

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session — Fifteenth Legislature
36th Day

Tuesday, March 28, 1967

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

QUESTIONS RE: RETURNS

MR. G.T. SNYDER (Moose Jaw City): — Before the Orders of the Day are proceeded with, I wonder if I could ask the Provincial Secretary when I may expect Return No. 53 which was on the Order Paper on March 2, 1967.

HON. D.V. HEALD (Attorney General): — I don't have it this morning, Mr. Speaker. I'm filing three this morning that have just come in, Nos. 7, 66, and 65.

HON. W.S. LLOYD (Leader of the Opposition): — I wonder, Mr. Speaker, would the Attorney General repeat the numbers. I didn't catch the first one.

MR. HEALD: — Nos. 7, 66, and 65.

MR. F.A. DEWHURST (Wadena): — Mr. Speaker, I'd like to ask the Provincial Secretary if I may expect to get Return No. 22 at this session. Its' been five weeks today since it was ordered and I was hoping I would be able to get it. Can I expect it at this session?

MR. HEALD: — I'll inquire and let you know.

WELCOME TO STUDENTS

MR. F.K. RADLOFF (Nipawin): — Mr. Speaker, I would like to introduce to you and to the other Members of the Legislature a wonderful group of students from the Nipawin constituency. We have with us today in the Speaker's gallery, a group of 38 students representing grade seven. There are 31 from the town of Choiceland and seven from the town of Love. These are a wonderful group of students, and I think they are going to have a very educational and a wonderful day. I would also like to introduce to you their teacher Mr. Hatch and the drivers of the bus, Mr. Seaman and Mr. Archibald. I just want to say again that I wish you a very safe trip home and that you have a very enjoyable and rewarding day.

SOME HON. MEMBERS: — Hear, hear!

MOTION RE: FIRST REPORT OF SELECT STANDING COMMITTEE ON PRIVATE BILLS

MR. J.B. HOOKER (Notukeu-Willowbunch) moved, seconded by Mr. F. Larochelle (Shaunavon) that the First Report of the Select Standing Committee on Private Bills be now concurred in.

MR. H.H.P. BAKER (Regina East): — Well, Mr. Speaker, I'd like to say a few words regarding the Private Bill that I have had the privilege of bringing here.

I was quite surprised to find that it was voted down in Committee. I think it was a very fair Bill and certainly not discriminatory. Some had looked at it from the standpoint of it being a sort of moral issue. We have certainly heard a lot about morals all morning. When you have a self-liquidating business such as the Saskatchewan Hotel, I don't think they pleaded the case that they were too poor to pay it. I believe the principle of the Bill to have this agreement declared null and void was a just thing to do on behalf of the city.

In 1951 the Saskatchewan Hotel, of course, started to pay the legitimate tax. They received tax concessions from 1926 to 1951 for building that establishment. With that of course went certain concessions with regard to water. Now they are only paying six cents per 1,000 gallons and I think it costs us something like 46 cents per 1,000 to bring it here by 36 miles of pipeline into our wells. I mentioned that the city of Saskatoon with its river doesn't have the extreme costs that the city of Regina has in this regard.

You argued the point in Committee that we had no legal right as a Legislative Assembly to deal with this. I don't know what we are here for. I always taught my history classes that the Legislative Assembly was the highest court in this province. I would hope that it still is and not be dictated to by any corporation or person. If we are going to have democracy work, then these people who proclaim that we haven't a legal right to break this agreement, I suggest, we are doing the wrong thing.

Now what really brought this forward was the change in the Railway Act which the Ottawa Government passed not too long ago. I give them credit for having the courage to change that Act which was adopted in perpetuity. They did accede to our request that it become effective January 1, 1967. The original Bill set it at 1968 and that full taxes would be paid three years beyond that time. The Federation of Mayors and other legislative bodies helped to pressure them to make it retroactive to January 1st of this year. In three years we as a city will realize the full taxes from the CPR property on the main line in our community. We have lost something like \$262,000 a year by not receiving taxes from them. They have done well in this city and we appreciate what they have done. I'm not ridiculing everything, but we have given them fine concessions in our industrial area and I would hope that they would put something back into this community too.

When you go back to the 1880's and find that they were given tremendous concessions in free gifts such as \$25,000,000 in cash and some 25,000,000 acres of land, surely this little cost, some \$6,000 - \$8,000 a year is not going to break this corporation.

Let's look at it from another point. We must not forget that we have many other fine hotels in our community and motor hotels. Many are springing up and these premises have unfair competition to begin with when you think of the water rates that they pay. In fact, they pay the full amount. I think that this is a very reasonable request and I would hope that this Legislature would make this change. I support some of the other Bills that were brought in by private Members! I would hope that they would reverse their decision and put this back on the table, to have it voted on so that Regina can charge the full water rates.

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They have made a lot of money through our industrial growth here. They made a lot of money from our farmers in hauling wheat and other products for our agricultural industry. They have been taking out of this province continually and putting nothing back. The taking away of the train last year, the Dominion passenger train, was a hardship, which we are supposed to get back temporarily again. These are some of the services that they have been taking from us and so once again, Mr. Speaker, we have been paying for others to have certain conveniences throughout this land. This is another case of us indirectly subsidizing the building of hotels in places like Montreal and other parts of Canada. When you look at that magnificent building in the city of Montreal, costing millions and millions of dollars, it is money that you and I are paying through the hauling of our wheat and through water rates which we are trying to get here. I think you will agree that it has been most unfair. The change should have been made in the agreement for water usage at the same time they were required to pay taxes in 1951.

I would ask this Chamber to reconsider and accept the Bill as proposed to have the Hotel Saskatchewan pay the full water rates commencing January 1, 1967.

SOME HON. MEMBERS: — Hear, hear!

MR. W.E. SMISHEK (Regina East): — Mr. Speaker, I want to add a few words to what has been said by my colleague from Regina East (Mr. Baker).

I was indeed disappointed yesterday when the Private Bills Committee turned down Bill 04 which would permit the city of Regina to charge the Hotel Saskatchewan the same water rates as other citizens in Regina are paying and have been paying. The main argument used in the Committee against the Bill is that 41 years ago an agreement was signed in perpetuity to give the Hotel Saskatchewan water rates at six cents per 1,000 gallons. Mr. Speaker, surely no one can suggest that a rate that existed 41 years ago on any item, would be a fair rate today. Let us also take a look at how this Bill came about. This Bill came about as a result of the government of the city of Regina, the municipal council, discussing the matter and approving the idea that this Bill should be introduced. They considered it to be a fair proposition. They recognized that for 41 years the people of Regina have subsidized Canada's largest corporation, yes, for that matter one of the world's largest corporations. For 41 years the CPR has been riding on the backs of the people of Regina. I submit to you this is very unfair. It is unfair to ask the people of Regina to continue this kind of subsidization.

The amount involved is approximately \$6,000 a year. I agree and recognize that certain new offers have been made that the CPR would increase by one-third for each year over the next three years, the water rate. This would finally level off the rate with the rate paid by other people. However, three years is also a long time and this will add to the cost of the citizens of Regina some \$10,000 or \$12,000. There is not justification whatsoever to continue this discriminatory practice which has been allowed to continue. Certainly the welfare people in the city of Regina do not get any special privilege to get water at six cents per 1,000 gallons. They have to pay the 46 cent rate. No other group of people or institutions or no industry is allowed this kind of special privilege. The argument of

sanctity of agreement, I submit, is not valid. I am certainly prepared to honor and respect agreements between two parties provided the agreement is fair, but this is not a fair agreement. What is not fair, there should be no justification to have it continued and permitted by legislation. We can take action to remove the discrimination that has been allowed to continue for so many years.

