LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Sixteenth Legislature
36th Day

Tuesday, April 9, 1968.

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

QUESTIONS

ORDERS FOR RETURNS NOS. 6, 10, 11, 12, 64, 74, 84

Mr. W.G. Davies (Moose Jaw South): — Mr. Speaker, before the Orders of the Day, I wonder if the Government could let me know when Orders for Returns Nos. 6, 10, 11, 12, 64, 74, 84 will be tabled. Many of these were asked for very early in the session, February 19, 20, 21 are three of the dates.

Hon. D.V. Heald (Attorney General): — I am signing a number this morning and I just noticed 84, one of the ones you mentioned, I'm just signing it. I will be filing quite a few in a few minutes.

MOTIONS FOR RETURNS

RETURN NO. 142

Mr. E. Whelan (Regina North West): — Moved that an Order of the Assembly do issue for Return No. 142 showing:

> A copy of all correspondence or other written representations sent to the federal government by members of the Executive Council from January 1, 1967, to March 31, 1968, with respect to potash marketing problems.

Hon. W.R. Thatcher (Premier): — Mr. Speaker, I consider this privileged correspondence and I would ask the House to reject this motion.

Mr. Whelan: — Mr. Speaker, with so much at stake in industry, that would include investments and jobs of the people, the markets, the people who need the product for fertilizer, the people who need food because they are hungry, I would hope that we would have some evidence to present to the citizens of Saskatchewan that we are putting forth an effort to protect all these things. This motion would produce that evidence to all of the citizens of Saskatchewan, and for that reason I am most anxious that the information that I have requested be tabled and presented, so that the public will know that this Government is going to bat on behalf of the potash industry.

Motion negatived.

RULING BY MR. SPEAKER ON MOTIONS FOR RETURNS NOS. 144, 145, AND 146.

STATEMENT BY MR. SPEAKER

Motions for Returns Nos. 144, 145 and 146 are all upon the

same subject and are, except for one date in each motion, exact word for word replicas of each other. I, therefore, propose to deal with them collectively.

On February 29, 1968, the following Motion for Return (No. 40) stood on the Order Paper, moved by the Member for Regina Centre, and I quote as follows:

> That an Order of the Assembly do issue for a Return (No. 40) showing: Copies of any agreements or contracts entered into between Saskatchewan Power Corporation and North Canadian Oils Limited since January 1, 1964.

This motion was debated and defeated on a recorded vote.

I would draw the attention of all Hon. Members to the following rules of parliamentary procedure and I quote first from Beauchesne's Parliamentary Rules and Forms, Citation 194, in part as follows:

> A motion or amendment cannot be brought forward which is the same in substance as a question which has already been decided, because a proposition being once submitted and carried in the affirmative or negative cannot be questioned again but must stand as the judgment of the House.

And further from Citation 163:

> A mere alteration of the words of a question, without any substantial change in its object will not be sufficient to evade the rule that no question shall be offered which is substantially the same as one which has already been expressed in the current sessions. It is possible, however, so far to vary the character of a motion as to withdraw it from the operation of the rule.

Erskine May's Parliamentary Practice, seventeenth edition, states on page 396, as follows:

> Matters already decided during the same session. A motion or an amendment may not be brought forward which is the same, in substance, as a question which has been decided in the affirmative or negative during the current session. The rule may be fully stated as follows: No question or Bill shall be offered in either House that is substantially the same as one on which its judgment has already been expressed in the current session.

And further, on page 398:

> Repetition of motions which have been negatived. The most frequent attempt against the rule is to seek to evade it by raising again with verbal alterations the essential portions of motions which have been negatived.

Bourinot's Parliamentary Procedure, fourth edition, states on page 328 and I quote in part:

> It is, however, an ancient rule of Parliament that 'No question or motion can regularly be offered if it is substantially the same with one on which the judgment of the House has already been expressed during the current session'.

And further, I quote as follows on page 329:

> But when a question has once been negatived, it is not allowable to propose it again, even if the form and words of the motion are different from those of the previous motion.

Motions for Return No. 144, 145 and 146 have obviously been framed by able legal experts who, while not acquainted with the precise terms and conditions of the actual contract in question, were fully aware of any and all possibilities which an agreement of that nature might or could possibly contain and enumerated them one by one as questions in the motions.

The motions are so comprehensive and all embracing as to be productive, if they were passed, of every matter or part of importance in the agreements referred to in Motion for Return (No. 40). In other words after actual copies of the contracts were refused by the House, a complete description of everything that the contracts could possibly contain is now being asked for. Because these three Motions for Returns are the same in substance as Motion for Return (No. 40), because there has been no change in the object thereof and because it is essentially the same in intent and meaning as Motion for Return (No. 40) and would be productive of the same information which was previously refused, I rule Motions for Returns Nos. 144, 145 and 146 out of order.

Mr. A.E. Blakeney (Regina Centre): — Mr. Speaker, I wonder may I be permitted to make a comment on your ruling. The earlier Motion of the House was one which asked for copies of the agreements. I don't want to refer to that debate in the House, but the essential nub of the Government's objection was that the Government would not reveal the price at which the gas was bought or sold. This position of the Minister was reiterated in Crown Corporations Committee. The Minister indicated in Crown Corporations Committee that he would give us the details of the agreement other than the price. I thank the Speaker for his kind comments on our drafting skill but I would direct the attention of the Speaker to item No. (1) which says, "Particulars other than the unit price of natural gas to be sold or purchased." Now these motions or Motions for Return were drafted so as to exclude any obligation to disclose the price. It was my judgment from the previous debate that that was the basis for the objection to the previous Motion. It was my belief, and is my belief that, if the Motions which are before us exclude such a relevant item as the price in an agreement, they are, because of this exclusion not the same as the previous Motion and they ought to be able to be put before the Assembly. That's my position, Mr. Speaker.

Mr. Thatcher: — We agree with . . .

Mr. Speaker: — I have not heard anything which would change my views on this ruling. These Motions as I see them would produce all of the details of the contract, whether it be the price or something else, it's not for me to say.

Hon. W.S. Lloyd (Leader of the Opposition): — Mr. Speaker, it seems to me that the Member for Regina Centre (Mr. Blakeney) has established the vital difference between this Order and the one which was asked for previously. He met the objections which the Government gave at that time and

with respect, Sir, there is no alternative except to challenge your ruling on this matter.

Mr. Speaker: — The question before the House is, shall the ruling of the Chair be sustained? I won't be a judge in my own case. Call in the Members.

Ruling sustained on the following recorded division:

YEAS — 30

Thatcher	Grant	Radloff
Howes	Coderre	Weatherald
McFarlane	Bjarnason	Mitchell
Cameron	MacDonald	Larochelle
Steuart	Estey	Gardner
Heald	Hooker	Coupland
McIsaac	Gallagher	McPherson
Guy	MacLennan	Charlebois
Loken	Heggie	Forsyth
MacDougall	Leith	Schmeiser

NAYS — 21

Lloyd	Meakes	Brockelbank
Wooff	Berezowsky	Pepper
Willis	Smishek	Bowerman
Wood	Thibault	Matsalla
Blakeney	Whelan	Messer
Davies	Snyder	Kwasnica
Dewhurst	Michayluk	Kowalchuk

ADJOURNED DEBATES
RESOLUTION NO. 1 — HOUSING PROGRAM

The Assembly resumed the adjourned debate on the proposed motion of Mr. E. Whelan (Regina North West):

> That this Assembly urges the Provincial Government to enlist the support of the Government of Canada in developing a housing program particularly for low and medium income families which would include:
> (1) the establishment of a provincial housing authority;
> (2) the provision of funds at a low interest rate for home building;
> (3) the establishment of research facilities to develop new and less costly techniques for the construction of homes; and
> (4) the development of a program which will guarantee the construction of a minimum yearly quota of housing for each province in Canada.

And the proposed amendment thereto by Hon. C.L.B. Estey (Minister of Municipal Affairs):

> That the words "the establishment of a provincial housing authority" be deleted and that the items (2), (3) and (4) be renumbered as (1), (2) and (3).

Mr. J.E. Brockelbank (Saskatoon Mayfair): — Mr. Speaker, with regard to the Resolution on housing,

the credibility gap in the matter of housing in Saskatchewan I think is widening now. Prior to the election in 1967, there was just a sort of a hair-line crack and now it's more or less a yawning chasm. The Government has stated that it will not allow dust to collect on the Batten Report, I believe at this point that only lip service is being paid to the Batten Report and that it intends to disregard it at the earliest opportunity. There is a feeling afoot in this province that this Government's word cannot be trusted.

Hon. W.R. Thatcher (Premier): — Mr. Speaker, I resent that statement, and I think it is unparliamentary. The Hon. Member said this Government can't be trusted. Coming from the Socialists you can appreciate that this it to be resented.

Mr. Brockelbank: — You'll notice I didn't sit down, Mr. Speaker, because I really didn't think it was a point of order, or a point of privilege either.

Housing is a necessity due to our climatic conditions and I don't think that this opening remark requires any further elaboration, even to the people with the weakest powers of observation in this Chamber. However, there are people in Government who may find themselves in disagreement with the observation that a minimum level standard of quality should be established in our modern society below which housing standards should not be allowed to sink. An examination of substandard living accommodation and the people therein have led professionally trained people to conclude that a multitude of social mal-conditions exist in those surroundings. While we might be tempted to argue that substandard conditions were the result of individual social maladjustment we would have to admit that there still exists a social problem, social problems of education, health and general welfare that defy solution while mired in substandard housing.

Canada is rich, Mr. Speaker, Canadians are intelligent. All that is required, Mr. Speaker, is the organization of our talent and resources in the proper direction. Saskatchewan with assistance from the Federal Government especially in the areas of long-term finance and research can dwarf this problem in a decade.

Initially an examination of the housing situation must be made to determine where the problems lie. To begin with a great number of surveys have been carried out which have marked out the bounds of slum housing problems urban renewal need, low rental housing need and their attendant social implications. In the summer of 1966 a country-wide assessment of the housing situation was undertaken by the Canadian Welfare Council. Major issues of concern were identified and succeeding working conferences were planned. It appears, Mr. Speaker, that the Canadian Conference on housing will convene in September, 1968. This conference is expected to develop recommendations in such areas as (a) appropriate scope and objectives of housing policies, (b) inter-governmental relations in housing, (c) the financing of housing and (d) the opportunities for the stabilization or reduction of housing costs, (e) investment in housing and its implications for economic and social development.

It's alright to spend hours talking about establishing an orderly process of priority determination in which social

objectives are not submerged for a short-term economic consideration. We should take some time to recognize that the recent Batten Report urges the three prairie provinces to take action on the matter of housing. The Batten Report seems to lean heavily on the Dominion Bureau of Statistics as a key organization to collect data and statistics. A matter of high priority in their view.

The recommendations of the Batten Commission are many and varied. I would like to refer to one recommendation in particular.

> Because of general public concern over increases in housing costs, over potential lack of response in the market to particular needs, and over the apparent lack of research and development in the field of housing, this Commission recommends that the Government of Saskatchewan create a provincial mortgage and housing authority.

This recommendation of the Batten Commission serves to strengthen the policies that our party has been advocating in Saskatchewan and the New Democratic party at Ottawa. Financing costs of housing has climbed drastically in recent years, and I have some figures to show the impossible situation in which at least 80 per cent of Canadians now find themselves in regard to housing. This covers a 10-year period from 1957 to 1967. The cost of land for an average house in that period of time has gone from $2250 to $3500, an increase of 56 per cent. The cost of labor has gone from $5300 to $5600, an increase of 5.7 per cent. The cost of materials has gone from $65000 to $10, 400, an increase of 60 per cent. Legal, etc., costs have gone from $500 to $700, an increase of 40 per cent. This makes a total increase over that 10-year period from 1957 to 1967 of $5, 700 or 40 per cent increase. The cost of money over that period, the interest charged, Mr. Speaker, has been increased by 139 per cent, in other words $14, 786, and the grand total of a cost of an average house financing included has gone from $25, 100 to $45, 586.

Here's a quotation from the Canadian Conference on Housing brochure that I received that is of interest and people have referred to it at different times on both sides of the House. I think it is worth consideration by Members again. The quotation is as follows:

> Every dollar spent for housing and other construction generates between $4 and $6 in other spending. This is where we will achieve our economic growth.

Mr. Stanley Randall, the Ontario Minister of Economic Development, is reported to have said in the Globe and Mail, September 19th, 1967:

> Money spent for housing is not a charitable investment. It is our best economic weapon as well as an essential social need.

I have here, Mr. Speaker, a cartoon that more or less illustrates the situation in which some people find themselves. I might warn the Hon. Member from Moosomin (Mr. Gardner) that this cartoon is from the Star Phoenix, December 19th, 1959. At that point the Government had boosted the NHA interest rate to 6¾ per cent. The cartoon shows the office boy coming into the office of the big-money man, and the big-money man looks at the

headline in the newspaper and says, “Gad Fisby, there is a Santa Claus.” Well, Mr. Speaker, the interest rates have climbed far beyond 6¾ per cent at this point. I would assume that at this time the honorable gentleman, the money-man, would say, “Gad Fisby, there is a super Santa Claus.”

The figure representing the rise in the cost of labor per house puts to rest the claims of some segments of government and construction industry with regard to labor cost. I am referring to the previous chart I presented. For example a Halifax developer blames the rising wages, freight rates, material and interest costs and a general shortage of ready cash from conventional lenders for the decline in construction. While labor costs have risen, the amount of direct labor costs in home construction has dropped, while other costs such as I have mentioned have gone up drastically. There has been considerable research done to show that housing costs can be drastically reduced even to the level of $10 or $11 per square foot.

Mr. Speaker, all the ingredients for a good housing policy are available but one, and that one is will. There is an old saying which goes, “Where there is a will, there is a way.” I fear this Government does not have the will and consequently I predict that it will do nothing about the Batten Report as it affects housing, at least until the fall of 1968. The Government at Ottawa has put a lot of patches on the problem but has never thought of eliminating the problem by addressing itself to it, and thereby solving it.

I think, Mr. Speaker, that we should endorse this Resolution and not allow the amendment to delete, if we mean to do something about the housing mess in Saskatchewan and the three prairie province areas and in Canada.

Some Hon. Members: **—** Hear, hear!

Amendment agreed to on the following recorded division:

YEAS — 30

Thatcher	Grant	Radloff
Howes	Coderre	Weatherald
McFarlane	Bjarnason	Mitchell
Cameron	MacDonald	Larochelle
Steuart	Estey	Gardner
Heald	Hooker	Coupland
McIsaac	Gallagher	McPherson
Guy	MacLennan	Charlebois
Loken	Heggie	Forsyth
MacDougall	Leith	Schmeiser

NAYS — 20

Lloyd	Berezowsky	Pepper
Wooff	Smishek	Bowerman
Willis	Thibault	Matsalla
Wood	Whelan	Messer
Davies	Snyder	Kwasnica
Dewhurst	Michayluk	Kowalchuk
Meakes	Brockelbank	

Mr. E. Whelan (Regina North West): — Mr. Speaker, I was disappointed that the section in the original Resolution, calling for the organization of a Housing Authority was deleted by the Minister. It seems to me that his reasons for doing so left us with the impression that we could expect little or no action from the Government to alleviate Saskatchewan's desperate housing situation. In speaking to this motion, the Minister offered the Assembly the proposition that housing in Saskatchewan had not reached the situation comparable to the Province of Ontario, and that with the present arrangement we have, we could do as much as they are doing in the Province of Alberta. In these two areas they have housing authorities apparently. Mr. Speaker, I wonder what has happened to this province. What will happen in the housing field before there will be some effective action taken by the Government?

Mr. Thatcher: — You had 20 years, Ed.

Mr. Whelan: — We never had the kind of interest rates that we have at the present time in 20 years. I can tell you that.

Some Hon. Members: **—** Hear, hear!

Mr. Whelan: — Mr. Speaker, as the Hon. Premier knows we have the highest rents in the history of our province. New homes are not being built, construction costs are beyond the reach of the average person. Interest rates have risen so high you would have to have an astronaut to find them. The housing industry is disorganized and struggling to stay alive. Then the Hon. Minister comes forward with a statement that our housing problem has not reached a situation comparable with the problems of the Province of Ontario. What an explanation!

Now, Mr. Speaker, with that kind of an attitude and that kind of enthusiasm in the fight to provide housing for the low-income groups and those who need it, I would say that in the battle for proper housing the Minister is about as effective as a boy with a water pistol. I sat in this House, Mr. Speaker, as did many Hon. Members with the Chairman of the Royal Commission on Consumer Problems and Inflation in the prairie provinces. She was an effective Member. I suggest that her Report on the problem regarding housing is practical. She was a Member of the party opposite. I suggest that her reasoning and her logic as contained in her Report regarding a housing authority are well worth reading by the Hon. Minister.

Mr. Speaker, it is my contention that the Housing Authority the Royal Commission recommends is long over-due. To delete this section from the Resolution pulls the teeth of the Resolution, removes the tools, withdraws the machinery that we need to get on with the job of providing housing for the low-income groups in our province.

Housing for young couples, housing for farm groups, housing for native people, building codes, financing, new construction techniques, all of these aspects of housing, as I said in this debate earlier, could and would come within the jurisdiction of the Provincial Housing Authority. I am not convinced that a carpenter can build a home without tools, or that a plumber can install plumbing without tools. I am not convinced, Mr. Speaker, that the Provincial Government under the Department of the

Minister of Municipal Affairs, can undertake an extensive housing program without a housing authority. The housing authority provides the tools. Nothing the Hon. Minister has said will convince me that the Government is going to build enough homes with its present plans. It has not done so since 1964.

As I said earlier in this debate, it will not provide housing for low-income groups and it will not provide financing at an interest rate that is reasonable and fair and within the reach of people who need homes. There is no indication that it has established the machinery to reduce costs or to reduce taxes on home building.

Mr. Speaker, we have the component parts for housing in this province. The Housing Authority would be the agency that would develop the three sections of the Resolution still before the Legislature. As I said earlier in the debate, without the proper motivation and machinery, people are going to live in poverty, paying high rents and existing in second and third-rate housing. They will fill our jails and our juvenile courts and our mental hospitals.

The Minister said in his speech that this Government is going to spend in the next fiscal year $1, 450, 000 in low-rental housing. I heard the discussion between the Minister and the Hon. Member for Regina North East (Mr. Smishek), my colleague. I checked the Estimates for the Department of Municipal Affairs. These are not expenditures that he is talking about, Mr. Speaker, these are under the heading of loans, advances and investments. The Hon. Member for Regina North East spoke of the actual cost to the Government for low-cost housing, loans you expect to be paid back and an advance you expect to be paid back. An investment is something that is still yours and on which you will draw interest. To maintain, as the Hon. Minister of Education (Mr. McIsaac) did in debate, that the Budget that we are considering "calls for an expenditure in the next fiscal year of $1, 450, 000 on low-rental housing, " is very misleading. These are loans, advances and investments that he is talking about, something that draws interest over a period of time, something that will be repaid. Just as the investment provides for the acquisition and development of land as shown, this will eventually be purchased and paid for. The actual expenditure for subsidies and grants in the administration of housing under the Department of Municipal Affairs is only a fraction of that amount, the amount quoted by the Minister. If this is an expenditure as he contends and it will not be returned, then the loans to SEDCO, the Government Telephones, Saskatchewan Power and the Water Supply Board, are in the same category.

