

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**First Session - Sixteenth Legislature**  
**35th Day**

Monday, April 8, 1968

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

**QUESTIONS**

**TABLING OF LETTER**

**Mr. W.G. Davies (Moose Jaw South):** — Mr. Speaker, I'd like to ask the Premier a question. Is the Premier aware that the letter he has now refused to table was tabled by the Prime Minister in the House of Commons?

**Hon. W.R. Thatcher (Premier):** — No.

**WORK STOPPAGE AT MOOSE JAW SASH AND DOOR**

**Mr. G.T. Snyder (Moose Jaw North):** — Mr. Speaker, I wonder if I might direct a question to the Minister of Labour? The Minister is aware, I am sure, of a work stoppage at Moose Jaw Sash and Door which began at 7 o'clock this morning. I wonder if the Minister has offered mediation or conciliation services in an effort to settle this dispute.

**Hon. L.P. Coderre (Minister of Labour):** — Mr. Speaker, Department conciliation officers are working overtime at minimizing any work stoppages as well as attempting to stop others. Mr. Elohyson and Mr. Lysack are now in Saskatoon looking into an electrical trade threatened walkout as well as into the Regina walkout.

**ANNOUNCEMENTS**

**BEST WISHES TO MEADOW LAKE STAMPEDER HOCKEY TEAM**

**Mr. H.E. Coupland (Meadow Lake):** — Mr. Speaker, before the Orders of the Day, I would like to announce that the Meadow Lake Stampeder Hockey team has won the Western Canada Intermediate A Championship by defeating the Vermillion Tigers of Alberta in three straight games. They won the Saskatchewan Championship by winning over Regina and now they meet the winner of the Fort Francis, Ontario and Brandon Manitoba Series. The Meadow Lake team is bolstered by additional players of the Big Four league from Turtleford, St. Walburg and Edam. Their next games will be in North Battleford this coming weekend. I am very proud of them and I'm sure we all wish them success.

**SALES OF SASKATCHEWAN SAVINGS BONDS SERIES NO. 8**

**Hon. D.G. Steuart (Provincial Treasurer):** — Mr. Speaker, before Government orders, I would like to announce at this time that the total sales of Saskatchewan Savings Bonds Series 8, amounted to \$10,940,000 as compared to total sales for Series 7 last year of \$14,844,000. The sales this year compare favorably with the last period of tight money and high-interest rates in 1962 and 1963 when the total sales were \$11,664,000 and \$10,488,700. So while we are naturally

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disappointed that the sales were not up to the high level of last year, all things taken into consideration, we feel we have reason for satisfaction in the fact that we did exceed the \$10 million mark.

**Mr. F.A. Dewhurst (Wadena):** — Mr. Speaker, before the Orders of the Day, before the Minister takes his seat would he answer a question. How much of that \$10 million odd was bought by Government funds?

**Mr. Steuart:** — About \$3 million, which is about normal.

## **ADJOURNED DEBATES**

### **SECOND READINGS**

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. McIsaac (Minister of Education) that Bill No. 54 — **An Act to amend The School Grants Act** be now read a second time.

**Hon. W.S. Lloyd (Leader of the Opposition):** — Mr. Speaker, I'll just say a few words on this Act since the Government is unwilling to stand it. I understand that the Member from Cutknife (Mr. Kwasnica) had been talking with the Minister of Education (Mr. McIsaac) last week. Part of the difficulty which the Opposition finds here is that we haven't as yet had all of the information, which I believe the Minister of Education had been good enough to say he'd make available. That is, in order to properly judge what this Bill is doing, it becomes desirable, I think, in the interest of all Members that we have information to indicate the increases in grants by areas of jurisdiction this year. We can look at that alongside of what last year's increases brought to the same areas. Again my understanding in conversation with the Member from Cutknife is that the Minister of Education has said there was no problem making this available. He had made some of it available, I believe the Member had asked that more of it be made available. Now we are being asked to vote on the matter of second reading the principle of distribution of this \$2.4 or \$2.7 million worth of grants. We are being asked of course in the absence of having information which is necessary in order to come to a judgment on it. On that basis and in the light of the fact that this isn't holding up the House, there is a lot of material on the Order Paper which we can proceed with. I ask for the right to adjourn the debate, Mr. Speaker.