Mr. Speaker, I must again express my keen disappointment in that the Committee did not support the Bill. I would hope that at this time the Members of the Legislature will reverse that decision and would ask the Committee to reconsider their position and to approve Bill 04.

SOME HON. MEMBERS: — Hear, hear!

MR. T.M. WEATHERALD (Cannington): — Would the Hon. Member permit a question before he takes his seat?

MR. SMISHEK: — Certainly.

MR. WEATHERALD: — The Hon. Member in speaking on this debate stated that he agrees to renegotiating contracts, in his words, providing agreements are unfair. Well, I would like to say, Mr. Speaker, that I have a few hundred people who have made contracts with oil companies in mineral rights and I suggest to that Member, that these are very unfair. They were made under the CCF Government. Would he suggest that we renegotiate them here in this Legislature?

MR. SMISHEK: — Mr. Speaker, I would like to know what the question is in respect to Bill 04. The Member did not ask a question in respect of this Bill.

MR. WEATHERALD: — I'll ask the question. Mr. Speaker, he suggests that this contract is unfair. I submit there are many unfair contracts. Would he renegotiate more than this one in this Legislature?

MR. SMISHEK: — Mr. Speaker, if they are unfair contracts, I certainly agree that there should be provision for renegotiation, but in this case the Legislature can take action in amending the discriminative position and I submit that we should take that action.

MR. E.F. GARDNER (Moosomin): — Mr. Speaker, I was a Member of this Committee and I must say I am a bit surprised and dismayed by some of the comments made here in the House today by some of the Members from Regina. The City brought in this Bill. It was a Bill not of a charitable nature, not in the nature of emergency by any means, as this has been going on for a number of years. It was merely a Bill asking us to cancel a legal contract that I understand will save the city of Regina some \$6,000.

Mr. Speaker, I think it would be a very dangerous thing for this Legislature to start canceling this sort of agreement. Now I as a farmer, don't have too much sympathy for the CPR, but I feel that in this case they have been reasonable. They have offered to bring their payment up to the full water rate within

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three years starting, I believe, January 1, 1967. The Saskatchewan Hotel and the CPR fulfilled their part of the contract that was drawn up some years ago. They built their hotel and so on. I think Regina should be very well satisfied with the offer from the CPR to get the full water rate within only three years. And I also think, Mr. Speaker, that the city of Regina is perhaps open to criticism for bringing this type of Bill before us and making this type of request of the Legislature.

SOME HON. MEMBERS: — Hear, hear!

MR. I.C. NOLLET (Cutknife) — Mr. Speaker, in reply to the argument presented by the Hon. Member for Moosomin (Mr. Gardner) and the Hon. Member from Cannington (Mr. Weatherald) may I point out that the very fact that the CPR has indicated that it is willing now to renegotiate this agreement on a voluntary basis makes it all the more necessary for us to take this provision off the Statute Books. It would be redundant, but the fact is it is on the Statute Books of this province, Chapter 86, 1927, and for this reason the City has come to us and asked us to remove this particular clause.

It is time that this was removed from the Statute Books not only because of the changed situation today. After 41 years of riding on the backs of the taxpayers of Regina, here is this great corporation today paying six cents per 1,000 gallons of water. They ought to be ashamed of themselves. They should have come voluntarily long ago and said to the City, "We feel now that these concessions are out-of-date, and that our water rate is out-of-date, we are willing to pay like everyone else is paying."

This is another good example of what is done in favor of so-called private enterprise or monopoly enterprise. These people were already given the equivalent in acreage of half the cultivated acreage of this province as a gift and a \$25,000,000 grant on top of it. They were given these abundant resources which they are exploiting today and far in excess of similar resources held by many provinces in Canada by provincial governments. And this poor company now apparently is prepared to pay some water rates, but this agreement is here, and Hon. Members opposite serve their kind of philosophy of monopoly enterprise for some reason, maybe out of fear, I don't know why, or maybe because of political allegiance. I would like them to take this off the Statute Books. All I'm, saying, Mr. Speaker, is this should go back to the Committee again for review. This House, and only this House, should decide whether this section should remain under that particular statute or not and not a Committee of this House.

This House should have full opportunity to determine this issue and no one else, Mr. Speaker.

SOME HON. MEMBERS: — Hear, hear!

MR. E. WHELAN (Regina North): — Mr. Speaker, for years when the people in Regina paid their water bill, they had been saying in effect: Here is a bill for the water that I used and here is five cents for the CPR. I hear the CPR is too poor to pay their own water bill, and we are asked to help this poverty-stricken organization.

My explanation to the citizens of Regina from now on is going to be that the Liberal Government on the Wascana insists that we go on subsidizing the CPR every time we pay our water bill because we have a contract.

It is difficult to explain the inconsistency that exists, because at this very session we have introduced the legislation which says that we can take apart unconscionable contracts. As a matter of fact there are going to be little booklets mailed all over telling about how we are opposed to washing machine salesmen and people who sell water softeners with unconscionable contracts. Meanwhile, out of the corners of their mouths, they are going to say, "But we protect the CPR because they have a contract."

I think if we look at the sort of contracts that exist, we'll find there have been some contracts in the history of North America that were pretty valid and pretty firm. Yet people a hundred years ago in the United States gave their very lives over a contract. There was a certain group of people that said: "We have a contract, we own these people. Sure you call them slaves, but we own them and we own them under contract." There was another group of people that said: "You Confederates may own them but you have no right to them. This isn't fair, this is an unconscionable contract arrangement and we are going to fight to see that you give up these contracts." And eventually they did give up these contracts.

I think that this contract is onerous and unfair and I would like to see it go back. Therefore, I am going to move, seconded by the Hon. Member for Regina East (Mr. Baker):

That all the words after the word "Bills" be deleted and the following words substituted therefore:

"be not now concurred in, but returned to the Committee with instructions that further consideration be given to Bill 04."

SOME HON. MEMBERS: — Hear, hear!

MR. L.P. CODERRE (Minister of Labour): — Mr. Speaker, I have a few words to say in this respect. My Socialist friends across the way seem to have no conscience. It would appear that they would sell their very soul for a few dollars and this is just what they are trying to do. They are asking the Members of this Legislature to take the position that any contract that is entered into with good faith — it doesn't matter whether it's the city of Regina and the CPR, or whether it is a contract between two persons who have entered a contract in good faith — should be terminated by this Legislature. I don't believe that this Legislature has any moral rights to interfere with contracts of this sort.

I am most sympathetic towards the city of Regina in this respect. As a taxpayer I am concerned just as much, but there is a question of principle. The principle is, are we in this

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Legislature, by the stroke of a pen to decide whether a contract shall be valid or not? I am rather surprised to see my hon. friend from Regina East (Mr. Smishek) get up in this House, a member of the trade union, and ask this Legislature to put into effect, that contracts that had been entered in good faith shall not be valid .

On this principle alone, I cannot support the Resolution.

SOME HON. MEMBERS: — Hear, hear!

MR. D.G. MacLENNAN (Last Mountain): — Mr. Speaker, speaking on the amendment and as a member of the Committee, I would like to point out to the House that the Committee did consider this. The Committee in all fairness gave both parties a fair hearing and came to the conclusion that was reported to this Chamber. That is the first reason why I will not support the amendment.