Mr. Speaker, I am hesitant about the kind of program we will have without providing an authority to promote, to co-ordinate and to develop it. Without assessing the needs, without developing techniques for construction, without obtaining money for financing on a quota basis through a Housing Authority, a housing program will be ineffective. There is need for a Housing Authority to do this. I regret the deletion by an amendment of this most necessary and proper administrative vehicle, which had been recommended by the Batten Royal Commission on Consumer Problems and Inflation.

Motion as amended agreed to.

ADJOURNED DEBATES

MOTIONS FOR RETURN NO. 137

The Assembly resumed the adjourned debate on the motion of Mr. E. Kramer (The Battlefords) for Return No. 137.

Hon. A.C. Cameron (Minister of Mineral Resources): — Mr. Speaker, on this motion I have an amendment which I proposed to the House, seconded by the Minister of Agriculture (Mr. McFarlane), that the Motion for Return No. 137 be amended by deleting all the words of Section 1 and substituting the following therefor:

(1) Whether the agreement is still in effect,

that all the words after "not" in Section 2 be deleted and the following be substituted therefor:

(2) the date on which it was terminated.

Hon. W.S. Lloyd (Leader of the Opposition): — I must draw attention to what the amendment does to the Resolution. The part that is being eliminated entirely, namely, part 1, reads, "Whether the Company complied with all the terms of the agreement as amended." And the Minister's amendment proposes to substitute for that, "Whether the agreement is still in effect." It only takes a minute of observation to note the information which we are not going to get. That is the extent to which the company lived up to the terms of the previous agreement. In connection with this, attention must be drawn to the very considerable amount of fanfare which surrounded this agreement at the time that it was first signed and continued for a period of many months afterwards. Many Members will recall the announcement in the House on April 1, 1965, I think it was. It has turned out that that was a pretty appropriate day to announce the agreement — April Fool's Day. The announcement was subsequently repeated in newspapers and also following statements of Ministers all over the northern part of the Province. Since that time the industry has got lost in the bush in north western Saskatchewan some place. We have no information except that we know that the Government spent over $1 million in building a road in that general direction. To what extent the company lived up to its portion of the agreement, what action the Government took if the company didn't live up to its portion of the agreement. All of this we don't know. All of this we are now being told again we have no right to know. It seems to me that the amendment is one which denies to the people of Saskatchewan some information to which they have a right. After all, the people of Saskatchewan did spend over $1 million in constructing a road for the development of this project. It has suddenly collapsed and disappeared and we are not going to be given the information that we are seeking. Because of that, Mr. Speaker, it seems to me that the amendment must be opposed.

Amendment agreed to

Motion as amended agreed to.

ADJOURNED DEBATES

RESOLUTION NO. 12 — LOUDSPEAKER IN LOUNGE OF LIBERAL MEMBERS

The Assembly resumed the adjourned debate on the proposed Resolution by Hon. W.S. Lloyd (Leader of the Opposition):

> That this Assembly is of the opinion that equipment to transmit proceedings of the Legislature should to be installed anywhere except in the offices under the direct control of Mr. Speaker.

And the proposed amendment thereto by Mr. Blakeney:

That the following words be inserted between the word "that" where it appears for the second time in the first line, and the word "equipment":

> except with the express consent of the Assembly acting through Mr. Speaker.

and that all the words after the word "anywhere", be deleted and the following substituted therefor:

> and that this Assembly hereby confirms its consent to such installations in offices and galleries under the direct control of Mr. Speaker.

Amendment negatived on the following recorded division:

YEAS — 20

Lloyd	Berezowsky	Pepper
Wooff	Smishek	Bowerman
Willis	Thibault	Matsalla
Wood	Whelan	Messer
Davies	Snyder	Kwasnica
Dewhurst	Michayluk	Kowalchuk
Meakes	Brockelbank	

NAYS — 30

Thatcher	Grant	Radloff
Howes	Coderre	Weatherald
McFarlane	Bjarnason	Mitchell
Cameron	MacDonald	Larochelle
Steuart	Estey	Gardner
Heald	Gallagher	McPherson
McIsaac	MacLennan	Charlebois
Guy	Heggie	Forsyth
MacDougall	Leith	Schmeiser

Mr. Lloyd: — Mr. Speaker, the opposition which has been expressed to this Resolution is really not such as to require any considerable amount of time in reply. That opposition has been almost entirely confined to saying that the motion was silly.

Some Hon. Members: **—** Hear, hear!

Mr. Lloyd: — And "hear, hear, " they say now. That it was a waste of time. They suggest that this matter is one which was raised for political considerations only. In that, I suggest we get a measurement of the attitude of the group who sit on your right toward a very important matter.

In commenting on the debate to begin with, may I remind them that I had reference to a somewhat similar, although more justifiable, occurrence in the House of Commons at Ottawa not many years ago. At that time there was discussion of a similar procedure. Among the people who spoke on it, I remind the Hon. Members sitting opposite, was the Prime Minister of Canada, then the Leader of the Liberal party and the Leader of the official Opposition. He viewed it as being extremely important. He found it important enough to make a very intensive statement about it. Mr. Speaker, I suggest that this is a measure which Members across might think of when they say that this is a matter of silliness and a waste of time.

What is being presented here is simply this. It is a Resolution which reaffirms the right of this Legislature to make the disciplines under which we work in this Legislative Chamber. I find nothing silly in that. I find it extremely disturbing that Members who sit opposite should call such a decision silly and useless. It is important that this Legislature have the right to make the disciplines under which we operate. If that isn't important it isn't important that we sit here at all. That right has been infringed by the action of recent days in this regard. I find that this is a matter worthwhile talking about. It is a matter of importance for us to decide the disciplines, the rules, under which we are going to operate in the future. I would hope that in spite of the Government's outburst the other day, it might find it worthwhile supporting.

You know you get the impression from statements of that kind emanating from Government benches and Government front benches, with particular vehemence that unless something is big enough to pave or deep enough to dig into for oil or potash it can't possibly be of any importance. I say that that is a very dangerous point of view for a Government to take. We must not be content to accept the position that this Legislature is a hand-maiden of the Government. This Legislature is a Parliament. We have been given the responsibility of making our own rules. It is not for the Government without reference to this Legislature to change those rules as it did in the incident about which we are talking.

Some Hon. Members: **—** Hear, hear!

Mr. Lloyd: — I find particularly disturbing, may I say to the Attorney General (Mr. Heald) his reference on this matter. He said in the debate that this is something that is not serious at all. "Not a serious thing at all", he repeated, he went on to say, "If you want a loudspeaker I am sure that the Minister of Public Works (Mr. Guy) would have given you one." That, as I said previously, is by no means the point. I must express pretty extreme disappointment in the point of view of the Attorney General in that particular respect. Just as a bit of diversion, I know that the Attorney General was one of the ardent supporters of the present Leader of the Liberal party and was evidently reasonably successful, more successful than

many of his colleagues I gather. That may account for the greater amount of smiles on his face than the extreme grumpiness of the Premier since he has returned from that conference, I don't know.

Some Hon. Members: **—** Hear, hear!

Mr. Lloyd: — But I am not sure — the Attorney General hasn't confirmed this — whether he was on Mr. Trudeau's editorial committee or not. The Editorial Committee that published daily during the convention, I understand, a tabloid newspaper called "Trudeau Today". But I thought it worthwhile because of some of the happenings the other evening, to point out that in this newspaper published on behalf of Mr. Trudeau, the allegation was made in one issue in these words,

> Bell Telephone officials have confirmed that communication systems of three candidates, Winters, MacEachen and Trudeau, and convention headquarters were bugged on Thursday.

I don't know whether the Attorney General was on the Editorial Committee or not, but this sort of thing seems to get around.

Some Hon. Members: **—** Hear, hear!

Mr. Lloyd: — And a number of people are raising accusations. As it turned out this was later denied as well.

Now to get back to the debate, I want to sum up very briefly by saying again I think this is an important matter. I have reread the statements of the Resolution and the statement which I made in introducing it — I find nothing that is silly in those. I find nothing that is time-wasting. I find nothing that is of a petty or a two-bit nature. Frankly, again, what the Resolution suggests is this. It reaffirms or seeks to reaffirm the right of the Members of the Legislature to make the disciplines under which we operate. Because it does that, because that is denied in the actions which the Resolution is based on, because that is denied if this Resolution is voted against, I think it is important that the Resolution be supported.

Some Hon. Members: **—** Hear, hear!

The motion was negatived on the following recorded division.

YEAS — 20

Lloyd	Berezowsky	Pepper
Wooff	Smishek	Bowerman
Willis	Thibault	Matsalla
Wood	Whelan	Messer
Davies	Snyder	Kwasnica
Dewhurst	Michayluk	Kowalchuk
Meakes	Brockelbank	

NAYS — 30

Thatcher	Grant	Radloff

Howes	Coderre	Weatherald
McFarlane	Bjarnason	Mitchell
Cameron	MacDonald	Larochelle
Steuart	Estey	Gardner
Heald	Hooker	Coupland
McIsaac	Gallagher	McPherson
Guy	MacLennan	Charlebois
Loken	Heggie	Forsyth
MacDougall	Leith	Schmeiser

RESOLUTION NO. 13 – REQUEST FOR REMOVAL OF LOUDSPEAKER

The Assembly resumed the adjourned debate on the proposed motion by Hon. W.S. Lloyd:

> That, if he has not already done so, the Minister of Public Works be directed to remove or cause to be removed forthwith, any equipment to transmit proceedings of the Legislature except that installed in offices directly under the control of Mr. Speaker.

STATEMENT BY MR. SPEAKER

In connection with Resolution No. 13, the loudspeaker referred to in this motion having been removed some time ago, it would be wasteful of the time of the House to now debate an order for its removal.

Moreover, by debating and deciding Resolution No. 12, the House has already expressed its opinion on any such equipment installed in offices directly under control of Mr. Speaker. Because one part of the motion has become redundant and the other half has been already decided, I rule this motion to be out of order.

RESOLUTION NO. 14 — CENSURING OF GOVERNMENT

The Assembly resumed the adjourned debate on the proposed motion of Hon. W.S. Lloyd:

> That this Legislature censures the Government for having installed, or caused to be installed and/or condoned the installation of equipment to transmit proceedings of the Legislature without having first obtained the leave of the Legislature.

Mr. Lloyd: — Mr. Speaker, I am not going to detain the House at any length because I have already stated our position with respect to it. I think it is a matter of considerable regret that the Government chose this course of action without any reference to the Legislature. As I said in introducing the Resolution, I am not suggesting that this was intentional disrespect to the rules of the House, but I am suggesting that it was an action of such great carelessness and of such indifference to the rights of this Legislature that this Legislature ought to express its opinion on it.

I want to emphasize again how very important it is that we retain the rights of this Legislature to make decisions about how it is going to operate.

Some Hon. Members: **—** Hear, hear!

Mr. Lloyd: — I want to express again, how very important it is that we do not regard what goes on in this Legislature as purely some kind of a ritual. I am afraid that at times that is what the Government thinks that it really is. The Government undoubtedly, and there is precedent for it, should have referred this action to the Legislature before taking it. It failed to do so and because of that I suggest that it does deserve the severest criticism which this Legislature can level on it.

Some Hon. Members: **—** Hear, hear!

Motion negatived on the following recorded division.

YEAS — 20

Lloyd	Berezowsky	Pepper
Wooff	Smishek	Bowerman
Willis	Thibault	Matsalla
Wood	Whelan	Messer
Davies	Snyder	Kwasnica
Dewhurst	Michayluk	Kowalchuk
Meakes	Brockelbank	

NAYS — 30

Thatcher	Grant	Radloff
Howes	Coderre	Weatherald
McFarlane	Bjarnason	Mitchell
Cameron	MacDonald	Larochelle
Steuart	Estey	Gardner
Heald	Hooker	Coupland
McIsaac	Gallagher	McPherson
Guy	MacLennan	Charlebois
Loken	Heggie	Forsyth
MacDougall	Leith	Schmeiser

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of the Hon. J.C. McIsaac (Minister of Education) that Bill No. 66 — **An Act to amend The Larger School Units Act** be now read a second time.

Mr. J. Kowalchuk (Melville): — Mr. Speaker, once again I rise to speak to a Bill that involves education, an Act to amend The Larger School Units Act. Now it would make me very happy if I could concur with all the sections of this amendment and I shall proceed to bring out to you in some detail, Mr. Speaker, my views on this Bill, pointing out what I consider those which are good and conducive to good education and also those that I consider bad.

Now in Section 23, amended in subsection 2, whereby the unit elections coincide with the municipal elections, it is very commendable indeed. It's a step that the unit board members and the municipal councillors will welcome.

Now in subsection 1 of Section 29, where there's no local school board, the secretary is given the authority to appoint another person who shall comply with this subsection. Again because local boards have in many cases disappeared, by virtue of the fact that no ratepayers had met and that no trustees were elected, the composition of the board therefore is null and void. So this provision, Mr. Speaker, this provision of the secretary being able to appoint one person to replace them is a very good one. Now this is very commendable because the situation arises many times, that local school districts exist, but there is no school board and therefore no one to carry out the work necessary. The appointment of this person to take the place of the local board this vacuum if filled, makes it possible for some form of communication between the school unit board and the school district. Now, Mr. Speaker, this same Bill No. 66, with which I have readily agreed in principle and practice in some sections now shows a bit of the Premier's unbridled passion for power.

Now in part 4 of the Bill, Section 81, is amended by adding on to it the following: 8A "to close any school or part there of . . .

Mr. B.D. Gallagher (Yorkton): — On a point of order. I think that it's been a customary practice in the House that in dealing with second readings that the principle of the Bill only and not the particular sections are to be referred to in speaking on the Bill.

Mr. Howes: — On the point of order, I think the Member should try and do that but I do realize there are difficulties too.

Mr. W.G. Davies (Moose Jaw South): — On the point of order, Mr. Speaker, I suggest that that is quite right in general but as long as there happens to be a principle in a section as distinguished from another, it is quite in order to refer to it.

Mr. Kowalchuk: — Mr. Speaker, if I may proceed. Going back to 8A "to close any school or part thereof or discontinue one or more of the grades taught in the school; but no action shall be taken pursuant to this paragraph unless:

(a) the district and unit boards concerned have agreed thereto; or
(b) the unit board has at least six months before acting under this paragraph, notified the district board by registered mail of its intentions to so act and has consulted the district board."

Now, Mr. Speaker, once again, the heavy hand of Thatcher, Thatcherism strikes out, but I must agree this section has some purpose and maybe the possibility of some merit in a few but very few units boards, but definitely with the purpose of further emasculating the power of units boards. Again, I'd like to suggest that the unit boards have nearly always acted in very good faith in such matters though there's the possibility that there might be an occasion for school unit boards to use undue pressure to close schools. Maybe, Mr. Speaker, because the Members to your right under their Leader are so often guilty themselves of the use of those high-handed tactics that the

immediate supposition is that all other democratically elected members of other ruling bodies must be the same. Now it would then be very natural for such people to take powers away from the boards and add it to themselves as this Government is doing.

Mr. Speaker, I know and I should, as I've been on a school unit board as a member for 10 years, that unit boards bend backwards as far as is humanly possible in consideration of local boards. I know the Government is using the Sturgis incident which to base their argument on. Now I can readily sympathize with the Sturgis board. I know they, the same as we, always act with the full understanding and backing of the Department of Education. The long and the short of it was they could not get a teacher to teach. So what does one do in such a case, Mr. Speaker? What is a unit board to do? Now three years ago we had exactly the same situation in Goodeve. We advertised for teachers for grades 10, 11 and 12, from early March until school opened in September with no success. Now it was the first time that our secretary advertised as far west as Vancouver and east to Winnipeg. But not one qualified teacher could be secured. Now two weeks before school was to open, I called a meeting of local taxpayers, who are interested because their children have to have a teacher. Certainly there were a few dissatisfactions on the part of some ratepayers. We so desperately, and by we, I mean the school unit board, wanted to keep the school open because we had no room in the other schools in Melville and Ituna. Yet there was nothing to be done but to close these two rooms. Mr. Speaker, some even paid a visit to see their MLA at that time. He and his assistant secretary both harked on the evils of the school units, which wasn't anything new for the Member for Melville at that time and said that they would see that they would get the required teachers. But, Mr. Speaker, that was the last we heard about this from them. There were just no qualified teachers to be gotten.

Now, Mr. Speaker, what this part of the Act is doing is creating a situation from which a stalemate could resolve which would be impossible to solve. This section makes it possible for the local boards to stand pat on their demand for a teacher, even at the time of school opening and be legally right if this Bill is to pass. What is the unit board to do? Now I know, Mr. Speaker, that some Members to your right will maintain that if such a thing will happen, these incidents will be few and far between and maybe rightly so, but happen it will and this year will be no exception. There's no doubt in anyone's mind that the possibility of a teacher shortage in Saskatchewan for the next term will be just as critical as last year's resulting in strong competition for the services of these available, the result being that some schools might just go unstaffed. What kind of schools can they be? These are the smaller two or three-room high schools and the school board then is in a real dilemma. Mr. Speaker, the Committee that was established to deal with the situation in Sturgis consisted of a judge, a lawyer and a city school teacher but nobody to represent the viewpoint of the trustees, the unit trustees, nobody from the school unit section. This disregard of unit representation was deliberate, Mr. Speaker. Not one, no one knows the feelings of these unit boards like the people who have worked on these boards, people who have had firsthand experience in the problems of staffing such schools, yes, Mr. Speaker, in closing them when necessary. Yet the Minister ignored putting on a member of the school unit section in that investigating committee. I'm sure a different light would have been thrown on the whole situation had an independent unit board member been part of that Committee, and

the possibility of a different recommendation as well. What bothers me, Mr. Speaker, and I know it bothers all board members, is that in nearly all cases extreme care and consideration are given when the necessity to close a school is considered, and always in consultation with the Department. Mr. Speaker, this section is just another further erosion of the powers of the school unit boards.

Mr. G.G. Leith (Elrose): — Mr. Deputy Speaker, I would ask you to call the Member to order again. He has already stated and the record will show that he has said in this House, not more than 10 minutes ago that he agrees in principle with the Bill. I say to him that if he wants to discuss or go into a clause-by-clause discussion of this Bill that he wait for committee and bring it up there. If he wants to talk about principles, then let him talk about principles.

Some Hon. Members: **—** Hear, hear!

Mr. J.E. Brockelbank (Saskatoon Mayfair): — Mr. Deputy Speaker, speaking to the point of order, to begin with, the Member wasn't already called to order. There was no point of order. He was perfectly within his rights to proceed. It was pointed out that there was some specific areas where the principle is not agreed with by the speaker. He can say that he agrees generally but there are some specific areas. I think there is no point of order here.

