the last number of years and with that explanation I would move second reading.

Motion agreed to and Bill read a second time.

MR. HEALD moved second reading of Bill No. 92 — **An Act to amend The Cemeteries Act**.

He said: Mr. Speaker, Hon. Members will no doubt recall that at the 1965 session of this Legislature a new Cemeteries Act was enacted. At that time I advised the House of the necessity of changes in the legislation respecting cemeteries that are operated for gain and commonly known as commercial cemeteries. At that time, Mr. Speaker, I also advised this House of deficiencies in the trust funds of certain cemetery companies and I reported that the Department of the Provincial Secretary was investigating these matters. It was hoped that through proper management and supervision these companies could be salvaged and fulfil their obligations to the contract holders. In the case of some of these cemeteries, Mr. Speaker, I can say that they have improved their position and are supplying merchandise and service as required and are maintaining the physical aspects of the property in a reasonable manner. But, Mr. Speaker, I must also advise the House that two companies, two commercial cemetery companies, namely, Woodlawn Memorial Gardens Limited, North Battleford and Resthaven Memorial Gardens Limited, Moose Jaw, have advised my Department that they are no longer able to carry on due to the lack of capital to replace that which was drained from these companies by previous operators. It is my view, Mr. Speaker, that the draining of these funds was due to the lack of legislation and due to the lack of enforcement of the legislation that was in force. I consider this to be a very sad and serious situation. The past three months, members of my Department have called meetings in North Battleford and Moose Jaw to advise the contract holders of these companies that for all intents and purposes these companies are bankrupt and there are no funds available to supply the cemetery merchandise and services that had been paid for in full for delivery at time of need. I feel that this is a very bad situation and I would ask all Hon. Members how you would reply to a pioneer citizen of this province when asked how this situation could arise. Mr. Speaker, there is no doubt in my mind that the only reason that the situation exists is because the previous Administration failed to enact legislation which should have been enacted to

protect them. The former Government while in power was made aware of the problems in commercial cemeteries elsewhere in Canada. As early as 1954, a Royal Commission report of the province of Ontario respecting cemetery operations was received from that province by the Department of the Provincial Secretary in this province. The Saskatchewan Embalmers' Association also brought this matter to the attention of the previous Administration. Allow me to quote from a written submission presented in 1956 by the Saskatchewan Embalmers' Association to the then Attorney General and I quote:

> The Saskatchewan Embalmers' Association respectfully draw to your attention the desirability of legislation being enacted in Saskatchewan to deal with the matter of prepaid funerals.

This was in 1956.

> A prepaid funeral is one arranged by a living person with a company, firm or individual carrying on the business of funeral directors, whereby the individual concerned pays to the funeral director either by cash or under contract calling for payments by instalments a certain sum agreed upon between the individual and the funeral director to provide for his funeral expenses. At first sight this would appear to be a simple matter of contract between a citizen and a funeral director which would not require any control by legislation. However, in practice it has been demonstrated that prepaid and pre-arranged funerals can be a vehicle whereby the members of the public can suffer substantial loss.

I'm still quoting from this brief.

> Upon completion of a prepaid funeral contract, the funeral director has received the agreed-upon price for the funeral. It may be many years before the purchaser dies and it may well happen that the funeral director to whom he paid his money may at the time of the purchaser's death be no longer in business or he may have predeceased the purchaser. There is no legal requirement that monies so paid be held in trust and the result is that the purchaser of a prepaid funeral has no protection to ensure that his money will be available for payment of his funeral. So also the funeral director, who has possession of the money with no restrictions as to its use, is entirely free so far as the law is concerned to use it for his own personal benefit. His sole obligation is contractual to supply the funeral when the purchaser dies.

I'm still quoting. This was in 1956 this Association presented this brief to the Government.

> It is therefore not surprising that unscrupulous funeral directors have taken advantage of the situation to solicit prepaid funerals from the public generally, and sales promotion organizations have used high-pressure methods to sell such contracts in return for receiving a percentage of the monies so paid by purchasers for pre-arranged funerals.
>
> Saskatchewan has until now,

That was until 1956,

> escaped active sales campaigns to sell pre-arranged funerals and thereby escaped the fraudulent use which can so easily be made of such schemes by unscrupulous promoters and funeral directors.

They can't say they weren't warned.

> Such abuses, however, reached such magnitude in the United States of America that state after state has had to legislate to prevent these abuses, and the matter is now causing great concern in the Province of Ontario.

The Saskatchewan Embalmers' Association, Mr. Speaker, then set out in some detail steps taken in certain states of the USA and made a recommendation back in 1956, eleven years ago, that legislation be enacted in this province to prohibit promotional campaigns for the sale of pre-arranged funerals in Saskatchewan and to require that monies paid by persons purchasing pre-arranged cemetery contracts be placed in trust until the time of need. The Association felt that legislation of this kind would prevent persons who might be so inclined from seeking to obtain money for their present benefit by selling pre-arranged funerals. That was in 1956. Proper protective legislation was not introduced. Then later on, we go to 1961, there was an inspection made of the records at Resthaven Memorial Gardens — this is the Moose Jaw one — made in 1961 by Michael S. Leier and Company, Chartered Accountants showing that the company was in a very poor financial position. I'd like to read from Mr. Leier's audited report which was in the Government files and I quote:

> With regard to trusts set up in Saskatchewan each cemetery has an authorized trustee to handle perpetual care funds in an irrevocable trust.