**Mr. Thatcher:** — Mr. Speaker, in view of what the Leader of the Opposition has said we are willing to stand this Bill again today. I'm sure the Hon. Leader will understand though that we are anxious to get on with this business, and I would hope that we can proceed tomorrow.

Debate adjourned.

## **ANNOUNCEMENT**

### **REPORT FROM CHIEF JUSTICE CULLITON ON ALLOWANCES AND SALARIES**

**Mr. Thatcher:** — Mr. Speaker, I should like to announce that today I have received the report of the Committee which considered

allowances and salaries from Chief Justice Culliton. I propose that in about one hour's time this Report will be circulated. We are now having the document mimeographed. While I am on my feet I should like to say the Government is giving no assurance that the recommendations will be introduced, nor even that a Bill will be proceeded with at the current session. However, I imagine Members on both sides of the House will wish to peruse the report. Then I would think a Committee of each side of the House would get together and we will decide whether any action should be taken as a result of the Report.

### WELCOME TO STUDENTS

**Mr. D.A. McPherson (Regina South West):** — Mr. Deputy Speaker, it gives me great pleasure to introduce to you and to this Assembly 90 students from Lakeview school in the constituency of Regina South West. They are the grade 8 class and they are here under Mrs. Waters. I might add, Mr. Speaker, there's a special interest of one of the young ladies sitting in the west gallery with this class. Her father is the Hon. Attorney General and she has great interest. I hope the Attorney General can conduct himself today in the right manner. On behalf of the Assembly, I would like to welcome the students and to wish them every success in their day here and hope that it will be interesting and educational.

**Some Hon. Members:** — Hear, hear!

**Hon. D.V. Heald (Attorney General):** — Mr. Deputy Speaker, I'm doing something that I promised my daughter I wouldn't do, but I would like to join with all Hon. Members I'm sure and with the Member from Regina South West in extending my greetings also to my daughter, Lynn, and her gang up there and I think that perhaps the Member for Regina Centre (Mr. Blakeney) might want to say something too.

**Some Hon. Members:** — Hear, hear!

**Mr. A.E. Blakeney (Regina Centre):** — Mr. Deputy Speaker, we are all in this parade today. I want to join with you and through you with all Members of the House in expressing our welcome to this group. My special reason for rising is that young fellow, second from the Speaker's end with the large mop of hair, is my son, Hugh. I extend to all of the members of his class and all of the members from Lakeview school a cordial welcome on behalf of all Members of the House.

**Some Hon. Members:** — Hear, hear!

**Mr. A. Mitchell (Bengough):** — Mr. Deputy Speaker, I have the pleasure this afternoon to draw to the attention of you and all Hon. Members the presence of a fine group of students from Ogema school. They are seated in the east gallery. In this group are 56 girls and boys of grade 8 and grade 12 from Ogema school, which is situated in our constituency of Bengough. Ogema is close to the border of the Hon. Minister of Welfare's constituency (Mr. MacDonald) of Milestone, and for this reason, several of the students' homes are in Milestone constituency. This group is under the direction of their teachers, Mr. Langford, Mr. Chase and Mrs. Parry. I'm sure, Mr. Speaker, you and all Members of the Legislature join with me in wishing them an informative and educational afternoon

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and a safe journey home.

**Some Hon. Members:** — Hear, hear!

**Hon. C.P. MacDonald (Milestone):** — Mr. Deputy Speaker, I would like to join with my colleague from Bengough in expressing a welcome on behalf of the Assembly to the students from the Ogema school. Certainly many of them come from the Milestone constituency; Ogema is on the border between our two constituencies and I too, join with the other Members of the Assembly in extending the best wishes to them and a safe journey homeward.

**Some Hon. Members:** — Hear, hear!

## **SECOND READINGS**

**Hon. C.L.B. Estey** (Minister of Municipal Affairs) moved second reading of Bill No. 44 — **An Act to amend The City Act.**