Mr. Leith: — Mr. Deputy Speaker, may I again speak to the point of order. I think that every Member has to learn to accept the rules of the House and that is, on second readings we discuss the principles of the Bill, but we do not discuss it section by section. And I draw your attention to the fact that the Member for Yorkton (Mr. Gallagher) has already asked to or brought to our attention a point of order and I remind you about it.

Mr. Deputy Speaker: — I think I said at that time and I will repeat it, that the rule is that the principle of the Bill is supposed to be discussed. However, on Bills that constitute amendments to Acts, there may be different principles in different parts of the Bill, and I for one am not going to rule the Member out of order. I think he is perfectly in order.

Some Hon. Members: **—** Hear, hear!

Mr. Kowalchuk: — Mr. Speaker, as I said before that this section is just further erosion of the powers of the school unit boards.

Mr. Leith: — Mr. Speaker, on a point of order. I ask again for the indulgence of the Chair in instructing the Member to speak to the principle of the Bill and not to the section. I think it would be very easy for the Member to adhere to the accepted part of the debate by not referring to a section. I have no objection to him talking about the principle contained in the Bill or a section, but I think he violates the practice of the House by saying "In the section, in such a section."

Hon. W.S. Lloyd (Leader of the Opposition): — If all that the Member is objecting to is that the Member from Melville (Mr. Kowalchuk) is using the words "In this section", that of course is very easily overcome. But on the main point that he is raising it would be impossible to discuss this Bill, the principle of it, without, as the Deputy Chairman has just so very well said, discussing it on the basis of the principle in the specific sections. There is no relationship between the principle in clause 3 and the principle in clause 4, and it can only be discussed in principle by talking about the contents of each section. May I simply add in commenting on it, Mr. Speaker, that I've heard Ministers over there, in this section, talk about Bill is terms of "What's in section so and so, section so and so, section so and so."

Mr. Kowalchuk: — Mr. Speaker, I will try to observe . . .

Mr. Speaker: — Well I think possibly it will be just as well to review the reason for discussing a Bill on second reading. When a Bill comes up in the House for second reading, the question before the House is the principle of the Bill, not how it should be done in detail but the general principle; shall it or shall it not be done at all? The crossing of the t's and the dotting of the i's, the discussing of the Bill section by section is properly done in Committee. This is of course why the House goes into Committee, in order to achieve an informal discussion, item by item, section by section and clause by clause of the Bill. Now the principle before the House in this Bill and this is an amending Act; an Act to amend The Larger School Units Act is what is before the House. It is the principle of the Bill not the principle of the Act. It is the principle of the Bill only and that part of the Act only which the Bill seeks to amend which is before the House. I know that Members have sometimes discussed Bills section by section in the House before, and I also realize that on some occasions it is quite hard to limit one's self strictly to the basic principle. But those are the rules and the reason why they are there and the reason they are there is to conserve the time of the House, in other words to discuss in Committee that which is discussed, item by item and to discuss the broad principle of the Bill on second reading.

Mr. .E.I. Wood (Swift Current): — On a point of order, Mr. Speaker, it would appear to me that, as the Deputy Speaker pointed out, there are different principles in different sections of these Acts. These Acts, we have which are amending another Bill, have one principle involved in one part of the Bill in which the Member may be in concurrence with, and yet in another part of the Bill he may not be able to discuss it with the wording, the exact wording, clause by clause, but in this certain section with the principle of the Bill, he may be diametrically opposed to it. If he doesn't oppose it at this part of the proceedings, when he gets into Committee, it is too late. The principle of the Bill has already been agreed to. At that time he is only allowed to discuss the crossing of the t's and the dotting of the i's, but if he wants to say anything about the principles of these sections and, as I've been able to hear, this is exactly what the Member from Melville (Mr. Kowalchuk) has been doing, is talking on the principle in a certain section.

Mr. Speaker: — I agree with what the Member for Swift Current (Mr. Wood) has said in part and I agree with what the Deputy Speaker said. But because this Act seeks to amend various sections in the Act, not just one particular part, it is rather hard to keep the whole thing untangled. But it is not true to say that you can only just cross the t's and dot the i's, because in 1931 a Bill went into Committee and by the time the thing came out of Committee, they had struck out every part of it except the first section. The only part left was clause 1. And that's the way they ended up, they had nothing left when they got finished. You can amend any part, any section of an Act in Committee of the Whole, if you can get the House to agree to your amendment. In this particular case in 1931, they started striking out clauses and they ended up striking out the whole darned lot in the Committee. That's what they ended up with. So it isn't correct to say that in Committee you cannot do these things. You can. You can offer amendments and/or move to have any part of it struck out as the case may be. You vote on it.

Mr. Wood: — I accept what you've said entirely, Mr. Speaker. What I was trying to say is that the proper place to discuss the principle of the Bill is here rather than in Committee.

Mr. Kowalchuk: — Mr. Speaker, this Bill is just further erosion of the powers of the school unit boards. This Bill, along with the deletion of powers contemplated in other Bills, leaves the unit boards with the status of a caretaker government, simply doing the mediocre duties of a caretaker government, Mr. Speaker.

The other part of The Larger School Units Act that I object to is that part dealing with school grants. Now we have asked for explanatory notes on this and so far have received some from the Hon. Minister of Education (Mr. McIsaac). But I find it impossible to do the calculations on the facts obtained. Some examples, the grants payable have been worked out and the increase in grant amounts, these whose grant total is less than one mill on their assessment and in each case making it necessary for these school units to levy in cases anywhere from 2 – 10 mills or more. Now it's no use window-dressing the cold and hard facts, Mr. Minister. The People of Saskatchewan are once again being subjected to the harsh fact that under this new grant structure they will have to pay more school taxes than ever. But in spite of the Liberal promises to relieve the local tax burden, they the taxpayer will be harder hit than ever before. Now let me quote some of the school units tax increases for 1965 under the new grant structure: Yorkton school unit, up 5.5 mills; Canora, 8 mills; Cupar school unit, 8 mills; Melville school unit, 5 mills; Kamsack rural 3, village 5; Foam Lake, 4 mills; Sturgis, 5 mills; Neudorf Consolidated, 17 mills; and I understand Lemberg Consolidated has also gone up quite extensively.

Now let me quote you an article from the Saskatchewan School Trustees' newsletter of March 4, 1968, in regards to these local tax increases and I quote:

> Five mills — $8 million. For all intents and purposes the item anticipated increases in operating grants can be struck from school board budgets. The Provincial Treasurer announced operating grant increases of 2.7 million

> when he brought down the Provincial Budget, March 1. Then he announced new taxes which will recover about $500, 000 of the total from school boards. We estimate that about 25 per cent of school board purchases are subject to sales tax. A one per cent increase in some $30 million would yield $300, 000 for the Province. Now add this to an estimated $120, 000 which is recovered at 2 cents per gallon on gasoline consumption by school vehicles, plus a further $30, 000 in increased licence fees and incidentals, and the effect of operating grants increases pared to about $2 million. It is estimated that the school board expenditure will increase by $10 million. This figure is arrived at by adding the $7 million in increase in teachers' salaries, increases negotiated last year plus changes in classification, and $3 million in other expenditures. Teachers' salaries account for two-thirds of the total expenditures, so we are assuming that the increase in other expenditures will remain close to the same ratio of $3 million. When the effect of operating grants increases is deducted from the $10 million estimate, an item of some $8 million remains to be raised through local taxation, on the basis of 1 mill across the province, yielding about $1.5 million. It appears an average increase of about 5 mills in taxation will be required to balance school board budgets for the year. If further increases for this year are considered . . .

Hon. C.P. MacDonald (Milestone): — Point of order, Mr. Speaker, I have read this Bill over and I find nothing in this Bill relating to school grants, not in dollars and cents. I think this should be a question for the Estimates.

Mr. Kowalchuk: — Mr. Speaker, may I go on, Sir. I want to end by saying the quotation:

> If further increases for this year are considered, the mill rate increase might well be higher.

Mr. Speaker, it goes to show beyond the shadow of a doubt that the changes in the grant structure although in probability, and of this I am not so sure, as the Hon. Member when introducing the Bill had so little to say and termed many parts of this Bill as routine, that I just could not fathom very much of what he said in regards to the grant formula. I am not so sure any of his colleagues on the Government side of the House understood it either. In all probability, the Premier doesn't understand it either, and of this I wouldn't be too surprised, as I remember his comments regarding the famous so-called incentive grant formula wherein he was reported as stating that he didn't understand it and wasn't going to be bothered about it. Well I want to inform the Hon. Premier that he wasn't the only one who didn't understand it. I'm convinced that the Minister of Education of that day didn't understand it either. But as I said before, it was wonderful and juicy and useful for political patronage, Mr. Speaker. Remember the event when the Prince Albert school unit came and received the usual amount of this incentive grant like any other unit somewhere within the vicinity of $15, 000. But they weren't content, Mr. Speaker, they went back to Regina, the Prince Albert unit board did, and I don't know whom they saw, probably the Provincial Treasurer (Mr. Steuart), but Mr. Speaker, they went back home with something like $55, 000. Quite an

incentive formula! Mr. Speaker, quote a formula! As I said before, it's stretchable like the Liberal election promises. I only hope that the new grant structure is different, more fair and equitable although the amount of grant increase for this year of $2 million is as I say a contradiction of Liberal election promises. Let me quote you some of these Liberal election promises, Mr. Speaker, as quoted. Here is a quote from the Regina Leader-Post, April 9, 1964. "Reduced taxes and increased services in Saskatchewan are not only possible, but will be accomplished by a Liberal Government, " Wilf Gardner. Liberal candidate, speaking in Melville, Saskatchewan. Further down, Mr. Speaker, also in the Regina Leader-Post of April 11, 1964.

> A Liberal Government reduction of taxes would not mean curtailment of any essential services because it could be done by cutting some of the fat from the Government spending.

Davy Steuart, Liberal candidate for Prince Albert speaking in Milestone, Saskatchewan. Mr. Speaker, these promises for the reductions went out the window. The people have been stuck with, as I said in the Budget, an amount of some $34 tax for every man, woman, and child in Saskatchewan. I also said that day that we shouldn't forget that direct local taxes that we knew would be forthcoming. $2.7 million in operating costs, $700, 000 which is taken back by the Government through taxes, this I say is another extension of the Liberal philosophy that Thatcher giveth and Thatcher taketh away. This was an amount that set the stage for large tax levies in this province, Mr. Speaker. Today we see the evidence. The local taxpayers ever since this Government took office have been hit again and again, particularly in school taxes. For the 10-year period, 1954 to 1964, the former CCF Government saw to it so that for that 10-year period the grants were large enough to take care of nearly all increased costs of education, so that in many school units the local tax levy didn't increase it all. A good example of that is in Canora unit, which for a 10-year period had no increase from 1954 to 1964. And in other units taxes went up 1 or 2 mills. In the Melville unit, we had a 1 mill increase in 1958 in that 10-year period. Even then we managed to pay off a debt a provide a $100, 000 surplus for future building, not realizing then that this would have to be used to fill in the holes, financial holes, due to mismanagement and lack of financial consideration by the present Liberal Government.

Mr. Speaker, the grant picture for the last five years under this present Liberal Government is grim indeed. In Canora in the past four years the local school tax increase was 17 mills, 17 mills in four years' time, Mr. Speaker. In the Melville school unit the rise was less spectacular, but still 13 mills in four years' time. This is a crying shame, Mr. Speaker, considering that the Government to your right promised repeatedly that this would not happen, that the local tax burden would be lightened. This Bill and the other Bills are of no great value in relieving the local taxpayer. If more money isn't provided, Mr. Speaker, the amount of money received through operating grants this year proves beyond the shadow of a doubt that this is not so, that these grant formulas do not provide the necessary alleviation of the local tax burden. Therefore, Mr. Speaker, in view of this and other objections, voiced by me, I will oppose this Bill.

Mr. T.M. Weatherald (Cannington): — In the short time I have been in this Legislature I have never heard such nonsense since I came here. There is only one thing that I can say, I hope the Hon. Member opposite in his speech didn't understand what he was reading, I don't think he really did. I want to come to two particular points he brought up. One was the accusation that the Government was trying to take away the complete power of the unit board. We should have realized and expected it, Mr. Speaker, that the Hon. Member opposite believes in dictatorial methods that have often been employed by some unit boards. Of course today he proved to us that he did believe in that type of action, and he belonged to some of those boards. What he told us is that he really believes that unit boards should be able to go out and tell some small school the day before school starts, "You're closed up." That's what he told us he believes in today. Such dictatorial actions that have been carried out by some unit boards certainly are not believed in by the Members that are on this side of this Legislature. That, Mr. Speaker, is the precise reason for the change in this legislation. It is because some unit boards have actually gone out and closed up small schools with no consultation. The Member from Melville (Mr. Kowalchuk) tells us one day that he thinks that we should have great consultation with hospital boards, tells us we should be consulting them years and years ahead, and today he tells us that we should be able to go out and close up any small school that the unit board feels like, the day before without even asking. What consistency, Mr. Speaker, has been given us by the Member from Melville! I don't know, I suppose, Mr. Speaker, he's the Opposition critic; he speaks for the Members on that side of the House. But I am dismayed to hear such words come from the Opposition. I can well recall years ago how so many small schools were closed up by unit boards that just walked in and told you a week before that you can't get a teacher. They made a good case for it and said, "You're shut down and we'll take you some place else for the coming term."

Mr. Speaker, that is precisely why this legislation is being changed, so that there will be consultation, so that any small school will be given notice that their school is in difficulty at least six months ahead. Now the Member opposite tells us that this may mean the school will continue operating and the unit board can't carry out its function. But the legislation also provides that the two groups can get together, the small local board and the unit board. If they reach an agreement, then they may decide that it will benefit all if that school closes. But, Mr. Speaker, far too often in this province have unit boards abused their powers by telling small schools that they would no longer be able to operate in the coming year with absolutely no consultation whatsoever. He talks of the erosion of the power of the unit board. What the Member opposite tells us is that he believes that units boards should have absolute and complete power without the local people having any say whatsoever. He says they shouldn't even be consulted, Mr. Speaker. That's what he tells us.

Mr. C.G. Willis (Melfort-Tisdale): — Are you talking about hospital boards?

Mr. Weatherald: — We're talking about school boards, George, in case you didn't know.

An Hon. Member: — Put your earphones on, George!

Mr. Weatherald: — Mr. Speaker, this change in legislation is something that has been long overdue.

The second point that is in this legislation provides that the local boards will be able to get unit board minutes, within I believe 10 days after a board meeting has been held. All too frequently it has been brought to my attention that local boards had great difficulty in being able to get unit board minutes of the meeting that had just been held.

The various methods employed often meant that the local board wouldn't be able to find out what precisely was going on in their unit. Mr. Speaker, may I call it 12:30.

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

WELCOME TO STUDENTS

Mr. H.H.P. Baker (Regina south East): — Mr. Speaker, I would like to introduce a fine group of grade eight students seated in the east gallery accompanied by their principal, Mr. Selinger and one of the other teachers. St. Andrew school is in my constituency, the South East constituency of Regina. It's a very fine school, a new school and certainly serves that community well. I welcome them on your behalf, on behalf of this Legislature. I hope their stay here this afternoon will be most educational, fruitful and that they will gain much from their own democratic institution. With that, welcome to these students and I hope their stay will be pleasant.

Some Hon. Members: **—** Hear, hear!

Mr. E.F. Gardner (Moosomin): — Mr. Speaker, I would like to introduce a group of students in the Speaker's gallery from Langbank school. They are accompanied by their teacher, Mrs. Blackwood. Langbank is a small community and I think they should be commended for regularly sending students to the Legislature. I hope they enjoy their stay and that they have a safe journey home.

Some Hon. Members: **—** Hear, hear!

Mr. W.A. Forsyth (Saskatoon Nutana South): — Mr. Speaker, rather than interrupt the proceedings of the House later, I would like to draw the attention of the Members to the fact that in a few moments there will be a group of students arriving from Hugh Cairns, V.C. school in the city of Saskatoon. These students have travel arrangements which make it impossible for them to be here at the moment that the House opens. I would like to have them feel welcome in the House and to express the hope that they enjoy their stay in the city of Regina.

Some Hon. Members: **—** Hear, hear!

Mr. C.G. Leith (Elrose): — Mr. Speaker, I would like to draw your attention and the attention of the House to a group of 10 people in the Speaker's gallery. They are school children, but they are students, students of the political process from Elrose constituency. I am happy to welcome them here today.

Some Hon. Members: **—** Hear, hear!

The Assembly resumed the interrupted debate on the proposed motion by Hon. J.C. McIsaac (Minister of Education) that Bill No. 66 be read a second time.

Mr. Weatherald: — Mr. Speaker, when we adjourned the Legislature at 12:30 o'clock, I was making some remarks on comments made by the Member of the Legislature from Melville (Mr. Kowalchuk).

I would like to summarize my position insofar as at least two of the changes in this Act are concerned. Firstly, Mr. Speaker, that there is a great deal to be said about retaining enough power for the larger unit board. However, despite the fact that many of these unit boards have carried out their functions in an orderly and democratic fashion, there are some unit boards in this province which certainly have not done this. Some unit boards in this province have acted in a very dictatorial manner in the closure of some of the local community schools. This Act provides that these unit boards will be required to give a minimum of six months' notice by registered mail to the local community that changes will be effected in that particular school. Some of the problems that are well known to Members of this Legislature could have been avoided, if this provision had been made by the previous Government many years ago. The Member for Melville does not seem to think that such notice would be required. He seems to favor, Mr. Speaker, that some unit boards may be able to go to the local community two or three days before it is about to start and say, "We are about to close you up and we will be taking a certain number of grades or all grades to another community." This has not been good enough. This change in legislation, Mr. Speaker, will mean that many of the unit boards rather than lose their power will be put in a position of having to do ground work to gain public acceptance for their action in changing and bringing about a rationalization of our school system.

I believe that every Member of this Legislature would be in favor that these unit boards act in a more democratic manner in gaining the public acceptance of these local communities before there are changes effected in many of these small schools. I for one had a difficult school problem in my constituency. Just this past year another school problem in this province was brought to the notice of the people of Saskatchewan simply because a unit board had not done the necessary ground work of getting the public acceptance that was necessary in a small community before they closed up that particular school or moved many of those students.

The second provision of course, Mr. Speaker, is another move to make unit boards act in a more democratic and responsible manner. Far too often it has been brought to my attention that local boards were unable to find out what went on in their particular unit board. I have been told on many occasions that you cannot find out what is said or what happened at unit board meetings, that it is exceptionally difficult to be able to find what a unit board member said or what motions were passed or what direction their unit board was advocating that that particular unit move in. Now this provision, Mr. Speaker, provides that any local board will be able to receive the minutes of a meeting within 10 days of the last unit board meeting. All that will require is a request made by that local community board to the unit board, and the minutes must be provided by law to them within 10 days of the last meeting. This, I suggest,

is another move by this Government to require that larger unit boards act in a much more democratic manner and in a manner in which they will be forced, if they had wished otherwise, to require the public acceptance of people in smaller communities for their actions.