Secondly, Mr. Speaker, in listening to the comments from the Member for Regina East (Mr. Smishek) and the Member for Regina North (Mr. Whelan) and a candidate in the northwest, I can only make this comment. The gentleman from the north refers to the contracts that were made in the days of slavery. Well, this was a contract that was made willingly by both parties, by the CPR and by the city of Regina. The contracts held on slaves were not made willingly between the slave and his master. There is a tremendous difference. This Bill means to me, as a citizen of the city of Regina, approximately 10 cents. I will not support a Bill that would allow such a major precedent to be set in this Legislature and such a principle to be broken.

SOME HON. MEMBERS: — Hear, hear!

MR. J.E. BROCKELBANK (Saskatoon City): — Mr. Speaker, it is very revealing when the Member from Last Mountain (Mr. MacLennan) speaks on this particular amendment. He says for 10 cents he wouldn't allow this to pass. Well, the question then arises, how much will it take? How much does it cost, Mr. Speaker, before this particular matter is brought back to the Legislature, brought back to the Committee? It's a matter of a little more money.

I argued about this Bill in the Committee and I tried to put forward an unbiased opinion. I stated that I would hesitate to interfere between two participants in an argument, if that agreement specified a period over the time during with the contract would be in effect. Part of this agreement did specify a period of time and that ended in the 1950's, that was in regard to tax concessions. I would hesitate to interfere with that part of the agreement. I stated in the Committee and I state here again that I would not hesitate to interfere with an agreement that was made in perpetuity. The agreement, I feel, was not correct, because I don't feel that the CPR or the city of Regina at that time had the moral right to bind the City and the CPR together in an agreement when none of them were in a position to predict the future. For that reason, Mr. Speaker, I don't find myself in agreement with the Committee report.

SOME HON. MEMBERS: — Hear, hear!

HON. D.V. HEALD (Attorney General): — Mr. Speaker, perhaps I should say a few words as a member of the Committee, as it is necessary to deal with the background, I think, to put it in perspective. The position is that the agreement was entered into between the city of Regina and the Canadian Pacific Railway in about 1926, at which time the city of Regina was very anxious to have the CPR build a hotel in the City. This agreement was finally entered into by the parties and I think there is a great deal of confusion about actually what took place here. The Member for Cutknife (Mr. Nollet) who is not in his seat now said that the Legislature passed the law and that is not right. An agreement was entered into between the parties, a perfectly legal, binding agreement was entered into between the city of Regina and the CPR. In that agreement the city of Regina agreed to do certain things and the CPR agreed to do certain things. The main thing that the CPR agreed to do was to build a hotel of a certain size in the city of Regina. Presumably the City Council in Regina at that time were very anxious to have this hotel built in the city of Regina, and because they were willing and anxious to have this hotel built, they made certain concessions to the CPR. One of these concessions had to do with water rates. Now you can argue until you are blue in the face, until the cows come home as the saying goes, whether it was a good deal or a bad deal for the city of Regina or the CPR. But it was an agreement which was signed by the proper officers of the city of Regina and it was passed by the Council of the city of Regina. As a matter of fact, the Council and Mayor of the city of Regina petitioned the Legislature to approve the agreement. It wasn't a law that was passed, it was an agreement which was signed by the City and signed by the CPR. It had to come to the Legislature for the ratification of the Legislature, because some of the powers agreed to therein by the city of Regina, were outside the normal powers of the City under the City Act, and this happens from time to time.

Now then, the CPR performed all of the agreements and covenants which they were asked to perform under the agreement by building the hotel and this was done in 1926 or 1927. From that time forward until the present time, the CPR has paid the water rates which were agreed to under the agreement, until this year. All through this years, as near as I can make out, and I asked this question of the Mayor and the city solicitor when they came before the Committee, has the City ever made any application before to be relieved of the terms of this agreement? And the answer was, No.

I would ask you, Mr. Speaker, and all Members of the Legislature to realize that now we are asked, after the CPR has performed everything that they had to perform in the agreement, to change one clause in the agreement and this is a clause which the City now finds onerous. In other words what we are asked to do is to substitute an agreement which the CPR never signed. Now should the Legislature do this? The CPR never signed an agreement that they would build the hotel and pay the normal rate. They signed an agreement that they would build the hotel and pay the rates that are mentioned in the agreement. What the Legislature and what the Private Bills Committee were asked to do was in effect to substitute an agreement that the parties never signed. Now that is the first point, and that is a bad principle to ask any Legislature to substitute an agreement that the parties never agreed upon.

The second point, I question very much the legality of our being able to do this. I think that, if we did ratify this Bill,

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in effect we wipe out that clause in the agreement after the fact. I would think the CPR would have a pretty good argument to go to the courts and say: "Here the Legislature of Saskatchewan has imposed upon us an agreement which we never entered into." So I question the legality of what the Bill tries to do in this case.

Someone opposite mentioned The Unconscionable Transactions Act. Of course we have an Unconscionable Transactions Relief Act and we just passed it yesterday. But you will note a limitation period in The Unconscionable Transactions Act. It's two years from the time the money was paid or the transaction was completed. Mr. Speaker, this is 40 years after the fact. They are coming in here after 40 years and asking us to say that that agreement which was entered into in 1926 was an unconscionable transaction. I think this is asking quite a bit of a Legislature to do.

Now the other point — and I must confess that this influenced to some extent my thinking in the Committee — why I moved that this Bill not be proceeded with. The CPR solicitor came to the Committee and said: "We have made a firm offer to the city of Regina, to phase in the full rate over a three-year period. Commencing January 1, 1967, we will pay one-third of the full rate. Commencing January 1, 1968, we will pay two-thirds and at the end of three years, we will pay the full rate." So we are not talking about six cents in perpetuity as some of the Hon. Members said. This is clearly on the records of the Committee. Why I felt that we should not proceed with the Bill at this time, was to give the parties an opportunity to go back and to negotiate. I don't think they are very far apart. I think that if we don't proceed with this Bill, they will get together and they will probably have a mutually acceptable amendment to the agreement. I don't know whether it will be two years or whether it will be three years, but there is a firm offer on the records in the journal of the Private Bills Committee that the CPR have said that at the end of three years they will be paying the full rate to the city of Regina.

For these reasons, Mr. Speaker, I couldn't see my way clear to agreeing that the Bill be proceeded with at this time. I feel that here is a contract. One party has completely performed everything that it has to perform under the contract, and here we are being asked to come along and say: "Well that's true, tough luck boys. You built the hotel and we think it was a bad deal. Now we think you should pay more for water."

I think two or three very important principles are involved here, and for these reasons, Mr. Speaker, I cannot agree that the Bill be proceeded with at this time.

SOME HON. MEMBERS: — Hear, hear!

MR. R.H. WOUFF (Turtleford): — I never cease to be amazed at the ease with which the Hon. Members opposite flip from one side of the morality coin to the

other. There are now cases in every part of this province where accidents which were settled in court — the Hon. Member from Lumsden (Mr. Heald) is very jealous of what he has done in court and what the courts do — where people have been taken back and recharged for accidents that they had settled in court 12 months before. And may I say when I listen to the Hon. Member get up and plead sanctity of contract, I don't give much for their picture of morality that they constantly parade in this House. Not only on this question, but many. I hope that this Bill will go back to Committee and be reconsidered and that the city of Regina will get justice on this particular issue.

SOME HON. MEMBERS: — Hear, hear!

MR. G.G. LEITH (Elrose): — I am a member of that Committee and I think that Committee Members heard a fair and frank discussion of the principles of the Bill. They heard the solicitor for the city of Regina explain why City Council wishes the passing of this Bill and in conscience I cannot accept the amendment to send it back to Committee, nor can I vote for it at this time. It seems to me that City Council has displayed a reckless disregard to the interest of the taxpayers by refusing what looks like a very good offer, in November of 1966, to phase the water rate up to the regular rate paid by every other consumer. They have gambled on bringing this Private Bill to the Legislature hoping that we will pass it. They had the opportunity many times in the last 40 years to ask for changes in the contract. I think it would be very unwise for Members to vote for it now. In fact, Mr. Speaker, I'll be very surprised if the two Members of the Bar from across the House see fit to vote for this amendment or vote for the Private Bill. I intend to oppose it.