But no legislation exists,

Again in 1961:

> no legislation exists governing trust funds on a pre-need sale of bronze memorials, vaults, openings and closings. While it is true that insurance is placed on $15,814.50 of value of merchandising services sold under the Family Security Plan, this only represents coverage for a small portion of the accounts perhaps up to 20 per cent. For the majority, they are accounts that are in arrears; they have no insurance protection either under the Group Pension Plan or under the Protection Agreement.

So here is an auditor in 1961 telling the Government that everything wasn't in very good shape so far as these commercial cemeteries were concerned. And then Mr. Leier goes on in this report, and I quote: Listen to this, Mr. Speaker.

> Apart from the property itself, the company appears to have little or no other assets. In addition it has collected well over $120,000 for merchandise and services that have not been delivered or supplied. Of this amount only $15,814.50 appears to be insured.

In other words, again quoting the auditor,

> it does not appear that the company is in a sound

financial position.

Mr. Speaker, what an understatement — $120,000 collected for merchandise and services, not in any trust fund. Of that amount of $120,000 only $15,800 appeared to be insured. Mr. Speaker, some of our friends opposite may ask why has it taken until 1967 to come up with this revealing and startling information. Well, in 1965 when I spoke in the House, I drew Hon. Members' attention that there were some serious situations so far as cemeteries were concerned, and we've been investigating these cemeteries and trying to help them ever since. And these investigations are still going on. I say that the previous Administration's lack of concern or neglect — maybe it was neglect, I don't know — leaves us no alternative at this time but to amend The Cemeteries Act. With these amendments this Government will embark on the course of action that will guarantee the operation of these cemeteries and will show the public that this Government fulfils its moral and human obligations. I'm sure that the people that are still living who have contracts for cemetery services and supplies and the next of kin of loved ones past on will appreciate steps taken by the Government to resolve this problem.

Mr. Speaker, the amendments proposed will empower the Provincial Secretary to appoint a Managing Administrator for any cemetery operation that has failed to comply with the trust requirements of the Act or that is financially unable to carry out any of its obligations relating to perpetual care, pre-arranged cemetery contracts, cemetery services or cemetery supplies. The Managing Administrator will be under a duty to carry out the obligations mentioned above of the cemetery business for which he was appointed. Provisions will be proposed for which a Managing Administrator has been appointed, and that will also allow the dissolution of such corporations by order of the Minister. There is presently in the Act a power delegated to the Provincial Secretary to apply to the Local Government Board to conduct an enquiry into the affairs of the owner of a cemetery. Where it is found that the owner has failed to carry out the trust provisions of The Cemeteries Act, the Lieutenant Governor in Council may remove the officers of the corporation and appoint an administrator to manage its affairs. The present proposals, Mr. Speaker, are similar but go further than in the Act before, in that the Minister will be empowered to act directly in these cases and will be empowered to appoint a Managing Director when the owner cannot meet any obligations relating to pre-arranged funerals and cemetery services and supplies.

The proposals under consideration and provided in these amendments are felt necessary to meet those cases where it is clear that the cemetery company has failed to carry out the trust provisions of the Act or cannot meet its obligations. The two companies which are presently in this situation have advised my Department that because of financial reasons they are unable to carry on. In these cases an enquiry is not necessary. It would be costly and time-consuming and it is therefore proposed that a proposal such as the one set out in this Bill is warranted. Mr. Speaker, it is regrettable that proposals as far reaching as these must be placed before the House for enactment into law, but the seriousness of the problems and the unfortunate consequences of these problems outweigh any considerations against the proposals. So, Mr. Speaker, with that explanation on some of the background, I would move second reading of this Bill.

MR. M.P. PEDERSON (Arm River): — Mr. Speaker, I'd like to add a few comments on this Bill more by way of a question than anything, I believe. The first thing that struck me is that this sounds as if we're almost getting a Crown corporation in cemeteries. And the thing that I am wondering about is how long is it the intention of the Government that this sort of action will have to be carried forward. As far as I can make out in the Bill, it seems to me that there is no provision for termination of these types of things and it is conceivable in my mind that the Government could end up with a whole string of cemeteries that they are administering, voting monies to maintain and so on with no actual provision for ultimately disposing of them and getting them out of the Government hands where I feel it is improper for them to remain. I certainly agree that something must be done. I am pleased with some of the provisions in this Bill that will protect the people who have bought some of these contracts. I am concerned with the matter of turning them over to responsible corporations and getting them out of the hands of the Government, so that we don't end up with a series of defunct cemeteries for which there will have to be an appropriation in each year over an indefinite period of time.

MR. HEALD: — To answer that question, Mr. Speaker, I agree with the Member for Arm River (Mr. Pederson) it is certainly not the intention of the Government to be in the cemetery business ad infinitum. Alberta ran into a situation like this a few years ago and they had to take similar steps. They are presently operating some cemeteries in Alberta; they are operating one in Medicine Hat. But they have got into the position now where they are just about ready to turn it back to the plot holders. We would hope that we would only have to operate these cemeteries perhaps only a year, or two or three and we could get them to the position where we could turn them back to the plot holders and we would certainly want to do so. That is certainly the intention.

MR. PEDERSON: — Mr. Speaker, would you permit me to ask another question? Are you suggesting then that perhaps the plot holders the people who have actually bought shares would form a co-operative sort of thing and turn it over to them? It wouldn't be turned over to the original promoters, surely?

MR. HEALD: — No, no, I don't think so because the thing is bankrupt or in insolvent circumstances at the present time. I don't think that we would be justified in sort of bailing them out and giving them the credit of the people of this province, putting them in a position where we hand them back something that is worth a lot of money. I would think that what we would consider would be handing it back to an association of plot holders, whether it's a co-operative or not, that would be interested in it.

Motion agreed to and Bill read a second time.

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