Mr. Speaker, I was very disappointed to hear the Member for Melville in his remarks reject these concepts to move towards a more democratic procedure. These are two moves which should have been instituted 20 years ago, Mr. Speaker, and we would have had a much better relationship between unit boards and local communities, if they had been. Mr. Speaker, I am very much in favor of the legislation which is being brought forward by the Minister of Education and I commend him for it.

Hon. A.C. Cameron (Minister of Mineral Resources): — Mr. Speaker, I just want a word or two on this particular Bill. I want to say first that I was interested in the remarks of the Member from Melville (Mr. Kowalchuk). I know he is a newcomer to the Legislature, I know that newcomers sometimes have to grow through a period of trial by error. It is always interesting to see a man get up on his feet with a prepared address in which he starts out in high gear supporting the principle and by the time he is finished reading his copious notes he finds himself in opposition to the principle. That was the position in which the Member for Melville found himself. I was surprised too as a member, I understand, if a larger unit board that he should have taken the rigid attitude that he took on behalf of the Bill, The Larger School Units Act. I might remind him that there are other Members of this Legislature who likewise have sat as members on a larger school board. I am always pleased that I had the opportunity to serve for a number of years on a school unit board. My concept of the function of the school unit board is in many respects directly opposite to that of the Member for Melville. It's a strange performance when you see a man accuse the Government of invading the rights and the powers of the local governments. He says that you are taking away from this local government its powers and thus you are weakening it. When he objects to the principle that a local unit board, before closing a school or a classroom, should get mutual consent of the local ratepayers of that district, or failing to obtain the local consent, they should be obliged to give six months' notice to the local district before the school is closed, it is a strange attitude that he should oppose this provision for negotiating when he and his cohorts took such a vigorous stand on the matter of the closing of hospitals — that none should be closed before full negotiating with the people concerned, and without a determined effort to make sure that those people were conversant with all the facts and that they too were in agreement with the move that was being taken. I suppose, Mr. Speaker, it depends whose ox is being gored. I know that there are those who like to build a little empire of their own, and I am afraid the Member for Melville revealed that characteristic in his speech. Therefore he doesn't like this little empire building interfered with. I would remind him as a member of a unit board that a unit board has first and foremost a responsibility to see to it that every child in that larger unit has an equal opportunity for education and that education that is granted to one should be equally granted to all, that, in order to carry out in the interest of the student a good educational program, it is most essential that you have the co-operation and the understanding of the parents of the child as well. This whole Bill is designed to

prevent the confrontation that has been occurring between local districts and the larger school unit board, not because of the lack of desire of the unit board to provide educational facilities, but at a times simply because the statute of this House gave them certain powers, they stood adamant behind those powers. They would claim regardless of the Opposition this is their right, this is their privilege, this is what is proposed to do. I am surprised that the Member from Melville should have first found himself in support of the Bill and then reversed himself and reversed his attitude that he took not too long ago about the need for negotiating with the local people before you move in to disrupt and disturb the local structures in the community.

He reminds me of a hen in the snow that stands first on one foot and then stands on the other. It will be interesting to know what foot the Member for Melville stands on when the vote is called on this Bill.

Hon. .C.F. MacDonald (Milestone): — Mr. Speaker, I only want to make a few comments on what the Member from Cannington (Mr. Weatherald) just said.

First of all as a school teacher and a Member of the Legislature I am interested in this particular amendment and I want to compliment the Member from Cannington for the points that he outlined to the Assembly. First of all I think there is one very basic principle that he clearly outlined. It was the difference between the NDP philosophy and the Liberals' in relation to rural Saskatchewan and particularly to the school problem of rural Saskatchewan. This amendment, Mr. Speaker, does not in any way attempt to remove the authority of a school unit, but what it does do, is demand rational and reasonable judgments on their part in requesting a six-month period of notice. I think there is a real purpose behind this idea of a notice. First, centralization is not only an educational problem, but it has vast social implications particularly in the rural parts of the province. All of us recognize that the school in any community is without question a most important service and the most important facility in that community. By closing a school, very often we are echoing or sounding the death knell of that community. There have been many, many communities in Saskatchewan that have lost their schools without any question or without any notice or without any responsibility on the part of the larger school unit. It also, Mr. Speaker, recognizes that we are no longer in the day of the little red school house, that centralization is important on many occasions for the better educational opportunity of our children, but it also recognizes that these have implications on the family, the child and the community. For example, it is very interesting to note that today many children spend more time in the school process than you and I do in an average working day. We can have a seven or an eight-year old child get on at 7:30, 8:00 o'clock in the morning and get off at 5:30 in the afternoon, with the resulting loss of the family relationships and the family supervision. It is also interesting to note that some children today go further to school than their grandparents did on vacation. In other words we are now transporting children 30 and 40 miles. Of course this has very serious implications on the entire attitude of parental supervision and care. It not only has an impact upon the education of the child, but certainly on its social and recreational activity. For example, if a boy or girl is transported 30 miles to school and particularly at the high school level the first thing we know that their recreational and social pattern is transferred to that town as well. They use

their car in the evening and with the resulting loss of parental supervision. Also, I think that this particular action forces the school unit to recognize that educational efficiency is not the only judgment or criterion required. The Member for Melville also used the other argument about school teachers. Mr. Speaker, I think that this is without question the weakest argument that could possibly be elucidated in objection to this particular amendment. All of us recognize that the unit board has the responsibility first of all for hiring school teachers and second for assigning school teachers to individual communities. It is true that a local school board can certainly nominate someone to be appointed as a teacher in their community, but this is usually the exception rather than the rule. Also a school unit very often will assign teachers to those communities that they wish to consider the school most important and often leave the assigning of teachers to smaller communities or ones that they do not consider too important until the last. It is very easy to say that the reason we are closing the school is because there is no teacher in this community, and of course it is often the best excuse. It is also important to realize that if we ever do close a school in a small community it is extremely difficult to re-open that school. Very often it is much better to have a problem of no teacher for a month or two months and to try to organize temporary provision to provide teacher supervision until such a teacher can be hired rather than to close that school in that community because of a temporary problem.

I think that the people of rural Saskatchewan want this amendment. They want to know that the school unit will act in accordance with reasonable judgment in the closing of all schools, that school unit will take into consideration not only educational efficiency, but the social impact upon the community and upon the region in which this decision is forthcoming. I think this amendment as the Member for Cannington outlined is one that should have been put into the Act in exactly the same time as The Larger School Unit Act was put into effect. I certainly support the amendment and I think that all Members of this House should do so also.

Mr. C.G. Willis (Melfort-Tisdale): — Mr. Speaker, there is not very much I have to say about this Bill, except I too find myself a little bit confused regarding the wording in some sections of it.

The Bill, Mr. Provincial Treasurer (Mr. Steuart), states that the unit board has at least six months before acting under this paragraph, "To notify the district board by registered mail of its intention." Six months before school opens in the fall comes to March 1, Mr. Speaker. It is very difficult to understand just how a board by March 1 would know what they are going to do come September 1. I agree with the Member for Melville (Mr. Kowalchuk) who in his predicament finds it impossible to have the unit board placed in the position where they have to give notice or they fail to give notice and can't get a teacher before school closes. Then they have to take other steps to close the school. I think that this bit of legislation here is something that is going to be very difficult for the unit boards to administer. I am sure that most unit boards in the province try to do their level best to try to solve this in a democratic manner, Mr. Speaker. I am certainly pleased to see that most of the people on the other side are determined that there should be democracy acting in this sphere. I would think that they have learned a lesson, Mr. Speaker. In the past they have

run rough-shod over local people and I hope they have finally learned that they can't do it. If they think that this is going to solve the question, like the Member for Melville, I am a little bit concerned that this only adds to the confusion. Some schools are going to be closed come May, some schools will be closed in June, because they can't find a teacher for September. If you do this, the unit board will go to the local school board and say, "We have to close, we can't find a teacher." They are putting force on that local school board again. There could be different wording here, but I certainly agree with the principle that unit boards should consult with the local boards in a democratic manner. Like the Member for Melville, I don't see how they will always be able to carry this out. I certainly hope, Mr. Speaker, that when the Minister rises to reply he will clarify the situation here as to how the unit board could always act in a democratic manner in this regard.

Hon J.C. McIsaac (Minister of Education): — Mr. Speaker, much of what I had intended to say in reply to the Hon. Member from Melville (Mr. Kowachuk) has already been reiterated here this afternoon by my colleagues.

He started out by saying that this Bill will emasculate the powers of the unit board. Later on he agreed that this perhaps was a good idea, this particular section of the Bill toward which he directed his early remarks. At the end when he sat down he said he would not support the Bill. Now I don't know, Mr. Speaker, whether or not this amendment will avoid the situations that are intended. The Member from Melfort-Tisdale (Mr. Willis), who just took his seat asked that I try and clarify the intent of this particular amendment. This amendment states as follows, and all he has to do is read the amendment I believe. This is where he has some difficulty, I appreciate that. This is a section dealing with the general section of the powers of a unit board and they have the power to 8(a) — if we had this amendment — to close any school or part thereof or to discontinue one or more of the grades taught in a school. They have that power, but no action shall be taken pursuant to this paragraph unless the district and the unit board concerned have agreed thereto. Of course they may do this, by mutual consent in other words, at any point in time right up to September 2nd, or 3rd or 4th as the case may be.

If the situation is such that there is no teacher or there is some other particular situation, and if the local people understand fully and accept that at any point in time, June, July or August, right up to the opening of school in the fall, if they agree to it, fine, then the school can be closed. Failing agreement, the section provides that six months' notice must be given. I think that my Hon. Friend, the Member for Milestone (Mr. MacDonald) pointed out that the time is with us now when we are not closing one-room schools in the province. That day has almost gone; practically all of the one-room rural schools have been closed. We are closing in many cases high schools or a section of a high school or a portion of a school or various grades to accommodate the division system. In many cases, there is not only a community disruption but a family disruption in implementing some of the division system in the rural areas of this province. If I have one fault to find with the planners of the division system for this province, it was the fact that they did not give consideration to how this particular system will affect the rural areas of Saskatchewan. The Member from Melville also made reference to the Sturgis Committee

of Enquiry that was set up to investigate the closing or the difficulty encountered with the closing of the Endeavour school by the Sturgis unit board last fall. I don't wish to go into all the points that came up in that particular situation, Mr. Speaker, this amendment is brought in part as a result of that and many other situations that have developed. However, on that particular Committee or Enquiry there was a judge who has also been active in inquiries of this nature previously; there was a lawyer who has been a member of the school board for many years and quite familiar with school and school units and school board activities; there was a teacher from the city of Regina, who was not only a former principal of a rural school, he was a former reeve of a municipality and he was a former member of the school board and a unit board in the rural parts of this province. So I suggest that it is rather unfair of the Member of Melville (Mr. Kowalchuk) to criticize the membership and the makeup of that Committee.

He criticized, Mr. Speaker, the grant structure and the amount of money that was being provided by the grants, yet nowhere in this Bill is there any reference made to the total monies that may or may not be provided. All that this Bill does is to try and allocate more fairly the monies to be allocated for school units. On this principle he didn't have a word to say. I suggest, and I believe, Mr. Speaker, that the new section dealing with the allocation of the grants in this Bill is a good one and a fair one and one that will serve to better distribute the funds.

The grants today incidentally, Mr. Speaker, are over twice what they were four years ago when this Government was last in power.

Some Hon. Members: **—** Hear, hear!

Mr. McIsaac: — We don't deny that local mill rates have risen since we have taken office. But for the Member opposite to try and intimate that they never rose under the NDP is certainly the height of fallacy in my opinion.

Mr. Speaker, I urge all Members on both sides of the House to support this Bill.

Some Hon. Members: **—** Hear, hear!

Motion agreed to and Bill read a second time.

TRIBUTE TO MARTIN LUTHER KING

Mr. Thatcher: — Mr. Speaker, it has been suggested to me and I think appropriately, that perhaps this House should pay tribute at this time to Martin Luther King. That great American, as Hon. Members know, was assassinated a few days ago. He is being buried today. I think all citizens in this province are well aware of the great contribution he made to the Civil Rights Movement in the United States. I would invite you, Sir, to ask Members to rise for one minute silence in tribute to this great American.

Mr. Speaker: — It has been suggested that the House should rise and stand in silence for a period of one minute in tribute to Martin Luther King, who was unfortunately assassinated. Please rise!

If the House would deem it appropriate, perhaps you might deem it appropriate that I should transmit your feelings and the action you have taken on this occasion to the widow of Dr. King.

Agreed to.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of the Hon. J.C. McIsaac (Minister of Education) that Bill No. 55 — **An Act to amend The Larger School Units Act** be now read a second time.

Mr. J. Kowalchuk (Melville): — Mr. Speaker, just a few minutes ago I heard a remark across the floor that I didn't have the courage of my convictions. I'd like to say, Mr. Speaker, that I have the courage to admit when I make a mistake.

Some Hon. Members: **—** Hear, hear!

Mr. Kowalchuk: — I have, and I want to say I did insert the wrong ending for the right Act. That's all I have to say, Mr. Speaker.

Now in rising to speak to this group, Mr. Speaker, on another educational Bill I want to emphatically point out that I am not an official critic for anybody but myself. The reason that I am here is because I was elected to criticize all Bills in this House.

Some Hon. Members: **—** Hear, hear!

Mr. Kowalchuk: — And the reason that the people of Melville saw fit to elect me because of the fact that I have done a lot of firm and proper things in regard to school and school work.

Mr. D.G. Steuart (Provincial Treasurer): — Better get the right speeches from now on.

Mr. Kowalchuk: — I intend to speak on these Bills, Mr. Speaker, and point out the things that I think are good. I also intend to point out the things that I think are bad.

Some Hon. Members: **—** Hear, hear!

Mr. Kowalchuk: — I intend to, at times, commend the Government for any Bill or any part of a Bill that is good. I intend to deal with this Bill in the same matter.

Mr. Speaker, in rising to speak to this Bill — and I would first like to say this, Mr. Speaker, — that I spent most of the noon hour taking out these parts that are said to be "sections" and I would like to be on the right side with you in this regard. I want to say this, that I wish to reiterate what I said the other day regarding the provision in this Act making it legal to include Indians off Indian reserves in a school district,

and thus making it possible for the native Indians to legally become part of the school district and to participate freely in the said administration. This is very commendable. In other words they become full partners in an integrated school system. As I understand this they could become part of any school system, a school unit, a consolidated school district or even a city or town school district. Now as I also mentioned the other day, these native people have been asking for this and we on this side of the House, and I am sure the Members on the other side of the House, Mr. Speaker, as well, agree that such decisions should be made in conjunction with these people rather than forcing something on them, which in all likelihood is of such benefit to them, but many times unacceptable, because we tend to shove things on them without consultation. In spite of the remarks made about what was said in hospital closure, I will continue to say that all legislation of this type should be in consultation with all the people, including local boards.

Some Hon. Members: **—** Hear, hear!

Mr. Kowalchuk: — If I may be permitted to say, Mr. Speaker, that this is a proper step in the right direction. May I also say, Mr. Speaker, that some measurement of understanding, some measurement of listening instead of talking, of keeping an open line of communication with our native Indians is long overdue. It has been the unfortunate passion of all Liberal Governments to hold things tight, to retain the status quo, to keep saying to us, "CCFers or New Democrats you are much too fast. You are in too much of a hurry. Slow down and do what is only absolutely necessary."

Well, Mr. Speaker, we have reached a point in our history that is of such extreme urgency that now and immediately every avenue of action to solve and work out our many problems, including problems of minority rights, including Indians, problems of economic nature, the problems of the ever-increasing distance separating the have-nots from the rich, and so on, must be met head on.

Some Hon. Members: **—** Hear, hear!

Mr. Kowalchuk: — Mr. Speaker, nothing has colored and focused the attention of our problems in Canada and including education problems, as the tragic catastrophe in the United States.

Mr. Steuart: — On a point of order. I think that it is against the rules to read a speech in this House. And if it isn't against the rules, I wonder if he has the right speech this time?

Mr. Kowalchuk: — May I continue?

Mr. Speaker: — The Member may be well supplied with exceptionally well documented notes. If he is reading them he is giving an excellent demonstration of gymnastics.

Mr. Kowalchuk: — Mr. Speaker, we dare not wait. The future of Canada depends on what we do today. Right now! Not tomorrow! The inclusion of extending school privileges off the reserves is a step in the right direction.

The old Bill stated that the Department of Education retains control of construction, furnishing and care of school buildings and the arrangements of school premises. The new Bill includes the location specifications, financing, furnishings and care of school buildings and the arrangement of school premises. Also, this Bill gives the Minister the power to appoint one or more persons to advise him in respect to the approval of plans, specifications, financing and care of school buildings, and the arrangement of school premises. As I read it, Mr. Speaker, both of these amendments mean again more erosion of local autonomy. In the first of this, three very important deletions are made, taking away the powers of the school boards, and these are locations, specifications and financing. The Department did have some control over the specifications and financing, but now this Act would give them full control.

Now the most dangerous of the three limitations as you might say, outright exclusions of boards' rights, is location. I can see where the location of a school might just be located and even reallocated because of political pressure or even outright political interference. Along with the fact the local people and local boards have no say as to the school's location, the Minister may appoint more or one person to advise him with regard to this matter. This, in my opinion, is dangerous and definitely the means of cutting off local wishes altogether.

Mr. Speaker, I think that these are dangerous precedents. Why this Government seeks to erode the freedoms of the individual, while at the same time professing to be champion of the individual, is a contradiction that is certainly difficult to understand.

Some powers are being taken away from the unit boards and centralized in the power of the Government. Now these school boards have exercised, as I have said before, exceedingly careful judgment in most cases, with some exceptions of course. But the majority have always shown great care and diligence in the building programs and all other matters relating to the financial expenditures of the school boards. Yet, this Government is bent on taking more and more powers away from these school boards. With the removals of these powers, Mr. Speaker, that I have just mentioned – that is, power of deciding the locations, specifications and financing of schools, a government-appointed so-called adviser to advise the Government on these specifications and so on down the line, Mr. Speaker, the school boards are becoming caretaker boards. Yes, Mr. Speaker, very few areas of local autonomy will be left intact. The boards are left with a few details in running the schools. They are left with the right to bargain with the teachers for fringe benefits and yet, as I understand it, no machinery is provided in any amendment or Act, indicating on what basis this bargaining is to be done. This Government, Mr. Speaker, is bent on taking freedoms away from duly elected board members for one reason only. Now it may be to possibly save some money, and that would be quite commendable if that were possible, Mr. Speaker. These school boards were actually wasting the taxpayer's money as the Hon. Member for Rosthern (Mr. Boldt) would have us believe. But to get down to the fact, what this Government wants is control on all the important matters in the educational field.