The amendment negatived.

The motion agreed to.

ADJOURNED DEBATES

REPORT OF COMMITTEE ON PUBLIC ACCOUNTS

The Assembly resumed the adjourned debate on the proposed motion of Mr. Brockelbank (Kelsey):

That the Second Report of the Select Standing Committee on Public Accounts and Printing be now concurred in.

HON. J.W. GARDINER (Minister of Public Works): — I'll make a few brief remarks with regard to the report of the Select Standing Committee on Public Accounts and Printing. As I indicated the other day, I was quite happy with the first meetings of this Committee, the way in which it operated the business that was before it and I think the very fair manner in which all those responsible for the operations of the Committee carried out their duties. However, I would like to point out to you, Mr. Speaker, that the recommendations of the report that have been presented to the House today are recommendations only. In most cases of this kind, I think the Government of the day who is responsible for putting into effect recommendations of the Committee, must have the time to look over the recommendations and give its consideration to those recommendation.

The Vice-Chairman of the Committee, in making his remarks to the House, stated that he thought, in making the innovations

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that we have, that we should walk and not run in establishing the new procedures and the new operating methods of the Public Accounts Committee in this House.

I would state that in this first year of change we have had a great number of changes take place. The Government has been very rapid in carrying out the recommendations that were made by the Committee on Public Accounts in 1963. Most of those recommendations have been already put into effect. However, I would just suggest to Members of this House that the recommendations that have been made by the Committee with regard to the changing of the accounts of the Province, I am quite certain, are going to make it difficult for Treasury to complete their work as early as they would other years. They are going to have to give consideration to a new Public Account format. They are going to have to give thought to the type of Committee we had this year, probably the type of committee we desire to have, and also consideration of the recommendations that have been made by this Committee.

Mr. Speaker, the Committee itself, I am quite certain, will be the first to say they are not certain at the moment just how their recommendations are going to turn out or when we finally meet, whether we will think that all the recommendations that we have made are right and whether we should continue them into another year after we have actually seen them in operation. I think for that reason, it would be a mistake for this Legislature to move too quickly and possibly for the Government, before this Committee has an opportunity to look at the changes that will be made in this coming year by Treasury itself in the form of the Public Accounts and actually on the procedures that will be taken by the Committee in the future.

And so, Mr. Speaker, I think probably in the long run, the idea of the Committee meeting outside of the regular sessions of the House, may be a reasonable one. I did, as did some other Members, have some reservations myself in the Committee on this particular point, but I think in the long range picture probably this is a good idea. However, I do think the Government should have full opportunity to consider this along with other recommendations that have been made by the Committee, before actually putting into effect the recommendations of the Committee that have been presented today.

I would just suggest in closing my remarks, although most of the recommendations that have been made by the Committee were, I think, agreed to by most of the Members of the Committee. Mr. Speaker, that the Government itself is the one that is going to have to make the final decision with regard to having the Committee sitting outside of the regular sittings of the House and all these other questions that we are presenting to them. I think that it should have an opportunity to consider this in a fair manner throughout the coming year. It should also give the auditor under his new set-up of accounts, if the Treasury decides to proceed with all the changes this year, a full opportunity to make those changes and then have the Committee at the next session of the Legislature come back and have a look at the new format before making any decisions as to whether we should sit outside the regular hours of the House or the other changes that might be made by Public Accounts.

Mr. Speaker, as I have indicated earlier, these are recommendations that are being made by the Committee to the Government. I am quite certain that the Government will give every

consideration to these recommendations of the Committee and I am prepared to vote concurrence in the report.

SOME HON. MEMBERS: — Hear, hear!

MR. J.H. BROCKELBANK (Kelsey): — Mr. Speaker, I wish to thank all the Members of the House who have taken part in this debate because I think all have made a valuable contribution to it. I appreciate the words of caution by the Minister of Public Works (Mr. Gardiner) just now, but I think the Committee itself has been very cautious too that we made recommendations that were very moderate indeed.

Now I would also say to the Government party (I say the Government party rather than the Government because this is not a Government Committee, this is a Committee of the House, but of course it is controlled by the majority in the House, which is the Government party) it's all right to give all the time that is necessary to the Treasury and it is principally the Treasury that has the problem of adjusting the public accounts. We were informed that the change in the form of Public Accounts would not delay the production of the Public Accounts. There is no reason why the Treasurer and the Government can't take a month or two to decide this question, because they don't start making up the Public Accounts for at least another six weeks from now.

This is the main change that would be implemented right away. Some of the others have to do with how money is voted and that sort of thing. The proposed changes in regard to the constitution of the Committee, namely, to appoint the Committee for the life of the Legislature, I think is very valuable. I think if those Members who are now on the Committee — this is assuming that the House would want those Members to continue on this Committee — knew that they were going to be on the Committee for the next auditor's report, the next public accounts, the next session of the Legislature, this could very well make a difference in the attention they pay to this work. I don't see how it could possibly do any harm, nor can I see how it could do any harm to allow the committee to meet before the next session commences. And remember, Mr. Speaker, the Government party has the majority on this Committee and the quorum is a majority of the Committee. So in fact even though the Chairman is a Member of the Opposition, it still lies in the hands of the Government party to say whether or not meetings will be held in January or December to discuss the Public Accounts and the auditor's reports for the coming year.

I would plead with the Members of the House, now having made such a fine start and I think we have made a fine start, not to hamstring this new style Public Accounts Committee in its work, but give it every chance to go ahead. I can't for the life of me see any harm that can possibly come out of having a Committee appointed now and having the Committee authorized to sit between sessions. And as I said, it still leaves the control of those meetings in the hands of the Government party.

The Administration, including the Treasury, can take all the time it wants to discuss the other recommendations with which it would be concerned. The Committee, when it meets again, will be very happy to meet the people from the Administration and try and discuss with them what has been done, why it hasn't been done. I can assure you, Mr. Speaker, that the Committee will be very reasonable indeed.

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I was very happy to see the editorial in the Leader Post published on Saturday, March 25, in favor of this Committee doing a good job. Now I could still argue for a long time with the editor of the Leader Post about some of the other remarks he makes in the editorial, but that doesn't matter. The important thing is that this editorial says:

The report tabled by Mr. Brockelbank indicates a constructive approach which has produced recommendations conducive to a more thorough examination of government spending.

And that, Mr. Speaker, is a compliment to all the Members of the Committee. The editorial goes on:

This is an essential part of the multi-faceted responsibility of the elected representatives of the people. Government today is infinitely more complex than it used to be with annual spending ten times what it was only a few years ago. The Legislature undoubtedly will approve the sound proposals for improving the effectiveness of the annual scrutiny of the spending of the people's money.

Mr. Speaker, it really would be too bad to disappoint the Leader Post by not going forward with the program. I hope the Government can give its blessing to appoint the Committee for the duration of the Legislature and to allow the Committee to meet between sessions. As for the other recommendations, that is up to the Administration to do as they see fit in regard to them.

SOME HON. MEMBERS: — Hear, hear!

Motion agreed to.