He said: Mr. Speaker, this is a Bill to amend the present City Act. Amongst the most important points involved are: firstly, the provision in the present Act which deals with the power of a building inspector to approve plans of a residence having a value of under \$10,000. In excess of this figure these plans must be approved by either a professional engineer or an architect. This Act amends that provision so that a residence may go up to a value of \$30,000 without the plans being approved by either a professional engineer or an architect. The provision regarding a public building to house in excess of 125 persons remains as is. Such a building would still have to be approved by an architect or a professional engineer. The amended Bill rewords the sections dealing with trailer licences in an attempt to clarify these as such was asked for by SUMA. The Bill also gives the cities the power, in the case of a large high-rise apartment which puts added usage on to the sewer or water system, to levy a fee or an annual tax to take care of such additional services. The amending Bill also provides that the Local Government Board may increase the borrowing power of a city and gives more laxity to a city making an application to increase its borrowing powers if it is an expanding city. The amending Bill gives the same provision concerning station grounds licensees and lessees as was found in The Village Act. The amending Bill also provides that a city may, subject to the approval of the Local Government Board, construct a parkade and designate an area which will be levied an additional tax levy, in order to take care of any deficit which the parkade may have in its financing. This was requested by the city of Regina and a group of merchants owning smaller stores in the city. As I pointed out, Mr. Speaker, most of these amendments have been requested by SUMA.

**Mr. H.H.P. Baker (Regina South East):** — Mr. Speaker, I just want to make a few comments on the Act. I don't want to hold it up. But I notice that some changes have been brought in which are very good and we in Regina are very pleased with the parkade amendments. However, there are some suggestions I am going to make with regard to parkades, which we might be able to change. The main thing is we have the opportunity of providing parkades in our centres. The part dealing with junked vehicles does not go far enough, I don't think, Mr. Minister, in the disposal of these vehicles.

If we have to pick them up and dispose of them, it appears we cannot sell them. The expense in picking them up would have to be borne by the city or the town, whichever the case may be. We feel that we should be able to charge this back to the property owner, such as we can under the untidy and unsightly premises part in the Sections, under 325 and 327 of The City Act. It might be well to have another look at this section, so that the matter of costs could be charged somewhere. However, it is a good amendment to the section and we appreciate it.

Coming back to the parkades, it doesn't permit us, I don't think, to set up a parking authority. In Regina we were thinking in our recommendation that we might want to tie in with the downtown merchants on a joint deal to maintain and operate these parkades which would be publicly owned. There is another point, in assessing designated areas which the Minister mentioned. I notice we can only assess land and buildings. In Regina ours is calculated on a business tax basis in the downtown areas. Some cities have a licence fee rather than a business tax. They don't have both; they have one or the other. On this basis, it would have been a bit better if we had some flexibility in tax assessment. However, the tax on land and the buildings is still all right, if that is the only feasible way.

The other point with regard to parkades, I notice if we put the money into a fund, we cannot utilize it unless we get approval from the Local Government Board. If we have this setup, I think we should be able to operate these through our city councils without having to run back to ask for a few bucks in order to expand or do repair work. Perhaps the Minister could check into this.

The other point I wanted to bring out was the licensing of trailers in trailer parks. I notice you have a licence fee which shall not exceed \$5. In Regina we tax them on a business-tax basis. We don't have a licence fee. These are the few comments I had planned, Mr. Speaker. I am certainly going to support the Bill, many of the other changes involve permissive legislation and can be left to local governments. We are very pleased in the city of Regina that you have brought in parkade legislation, the cleaning up of junked vehicles, and other permissive legislation.

**Some Hon. Members:** — Hear, hear!

**Mr. E.I. Wood (Swift Current):** — Mr. Speaker, I surely am prepared to support the Bill, as the Hon. Minister has outlined and also as reviewed by the Hon. Member from Regina south East (Mr. Baker). I note, however, not so much what is in the Bill but I'm a little disappointed in some things that were not included. Frankly, Mr. Speaker, I thought that there might be some house amendments proposed in regard to an indemnity for aldermen. It seems to me that this is something which has been under discussion for some time. I do believe that it is overdue that there should be some change in the remuneration for aldermen. I was wondering, Mr. Speaker, in view of these things, could I be allowed to ask to adjourn the debate.

Debate adjourned.

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**Mr. Estey** moved second reading of Bill No. 45 — **An Act to amend The Town Act.**

He said: Mr. Speaker, this is an Act to amend The Town Act. Several provisions are similar to what I have just referred to as being in the The City Act. For instance in the building plans section the sum has been raised to \$30,000. There is more flexibility put into the borrowing power of a town in that they simply go to Local Government Boards. The provision regarding the taxing of licensees and lessees of station grounds is likewise incorporated in this amending Bill. I do not think I have to say any more about this Bill at the present time, Mr. Speaker.