Now the Premier (Mr. Thatcher) has repeatedly made statements to the effect that the Government is going to stop writing blank cheques for school boards, knowing full well that the charge is absolutely untrue, that most school boards have shown

remarkable business-like abilities in running their schools and that the blame for the financial difficulty these school boards are in today can be blamed squarely on the shoulders of the Premier and his Government.

Some Hon. Members: **—** Hear, hear!

Mr. Kowalchuk: — I will repeat hat I said before, that a decade ago all the leading educators across the whole of the North American continent pointed out again and again that the cost of education will more than double in the next ten years. Now this Government should have taken heed of that, Mr. Speaker. The former CCF Government, and I will repeat again, recognized this and for a 10-year period from 1954 to 1964, nearly, and I want to repeat — nearly all education increased costs were totally alleviated fortunately by increased grants. And even though the cost of education kept increasing, the cost to the local taxpayers either stayed the same or rose slightly. Ever since the Liberals took over in 1964, instead of heeding the warnings of these educators who had warned repeatedly of the rising cost to education and to be prepared for this, they did nothing. They chose to ignore changes in the tax formula for teachers' salary grants and other operational grants, till this year, Mr. Speaker, and in doing so, paved the way for this great increase in local tax levy. Not only did this increase the local burden, but it gave the Premier the excuse that school boards were not efficient and their powers had to be curbed.

Mr. Speaker, as with the Educational Bill presented this morning, this one in spite of its failings has many good features to it; the inclusion of Indian reserves in school districts; the inclusion of provision for the use of French as a teaching language in some schools; the creation of large comprehensive boards by means of agreements. These are all excellent. This Bill deserves our support. May I repeat, this Bill deserves our support.

Some Hon. Members: **—** Hear, hear!

Mr. H.H.P. Baker (Regina South East): — Mr. Speaker, I would like to say a few words with regard to this Bill. Under Section 14(2A), I think we are very pleased to support including the French language to be taught as designated by school boards and so forth. But I do think that we have to go a little further. I would like to see this province, this country, learn more languages. I believe that it is important in this day and age, because we are not only citizens of this province or this country, but we are now citizens of the world and getting to be more so every day. I think that, if we are going to have a grant structure, it should be made available to others who may want to teach their language, whether it be German, Serbian, Ukrainian, Romanian, or the Jewish language or any other language that they want to teach, if designated by a school board, whether it be for an hour a day more or less.

Why do I say this in Saskatchewan? Well Saskatchewan is made up of people from all parts of the world. Over 50 per cent come from continental Europe. 40 per cent are Anglo-Saxon and 7 per cent French or of French origin. We are pleased to back this to see that French is taught because of its position throughout this land. But I am going to speak for other languages too, and any area that wants to teach more languages in

their communities.

We have a great heritage in this country because our pioneers did come from all parts of the world. That is why Canada is great, because we are made up of nations from all parts on this universe. I would suggest, Mr. Speaker, that we should amend this even further. I support the Bill wholeheartedly, but I do not think it goes far enough in this day and age. We in this House should approve further monies and designate further authority to boards with regard to the teaching of other languages. I think that it is good, when you travel throughout this province and you find many people who came from many parts of Europe and other parts of the world. There may be people who would want to learn the Chinese or Japanese language. They might want to do it in a location other than in the schools. I don't see anything wrong with providing monies for private groups, to support the teaching of more languages. I think it is good for us all. I wish that I could speak six languages; in this way we could communicate our thoughts and ideas to other parts of the world in a much better way.

We all recognize the position of English and French, but I think that here in the West, particularly in this province, when you have 53 per cent of the people coming from continental Europe, they should be given some rights, too, through our taxation system. No one objects to this clause; in fact if we wanted to do more I am sure that we would all support it. Mr. Speaker, I am concerned about this section not doing more for our people in this province, in the areas which may want to teach the language of their mother tongue.

That's why people came to Canada so that they had that freedom, the freedom to use their mother tongue if they so wished. They came here to worship freely under the Queen and this great country. I make a plea to amend this further because it can only do good rather than harm in teaching other languages. So, Mr. Speaker, while I am supporting this wholeheartedly on second reading, I would hope that we would take another look at it, to extend the basis upon which other languages may be taught. We have, as I have stated, practically every nation represented in the world, living in our city and in this province, people from every country living in your constituencies and in ours. We should encourage more languages to be taught and in so doing we will preserve many of the cultures of the ethnic groups that exist, which actually makes Canada all the greater. We are a shining example to the world because of the way we accept people and the way we treat them. When you look across the line, (and we just stood in silence a few moments ago in memory of one of its citizens) we in Canada think differently than many across the line toward people with regard to race, color or creed. I would like to see, Mr. Speaker, something more added to this Bill so that funds could be made available for groups that want to teach other languages which in essence can only help in making Canada even greater.

Some Hon. Members: **—** Hear, hear!

Hon. J.C. McIsaac (Minister of Education): — Mr. Speaker, I want to add a very few comments at this time in closing this debate. I should like again to refer to a few of the remarks made by the Member for Melville (Mr. Kowalchuk). I appreciate that by and large the school units of the province have done a very good job in all matters relating to school

affairs and I certainly do not intend to indicate by this clause in this Bill, dealing with the location, specifications and other aspects concerning school buildings, to indicate dissatisfaction with the handling of the school program of the Province by the unit boards.

I do think that there have been cases where local politics, if you will, and not party politics, has too often played a part in the location of certain schools within some of the units of this province. I can go back to my own hometown and look around and see about 15 or 16 classrooms that have been built in the last 10 or 12 years, some of which could have been avoided, I think, with proper planning. The object of this amendment is merely to help and to assist the local unit boards in planning for the location of school construction from here on in.

I think from talking to many unit board members, prior to bringing this amendment in, that they will welcome this amendment and they will welcome some assistance in deciding on locations for schools of division 3 and division 4 and this type of thing.

Mr. Speaker, I have nothing very much to add to the remarks of the Hon. Member from Regina south East (Mr. Baker). I agree in the main with some of his remarks. However, I would point out that we are taking a big step in this legislation in extending language rights to our French-speaking people and I would really hate to think of the Member for Regina South East or North East being fluent, as he expressed a wish to, in six or seven languages. Goodness knows it is tough enough listening to him fluent in one.

Motion agreed to and Bill read a second time.

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

Mr. M. Kwasnica (Cutknife): — Mr. Speaker, first of all in rising to speak to Bill No. 54 – An Act to amend The School Grants Act, I want to make it clear that we on this side of the House believe that the $2.7 million in operating grants allotted to schools this year is woefully insufficient. Last year the school grant figure was about $3¾ million and even that was far too little. As a result there were large increases in local school mill rates. For example last year Regina City was up 5½ mills; Swift Current up 9; Yorkton public school up 13 mills; Yorkton separate school up 17½ mills, so last year mill rates increased anywhere from 2 to 3 mills on the low side to 17½ mills on the high side. This occurred with an increase in operating grants of $3.75 million. Now what do you suppose will happen this year, 1968, with the niggardly $2.7 million increase in operating grants? There is no need to guess what will happen. The trend is already established. Mill rates are rising once again this year. I can recall two school districts in the northwest of the province who are fortunate enough to be able to hold the same mill rate this year as last year of 37 mills, that one being the Lloydminster school unit, but the assessment was away up this year. So most of the school districts have already increased their mill rates anywhere from 1.5 to 6 mills to date.

Now it is amazing to see what has happened to that platform No. 6 on the Liberal platform in the last election where

they promised that they would increase grants to schools and thus reduce the tax burden on . . .

Mr. G.G. Leith (Elrose): — Mr. Speaker, I rise on a point of order. This Bill, in my opinion, deals with the formula for The School Grants Act. It has nothing to do with the total amount of money put into grants for Saskatchewan and therefore, I consider the Member out of order.

Mr. Kwasnica: — Well, Mr. Speaker, if talking about grants in general doesn't apply to grants specifically, I don't know what does. This I can't understand.

Some Hon. Members: **—** Hear, hear!

Mr. Kwasnica: — At any rate in examining this Bill specifically. I find two different principles involved here. The first increases the amount of grants paid to small school districts whose assessment is less than $200, 000. This is a good amendment, and we on this side of the House agree with this principle. The second principle which sets out more precisely the grants paid to boards for teachers based on teacher classifications and based on the number of students in the school district, in our opinion is a move in the wrong direction.

Now in bringing in this Bill, the Minister of Education (Mr. McIsaac) made very brief reference to the policy that grants will be tied to the teacher-pupil ratio in schools, and then he made glowing reference to the policy that schools with higher enrolments will get larger grants so that there will be a more equitable distribution of grant money. Now this idea sounds good when you examine it superficially, but let me point out some of its dangers. First of all, this policy of tying grants to the teacher-student ratio does not help to improve the quality of education. This is the big point. It does not induce school boards to reduce or hold steady the number of pupils one teacher teaches in a school year, or in his classroom for that matter. Instead this will force school boards to enlarge their enrolments so they can receive larger sums of money. Now this is a negative and dangerous policy to pursue. So, under this grant structure school boards will not increase staff but instead will increase enrolments, thus increasing the workload of teachers. And every extra student in the classroom means extra individual attention and extra exam papers and essays to mark for the teacher. This increased workload will increase tension between teachers and students and between teachers and trustees who are putting the pressure on them to work harder and mark more papers. Now what will this penny-pinching policy do to our division 3 and 4 schools, better known as junior and senior high schools across the province, and there are several. Now these are the ones that are our major concern.

In a division 3 or 4 school that is highly centralized and departmentalized, one teacher could teach as many as about 240 different students in a year. Now that's assuming that he teaches eight classes at an average of 30 students per class. Now, if a teacher were to use all of his available teaching time during the day and one and one-half hours after school for individual help to these 240 students, he would be able to give each students about six hours of individual instruction in the total school year.

Let's look at it in another way, suppose the teacher could spend only one and one-half hours after school for individual help, four out of five days because of some extra-curricular activity like drama, or school sports or music, which keeps them busy that one day after school, these 240 students would receive 40 minutes each of individual help in a school year. Now the point I am trying to make is increasing enrolments will, first of all, decrease the quality of education and secondly, it will increase tension between school boards and teachers because of the increased workload. If these are the aims of this Government in regard to our educational system, then this Government will certainly achieve those aims by introducing this amendment to The School Grants Act.

There is yet another bad effect of this legislation. School boards, being shrewd as they are handling the taxpayer's money, and I am not chastising them for being shrewd, may choose another course of action to get the increased grants which can be obtained by enlarging enrolments. They may choose to reduce the number of vocational and optional subjects offered to students, such as Home Economics, woodwork, metal work, drafting, typing, welding, motor mechanics, music, drama and what have you. Now these are the subjects that are the culprits as far as teacher-pupil ratio goes. Yet these are the subjects that brighten up the school day for many, many students across the province, especially the student who is not extremely academically inclined. These optional vocational subjects, because of their complexity and because of the nature of the machines used, and because of the large space required to teach them, limit the size of classes to around 8 to 14 students per class. Now if, for example, a junior or senior high school has six vocational teachers, and 12 academic teachers, the academic teachers must take up the slack to increase that low student-teacher ratio in the vocational subjects. School boards may then decide to reduce the number of subjects sharply, much to the dismay of the young, vibrant student who demands subjects of varying depth, and varying interest in order to keep him in school these days. This would bring us back to the good old days. They weren't good, they were just old, and the old philosophy of education when every student took the basic eight subjects and no consideration was given to individual differences of students. Ask any teacher in high school today and he will tell you how easy and pleasant it is to teach when students are interested in school because there is a wide range of courses offered at school.

Mr. Speaker, it is true that, when one applies the proposed grant formula to school districts across the province, it appears that most districts will be getting an increase compared to last year's payments. The school districts with large numbers of students and fewer teachers benefit most. But I ask: should this be the criteria for school grants? Isn't quality of education the important point? Isn't variety of subjects desirable to meet student differences in intelligence and in interests the important point? Isn't this the wisest policy for the Minister of Education (Mr. McIsaac) to follow in this modern day of ours? Mr. Speaker, this Bill, an Act to Amend The School Grants Act is so glaringly insufficient, so grossly misguided in principle, that we on the Opposition side are very much concerned with it and urge the Minister to reconsider the direction he is giving to education in this province.

Some Hon. Members: **—** Hear, hear!

Hon. J.C. McIsaac (Minister of Education): — Mr. Speaker, I do not think I will take the time of the House and the Members on either side to try and dispel most of the mythical fears expressed by my Hon. Friend, the Member from Cutknife (Mr. Kwasnica). I am sure if he took a few moments to discuss with his own Leader and a few other Members on the Opposite side, who I am sure are much more knowledgeable about the school grants formula than he is, that he would not have made the remarks that he did here this afternoon. First of all his remarks were largely out of order because he was dealing with the amount in the school grants which do not come under this Bill at all. I say again that this Bill, in my opinion, and the opinion of my officials, and the opinions of trustees and others, will more fairly allocate the grant funds to be provided, with respect to the teachers I will come to this point, again made by my Hon. Friend opposite, with respect to vocational and technical students. If he checks on the amount allowable per student, he will find it is $75 with respect to each elementary student, grades one to eight; $125 with respect to each academic high school student; and $150 with respect to each vocational pupil; and $150 with respect to each pupil in average daily attendance in a special class, thereby giving recognition to the very things and the very points that he raised here in his remarks this afternoon. Certainly, Mr. Speaker, I would urge all thinking Members of the Opposition to join with us in support of this Bill.

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion of the Hon. C.L.B. Estey (Minister of Municipal Affairs) that Bill No. 44 — **An Act to amend The City Act** be now read a second time.

Mr. E.I. Wood (Swift Current): — Mr. Speaker, I would like to say that in general I agree with the principle of this Bill as I said yesterday. I do believe, however, that there is some room for allowing city aldermen a higher maximum than what is allowed at the present time in the present Act. In this Act that is before us I don't see any mention made of this. The present maximum of $2, 400 a year for city aldermen was brought into effect in the earlier part of the time when I was Minister of Municipal Affairs. There has been quite a bit of time elapsed since then and I think it would be quite appropriate to have this reassessed at this time. I was somewhat disappointed yesterday when the Minister (Mr. Estey) did not make mention of it when he was making remarks on second reading. I understand, however, that there is a strong possibility that the Government may bring in something along this line by amendments in Committee. I would like to commend this to the Minister and I would commend him in advance if he does take this action.

I will be supporting this Bill, Mr. Speaker.

Hon. C.L.B. Estey (Minister of Municipal Affairs): — Mr. Speaker, I have nothing to add to what I said when introducing this Bill for second reading. We are giving consideration to the point which was brought up by the Hon. Member from Swift Current.

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion of the Hon. C.L.B. Estey (Minister of Municipal Affairs) that Bill No. 45 — **An Act to amend The Town Act** be now read a second time.

Mr. Wood: — Mr. Speaker, I have the same comments to make in regard to this Bill. I am not in opposition to the principle of the Bill at all, I would commend the Minister that he do give consideration to the possibility of raising the maximum that may be allowed for town aldermen the same as has been proposed in regard to the city. I will be very pleased indeed if he is able to do this.

I will support the Bill.

Mr. Estey: — Mr. Speaker, my comments on the former Bill have application to this Bill and I now move that Bill No. 45 be now read a second time.

Motion agreed to and Bill read a second time.

SECOND READINGS

Hon. D.V. Heald (Attorney General) moved second reading of Bill No. 18 — **An Act to amend The Securities Act, 1967**.

Mr. Heald: — Mr. Speaker, the proposal here is to amend The Securities Act, 1967 by making minor changes to six sections of the Act. These amendments will not change the intent of the Act but are being effected for the sake of greater clarity and to facilitate the administration of the Act. There will be amendment to Section 117, subsection 2, which will provide that it will not be necessary for the Securities Commission to publish a monthly bulletin of reports on insider trading, which will save considerably in the printing costs of such a publication. The information required to be published under the present Act is available to the public during normal business hours at the office of the Commission and will also be published in the monthly Ontario bulletin by arrangement with the Ontario Commission. We have made that arrangement so that this information will be in the monthly Ontario bulletin. Ontario I might say, Mr. Speaker, is at the present time the only province undertaking the publishing of a monthly bulletin. Those are the only changes in the Act, and with that short explanation I would move second reading.

Motion agreed to and Bill read a second time.

Hon. C.L.B. Estey (Minister of Municipal Affairs) moved second reading of Bill No. 49 — **An Act Respecting Elections in Urban Municipalities.**

Mr. Estey: — Mr. Speaker, this Bill consolidates all of the provisions formerly found in the Urban Acts into one Act. The consolidation commenced, I understand, about two years ago. Many meetings have been held with a committee of SUMA; the Act has been approved by that committee. Meetings have been held with the clerks concerning the Act and the Act we now feel is

in shape to come before the House. There are many changes in this Act, some of little consequence, but in the main they took The City Act and made the necessary adaptations so that it could apply to the voting procedures in the towns and the villages. A few of the changes in this Act are that a spouse of a burgess who resides in a municipality is now a burgess. There are several other changes simply in procedure. The definition of elector has been changed to permit anyone who has resided in a municipality for five months immediately prior to the voting date to vote, whereas previously a person, in order to vote in the fall elections, had to reside in the municipality for five months prior to the first day of June. The nomination meeting has been advanced to the third Monday in October which is one week earlier than under the former Act. The other change in this Act, which is rather important, is that the larger urban centres favored another method of enumerating voters. The Act still contained the old system of enumeration, but it also sets out an alternative to that system, namely that in order to prepare a voters' list for an election the urban municipality prepares a list of the burgesses but does not enumerate for a list of electors. An elector approaches the polling booth and registers while in the polling booth as a voter. Now whether that system will be used by the larger urban centres or not remains to be seen, but they were especially concerned and asked that at least an alternative procedure be put in our Act. It is similar to a new procedure being adopted, I understand, in the Province of Alberta.

Mr. E.I. Wood (Swift Current): — Mr. Speaker, I would again like to commend the Minister for bringing down this Bill at this time. I will have to argue with him a little about action starting on this Bill two years ago. I think the preliminary discussions on it started on it while I was still Minister of the Department. I am glad to see that they have finally been able to come through with something along this line.

The only comment that I would care to make at this time, Mr. Speaker, would be in regard to the possibility that they could have considered some other way of lining up the voters list, rather than in alphabetical order. I think that in some cities there is a strong desire that they might have it in order of residents in the block and I think consideration should have been given to allowing the cities if they wished to have it drawn up that way. But these matters can be better taken up I believe in Committee. I will be prepared to support this Bill, Mr. Speaker.

Mr. Estey moved second reading of Bill No. 50 — **An Act to amend The Department of Municipal Affairs Act.**

Mr. Estey**: —** Mr. Speaker, this Bill deals with amendment to The Department of Municipal Affairs Act and really is an attempt by the Department to set out a system for reassessments or picking up assessments on a basis whereby we hope to bring some system into the method of assessing. For instance it calls for reassessments every 12 years in villages and RMs, eight years in cities and towns, or at such other intervals and times as the Minister may order direct. We have been able recently to increase our staff of assessors and it may be that we can follow the procedure. If we can't follow it, of course there is

provision that the Minister may vary the procedure, but it is simply an attempt to set out some system.