ADJOURNED DEBATES

SECOND READINGS

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

MR. J.H. BROCKELBANK (Kelsey): — Mr. Speaker, I don't intend to go into any detail in regard to this Bill, but I do want to say something in general about professional bills, professional acts and privileges granted to professions. I've seen a lot of bills brought into the Legislature in regard to professions. In a great many cases one looking at the bills would think that the most important thing of all was the profession, not the people of the Province of Saskatchewan but the profession. This sign has shown up more or less in a number of professions that have professional acts in effect. We should always remember that really the most important person is the consumer of the goods and services and no professional act should be designed for the purpose of, or so it can be used for, keeping qualified people of the practice of that profession. This Bill before us certainly does that as has been explained. I think that it is a bad principle and is one that we could get along without. Now we have managed to get along without these amendments for a good many years and at least some of them are not good. I think we could very well get along without them for at least another year, rather than be considering in the final days of the session, the amendments

to a professional Act which is so important as that regarding the health of the people of this province.

SOME HON. MEMBERS: — Hear, hear!

MR. R.A. WALKER (Hanley): — Mr. Speaker, this is a very important piece of legislation governing the constitution of a very important professional body in Saskatchewan. As I read these amendments they make some very drastic changes in the powers of a professional body, the medical profession, the College of Physicians and Surgeons of Saskatchewan. Now as I understand it the Member for Elrose (Mr. Leith) has lent his name to the moving of this Resolution actually at the request of the College of Physicians and Surgeons. I think there's nothing improper about that, but I think that fairly stated, it's not really his responsibility, or his Bill except that he is moving it to place it before this House. I take it that as the mover of the Bill, he is interested in hearing observations of all Members from both sides of the House as to apprehensions which we may have about the effect of the Bill and as to suggestions which we might like to make regarding some aspects of it.

When I say this Bill was asked for by the medical profession, by the governing body of the medical profession, I assume that it has come from the solicitor of the College of Physicians and Surgeons. I assume that that's where the draftsmanship initially was done. I doubt if it was done by any Government Department as such, so it is really a proposal put forward by a private organization to be ratified by the Legislature or to be amended or rejected by the Legislature.

No government or government department has its prestige or its interest identified with this Bill. It is a Bill to which all Members of the Legislature will be looking to see whether or not it conforms with the traditional principles of fair play and freedom and rights of minorities and of individuals.

The Member for Kelsey (Mr. Brockelbank) drew attention to something which I think ought to be seriously regarded by all Members. This Bill, I believe, was tabled, was put on our desks last Thursday, the last day of the proceedings last week. At least that's the first time I noticed it there and it was debated yesterday in second reading. As I understand it, the Government desires — the Member who moved it desires — that it be passed today. I might point out that this is the bare minimum of time permitted by the rules of this House for a matter to be dealt with.

Now this Bill affects not only the rights of the general public, but it also affects the rights of individual members of the medical profession. I believe it was suggested by the Minister of Health (Mr. Grant) in speaking on this Bill that the matter had been under consideration by the College of Physicians and Surgeons now for a couple of years, that they've been working on the context of this Bill. I think he said it's been in the over a couple of years. Well, it seems to me, Mr. Speaker, that this is a presumption against the Bill, if it's been worked on for some time, that it be put before this Assembly in the last days of the session and that any Member should expect to have it dealt with on the bare minimum of time of notice that the rules permit.

It seems to me that we do follow a practice here of referring

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Bills of this kind to a Committee of the Legislature, a Committee on Law Amendments. There really is only one reason why we refer Bills on professional societies to the Committee on Law Amendments and that is so that the Committee may hear submissions from the people who are affected by this Bill. Now I submit that there is no real opportunity for anybody who is affected by this Bill to make a submission to the Committee on Law Amendments between now and tomorrow or the next day.

As a matter of fact, Mr. Speaker, I did a little enquiring last night around the supper hour and I wasn't able to find any doctors of my acquaintance who have heard of it, who even know it was here, let alone had ever seen it. I hope my friends in the College of Law won't take exception to what I'm going to say, but there isn't any member of the legal profession in the College of Law at the university who has had an opportunity to see this Bill. If the members of the faculty of the College of Law haven't yet had an opportunity to see it, it goes without saying that no practitioner, no private practitioner of law in this province, unless he has been given a confidential advance copy by the mover, has had a chance to see it either. So, all the public knows about this Bill is what they read in the paper.

There was a press story — it must have been a week or ten days ago. While I'm on this subject, Mr. Speaker, I note that your Honor makes a great point of the fact that in courtesy to this House, Ministers ought to make their first announcements of what's contained in legislation and what's contained in Government policy here in this House. We've been confronted with the spectacle throughout this session of reading press reports, often misleading press reports, often press reports which are twisted in favor of an interpretation favorable to the Government of legislation a week before it's presented in this Chamber. I for one want to make my protest, not only with respect to this Bill, but generally with respect to this matter. This is a matter of contempt of the Legislature and ought to be regarded as such by every Member who is jealously concerned about the rights of this Assembly.

SOME HON. MEMBERS: — Hear, hear!

MR. WALKER: — But I read a press report on the contents of this Bill a week ago, a week indeed before it was even put before the Assembly, before it was tabled here. These reports were most misleading and unrevealing of the principles contained in this Bill.

So I want to say that I think that this Bill, important as it is, ought to have been presented to the Assembly in time for interested groups to come and appear before the Law Amendments Committee and to state their brief with regard to the Bill in a proper way. To proceed before the Law Amendment Committee with this Bill at this time is to make a mockery of the proceedings of this House. The Law Amendments Committee is set up for that purpose and there isn't anybody interested in this Bill who is going to have an opportunity to come down and be heard. So we are being asked to pass this Bill. All we know about it is that it is satisfactory to the solicitor for the College of Physicians and Surgeons. No other body in Saskatchewan has had an opportunity to be consulted or an opportunity express an opinion. All we know is that it is satisfactory to the solicitor for the College of Physicians and Surgeons. I'm told by some people that I enquired of yesterday, that the

rank and file members of the association have never been consulted about the principles contained in this Bill.

Now that's a matter for their concern. I'm not concerned how they run their own house, but I say this, that this is all the more reason why as a Legislature we ought to ensure that the fullest and freest possible opportunities are afforded, to the people, even people in the medical profession who may dissent from the views of the college, that they have an opportunity to come here and state their dissent in the proper way before the Law Amendments Committee.

Well, now as I read the Bill, it seems to me that it is prepared by the solicitor for the executive of the medical profession and that it embodies everything which in their fondest dreams they could visualize having. Every lawyer is confronted with clients who expect the moon, who expect just everything they want, and sometime it is necessary for a lawyer to have to say to his clients, "Well you can't get that, that is expecting more than the courts are willing to give you." Sometimes it is hard to persuade a client that he is expecting more than he is entitled to. Sometimes it is difficult to say, "You can't really expect what you're asking for", particularly if it is a very remunerative client who is paying you a large fee. It is very hard sometimes to tell him that you can't advise him to ask for all that he is asking for. But here we have what I submit is a Bill which sets out everything that the executive governing body of the College of Physicians and Surgeons would wish to have in their fondest dreams.

I understand the position of the solicitor who drew it. He undoubtedly felt that this Bill would have to run the gauntlet of all the legislative and committee processes, and that it would be fine-toothed combed by everybody in this House. I'm sure that he believes that there are no rubber stamps sitting in this Legislature, that this Legislature, and all the Members of it and all the members of the Committee will examine every provision of this Bill with meticulous care. I'm sure this is how he justifies making some of these requests — if they are not granted — "Well, at least I acted in my client's interests by putting them forward. I put them forward on behalf of my client." Now every judge knows that everything a lawyer puts forward on behalf of his client isn't necessarily serving the cause of justice, but there is no way here for this House to distinguish between the provisions in this Bill which are being seriously put forward and the ones that are being put forward as something extra that we might get if we ask for it. So I think it's incumbent upon us here to look at the Bill very scrupulously to see whether or not there are some things that are being asked for, that just couldn't reasonably be expected. And I find there are some things in that category, in my view, and I think as legislators we must comb through it and comb out the things that are excessive.