**Mr. Wood:** — I do not consider that there is very much to disagree with in this Bill, but again I feel that they should have had a look at the indemnity for the town councillors or aldermen. I think that in view that this was brought in and I anticipated it would be brought forward quite probably, I would like to reassess my own position on it, I would like to ask leave to adjourn the debate again.

Debate adjourned.

**Hon. D.V. Heald** (Attorney General) moved second reading of Bill No. 8 — **An Act to amend The Legal Profession Act.**

He said: Mr. Speaker, these amendments to The Legal Profession Act have been prompted by representations to me by the Law Society of Saskatchewan. The principles involved here set out in the order in which they appear in the Bill are as follows.

First of all there is a proposed revision of requirements for membership in the Law Society. I think I should quote the letter from the Law Society which sets out the rationale for the changes. I am quoting now from the letter from the Law Society.

The reason which has compelled the Law Society to seek this amendment is that we have received many applications for admission from gentlemen who may qualify as barristers in other parts of the British Commonwealth, but who have not practised as such for any significant period of time. Many of these applicants have been refused in other provinces notably in British Columbia, Alberta and Manitoba. The wording of our present section will appear to tie the hands of the Law Society in dealing with such applicants. With the present section, as it appears without the amendment, one must read Rule 68 subparagraph 3. The benchers felt that there was some doubt as to their jurisdiction to require higher qualifications than those submitted by the applicant where such applicant was a duly qualified barrister in any part of Her Majesty's Dominions whether he had practised for any length of time or not.

I would point out, Mr. Speaker, that we have looked at the sections in the other provinces and they do have restrictions which are more stringent than the proposed restrictions here. What we are trying to do, or what the Law Society is proposing is that we not put ourselves in the position whereby people can come in here with inferior qualifications and then either stay

here and practise or go to other jurisdictions. That's the first proposed change.

The second proposed change in the Act is that there will be provision of authority for students-at-law-, who are not admitted as barristers and solicitors, to act in legal matters. In this respect the request from the Law Society states as follows:

Under The Legal Profession Act as it stands without amendment, there is no statutory authority for students-at-law to perform the duties which they have been carrying out in practice for many years. Indeed under subsection (1) of Section 5 and subsection (1), (2) and (4) of Section 69 they are specifically restricted from doing so. At times Chamber Judges may find themselves ill-served by inexperienced law students and I suppose this may be a perennial problem. If you send a boy on a man's errand you will run the considerable risk of losing the application. For the most part however it seems the law students put more preparation into their work than most fully qualified practitioners. In any event it would not seem appropriate that law students should parade to the Chamber Judge before each chamber day for leave to handle the volume of business which is left in their hands.

This is really going to regularize what the practice has been anyway.

Regarding the third change in principle here, there will be a provision for authority for payment from the special funds — this is the indemnity fund of the Law Society — there will now be provision for payment from this fund of expenses incurred in connection with audits, investigations and hearings pertaining to members' accounts. This proposal will bring our Act in line with the practice in Alberta and Ontario. This is the special indemnity fund which has been set up by the Law Society of Saskatchewan to protect their clients against some lawyer getting into difficulty and defaulting on funds. I would advise Hon. Members that the fund as of January 31, 1967 amounted to \$177,609 and since that time has increased another \$18,000. At the present time this indemnity fund in the Law Society amounts to \$195,000. All this proposed amendment will do is provide that, when they have expenses in connection with audits, they do spot checks and spot audits in the various Law Society Trust Accounts. This simply provides that, since this is really an expense in connection with this particular matter, these audits, the cost of hiring accountants and auditors, investigations can be charged against this fund.

Now the only other principle involved in these amendments is that there will be authority given to a sheriff to appear in court under certain circumstances. This amendment has come from my law officers and is designed to permit a sheriff to appear in court on certain matters, such as interpleader, although he may not be a member of the Law Society, he may not be a lawyer. From time to time sheriffs do become involved in proceedings, such as interpleader, where they are in possession of funds in respect of which adverse claims have been made. Now this comes about in the following manner. The sheriff is instructed to seize certain assets belonging to a debtor. He seizes the assets, and he sells. He is required to hold the money in a trust account and the various creditors under the Creditors Relief Act can come in and make claim. Quite often