Mr. Wood: — Mr. Speaker, again I am prepared to go along with this Bill. I will say that up to this time and when I was Minister of the Department in earlier years, the policy was that the assessment of municipalities should be done as soon as possible after we had been requested to do so by the municipality. Now I certainly approve of promoting more uniform and more regular assessment. I will be asking some questions in Committee as to how this can be done without encroaching upon the autonomy of the municipality. I will support the Bill.

Mr. E. Whelan (Regina North West): — Mr. Speaker, when the Minister closes the debate I wonder if he would explain to the Committee the reason for the exception of centres of population of 15, 000.

Mr. W.G. Davies (Moose Jaw South): — Mr. Speaker, I don't want to speak on this Bill but I do want to put another question to the Minister. I am familiar with the need for reassessments, I think in every city of any size this has been a particular problem in recent year. I believe it is quite correct that there should be the sort of intervals that are indicated in the Bill. But one of the problems is, Mr. Speaker, and Mr. Minister, the kind of financing that is necessary for municipalities to undertake these re-evaluations. There has been some assistance provided from time to time in recent years to at least some of the municipalities that have had reassessments with the co-operation of the appropriate Government Department. I am wondering here whether anything of this kind is contemplated beyond what has been done, or if any policy at all will in fact apply, because I think the Minister will agree that the matter of a reassessment in almost any one of the larger urban areas today is a pretty formidable financial outlay. I am not familiar at the moment with just precisely what assistance the Department provides but it would be useful if the Minister could tell us something about it this afternoon.

Mr. Estey: — Mr. Speaker, first of all dealing with the question as to why the figure 15, 000 population is placed in this Act. That already appears in The Rural Municipality Act as the limit beyond which the Department is not responsible for the assessments. They do their own assessments and apparently want to keep their own assessing departments. I have never heard any complaints since I have been Minister.

In regard to the other question concerning the assistance which we give to the larger urban centres in the way of assistance in assessing, we do not contemplate any change in the system. Off-hand I do not think there is any assistance but those kinds of things are under consideration. I will be able to give more definite information on that point in Committee.

Motion agreed to and Bill read a second time.

Mr. Estey moved second reading of Bill No. 51 — **An Act to amend The Housing and Urban Renewal Act**.

Mr. Estey: — Mr. Speaker, this is an amendment which deals with lots which we have assembled or are assembling under the Land Assembly Program. It is now coming to our attention, for example, in the city of Swift Current, in the town of Allan and will come in other centres, where lots are not fully serviced that people wish to purchase these lots and build a house. Under the present terms of our Housing and Urban Renewal Act and our contracts with the Federal Government under CMHC, these lots are not for sale until they are fully serviced. The purpose of these amendments is to create a situation where we sell them for instance when they are surveyed., the plans registered, and the sewer and water is installed. We can by this amendment sell them for a portion of the purchase price and carry the balance of the purchase price as an annual payment through the payment of their taxes.

Mr. Speaker, I move that Bill No. 51 be now read a second time.

Motion agreed to and Bill read a second time.

Hon. L.P. Coderre (Minister of Labour) moved second reading of Bill No. 72 — **An Act respecting Theatres and Cinematographs**.

Mr. Coderre: — I would like to tell this House, Mr. Speaker, in rising to propose this motion, that it is a consolidation of The Theatres Act. There are some changes which in essence do not change the whole principles of the Bill. For example, instead of recognizing the censors as censors, they will be recognized as a Board, because the Board as such classifies the films in the various categories. Another change to the Bill is giving authority to place into the regulations the authority for placing the fees on the distributors because they pay the full cost of the classification of the films by the Board. The other thing that was in the Bill and which at the time will be withdrawn is the reference to Sunday movies. I would like to tell the House that in the case of Sunday movies this section which is now in this Bill will be in The Lord's Day Act and will be withdrawn when the Bill goes into Committee. Other than that, Mr. Speaker, I think the fact the Bill itself is a consolidation more than anything else can be best dealt with in Committee.

Motion agreed to and Bill read a second time.

Hon. D.V. Heald (Attorney General) moved second reading of Bill No. 78 — **An Act respecting Plumbing Contractors.**

Mr. Heald: — Mr. Speaker, this is a new Bill and I think that Hon. Members should have a bit of background information on this Bill and the reasons for it. Those of you who were here in 1966 will recall that at that time a petition was made to the Legislature for a private Bill. That Bill was drafted along the lines of a professional association act. That Bill was rejected by the Clerk of the Assembly on the advice of the Legislative Counsel for the reason that professional association acts are public bills and therefore require sponsorship by a Minister of the Crown on behalf of the Government or by a private Member supporting the Government. Discussions were held after that by myself and members of my Department with the solicitor for the sponsoring association which is the Plumbing Association of the Province, at which time we indicated to them that we felt the proposed

Bill was unacceptable as a public bill, namely for the reason that the Bill provided at that time, the private Bill, provided for the establishment of an association which would have had an unfettered power to decide without a right of appeal those to whom licences of plumbing contractors would be issued. In other words they would have closed shops as far as plumbing business was concerned. Now the Act that was submitted at that time didn't make any provision for examinations nor did it set any standards to guide the association in determining those to whom licences would be issued. We felt that the Bill was not therefore in conformity with existing professional acts and we suggested to the Association that the needs of the Association to regulate the plumbing contractor trade would perhaps best be met by licensing-type acts, such as The Real Estate Licensing Act; The Motor Dealers' Licensing Act; and The Direct Sellers' Act. So that was the course taken, and what we find here before us today is a licensing-type act. I'll go into details in a moment or two.

Now as for the purpose of the Act, it's been suggested by the Association to the Government that there is a need to regulate the plumbing contractors' business to prevent the sale and installation of equipment by persons who may be unqualified for the installation and do not establish any facilities to provide service after installation. We are told by the Association that many people in this business come into the province for a crash program of installation in areas where a new water sewage system has been installed, make a substantial profit through installations of defective or substandard equipment and then refuse to replace defective equipment or to give any service to the customer. I have here, Mr. Speaker, a very extensive list of failures in this type of business in this province over the last 10 years. What has happened in many cases, particularly in large projects — we'll take a housing project of 50 houses and the general contractor, for example, lets the plumbing subcontract out to the lowest tender — is that sometimes these people come into the province without sufficient financial responsibility and they end up going broke and not fulfilling their contract. The result is that many homeowners suffer thereof. I have a list here of I think about five or six typewritten pages of companies that have defaulted in this regard. So the purpose of this Act is to protect the buying public, the home-owning public, or the home-building public in our province against this type of situation.

I won't go into a great deal of detail but I would like to draw Hon. Members' attention to some of the features of the Bill. Section 3, the purpose of this section is to provide certain exceptions to the application of the Act. Most of them are self-explanatory and are contained in Section 3. Clause (b) renders the licensing requirement applicable only to the principal who has undertaken the installation and not to a person acting on his behalf in connection with the installation. In other words, under this Act there is to be no licensing of the salesmen or agents. Clause (b) of Section 3 renders the licensing requirement inapplicable to an employee whose duties are to supply a plumbing service to his employer. An example of that would be a person employed by the Regina school board to supply a plumbing service in the schools in Regina. This is in the course of his employment and he's not required under the Act to be licensed.

Now subsection (2), clause (a) of the Act is rendered inapplicable to the sale of plumbing equipment unless the sale

includes a plumbing service. Clause (b), we thought it desirable to make specific mention of the fact that the Act does not apply to the Crown. This is because there have been indications that, as a matter of Prairie Economic Council policy, bids may be accepted from persons carrying on business outside Saskatchewan. Clause (c) of the Act is rendered inapplicable to a person supplying a plumbing service to a municipal corporation unless that corporation passes a bylaw making the Act apply. Clause (d) of the Act is rendered inapplicable to a person supplying plumbing services to himself. Such a person is however subject to the applicable plumbing regulations for the area in which he resides. Clause (e), this clause has been included to make it clear that the Act does not apply to a municipal corporation or public utility company in connection with the installation of a customer service. Clause (f), and clause (f) is important, I suggest, because clause (f) has the effect of making the Act apply only to persons carrying on business within a city or larger town. You will notice what it says — "the total value of contracts entered into by him to provide plumbing services for any one person does not exceed $1, 000 in any calendar year." The reason this has been inserted in the Act is that we all know that in some of our smaller centres, our towns, and villages, there are many people, I suppose you might say under the category of handyman, who do a very good job and perform a very useful service. We felt it would be unduly onerous if we imposed upon them the obligation in these smaller jobs under $1, 000 of being subjected to the licensing and bonding provisions of this Act.

Then you will notice Section 4, which provides that the Act applies in a city, town or village in which there is installed or under construction a system for the collection of liquid wastes including ground surfaces or storm water. I would of course remind you that Section 4, the effect of Section 4 is reduced to some extent by clause (f) of Section 3.

Now Sections 5 to 11, these provisions are the same as those contained in The Motor Dealers' Act, 1966, with the exception that no salesman is to be licensed and that the licence under this Act expires on the 31st day of December whereas under The Motor Dealers' Act it is the 30th of June.

I draw your attention to Section 10 which requires the maintenance in Saskatchewan of a place of business. Sections 12 to 21 are similar to sections 15 to 24 of The Motor Dealer's Act. Section 22, subsection (1) of this section authorizes the Lieutenant Governor in Council to prescribe a form of contract which when prescribed shall be used. Sections 23 and 24 are similar to Sections 28 and 29 of The Motor Dealers' Act. Section 25 is similar to Section 31 of The Motor Dealers' Act. Section 26 is also taken from The Motor Dealers' Act as are Sections 27, 28 and 29.

I think, Mr. Speaker, that is all I care to say at this time in moving second reading. We can go into the details in Committee.

Mr. R. Romanow (Saskatoon Riversdale): — Mr. Speaker, essentially this is a Bill that Members on this side of the House, I'm sure, will support in principle in second reading. It's a Bill that I think the Hon. Attorney General and the Government have to be commended on. It's a step, as the Attorney General has talked about, toward consumer protection.

In second reading, however, I should like to bring to the attention of the House and to the Hon. Attorney General what seems to be a very strange pattern in the introduction of this Bill and other such similar Bills by the Attorney General and the Government. That is, when one peruses very carefully the provisions of this particular statute, proposed statute, you'll see there, Mr. Speaker, very stringent controls and powers given to the Registrar. Now this is the person who has been designated by the proposed Bill to have the power of granting a licence and I warrant that there is a need for one individual person or office to do so. In other words what the Government has done by this Bill and various other Bills that the Attorney General has alluded to in this debate is to place very strong control in the hands of government. And I really don't mean to comment on that particular aspect of it, but it makes me wonder sometimes why the Government would not go one step further, Mr. Speaker, and in a Bill such as this, afford an amendment or afford such legislation that would allow the Registrar to obtain a list of the prices or quotations of the goods and services that are going to be provided by the particular industry that is affected. In other words, if you will, it seems to me the Act goes far enough, but if we have one more extra step, you'll have what Members on this side of the House have been advocating for many areas, some form of consumer review in this area. Now we noticed this in The Agricultural Machinery Act. I believe it was mentioned in the form of debate in this Chamber and in other legislation as well. What I want to say in conclusion is this. The statute is a good statute and it does provide consumer protection. But we are wondering if now might not be the opportune time for the Government to consider some consolidation of the various powers put in the hands of the Registrar and the various industries now affected, so that we may move towards some sort of prices review board or some sort of consumer agency of government as Members on this side of the House have been advocating and as of course the Batten Commission Report talks about.

Mr. J.J. Charlebois (Saskatoon City Park-University): — Mr. Speaker, I would like to comment here, particularly on the view that has been expressed by the Member from Saskatoon Riversdale (Mr. Romanow). I think what he mentions of bringing in the matter of prices and so on, is not the intention of the Bill. I think it should be quite clear to all of us here that the Bill is one that requires that any plumbing contracting that is done in this province should be done by qualified people and people who are financially responsible. So I think what has been suggested by the Member from Riversdale is certainly going well beyond the intent of this Bill here. We've had the experiences here in this province, particularly, of contractors coming in from outside the province who have in many cases done improper work. They have not put in equipment that meets the specification and they are suddenly gone and out of the province. There's no way to get at them. They have no place of business, there's no responsibility whatever for the maintenance. The Bill is more to cope with this kind of situation. It doesn't pretend to go as far as what the Member from Saskatoon Riversdale asked that it should.

Mr. Heald: — Mr. Speaker, I just want to make one or two comments as a result of the remarks of the Member for Riversdale. He said that this Bill gives the Registrar a great deal of power. In a certain narrow field, this is true. But all of these Acts that we've brought in the last three or four years in the field

of consumer protection have one rationale running through them, and this Bill has it as well. It's true that the Registrar has considerable power to regulate this industry, but in all cases every decision of the Registrar is subject to an appeal to the courts, so this is protection against an over-powerful government official. I don't want to comment to any great length, but I could take you back to some of the Bills which were passed when your associates were sitting to Mr. Speaker's right. There were some Bills there that used to disturb me because there wasn't a complete and unfettered right of appeal to the courts. I think it's fine to place power in the hands of an official provided that power is subject to judicial review. That's what I've been insisting on in all of these Bills. You'll find it here in this Bill in Section 18, that there is an appeal from the Registrar's decision.

Mr. Romanow: — Mr. Speaker, I'm sorry to interrupt the Hon. Attorney General on a point of privilege. Just so that we don't misinterpret each other, Mr. Attorney General, I really was not condemning the fact that there was power in the Registrar. I was merely pointing out that with the power why wouldn't the Government go one step further and sort of make an initial attempt to review prices. I just want to make my remarks clear.

Mr. Heald: — I read you loud and clear, but I was simply pointing out to Hon. Members — I knew you were aware of the provisions — but I wanted all Hon. Members to be aware of the provision that there is an appeal from the Registrar's decision to the courts in a normal way. Now your other point was, as I understand it, and I think the Member for Saskatoon City Park-University (Mr. Charlebois) has dealt with it, but I just want to associate myself with what he said: that this is not a Bill having to do with price control. This is a private enterprise Government and we believe that there should be free and unfettered competition in these fields. All we are ensuring in this Bill is that there's financial responsibility. This is a financial responsibility Bill. That's what it is. That's what it is designed to do, and that's what it will do. But it is not a prices' control Bill. I can't go that far with you.

Motion agreed to and Bill read a second time.

Hon. D.G. Steuart (Provincial Treasurer) moved second reading of Bill No. 81 — **An Act to amend The Forest Act**.

Mr. Steuart: — Mr. Speaker, the proposed amendments to The Forest Act are concerned with changing the description of certain Provincial forest boundaries. The forest boundary descriptions are listed in the schedule to the Act. The description changes are three in number. In two instances the changes provide for the withdrawal of lands from the Provincial forests, while the third change provides for the addition of lands to the Provincial forests. The proposed changes in the Provincial forest boundaries have received the approval of the co-ordinating committee on land use, which is an inter-departmental committee comprised of representatives from the Department of Agriculture and the Department of Natural Resources. The recommendations of this committee were made after reviewing and considering reports of field examinations which were conducted by both the Department of Agriculture and the Department of Natural Resources. I don't

think it is necessary, Mr. Speaker, to go into details of the changes. As I pointed out there are three in number and we can discuss these in Committee. I have one map which I have given to the Hon. Member from The Battlefords (Mr. Kramer) and when we go into Committee on this Bill, if any other Members wish, I'll try and supply some more maps for them if they feel it is necessary. These changes are made every year and I don't think they are anything very controversial. With that brief explanation, I would move second reading of this Act.

Mr. E. Kramer (The Battlefords): — Mr. Speaker, I wonder if the Minister would care to comment further on the purpose. First of all, you have added one section to the forest in the more southerly area and then one small block further northwest of there and a larger block in the Bjorkdale area. Now what is the purpose of this? What may this land be used for? Is this for agricultural purposes or some other purpose?

Mr. Steuart: — I'll answer the question without closing debate if I may. Now specifically the areas that are being added, 12.5 square miles on the south boundary of the Porcupine Provincial Forest west of Usherville is being added. Now this piece of land which is considered unsuitable for agriculture has a large volume of hardwood. We reckon some 60, 000 cords growing on good sites with good forest potential. This area which is 12.5 square miles has supported timber operations in the past and we think can do so again in the future. It is felt the best land use for this block is one of management for forestry purposes within the Porcupine Provincial Forest area.

Mr. Kramer: — That is the area straight east of Bjorkdale. I think it's two sections further northeast.

Mr. Steuart: — The first two square miles you just mentioned have been cut over and we feel the merchantable timber has been pretty well cut out of there. Our soils experts tell us that they don't think it will really produce enough timber to bother with. So we are going to put it into agriculture as it will probably be good for grazing leases and this sort of thing.

And the other one, the deletion of forest lands in Townships 43, this block of land is approximately 12.5 square miles. An extent has been burned over and now contains little merchantable timber. Forest regeneration is patchy and light and the incidence of grass sloughs is high. The area is considered best used for agriculture.

Mr. Kramer: — If I may, Mr. Deputy Speaker, I believe this is recommended by your people and in this area, the danger in removing lands from public domain is not nearly as high in the north and doesn't mean as much as some of the land further south. Now I think the Minister is aware that I'm speaking of the more southerly area. I would like to see more of these lands revert to the Crown in some places, more of these appear in the southern areas of the province because we are losing game habitat at a tremendous rate. I'm sure that, if the benefits of ARDA were used, we may be able to combine grazing game habitats and prevent this denuding of woods, especially for instance in the south as there's an area there where we are losing game habitats

so fast that it is creating a great deal of worry among naturalists and certainly among sportsmen. I've wondered if when we are taking Crown land in the north and turning it into agriculture, in turn we might not look into some of these areas that are natural habitat and return them to the public domain and keep control in the public domain rather than allow them to be used entirely for grain production. There's a denuding area. You lose a lot of natural snow cover in the winter time. They are drying out the area. Certainly I don't think we want to see it continue. I'm sure no Members on the other side of the House want to see the whole thing become a desert where your upland game and your ducks and so on as well as your deer and other animals do not have any shelter, any coverage, any natural habitat. I hope the Minister who unfortunately is not here, but the Minister who is speaking for the Minister of Natural Resources will take (I'm going to say more about this in the Estimates) this matter of public domain under consideration. Even though it can be used as a multi-purpose area, it should, I think, be kept in the area of public control through the Crown so that it isn't just denuded and used for one purpose which is completely detrimental to game habitat and to the further protection of our future game production.