Now the first principle contained in this Bill, as I see it, is that we in Saskatchewan are no longer going to grant full reciprocity to the United Kingdom, British Isles, in recognition of the Members of their profession when they come to Saskatchewan. As I understand it there are probably two other provinces that do not grant free reciprocity between the province and the United Kingdom and these provinces I am told are Ontario and Quebec. Possibly British Columbia, is in the same position.

These provinces are provinces where there is a large out-

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turn of medical students every year. These two or three provinces all lack the problems which we have always had in Saskatchewan of recruiting enough people to the medical profession of the province. So Saskatchewan is joining the ranks of those provinces, those have provinces so far as the quantity of available medical practitioners is concerned. Saskatchewan is now removing the freedom which doctors, United Kingdom doctors, had to come to Saskatchewan, not entirely but partly.

It is very interesting how the Bill proposes to weed out or separate those British doctors who are acceptable and those which are not acceptable. And the key words, I think, are the words which say that those doctors are acceptable, "having received all their undergraduate medical training in the United Kingdom."

Now there were two kinds of doctors coming, at least in the view of the College of Physicians and Surgeons. There are two kinds of doctors who come from the United Kingdom. There are those bonnie Scotch lads and those fine English types who grew up with an Anglo-Saxon background, went to school in Britain, graduated and became medical men; and then there is another class, another kind of doctor who got his public school education in Jamaica, India or Pakistan, or South Africa or Rhodesia and who come to England to finish up their course and graduate as medical men in England. Now so far as Britain is concerned, they make no distinction between these two classes of people. They are all equally accorded the privileges of members in the British Medical Association. Britain doesn't distinguish between those who come with black and brown skins and those who come from homes with white skins or an Anglo-Saxon background. But for some reason, we in Saskatchewan are going to say, "What's good enough for them isn't good enough here. We are going to set up special obstacles to those who are fully qualified, fully entitled under British practice to carry on the practice of medicine. They can't come to Saskatchewan unless they took their elementary training in Britain." That of course, rules out most of the people who come from the other parts of the Commonwealth.

Indeed, Mr. Speaker, it also rules out Canadians who graduate in McGill, or graduate in Queen's or Saskatchewan and go to Britain to take their medical training. It rules out people who come from Johns Hopkins, one of the most famous medical schools in the United States. If they go to Britain to finish up their training, they are ruled out. But I suppose there aren't very many of them. If they can exclude a hundred darkies and three or four Saskatchewan people, that's not too serious in the view of those that put forward this restriction.

Now this means, of course, that the number of British doctors — and by British doctors I mean doctors who are qualified to practise in Britain wherever they may have come from — the number of British doctors who will be available or eligible to come to Saskatchewan will be curtailed. I don't know how much it will be curtailed by, but it will be cut somewhat. And we will only get British doctors who have pure unblemished Anglo-Saxon skins and backgrounds and the others will know that they ain't wanted here, because that's what this section says.

What is going to be the effect on the total number of doctors in Saskatchewan? Well obviously there has been no control put on the number of doctors in Saskatchewan yet by any executive or legislative fiat, or by the Medical Care

Commission or anybody else. The number of doctors in Saskatchewan so far has been left pretty well to supply and demand. If you cut down the supply, you can't do that without reducing the number on hand.

Why is this being done? Does the Provincial Treasurer feel that ten per cent reduction in the number of doctors would give him a little extra revenue to use for some other purpose? Because if you cut down the number of doctors by ten per cent, you certainly will cut down the number of doctor bills by ten per cent and you'll cut down the cost of medical care by ten per cent. Is this the way the Government proposes to control the costs of medical care in Saskatchewan? If so whether they have thought about it or not, this will be the result of excluding a large group of qualified immigrants who might come to practise in Saskatchewan.

I would warn the Government that, if this Bill is passed in this way and we have a national medical care plan, although I understand now the talk at Ottawa is that since we are now having a mild recession or entering a mild recession that we can't afford a medical care plan any longer and it should be left until some time when there is inflation, if we are to ever have a national medical care plan in Canada, it will mean that all provinces in Canada will be competing for medical men, and we are told that there will be a shortage of doctors.

Now if this is so, then Saskatchewan will have enough problems recruiting enough doctors without adding this extra problem of excluding qualified people just because they happen to not get their undergraduate training in the United Kingdom.

Well I don't want to say anything more about that. I think Members of the Legislature should consider this aspect of it very seriously. The part I am concerned about is that this appears to be a method of separating out or segregating people who come from other parts of the British Empire than England, and it appears to me to be discriminatory.

Now I agree and I think every Member of this House agrees that if anything can be done to exclude unqualified people from getting into Saskatchewan to practise medicine, we are all for it. But if you are going to exclude unqualified people, I doubt very much if you can do it on the basis of where they come from. I think it has to be done on the basis of what training they've got, what they know and what they can do.

SOME HON. MEMBERS: — Hear, hear!

MR. WALKER: — There are some other features of the Act which cause me some anxiety. I notice that the proposed Bill provides that in proceedings before the committees of the College, the committees may admit evidence which would not be admissible in a court of law. Now this concerns me because the only appeal or the only redress which a member of the College has against what he believes is a wrong decision based upon wrong evidence is to appeal to a judge, and there is some provision for an appeal.

A judge, of course, would never accept evidence which does not comply or conform with the standard rules of admissibility. It is proposed here to do something which I consider is a very serious lowering of the standard of admissibility of evidence.

I refer to the Section 5, sub-section 5 A appearing at the bottom of page three of the Bill. It is suggested there that the committee may accept anything in evidence, anything at all so long as the committee believes that it is necessary in order that due enquiry into the case before it can be made. Now this means that, if the committee is presented with an anonymous letter, for example, and if the committee thinks that this anonymous letter will help them in arriving at a conclusion, they may base their conclusion on the contents of the anonymous letter. It means that the committee could accept a newspaper clipping as proof of the facts contained in the clipping, and of course any Member of the Legislature would be a little anxious about lowering the standards to that level. I am concerned that hearsay, anonymous letters and things which are not proven in any way, shape or form can be admitted in evidence and used to base a decision which may disqualify a doctor or deprive him of his right to carry on a practice. It seems to me that that section is all bad.

I just don't think that this Legislature can afford to give to anybody, no matter how high-minded, no matter how devoted to the public welfare, the power to discipline, to restrict the right to practise, to exclude from the profession on the basis of evidence of no standard at all. It opens the door to the grossest kind of chicanery, Mr. Speaker, and I don't think this Legislature wants to be a party to decisions made by kangaroo courts on evidence which is anonymous or which has no real substance at all.

MR. CODERRE: — There is always the right to appeal to a judge.

MR. WALKER: — Somebody says, "What about the appeal?" I don't know who said that, but the appeal court will look at the decision and they will say, "This decision is based upon a newspaper clipping as evidence." No self-respecting court of law would pay the slightest regard to a newspaper clipping or an anonymous letter or a piece of hearsay evidence, but since this committee has decided that it is necessary to take this document into consideration in reaching its judgment, that is the test, and the judge would have to say that the Legislature has given the committee the power to base its decision on any kind flimsy evidence at all.