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the sheriff finds himself in the position of being the stakeholder and there gets to be quite an argument among different creditors as to who is entitled to the money. Now in this event, the sheriff — there is a proceeding provided for under which the sheriff can interplead — can go to the court and he can ask the court to tell him what he should do with the money. The way it has been in these cases, the sheriff has always had to have a lawyer plead his case. We feel that there are many cases where not too much law is involved, and we feel that the sheriff is really disinterested in this money, apart from the matter of his fee which is usually quite nominal, but he must secure a directive to secure the services of a solicitor to represent the sheriff. Of course where he does have to hire a lawyer the funds in his hands are diminished by the amount of the lawyer's fee and of course this means less money to the creditors. We feel that in many cases the sheriff, under the direction of my law officers, getting advice from my law officers as to what he should do, could make the application more expeditiously and at a lesser cost to the contestant. So we're proposing that he be given authority to appear in court notwithstanding the fact that he isn't a lawyer.

Those are the four principles involved in these amendments, Mr. Speaker.

**Mr. R. Romanow (Saskatoon Riversdale):** — Mr. Speaker, in rising to speak on second reading of this Bill and I do so somewhat reluctantly. It is the feeling of myself and most Members on this side of the House that many of the provisions contained in the proposed amendments to The Legal Professional Act are very meritorious indeed. However, there are two aspects of the proposed amendments, Sir, that we have examined and regretfully, because of the two provisions, our position has to be that we must oppose the amendments.

These two general areas relate to, firstly, Section 5(1)(e) which for my purposes and for the sake of brevity relate to the paragraph and the part that says, "in matters pertaining to the law." Unfortunately, I missed the Attorney General's opening remarks in this regard, but the particular wording of Section 5(1)(e) and in particular that phrase "and matters pertaining to law" has posed difficulty to the Hon. Members on this side. Notwithstanding the fact that this phrase exists in the present legislation, it's my view that the phrase is so broad and so all-encompassing as to lose much of its meaning. Now it could have, Sir, I fear, a very harsh effect on many rural citizens and regions of Saskatchewan, particularly where those citizens are isolated now from the services of a fully trained and qualified barrister and solicitor. I am sure that members of the legal profession will agree that many of them are just not prepared nor do they have the time to service the areas of small towns some considerable miles away from the services of a trained and duly qualified barrister and solicitor. For example, what do the residents of Punnichy and Lestock or Hudson Bay in that area do when they require the services of some person who has some training and some skill in areas of the law, but they are not able to obtain a lawyer? I believe that the legal profession and the Hon. Attorney General (Mr. Heald) feel that this section is really intended to prevent people who do not have legal training from entering into those complicated areas of the law where only a fully qualified barrister and solicitor may enter. We all have some very personal and practical experiences of people who are not, as it were, fully qualified in the matters pertaining



to the law. This sometimes, Mr. Speaker, leads to very complicated litigation thereafter. But it may be put that the intention of the Act is to prevent this person from holding himself out to be a competent lawyer if you want to translate the argument in another way. With this intention, I wholeheartedly concur. However, I feel, Mr. Speaker, that it's lamentable that the legislation does not in fact say that a person, who holds himself or herself out as a person being trained in the law and dealing as a duly qualified barrister and solicitor, may not so advise and act. Really, I feel the provisions pertaining to 5(1)(e) are too broad. It may also be true that the profession and the Government may turn a blind eye to the obviously minor aspects carried out by JPs and other people. But the statute nevertheless is on the books. It can be strictly interpreted to punish those who are providing what Members on this side feel is very often a valuable service for the protection and for the benefit of the people in our small communities. Further in this general area pertaining to Section 5, we're concerned that subsection (e), for example, may preclude or exclude members of trade unions who appear before the Labor Relations Board. Often representatives appear before the Labor Relations Board seeking certification on behalf of employees, and as of the time of the certification, the union representatives are not in fact representing employees because no certification formally has been made at the time of the hearing. We simply ask this question, Sir, by way of example. Can it be argued that they should be denied the right to appear before the Board for example, a practice that they have enjoyed frequently over the years, or can it be equally open to the interpretation that this particular section could some day be enforced to their detriment and other people's detriment as well?