Mr. Steuart: — I just want to say that I don't disagree with the Hon. Member for The Battlefords and I think a good place to bring it up would be in Estimates. As he is aware having been a Minister of Natural Resources, there's a constant battle between Agriculture and the sportsmen, the naturalists and the foresters, the timber industry against Agriculture. We must be careful about taking lands out of the forest area and putting them into agriculture and sometimes turn what is quite good potential forest lands into what turns out to be rather poor agricultural land. I think this is a good point to bring up, and it is something we should continue to watch closer than we have in the past.

Motion agreed to and Bill read a second time.

Mr. Steuart moved second reading of Bill No. 82 — **An Act to amend The Game Act**.

Mr. Steuart: — Mr. Speaker, the proposed amendments to The Game Act may be summarized as follows: under the general penalty, Section 82 it is proposed to raise the minimum penalty of $10, which has been in effect for well over a decade, to $25. In the present Act the forfeiture of firearms and other equipment other than a vehicle or a boat is mandatory for violations in several sections. In the proposed amendments such forfeiture would apply only to Section 20, that is hunting with a light, night hunting with a light. To compensate for this reduction in penalty, that is the forfeiture of firearms, it is proposed to raise the minimum fine for a big game violation from $25 to $50. This will also create more uniformity in equality in the penalties imposed under the Act. In the case where a big game animal has actually been taken, wounded or killed, minimum fines of $100 and $400 respectfully are proposed. This amendment replaces the present Section 78 which places various fines on different species. A similar amendment to Section 79 makes provision whereby an additional fine may be imposed of not less than $5 or more than $25 for each game bird actually taken wounded or killed. Hunting on posted land is becoming an increasing problem to the Department and landowners alike. In

compliance with requests from many farmers and ranchers, it is proposed to increase the minimum penalty for this type of trespass from $25 to $50.

Difficulty has been encountered in obtaining public and judiciary acceptance of a compulsory jail sentence in regard to the dangerous practice of hunting with a light. In amending Section 20 we propose to give the court the option of assessing the 7-day jail sentence on the first offence. For subsequent offences for hunting with a light the minimum fine has been raised from $200 to $300 and the minimum mandatory jail sentence has been reduced from 30 to 7 days. In effect here we found, I'm told by the people in the Department, that over the years they found that they just will not hand out these mandatory jail sentences on the first offence, so we've increased the fine and we have said on the second offence a mandatory jail sentence will be at least 7 days.

Amendments to other sections of the Act are also proposed to update and facilitate enforcement procedures. As an example, in Section 81, we have made provisions whereby the penalties for aiding and abetting will be the same as those under which the violation took place. In Section 85, the amendment is proposed which will make it permissible for the RCMP to submit written evidence pertaining to ballistics and firearms rather than requiring them to appear in court. I am told that this is allowed in other types of evidence that they give. They can give it in writing but for some reason over the years it's been maintained that for this type of expert evidence they have to appear in court. This drags out the cases and makes it very difficult to proceed with the cases sometimes. So we're suggesting this change in the Act.

Other sections which have been amended deal with the definition of a seal which updates legislation in accordance with the type of licence and tag now used. Restrictions will also be placed on the use of tracer shot shells which we feel are a fire hazard. In Section 90 provisions have also been made whereby anyone killing a big game animal by accident has only to notify the local RCM Police or wildlife officer. The Act now stipulates that the animal be dressed, taken away and kept in the good state of preservation and then reported to a wildlife officer or RCM Police. Very often when an animal was killed, say with a car by accident, the individual just wasn't in a position to dress and look after the animal properly. So they didn't and just broke the law and had no choice but to break the law. So we changed this more in keeping with the way conditions actually exist.

Mr. Kramer: — Mr. Speaker, if I may ask, there are two or three points I want to raise, I may ask these questions so that there isn't any confusion about who's closing the debate.

I would like to say that I believe that some of these changes are in line with what is happening in modern times. I believe that if $25 was a hurting fine, 10 – 15 years ago, certainly a $50 fine is in line with that now. Certainly it is a good thing to tighten up wherever possible on night hunters. I don't think that anyone will complain except the night hunters about any strict enforcement there. This is a dangerous practice, because anyone firing a gun at night is bad enough. He is out taking a pretty low advantage of game by blinding him with the light, but most of the time he doesn't know in what direction

he is shooting, or what may be outside of his circle of vision. It is bad enough with some of these fellows shooting in the day time without letting them pound away at night. I think too that it hasn't diminished much, I believe the practice of night hunting is becoming even a little more prevalent. I don't know what reports the Minister has to indicate the incidence of night hunting. It's a difficult thing to catch them at it, and I believe that anything the Department can do to apprehend them would be advantageous.

Flyers have told me especially flyers of the bush area that, if they were given the job to fly at night over these areas — and some of them are skilful enough to do this — that they would spot these and radio to the ground to the patrol to indicate what road these people were on, especially in wooded areas, and that you possibly might be able to trap them and bottle them up in an area much easier if you had a scouting plane up in the air at night. I know of two pilots who would be prepared to do this night flying for the Department, if they wanted to hit the trouble spots in order to nail offenders real good. I would submit that idea for the Department's consideration.

In the matter of guns, I think I understand you did say that it would no longer be mandatory here for field officers to seize guns if someone was caught violating the Act in any way at all. It has been the practice to seize a gun for any offence. Certainly this has been difficult in more recent years when guns have become more expensive. One man might lose an old blunderbuss after knocking down, as the Member for Shellbrook (Mr. Bowerman) was telling me when we were discussing it, a couple of elk, and another individual might lose a $250 shot gun just for knocking down an extra duck. The fine does not seem to be in proportion to the offence. Incidentally I think that this change in the Act is also timely. It tends to make more of an honest woman of the Minister because I believe he has probably been sending back an awful lot of guns almost for any request. I don't know whether he wants to comment on this at all, but certainly the seizure of a gun is not a fair fine. If you're going to fine somebody, let the fine be commensurate with the offence. The gun can mean a $250 fine or it can mean a $10 fine or a $25 fine, and the offence bears no relationship at all to that particular type of fine. I believe this would be a welcome thing.

As far as the animals killed by accident are concerned, I would like to ask the Minister to comment here. Is this by accident due to vehicles or is it by accident when he probably shoots a mule deer in an area that is out of season, a mule deer, rather than a flag or shoots a doe in an area where only males are allowed to be taken, or if he shoots two by mistake? It isn't the first time that a hunter has shot two deer with a powerful rifle, knocking down two when he only intended to shoot one. If this is true, I presume that it may be interpreted that way, I would suggest that the hunter should be responsible for dressing out that game, and bringing it in in a good state for use. I don't think he should be allowed to walk away from it and allow it to rot. Too much of this is done now. Anyone who has been hunting especially in the antelope country has seen far too many of these animals and deer during antelope season knocked over and left there. A lot of this is deliberate, I believe, but a good deal of it results simply from fear, fear on the part of the hunter that, if he does report it he will be fined and probably worse, lose his rifle. So he simply says

nothing, while he could very well bring this animal in. I think if the Minister accepts that most hunters are good sportsmen, then this mistake area could simply be accepted. I believe that anyone who has hunted a great deal has had friends or possibly it has happened to themselves where they have shot an animal by mistake. I know of an instance where a friend of mine took a shot at an animal. It went off into the woods, just bounded off into the woods. Another one came out and he shot it and when he got over to it, just a few feet further inside the woods, there was the first one he shot lying there dead. He had two of them. He hadn't intended to shoot two. He thought he had missed his first shot. Things like this, I believe, should be spelled out a little more clearly so that a hunter can take this in to the Red Cross and in to the police who can in turn, turn it over to charity in a good condition, a good edible condition. That is about all I have to say on this. There may be more questions in Committee, but on that one item at least I would like a comment from the Minister.

Mr. Steuart: — Mr. Speaker, very briefly in answering the Hon. Member's questions. Light hunting is still a great problem and this is as he pointed out an effort to make our control of night hunting more practical. We hope this will do it, and we'll certainly take his suggestion about the spotting by air into consideration, because as he knows it is almost impossible to catch these people. The only time we will confiscate guns is for light hunting, and I agree with him. This was the reason we are changing the Act. There are a variety of prices in guns. It certainly meant that the penalties were very unfair. They had no relationship to the crime, they had no relationship to the ability to pay, they had no relationship to anything, just if you happened to have a very good gun you paid a large penalty. Then the pressure was on the Minister, and while I never mind a little pressure on the Minister, I am sure the present Minister doesn't or the former Minister either, but it made a clear-cut policy impossible. As you well know, when you were Minister, people came with all kinds of stories. Many of them were quite justified, but I don't think it's good policy to leave the discretion up to the Minister. It should be written in the Act and everybody will know exactly where they stand or in the Regulations. This is why we're changing that part of the Act.

Now Section 90, you're quite right, the present Section 90 doesn't make any difference between any kind of an accident. It just says a person who by accident unlawfully kills a big game animal shall report the killing to the nearest wildlife officer or a member of the Royal Canadian Mounted Police, who shall dispose of the meat and the hide and report to the director. I will certainly discuss this with the officials and see if we can either bring in a House amendment to the Act or change the Regulations. I think your point is very well taken. I hope I have answered the questions raised by the Member.

Motion agreed to and Bill read a second time.

Mr. Steuart moved second reading of Bill No. 83 — **An Act to amend The Prairie and Forest Fires Act**.

Mr. Steuart: — Mr. Speaker the proposed amendments to The Prairie and Forest Fires Act are concerned with (a) the responsibility of municipal authorities under the Act and (b) the fines or penalties for offences under the Act. Specifically the purpose

of the amendments are as follows: first to extend the burning permit area beyond the three-mile limit in existence as dictated by the forest fire hazards. We learned to our sorrow last year that the three-mile limit was not enough in some cases. So we are going to give some flexibility so we can make the burning permit area much wider than three miles, if weather conditions and general fire conditions dictate that we should. The Act in its present form does not provide for the appointment of fire rangers in local improvement districts, as is the case for rural municipalities. Since local improvement districts are usually centred in the close proximities of forested areas it is considered necessary to amend the Act to provide for the appointment of fire rangers in local improvement districts, and also to amend Sections 10, 11, 17 and 19 of the Act so that the provisions of these sections will be applicable to such fire rangers. Section 19 is amended further so that personnel from a local improvement district or rural municipality may be transferred to another district and/or municipality to assist in fire fighting.

The general responsibility respecting fires in rural municipalities and local improvement districts is supplemented by an amendment to provide for the action of the Minister in respect to such fires when they are a threat to Provincial forests. In order to make the above mentioned sections, that is Sections 23, 26a, 26b and 28, clearer in meaning, we have taken out all excessive verbal expressions. This is just housekeeping. The fines or penalties for offences under the Act have not been increased for some time and are presently considered to be too lenient and not to have much deterrent effect. The proposed amendments to the above mentioned sections increase the fines as follows: an owner or an occupant who fails to assist in protecting land or property is now liable to a fine of $50. It is proposed to increase that fine to $200. A person who starts a fire for the purpose of burning saw-mill debris within 100 feet of any part of a sawdust pile or fails to extinguish the fire upon request is now liable, if an individual, to a fine of not less than $50 or more than $500; if a corporation, to a fine of not less than $100 or more than $1000. It is now proposed to increase the range of fines for individuals to not less than $200 or more than $1000 and for corporations to not less than $500 or more than $5000.

We intend to amend Section 37. A person who fails to properly supervise a railway right-of-way fire is now liable to a fine of not less than $10 or more than $100. It is proposed to increase the range of fines to not less than $200 or more than $500. A person who enters or travels in a designated area which has been declared closed by the Minister and does not hold a subsisting travel permit is now liable to a fine of not less than $10 or more than $100. It is proposed to increase the range of fine to not less than $50 or more than $500. There are just one or two other amendments in Section 36 and Section 53(a) and (4) to add the word local improvement district, so that we will have the same powers and the same rights within local improvement districts generally speaking that we now have in rural municipalities.

Mr. W.J. Berezowsky (Prince Albert East-Cumberland): — I'm just going to ask the Minister a question, I don't see it in the Act. But does it mean that farmers, particular farmers, such as in our area up there will not be able to burn, say, any brush that has been cut and piled during the summer

season? This is the rumor that is in the district and I am just wondering just what is done in cases like that. Will we be able to get a permit as in the past?

Mr. Steuart: — Just in answer to your question, as the law now stands the only place we would require people to get a burning permit is within three miles of a forest area. They will now have to obtain a burning permit within any distance of the forest according to the dictates of the weather or the fire hazards. It may be that we declare a very low fire hazard up in your area for, say, the month of May and they wouldn't require a burning permit at all. But then in June it may become very dry and we would then state that a burning permit would be needed within 10 miles. They can still burn, but they have to get a permit.

Mr. Kramer: — I certainly agree that you need extra leeway. Three miles is not enough during a period of high fire hazard. I would suggest that simply going back any distance is too much. This would permit an official to go back even 15 miles. But I think it might be wise to extend an area of five miles under ordinary conditions, or six miles or something like this, because it would be an extreme circumstance where fire could run for a length of five or six miles without some obstruction of summerfallow or other in a settled area. It seems to me that there have been in the past a lot of complaints from people who want to burn at a certain time, with some official saying, "No you can't do it, " period. They are put to a great deal of trouble in their farming or clearing operation. I would suggest that in Committee the Minister might take a look at putting in a mileage limit, so that every Tom, Dick and Harry along the whole forest belt from Alberta to Manitoba doesn't have to run for a burning permit even if it's 15 miles from forests. This is what they are going to feel they have to do. I believe once this three mile area is lifted that some officials are going to interpret this differently than others. You are going to be in a considerable amount of difficulty in some areas, because a certain official decides to lay the stick on. Other than this, I see nothing in this Bill that would require any further questions. As the Minister said, it seems to be housekeeping. Some of the wording in a good many of these acts may require a lot of housekeeping so that the ordinary laymen can understand.

Motion agreed to and Bill read a second time.

Hon. D.V. Heald (Attorney General) moved second reading of Bill No. 85 — **An Act to amend The Statute Law**.

Mr. Heald: — Mr. Speaker, this is an Act that we bring in just about every year to pick up errors that have occurred in previous years. Many of the changes in here are to correct typographical errors. I would like to just run over them briefly. The changes to The Interpretation Act in the first section are printing errors. The change in The Legislative Assembly Act is to correct a printing error. The Schedule to The Legislative Assembly Act is for the purpose of correcting the description of the Hanley constituency (I knew I would get a smile on that), the purpose of correcting the description of the Hanley constituency by excepting Saskatoon Riversdale, a separate constituency. The Election Act, a change for printing error; The Water Rights Act

is a printing error; The Surrogate Court Act is a printing error; The Water Resources Commission Act is a printing error; The Brand and Brand Inspection Act, a printing error; The Optometry Act, a printing error; The Mortgage Brokers' Act, we're taking out Section 13, because it is a duplicate except for the 15-day period of Section 5, subsection (2) of that Act which reads, "every licensee shall notify the superintendent in writing of any change in his address for service", so there was a duplication there. The Registered Social Workers Act, we're advised that the Department states that the words "and passes examinations prescribed by the Board", were intended to be included in the Act enacted in 1967, but were inadvertently omitted and are being added by this amendment. The Cost of Credit Disclosure Act is a printing error, and The Wascana Centre Act was a printing error.

Mr. A.E. Blakeney (Regina Centre): — Mr. Speaker, I think we ought not allow this passed without directing Members' attention to Section 14 which says that the Act except for subsection (2) of Section 3 comes into force on the day of assent, and that subsection (2) of Section 3 comes into force on the day of assent, but is retroactive and shall be deemed to have been in force on and from the 8th day of September, 1967. I think some of us will appreciate the significance of the 8th day of September. There is a statute called The Legitimation Act by which subsequent marriage illegitimate children can be made legitimate. The Member for Hanley will be familiar with that law. I think that this Bill is really on all fours with the Legitimation Act. We are by Act in 1968 changing the boundaries of the Hanley constituency effective on September 8th, 1967 so that that rump area of the Hanley constituency from which the sitting Member claims his majority can now be constituted into the whole Hanley constituency and he can sit in this House without the cloud which has been so obviously hanging over his head.

Some Hon. Members: **—** Hear, hear!

Hon. D.G. Steuart (Provincial Treasurer): — I just want to assure the Hon. Members, Mr. Speaker, that this isn't the last time, I know they are worried that we intend to look at the boundaries.

Motion agreed to and Bill read a second time.

Mr. Heald moved second reading of Bill No. 77 — **An Act respecting the Procedure of Expropriating Lands and for Determining Compensation for Expropriated Lands**.

Mr. Heald: — Mr. Speaker, I am sure that this Bill marks a significant advance in the field of expropriation in this province. It will provide our province with legislation which, while affording maximum protection to the landowner, will not seriously interfere or impede the construction of necessary public programs. Now the substance of this Bill, Mr. Speaker, was recommended by the Special Legislative Committee on Expropriation that reported to the Government on the 31st day of December 1963. I say that this Bill derives its substance from the Committee's report and this implies that certain changes have been made to the draft act submitted by the Committee. I shall refer to these changes in detail later, but in brief changes were only made to provide for those circumstances where the provisions worked unjust

hardship on the expropriating authority. For example, I will be referring to a provision that allows some authorities to enter upon property immediately without notice to the owner. Now those of you who were on the Committee will remember that the Committee had recommended that notice at all times be given to the owner of the property before entry, and it's hard to quarrel with that principle.

The Power Corporation, however, for example, would find this provision impossible to abide by, since natural gas transmission lines and power lines can make immediate entry imperative for public safety. A natural gas line may rupture and it may be necessary to re-route the line while repairs are being effected. To do so may mean going off the easement enjoyed by the Corporation in case it is felt necessary to allow the Corporation some latitude in the interest of efficient service to the users and the customers of SPC.

Mr. Speaker, expropriation is an acknowledged power that certain authorities must have to carry out their public functions. It would be intolerable I suggest if one person could thwart a beneficial public program. The concept of expropriation has existed in our law for centuries, the earliest exercise of the power being where the Crown occupied land and used private property in times of national peril. The power or right has been extended to municipal authorities and schools. I suggest it is obvious these agencies must have the power to expropriate. It has been acknowledged as well that certain private agencies must be allowed to expropriate. So the power is extended to pipe lines and local irrigation districts, subject of course to governmental approval and control. Expropriation is a power that all authorities I am sure try to use with discretion. It is only when negotiations fail that the power in the various statutes is resorted to. The real purpose of expropriation legislation then must be to guarantee that this power is exercised fairly, that is, that the land owner is treated justly by the expropriating authority. When expropriation becomes necessary, legislation must attempt to provide machinery that can, within the limitation of the legislation, prevent the individuals from feeling victimized. I say victimized, which implies some intent on the part of the authority, but I do not mean to convey that implication. In all expropriations, I am sure, the authority acts bona fide and what usually occurs is an honest difference of opinion between the parties as to valuation. But in many cases, and I know all Hon. Members will agree that this isn't right, the landowner gives in to the opinion of the authority rather than fight for what he is rightly entitled to. In most cases, in many cases anyway, it is a matter of economics. The time and money spent in contesting the matter hardly make the contest worthwhile. In these cases, of course, the landowner can only feel that he has been victimized by the expropriating authority. Now, Mr. Speaker, the creation of an independent board, a truly unique aspect of this legislation, the Public and Private Rights Board in Section 6 of the Act, we hope will provide machinery that will assist the landowner in determining his rights before settlement is made with the authority. The services of this Board will be free as recommended by the Legislative Committee. The Board will consist of one member who will be appointed by this House, by the Legislature, for a term of five years. He will report to the House, to the Legislature, on his activities during the year and make recommendations as to particular amendments to the various Act including the proposed Act. This Board, you could call this one-man Board, this Public and Private Rights Board,

you could call him an ombudsman, because that is really what he is. The Board acts as a mediator between the individual and the authority. He has no power to settle any dispute but rather will try to bring the parties together. The principal function of this one-man Board will be to assist the landowner in assessing his rights. To do so, the Board may, at no expense to the landowner, conduct an appraisal of the land taken and may, in circumstances it sees as just, try to persuade the authority from a course of action with respect to the design, location or route of the public work. This might apply to a highway. The Ombudsman or the Public and Private Rights Board will be given the proposed route of the highway and, if in his judgement and after making studies, he considers that this is not the best possible route, then of course he will take steps to try and persuade the Department of Highways, if this is the expropriating authority, to change the location or route of the highway.