The court would have no power to overrule it. The court would say that it was the Legislature that made this decision, it is the Legislature that has said that these decisions can be based upon mere gossip as long as the committee believes that gossip is necessary to arrive at a decision. And the judge would say: "It's not for me to decide whether it was necessary. The committee has decided that it was necessary, therefore, the gossip is admissible and it is proper for the committee to use in basing its opinion." I don't think that any Member of the Legislature wants to be in the position that decisions can be made depriving people of their civil rights on the basis of that kind of evidence. That would be shocking if that was accepted here in this Legislature.

Well, there are some other provisions which concern me. I notice that it's being proposed here that an individual member of the society may be notified of any proceeding that is being taken against him by merely writing a registered letter to the member. Now, in every statute I can think of, where service is authorized by registered letter, it also requires the use of an "acknowledgment of receipt card." It is suggested here that if someone, if I was a member of the profession, and somebody wrote me a registered letter addressed to me at Lumsden, Saskatchewan, for example, it might be the last address that they know of me and that letter would be presumed to have been delivered to me. If my professional conduct was being examined and I failed to appear at the committee hearing as a result of that registered letter which I couldn't possibly ever have received because I never got my mail at Lumsden and the Lumsden Post Office doesn't know my forwarding address, I could be wiped out, by reason of a hearing that was held, and that was the only notice I got. This would be a gross miscarriage of justice and we would be passing legislation to permit this kind of thing. And what's even more serious is that if I don't get the letter and therefore fail to appear, this is now made unprofessional conduct. Section four now says that if a member fails to appear in response to such a letter, he is guilty of unprofessional conduct. And it doesn't matter why he didn't appear. It doesn't matter whether he failed to appear because he didn't get the letter. He's still guilty of unprofessional conduct and the only way he can expunge that is to apply to get himself reinstated, which may result in several obstacles being placed in his way.

If anyone through malice, who was secretary of such a committee, knew that I was going on a vacation to Europe for two weeks, the notice could be mailed to me the day I left and the day I returned I would be disbarred. I would be disbarred in my absence because I didn't get the letter because I didn't appear and therefore I committed an unprofessional act. Even though I have left the country the day before the letter is addressed to me and didn't get back until the day after the hearing, I would be out.

Now, I don't think that responsible people in charge of a committee of this kind would do this sort of thing. But it isn't enough for the Legislature to say, "Well, I don't think anybody would do anything like that." It's the duty of the Legislature to put in the statutes provisions so that nobody can do anything like that. That's our duty and while we all have respect for the probity of these people, nevertheless, our probity would be in question if we gave by statute the right for anybody to do this sort of thing even if they wouldn't do it. So, I would hope that the Government would be prepared to bring in a House amendment which would clarify that, at least require that this notice must be by a AR Card and that the service would be deemed to be made on the date that the AR Card was acknowledged.

I don't know of any statute, even for minor little things, where service is deemed to be made unless there is an acknowledgment of receipt card to prove that service was in fact made.

There's another feature to the Bill which I think should concern members of the general public, if not members of the profession. The doctor who appears before a committee and testifies before a committee cannot by reason of Section eight, be compelled to give any evidence in any other proceeding whatever

of what took place before that committee hearing. Suppose for example, that as a citizen I want to bring an action against a doctor for malpractice. Suppose that doctor has already testified before the committee as to his conduct and I want to produce his evidence, or supposing he goes on the witness stand and denies malpractice, when he admitted it before the committee of the profession. I can't even use the transcript of what he said for the purpose of cross-examining him. As I read the section — I might be wrong — it seems to me that it is proposed here to give a doctor freedom from testifying in a court matter which we give no other person in Canada, including a priest in the confessional. I am referring to Section 8.

Now, it is qualified by saying that the witness is not by virtue of this sub-section excused from answering questions or produce anything that deals with cause or causes of death, the care and treatment of patients, matters relating to morbidity, mortality or the cause, prevention, treatment of disease. Well, that is practically everything a doctor knows. As I read this, he can be compelled to produce anything else that he knows. His name and his age and his address, I suppose, but I don't see why, Mr. Speaker, a doctor shouldn't be in the position of everybody else. If he has knowledge of a particular fact which a court wants to discover, why shouldn't he be compelled to appear and give his evidence just like anybody else. I just don't understand it. Is it because they don't want to be bothered? If that is the case, then it is a sad day for the citizens who have a complaint about some matter which they wish to take to court. If they are to be denied the evidence of the man best able to provide evidence — the doctor — just because he may have appeared in a committee sometime and discussed this matter with a committee, well I think that ought to be seriously looked at.

If this section was to be taken literally, Mr. Speaker, it would mean that a doctor could say one thing in a committee or in a hearing of the College and he could go and say something else in a court of law. The two statements might be completely contradictory and you couldn't even do anything about perjury.

Now fortunately, this Legislature can't by this Act amend the Criminal Code of Canada. Perjury is a criminal offence and comes under the Criminal Code. I suppose that a court of law in a perjury trial would disregard or would ignore this section although if the section is taken literally it seems to say that you wouldn't be able to convict a doctor of perjury, if he gave a false story before one of these committees.

Now another clause which I am concerned about is Section eight, near the top of page six of the Bill. If Hon. Members will refer to the last part of sub-section four, you will see that any committee appointed to look into the conduct of the doctor or even any committee which happens to hear any evidence about a doctor's professional qualifications,

may disclose any report or part thereof to the general public without being liable at law or liable to any penal proceeding under any act for so doing.

Now when you consider, Mr. Speaker, that a committee of this kind can base its judgment on evidence that would be inadmissible in a court of law, which could be just gossip or could be a newspaper clipping or an anonymous letter and as a result of that kind of evidence the committee could make a finding about this

doctor, then the committee or any member of the committee can publish this finding in any newspaper in the country based on that kind of evidence and the committee or the member who publishes it will be exempt from action for defamation of character, that strikes me to be a vicious principle and one which this House ought not to entertain for a moment.

This would mean that any little committee of three doctors set up in the town of Hanley could simply drive the fourth one out of town, ride him out on a rail. It would simply mean that the three of them could form themselves into a committee and get some kind of blessing from the College of Physicians and Surgeons, make a judgment on their fellow doctor on the basis of hearsay, or on the basis of some complaint by some patient, or on the basis of a newspaper report, and could make a finding that this doctor is just no good and then nail that up on the town square for everybody to read. Nothing could be done about it.

Now I say that it is our duty as a Legislature to make sure that that sort of thing cannot happen. It is not enough for us to just blandly reassure ourselves by saying, "Oh, well, that won't happen", it is our duty to make laws on the basis that it might happen. When you consider the kind of evidence that this committee may base its judgments upon, when you consider that these judgments may be made without any notice to the person affected, the poor practitioner may not get any notice at all — he may be off on a week's holiday to Mexico City — and come back and the things all done because we haven't provided here that he's got to have notice of the proceedings. All you have to do is mail something in the mail to him and there is not even any law which says that it has got to be mailed to his right address. And when he comes home from Mexico he is disbarred and disentitled to practise medicine.

I have no quarrel with the Law Society of Saskatchewan and never have had any, but I wouldn't want to be in the position where any group of people could take away my civil rights in the fashion with which this Bill will permit people to be interfered with in the medical profession.

Now as far as Section 53 is concerned, I can't see anything wrong with that but there may be something wrong with it nevertheless.

I believe, Mr. Speaker, that unless the House is given assurance that these points, at least, which I have spoken of, are going to be remedied by House amendments, unless we have some assurance that these particular objectionable features which I have drawn attention to, are going to be cured, then I think that every Member of this House who is concerned about proper adherence to the forms of justice and proper compliance with the standards of British justice and fair play which we praise so often in this Chamber and elsewhere, ought to vote against the Bill on second reading. I would hope that the mover would be able to give me some reassurance on these points.