Now if I may, Mr. Speaker, just a brief word on another area that causes us some concern, and that is the reservation of subsections (4) and (5). In this area I feel the Hon. Attorney General may have misconstrued the nature of this legislation. To my view, it is in essence restrictive legislation. This part, Mr. Speaker, that deals with the Commonwealth-trained barristers and solicitors. Again to be sure, we wholeheartedly concur that it is important to safeguard the standards of legal assistance that the people of Saskatchewan may draw on from time to time. I congratulate the Attorney General and benchers in their efforts in this regard. However, whenever legislation also has a real restrictive ring to it as, Mr. Speaker, I submit this particular section does, we must then ask this question: has there been such flagrant violation or abuse or incidents of incompetence that warrant the introduction of subsections (4) and (5)? To my mind legislation which restricts, and I think this is restrictive legislation, should only be introduced, when it has been shown, beyond reasonable doubt to the Hon. Attorney General and the Law Society, that there are wholesale problems in the field of British Commonwealth students and lawyers who come to Saskatchewan. In fact if there is a shortage of trained people in some parts of Saskatchewan, in the legal profession as it has been suggested there is, subsection (5)(e) will stop these people from coming in. Can an argument be advanced that we should deny at least those who have some formal training from England, the home, Mr. Speaker, of parliamentary and legal precedence, from which this House and the courts draw on, if they wish to prevent these people the more easy access to Saskatchewan. No one will deny the Law Society to make regulations under their own rules for additional exams or articles that may be required, but should legislation be specifically spelling out conditions that make entrance into Saskatchewan, we submit, possibly more difficult?

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Now in this regard, Mr. Speaker, I feel that perhaps, if there was an area of concern, this may be a legitimate field for the law College at the University of Saskatchewan to set out the qualifications and the standards. I am not going to elaborate on that: it's by way of an alternative suggestion to the Hon. Attorney General.

I have had a brief opportunity of reviewing the other statutes pertaining to legal professions in four other provinces. British Columbia, Alberta, Manitoba and Ontario. The first two have such restrictions relating to Commonwealth lawyers, written into the statute books. One of the older and leading provinces, Ontario, appears not to have such restrictions. By Section 42 of the Ontario Act the benchers have wide powers to be sure, but there is no formal legislation or writing into the Act of this type of restriction as far as I can see. Again we ask the question, why then in Saskatchewan? The benchers presently have the power to set such regulations pertaining to articles and admittance, as they see fit, to improve the standards of the Commonwealth or other solicitors as they may require from time to time.

Mr. Speaker, I am fearful that the amendment may be a dangerous one to add to our Act and may be an extra impediment to those who might wish to come to Saskatchewan to make their home and their contributions here. In concluding I want to say that I had the benefit of the thinking of some of Saskatchewan's leading lawyers in this regard, and I have talked to the Hon. Attorney General informally. I appreciate their concern for maintaining the high standards, but we do feel that those two areas cause grave concern and, unfortunately, despite the very other beneficial aspects of this Act, those two particular questions are of such importance that we cannot support this Bill. At least I can't on second reading.

**Mr. F. Meakes (Touchwood):** — Mr. Speaker, a couple of questions I'd like the Minister to answer when he closes the debate. One of the problems that I worry about and I come from a constituency which is unfortunate in not having (I don't know whether unfortunate or fortunate, I'll use the word unfortunate) a resident lawyer within the constituency. At times there are lawyers who come in, but we have a number of people in our small towns who do all kinds of jobs such as bills of sale, sending away for transfer of title, and get a remuneration for this. The way I read this Bill in relation to such transactions I would read that they would no longer be able to do this. I am worried about it. This is one of the points I hope the Minister might deal with, when he closes debate.

**Mr. A. Matsalla (Canora):** — Mr. Speaker, there are some remarks I'd like to make in connection with this Bill. I would like you to call it 5:30 now.

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

**Mr. Matsalla:** — Mr. Speaker, in speaking to this Bill I would like to direct my remarks to Section 5(e) which states, I quote.

Advise, do or perform any work or service for fee or reward either directly or indirectly in matters pertaining to the law.

Now unless this part of the Bill is made more specific as to its meaning I would assume that it is to mean that no person other than one referred to in Section 5, subsection (a), (b) and (c) has the authority and legal right to “advise do or perform any work for fee or reward either directly or indirectly in matters pertaining to the law.”

In this case it would outlaw the performance of many small called-for services for people in a small community by lay people in that community. In other words, it would be illegal for lay people who are recognized as capable to perform the services. They could be guilty of an offence under the Act and liable on summary conviction to a fine of not less than \$10 or more than \$100 under subsection (2).