SOME HON. MEMBERS: — Hear, hear!

MR. G.G. LEITH (Elrose): — Mr. Speaker, I find it very difficult to be able to answer all the charges and questions and I might say innuendoes put by the Member from Hanley (Mr. Walker), and I think that many of the points that he raised are good points and will be

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dealt with by House amendments or in the Committee. I hope that all Members of the Committee will be on hand and on time, when the Bill comes to them that is, if it does, to put these penetrating and searching questions to the people that ought to know, that is to the Registrar of the College and the legal person who would be with him.

I feel as does the Hon. Member for Kelsey (Mr. Brockelbank, Jr.) that the Legislature does grant extraordinary powers to very many professional groups but I can't accept the fact that the Bill came in too late for dealing with in this session. I note that I asked for leave to introduce it on Friday, March 17. It was duly introduced to the House and the printed Bills were on our desks on Tuesday, March 21. We have had some seven or eight days to think about it, to read the Bill and to study it. I admit that I am not fully conversant with all the technicalities in the Bill or with all the amendments that are proposed, but I do want to answer some of the questions that have been raised by Members opposite. Just as an aside, the Member for Hanley (Mr. Walker) said that sometimes members of the legal profession put forward cases that are not always necessarily in the best interests of justice. I suggest to you, Mr. Speaker, that some of the things he said here today are not in the best interest of justice because I don't think he's read the Bill properly or at least he is looking for problems that I don't think will exist when the amendments are brought in. When we have a chance to look through the Bill in Committee we will find that many of his doubts and fears are dispelled. I note also that he is not a member of that Committee and he will have to rely on someone else to do his work for him. I hope that he finds several members of the Committee to ask the penetrating questions that he's asked here today.

I want to tell you, Mr. Speaker, that there are several House amendments coming in and I think I'll just deal with them as I have them on the list. The first question that the Member for Hanley (Mr. Walker) particularly raised was about exclusion of medical people from Saskatchewan. He made quite a large show of the exclusion clause; the limitation of reciprocity agreements and particularly what he considers discrimination against people of a different color or at least coming from a different place. I want to tell the Member from Hanley that it is my information that the Reciprocity Agreement will be limited, but just to exclude one or two classes of doctors who have been coming and who are here in Saskatchewan now. In the last three years it is my information that, if this amendment had been in effect, we would have been able to exclude only five doctors under the proposed amendments, so I don't think that his remarks about scarcity of medical people and exclusion of doctors really hold water. I think he is interested, as I am interested, as the Minister of Health and the College of Physicians and Surgeons are interested, in maintaining the good standard of medical practice that is now existing in Saskatchewan. It certainly is our duty as legislators to see that the standards are raised whenever possible and maintained at all times. I want to tell the former Minister that in my opinion perhaps medical standards have gone down in Britain in the last few years and it surely must be our responsibility to see that as long as we are able, we ought to keep them up here. It is my opinion that this is the reason why the amendments are asked and further to this, no medical person will be excluded because of this amendment. It will mean that the ordinary number of people will come here on reciprocal arrangements and other people who wish to come here to practise in Saskatchewan may do so if they satisfy the

Registrar of their ability by writing an examination. It's idle to talk about exclusion. It just means that the people we have taken for granted, the whole range or spectrum of people we have taken for granted as suitable for Saskatchewan practice is narrowed very slightly.

I want to say a few words about the notice prescribed by the Act before the council. This is in Section 4. Section 4 of the Bill will be struck out and a clause submitted which will have the effect of prescribing the type of notice that will be sent to the doctors. I want to mention that there is also a grandfather clause incorporated in the amendments to the Act dealing again with people who might be excluded from the reciprocal arrangements. The Act will come into effect July 1, 1967. This extra period is intended to give notice to people who might be in transit or who might want to come to Saskatchewan from Britain that their qualifications are going to be subject to strict review. The grandfather clause allows the people who have come under these conditions to remain and no doctor who is presently practising in Saskatchewan is going to be disqualified because of the amendments to the Act. I want to remind the Member from Hanley (Mr. Walker) that professional acts are similar. For instance, no lawyer is allowed to come to Saskatchewan from any other province let alone another country without writing an exam. These same qualifications will be applied to the medical people who are now excluded from the reciprocal arrangements. The Member for Hanley made much of the notice that might be served on the doctor by a disciplinary committee of the College of Physicians and Surgeons. I want to reassure him that amendments will be brought in so that the notice will be given either personally or by registered mail. In the case of personal notice, not less than seven days before the date of the hearing must elapse before the hearing begins. In the case of a registered letter, notice not less than thirty days must elapse before the date of the hearing. These are amendments that we will be dealing with. There are many more things that could be said about it but I don't feel, Mr. Speaker, competent to discuss the technical parts of the Bill.

MR. WALKER: — Are you prepared to amend it to include the use of an acknowledgment-of-receipt card where you are sending notices by registered mail so that there is an AR card used.

MR. LEITH: — Mr. Speaker, will you allow me to read from part of the proposed amendment at this point?

MR. SPEAKER: — It is not strictly according to order to do this because these are matters that might be as well discussed in Committee, but I think inasmuch as the question was asked and the Member indicated that he would answer it, I can't see how he can answer it unless he does.

MR. LEITH: — Thank you, Mr. Speaker. Section 7, sub-section 3, "A notice a document other than a subpoena required to be served under the provisions of this Act or any rule, order, regulation or bylaw made pursuant to this Act, may be served personally or by posting the notice or document at any post office in Saskatchewan by registered letter, addressed to the person to be served at his address according to the records of

the college; and in the case of registered mail, the notice or document shall be deemed to be served on the date of mailing shown on the postmaster's receipt where the receipt is attached to an affidavit of service made by the person effecting service."

MR. WALKER: — I'm suggesting that an AR card be added to that so that there will be some evidence that it was actually received by the Addressee.

MR. LEITH: — Yes, this I think is up to the Committee and up to the College if they wish to do this. Now there are other amendments to the Bill, but, Mr. Speaker, as I've said, I don't feel competent to discuss them. I think that it will be in order for this Legislature to give this Bill second reading. Certainly every member of the Committee will be able to question and discuss any part of the amendment to the Act or the House amendments that will be brought in. Mr. Speaker, I move second reading of this Bill.

MR. W.E. SMISHEK (Regina East): — Mr. Speaker, I wonder if the Member will permit a question before he resumes his seat?

MR. LEITH: — Yes.

MR. SMISHEK: — Mr. Speaker, the Hon. Member made a statement that the standards of medical practice in Britain have gone down in recent years. I would ask the Member to show any proof that that in fact is the case.

MR. LEITH: — Mr. Speaker, I will answer this by saying that you should quote me correctly. I said that in my opinion the standards of medical practice in Great Britain have gone down.

Motion agreed to on the following Recorded Division:

YEAS — 30

Messieurs

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

NAYS — 23

Messieurs

Lloyd	Thibault	Smishek
Hunt (Mrs.)	Willis	Link
Wood	Whelan	Wooff
Nollet	Nicholson	Brotten
Walker	Kramer	Larson
Brockelbank (Kelsey)	Dewhurst	Pepper

Blakeney
Davies

Berezowsky
Michayluk

Brockelbank (Saskatoon)

Bill read a second time and referred to the Select Standing Committee on Law Amendments and Delegated Powers.

The Assembly adjourned at 10:02 o'clock p.m.