I am particularly referring to the small community because it is in this area where in many cases there are no legal facilities available and where many of these small services are provided. Some of the lay people involved in performing minor legal work may be municipal clerks, that is the rural municipal secretary-treasurer and village or town clerk, insurance agents, elevator agents, school teachers and there may be others. The jobs that these people are called upon to do are numerous, but really minor in nature. Some of these are: completion of various forms legal and otherwise; taking of affidavits; attend to correspondence that may be legal in nature; assisting in application for public assistance and pension; assisting in gathering documents to prove birth dates; preparation of simple wills; simple conveyancing concerning the municipality or others; filing of income tax returns and tax enforcement procedures.

I would like to make reference to the secretary’s page of the February 1968 issue of the Rural Councillor, voice of the SARM, where a rural municipal secretary-treasurer outlines some of the responsibilities and work of the secretary-treasurer. The article is entitled, “Legal Counsellor Advisor”. I’d like to quote four parts from this article which could be applicable to our subject under discussion. I quote.

Among the multiple duties of a rural municipal secretary-treasurer, I feel that one of a legal counsellor and advisor, particularly to the members of his council pertaining to their duties and responsibilities is an important one.

This topic may be easily developed to a point of being somewhat controversial in nature and so for that reason I shall limit my remarks to generalities of municipal management and human relations.

As qualified secretary-treasurers we are graduates in Statute Law and Parliamentary Procedure, as well as in the basics of Commercial Law. Many of our members hold university certificates in local administration by having fulfilled the requirements of the advanced course for the purpose. Others may possess additional merits of varied qualifications.

Although at times we may not have the required information at our finger tips, we do have the key as to where such information is available and the ability of interpretation and application of same.

Occasionally when problems are discussed, or a solution is

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sought reference should be made to specific sections of the applicable act.

Now just a few days ago I have received a letter from a municipal secretary-treasurer in my area. He is somewhat concerned with the section of this Bill. I quote part of his letter.

I am wondering what the situation would be under that Bill with regard to a municipal secretary making applications for title under tax enforcement Acts. This might put a lot of municipalities to great inconvenience for solicitors are far away from small places.

Now the view put forth by these municipal secretary-treasurers would apply to all municipal secretary-treasurers, including village and town clerks.

In a small community where legal facilities are not available, these people along with others who I mentioned earlier are called on to perform additional services. The people of the community recognize that many of these people are trustworthy and capable of accommodating them in certain legal areas of a minor nature. The small community finds the services very convenient and generally less expensive, both travel-wise and fee-wise. In other words, if the services are not available locally, people will have to take time off and travel a distance of 20 to 40 miles and in some cases farther than that.

I feel sorry for the unfortunate, the old people, the weak and the handicapped, who do not have the means of travel and finance and who, because of this, would delay and even neglect to have the necessary work done and as a consequence create a hardship for themselves and their families.

I am sure that I would be speaking for all small communities if I say that the small community values the small services performed by the lay people of their towns. They expect and look forward to having such services available right in their town. The provision of this Bill would remove the availability of the services from the people of small communities, resulting in the weakening of the structure of small communities which today are fighting for existence and for a fair share of available business in the respective areas. I want to impress upon the Government, Mr. Speaker, that the effect of this Bill would be by far much greater on the people of the community rather than on the people who are providing the services, because the fees charged are generally very nominal and in many cases no charge is made. I would therefore urge the Government to amend this section of the legislation in a manner so as to legally provide for a layman to perform certain minor legal services.

**Mr. Heald:** — Mr. Speaker, I'll only deal in reply in closing the debate to the matters that my Hon. Friends opposite have indicated their objection to. I'll take the last objection first, the one the last Member who just took his seat was objecting to. This is Section 5(e). "Advise, do or perform any work or service for fee or reward either directly or indirectly in matters pertaining to the law." I want Hon. Members opposite to realize that there is absolutely no change. That is not a new section. Those words and that section word perfect are in the existing Act, and they have been there since at least 1953. I am going to take the section as it is now, the present Section 5, really all that this part of Section 5 is, is a re-arranging of the words. There

are other changes in it, but so far as this section, the one you're objecting to, Section 5(e) is absolutely the same and I am going to read it. Section 5(1) in the old Act:

No persons except those enrolled as barristers and solicitors of Saskatchewan and holding subsisting annual certificates issued to them pursuant to the rules and bylaws of the Society shall practise at the Bar of any court, (and this is (d) now in the new Act) of civil or criminal jurisdiction of Saskatchewan or, (now you go to (e)) advise, do or perform any work or service for fee or reward either directly or indirectly in matters pertaining to the law, (word perfect with (e) that is contained in the old Section 5(1)), so there is absolutely no change insofar as this Section 5(1)(e) is concerned.

If you're concerned with interpretation of this section, I suggest that you shouldn't have any concern; it hasn't caused any problem over the last 15 or 20 years. There is no question in my mind at all about a rural municipality secretary or the gentleman that the Member for Touchwood (Mr. Meakes) was talking about. I have the same situation in my constituency. We don't have any lawyer practising in the constituency and we have notary publics, and municipal secretaries who perform a most valuable service for very nominal fees. I agree, I associate myself both with the Member for Touchwood and the Member for Canora in this regard, that they do perform a very useful service where it is a long way to a lawyer, and they do it for a very reasonable cost. There is no intention at all to change this situation. It is in fact not changed by this Bill. I would also disagree that the words "matters pertaining to the law" are wide enough to cover the kind of situation that the Member for Canora (Mr. Matsalla) referred to. However, because Members of the Opposition, and the Member for Saskatoon Riversdale (Mr. Romanow) were kind enough to indicate to me informally that there would be opposition to this section notwithstanding the fact that we are not changing anything, however, to clear it up if we could I asked my law officers to look at those words "in matters pertaining to the law", and if there was any question of ambiguity, if we could change it, I was prepared to do so by way of a House amendment.

My law officers give me the opinion that probably the cure is worse than the disease, because the only way that you could clarify these words would be to say something like this: "Notwithstanding anything in this section, it is not an offence for any person to charge a fee for preparing a will, agreement for sale, chattel mortgage, conditional sale, transfers," and so on. But you see the trouble you get into when you start specifying what you can do. Then your problem is that if you leave something out by inference you have made it illegal. This was our problem in trying to specify all the things that we thought a layman should be able to do if we left something out, for example, tax enforcement procedures. If we left it out then by leaving it out in the exemption, there would be an inference. And a court might well say that it was illegal.

Now, Mr. Speaker, this section has not caused any difficulty. There hasn't been to my knowledge and I have taken the trouble to check — there hasn't been any attempt by the Law Society to prosecute notary publics from doing conveyancing, or municipal secretaries from performing their normal duties and preparing tax enforcement forms. I would say this, that, if there ever was

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any indication that the Law Society or anybody else was going to try to make this kind of work or activity come within that section, as long as I am Attorney General I would certainly say to them, and I say to them tonight, I would look most unfavorably on any such attempt. We would certainly bring in an amendment which would spell it out loud and clear. I think that the statement of the law is satisfactory in this regard. As I say, it has been in the Act for at least 15 or 16 years and there have been no prosecutions. I don't think for one that in matters pertaining to the law it is wide enough to cover the kind of thing that we are all talking about.

I want to assure all Hon. Members that there is no change first of all, and secondly, there is no attempt here to stop a practice which is quite satisfactory to everybody in this province. These people are doing good service, and it is my opinion that a continuation of the section as it has been since 1953 won't affect anybody or won't affect anybody's right to perform these services in the rural areas of our province.

Now the other point that was made by the Member for Riversdale (Mr. Romanow) was in connection with the admission of solicitors from outside Canada. All I would like to say in this regard is that all we are doing here is making our law, our admission requirements, more uniform with the other Western Provinces. I think that this is probably a desirable thing because there has been some indication in the past that there have been some students from other countries who have come here. They have gone to other provinces and they haven't been able to get in. They have come in here and, because once they got admitted here, they got in through the back door to the other provinces. They are doing indirectly what they can't do directly. What the Law Society is asking us to do here is to make our admission procedures uniform with the other provinces of Canada. And that is all this Bill does.

Before we call it 10:00 o'clock I wonder if I might be permitted to advise all Hon. Members that seated at the back on our side of the House behind the bar is the MLA for Birtle-Russell, Mr. Rod Clement of Manitoba.

**Some Hon. Members:** — Hear, hear!

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