Now again, and quite properly so in my opinion, the Legislative Committee recommended that the authority have the ultimate responsibility for such matters, so that it will be the power of persuasion rather than decision that this one-man Board will have. Section 7 of this Act outlines this aspect of the legislation, Mr. Speaker, this man's main weapon I suggest will be one of publicity. He has the power to deal with the Department and has the power to compel them to take a second look and to be sure that the decision they are making, whether it be with regard to compensation, or whether it be with regard to location, is a justifiable decision. So I think he will have real powers from the point of view of publicity and of being able to publicize the fact that he doesn't agree with the Department's decision. I think that in many cases his activities and his action may result in changes in the opinion of the expropriating authority to the benefit of the landowner who is being expropriated.

Mr. Speaker, it has been my experience that much of the misunderstanding that does occur too often in negotiations with the parties, arises out of a lack of knowledge on the part of the landowner. Quite often the landowner feels that his property is more valuable than it is in fact. Quite often he has not the sophisticated knowledge necessary to arrive at an informed opinion. Since it is usually the first and only expropriation with which he will be involved, hostility and suspicion can only occur where the landowner has only the authority's word for the value of his property. The opportunity that this Ombudsman presents to the landowner will not only assist the individual I suspect but as well the authority towards arriving at more settlements, whereby saving both parties what are often unnecessary court costs.

Another benefit that I can see is that the Board will assist the various agencies that are involved in expropriation in arriving at a more uniform settlement with the landowner. Undoubtedly this will be of great assistance in the administration of programs that necessarily involve expropriation. The creation of this Board then, Mr. Speaker, will recognize what has often been a pretty one-sided negotiation, with the power and resources of some public agency pitted against the individual. I think it will be of substantial benefit towards solving a difficult problem area that plagues all those who must resort to expropriation.

The proposed Act, and I have referred to this previously, protects the individual in another way. This follows the

Committee's recommendation again. In Section 22, the owner may compel the authority to provide him with an evaluation report indicating how the agency arrived at the amount of compensation offered. That is an independent appraisal. The matters that must be assigned a value are listed in Section 22. Failure to provide such a report, or to provide a sufficient report can result in the cost of any action for the determination of compensation to be assessed against the authority. This, I believe, will further assist the owner in arriving at an educated determination of the sufficiency of the offer.

But, Mr. Speaker, although the rights of the individual are important under such legislation, so too are the rights of the public. Treating a landowner fairly is only one function of such legislation. It must also protect the rights of the public. To do this the legislation must provide a framework in which public programs can be carried out without unnecessary interruption. These public programs must be carried out in such a way that they are not placed in a strait-jacket to the administration so that the projects will become too expensive to carry out. Now this expense can arise in two ways. First the amount of compensation that must be paid to the owner may unjustly enrich him at the expense of the public purse. Compensation provisions in the Act then must be fair, that is, being fair to both parties. Secondly, expense may occur to the authority through procedures that would compel the authority to adopt such expensive techniques to comply with the Act that the additional costs of administration would preclude the program altogether. This province could then only defer necessary programs with a subsequent loss of real benefits to the public.

Mr. Speaker, I suggest, that the essence of good legislation is to arrive at a balance that does not unduly penalize either the state or the individual. Such a delicate balance is difficult to achieve. The major concern in the preparation of this legislation was that the rights of the individual were to be protected fully. Any infringement made on these rights could only be made where first of all no serious prejudice occurred to the owner and secondly, where it was felt that any other provision would seriously prejudice the authority. In an example I gave a few minutes ago of the Power Corporation, Mr. Speaker, having a right of immediate entry to land to repair a ruptured line, it is obvious that the individual will suffer only slight prejudice to his rights but to deny the privilege to the Corporation would result in serious consequences.

With these brief words, Mr. Speaker, by way of introduction and because of the technicality and complexity of the proposed Act, I would now like to turn to a brief exposition of the provisions of the Act. The purpose of the Act is to make uniform the procedure for not only taking land but to make uniform the method of determining the compensation to be paid for the land as well. At present there are a great number of statutes each with their own provisions and they all vary. This is one of the primary functions of this Act. The application of the Act has been changed from that recommended by the Special Legislation Committee. It is not at the present time to apply to municipal governments, or to school boards. This, Mr. Speaker, is at the request of these agencies, the intention being that the Act will apply in the future when these elected bodies have had the opportunity to observe its application. It does apply to all other authorities, however, such as pipe lines which have authorization to expropriate.

The Bill does not contain in it any provision authorizing the authority to expropriate. This authority to expropriate remains in the Act establishing the authority. This is basically a procedural statute. For example, the SPC Act provides that Corporation with the right to expropriate and as well it describes what the Corporation may take, such as the fee simple in land or an easement. Nothing in this Act before us now alters this. But what is altered is the procedure, the way in which such powers are to be exercised and the procedure established for the determination of compensation. After this Act is passed, only this Act will apply to such matters. This will mean that at some later date amendments will be necessary to all those affected by this new Act, but as this Bill is proposed to come into force on a day to be proclaimed, these amendments cannot be made at this time.

Under Section 9 of this Bill where the authority is empowered to enter upon land for survey purposes — and not all authorities have this power under their own Act — or to take samples and borings, notice of such entry must be given to the owner before entry. Mr. Speaker, this section demonstrates the attitude of the Committee to unannounced entry on private land. A reconciliation between public and private interest is made in the section in that service of notice can be made fairly readily thereby serving both the individual and the authority. Such concern for the individual is again demonstrated I suggest in Section 5 where the Act demands that negotiations be made for purchase before expropriation can be effected. To allow maximum administrative flexibility, however, this requirement does not apply where the authority is taking building materials, such as clay or gravel, only, that is without taking the land. This allows, or would allow, for example the Department of Highways to obtain burrow pits during the construction of a roadway. This again follows the recommendation of the Committee which recognizes the necessity for some administrative freedom in cases of this kind. The procedure for the actual taking of the land, whether it is the entire interest, fee simple or some limited interest such as an easement, or mere possession, is outlined in Sections 10 to 14 of the Bill.

There has been, for the reasons I shall set forth, a substantial change from the Committee's suggested draft. The section basically follows the Committee draft in that the authority must file in the appropriate Land Titles Office a declaration of expropriation. The Committee had recommended that possession be denied the authority until such time as title to the property had been vested in the authority. The purpose of such a provision is obvious. It is to protect the owner and any person claiming as a subsequent purchaser. As in the past, the authority could take possession and there could be long delays before the title was issued. Now this Section 11 has been altered from the Committee's draft in that the right of immediate entry before title has not been retained in all cases. To do so would work again administrative hardship on many Crown agencies. For example, in the planning and construction of highways it is often difficult to determine with absolute precision where a road will be located sufficiently far enough in advance to allow all titles to be secured before construction starts. If the Department of Highways had to in all cases obtain title before entry, considerable delay would result or the Department would have to employ a greatly increased number of employees. It is estimated that binding the Department of Highways to this procedure would cost the Province hundreds of thousands of dollars

and could delay projects up to two or three years. The provision would mean that more surveyors and draftsmen would have to be employed. It is not difficult to see that some projects would lie idle until such time as the Department could bring in a qualified surveyor. The agency might have encountered some problem in the field that required relocation of the highway. Having to do this survey and prepare and file a plan of the survey in the Land Titles Office would stop the construction for weeks. This procedure has been attempted in other jurisdictions, Mr. Speaker, and has been discarded. I am thinking of some American jurisdictions where we have looked at the situation.

Now, Mr. Speaker, if the owner could not be protected in any other way, then I think perhaps the provision, as it has in the draft Act, would be justified, but, if some compromise position is possible, then I think the Government is justified in altering the Committee's recommendations so long as it provides the same or virtually the same protection to the owner and purchaser. Mr. Speaker, I suggest that the draft Act, this Act, does provide the necessary protection while at the same time providing administrative flexibility. Section 11 and in particular subsection (2) thereof, allows, where the statute authorizing expropriation permits, entry before title, but immediately upon entry the authority must file a notice in the Land Titles Office of such taking, which notice is entered upon the title as warning to all that there has been a taking. The title must be obtained under this section within one year. This will allow any subsequent purchase to contact the authority for information on the extent of the taking before he deals further with the land. I would suggest that neither the owner or anyone else can suffer the prejudice that the Committee saw might occur if these provisions are followed. Of course many authorities already are by their authorizing statutes precluded from entry until title has been received, some even until compensation has been paid. This section will not alter those provisions in those Acts.

Another change which has occurred in the proposed legislation is in the manner of the authority making an offer to the owner. The Committee recommended that the offer be made when the notice of expropriation is served on the owner, while the present proposed Act allows the authority four months to make an offer for the land taken. Mr. Speaker, I suspect that the intent of the Committee was to start the proceedings immediately to ensure that the owner suffered no delay in obtaining his rights. Again, Mr. Speaker, severe consequences could occur, we believe, if the expropriating agencies were bound to follow this suggested practice. For the agencies involved in many acquisitions it would, I am afraid, result in hastily prepared offers and ill-considered offers being made, since it would be virtually impossible to consider the complicated matters that go into the determination in some cases of the compensation payable. It requires a skilled appraiser and many of the Departments of Government have to employ a private appraiser who may not always be available on a moment's notice. Where the Departments does employ their own appraisers, as is the case with the Department of Highways, the problem would be to employ sufficient appraisers to comply with the spirit of the statute as well as the black letter of the statute. Such people are hard to come by and it would be impossible to employ sufficient numbers to satisfy the requirements of such a suggestion. For this reason the authority is given by Section 20 of the Bill four months in which to serve its offer of compensation on the owner. This period, I suggest, is not so long that it will cause undue

prejudice to the owner and it does give the authority some elbow room with respect to time in which to carefully assess the offer.

These then, Mr. Speaker, are the general purposes of the Act. To make uniform the procedure for taking and to ensure that the owner is justly dealt with, the authority must do a number of things and I would like to list them. First of all the authority must negotiate in most instances before acquisition. Secondly, the authority must file a declaration of expropriation in the proper Land Titles Office or, in some instances, at least a notice of expropriation with a declaration filed at some later date. Third, the authority must make a carefully considered offer of compensation that is served within four months of occupation of the property. Fourthly, the authority must provide the owner, and I think that this is a good one, with a detailed breakdown of the evaluation of the compensation that the authority thinks is warranted. Now where the authority has taken the land in some cases this may effectively destroy the owner's rights as to minerals. The statute prevents any authority from taking the minerals unless expressly authorized to do so in its own statute. Recognizing the fact that minerals may be effectively denied, the owner at his initiative may seek compensation for such taking where the authority of course has not acquired the minerals in the first place. This, Mr. Speaker, is a marked departure from the existing legislation.

Mr. Speaker, I am going into more detail than usual because I think this legislation is an important Bill and is relatively complex. Due to the existence of the Report of the Legislative Committee on Expropriation I believe it is well that I should explain in some detail where and why the proposed Act differs from the suggested Act.

The fundamental change in the formula from present procedures for the determination of compensation occurs in two ways. Firstly, the formula for awarding compensation, which is in Section 49, is now proposed to be that the authority shall make, and I quote: "due compensation." May I point out, Mr. Speaker, that this phrase "due compensation" has been used in various expropriation statutes in Canada, and I would observe that there is a wealth of judicial authority defining what is involved in this term. I agree with the Committee that it would be impossible to present a better formula, since no one could contemplate all the circumstances that must go into deciding how much damage to the owner has been caused by the taking. This phrase "due compensation" allows the discretion of the court to be applied to ensure that the owner received adequate and just, but no more than adequate and just compensation. The proposed Act in this regard follows the Committee's draft. The second major change in the matter of procedure for determination of compensation, and this follows the recommendation of the Committee as well, is that the action is placed in the District Court. From now on it will be a court action subject to the rules of court except where expressly altered by the statute itself. Heretofore many statutes used the technique of arbitration, with a District Court Judge as the arbitrator. In all instances the matter took on the appearance of a court action without gaining the benefits of the rules of court and without being a court action.

Now the last matter that I wish to refer to, Mr. Speaker, is one other change, and it is a rather fundamental change from the Committee's Report, and that is in the matter of damages for injurious affection where no land is being taken. This has been deleted from the proposed Act. The Committee recommended that

the authority pay compensation for any injurious affection done by the authority whether there has been an expropriation from that owner or not. The circumstances in which such a claim is to be allowed are difficult to state. Rules imposed by the Court have restricted severely the circumstances where a claim may be made. Of course, where land is taken injurious affection is always awarded under the phrase "due compensation." Let me give you an example. A farmer who, because of the highway cutting through the middle of his property, is awarded severance damage because it makes his farming operations more difficult. This is injurious affection where land is taken from that farmer. On the other hand where the statute makes provision for it, and only then, injurious affection where no land has been expropriated can be a matter for compensation. This can occur for example where an authority has created what at law would otherwise be a nuisance, but the nuisance is not actionable due to the statute authorizing the nuisance. Most of the cases that have gone to court involve some right of access. In one case the city lowered the level of a road so that access to the adjoining property was more difficult. The statute in that case prescribed damages for injurious affection where there was not land taken, and the landowner was able to collect damages. It must be admitted that the courts have not been called upon to define with any precision the limits of this concept. I understand that when this matter was raised in the Expropriation Committee's deliberation that they were advised, as I have been, that it is impossible to determine how far this principle will run. In a recent Ontario decision decided in 1966, the Court of Appeal in that province found that injurious affection to land where no land was taken had occurred when the highway authority installed traffic islands, and the adjoining owner was awarded damages. Now, Mr. Speaker, surely from this kind of an example the implication is clear that this would subject the expropriating authority to a vast number of potential claims that could involve millions and millions of dollars. For example when the Department of Highways decided to designate a controlled access highway, then it may be that the presence of the phrase in the statute would allow a damage action to all adjoining owners along the entire length of the highway. And it might not start there either. It might be that owners not directly adjoining the highway would have a similar claim. How far back from the highway the court will allow persons to claim damages is at this moment purely speculation. One mile, two miles, three miles? Obviously it will not allow clams where the land is only remotely connected with the highway, but we really have no way of knowing how much the purse of this Province would have to pay, if that clause had been left in the proposed Bill. The application of the principle of damages for injurious affection where no land is taken from an owner will occur primarily, I think, in access questions. And I am of the opinion that to maintain the balance between public and private interest we cannot at this time include such an action as a head of damage.

Mr. Speaker, I have spoken longer than I intended to. There are other important areas of the Act that I have not mentioned. However, I leave these questions to the Committee. I think they can better be discussed in Committee. I apologize for taking up the time of the House with as much of an explanation as I have, but I did want to acquaint Members of the House with the changes and the reason for these changes since the proposed Act, the draft Act, was based on an unanimous decision of a Committee of this House.

Mr. E. Whelan (Regina North West): — Mr. Speaker, as a member of the Committee whose work included a careful study of the expropriation legislation presently on the statute books in this province, I am very pleased to see this legislation being introduced by the Attorney General. I thought the Committee did some excellent work. I had the honor of being Chairman and the Hon. Member for Maple Creek (Mr. Cameron) was the Vice Chairman. Two other members of the Committee are still in the House, the Hon. Member for Melfort-Tisdale (Mr. Willis), and the Hon. Member for Kinistino (Mr. Thibault). I think we held something like 31 meetings. I thought that every member of the Committee was objective and tried to write a report that would solve the problems of expropriation in this province. We came up with an unanimous decision. The Report that was submitted with a draft Bill, the written report, I suggest to all Members of this House, would provide good background for the present Expropriation Bill that is before this House. As a matter of fact, this Bill, Mr. Speaker, is very similar to the Bill that was attached to the Report submitted by the Expropriation Committee. But there is one area, one section, one recommendation that was unanimous that has been omitted. The Attorney General (Mr. Heald) in introducing second reading spent some time explaining this to the House. That area is the section regarding injurious affection, or what is probably known as consequential damage.

I recall the study that was made by the Committee looking at other jurisdictions. There was written in the legislation of Alberta, for instance, and several other Acts in the Province of Ontario and some parts of the United States, direct reference to injurious affection. For this reason we were inclined to think that it had some value. I was looking at the report of the Committee and I would like to draw attention to Members of the House what the unanimous decision of the Committee was at that particular time. Under the heading of "Injurious Affection" the Committee said:

> It has long been a principle of compensation in Saskatchewan and elsewhere to allow compensation not only for the value of land taken in an expropriation, but also for the consequential damage to the remaining property. This consequential damage is termed injurious affection, and is an item of damage which the courts will consider under "due compensation", and in their consideration of such damages the Committee understands that the courts will apply the following tests.
>
> The Committee is of the opinion, however, that damages to land can result when no land of a particular parcel is taken, but when neighboring land is acquired for a public improvement. In this case, however, compensation for injurious affection is not payable without statutory sanction. Thus, provision is made in the draft bill for the payment of compensation for injurious affection where no land is taken.

I have looked at the present Bill in the hope that I might find somewhere in the legislation a section that could possibly cover injurious affection and might take care of this problem, should it arise. It seems to me that there is one section, Section 35, relating to the documents necessary for an action for compensation, specifically referring to expropriated land, which might head off a case for injurious affection where land was not taken. It is possible that a court could interpret

Section 35 to exclude an action for this reason. In any case if there was to be a claim for injurious affection, there seems to be a need for redrafting or changing some principle in the Bill to allow for this at the present time.

I know that there are other changes in the Bill and perhaps we can look at these sections one at a time when we are looking at the Bill in Committee: right of entry expropriation by municipalities and school boards, compensation, and so forth. But the one that really worries me is the omission of the reference to injurious affection.

I want to congratulate the Minister for including in his Bill a reference to a Public and Private Rights Committee. I think this is a novel idea. It provides a sounding board for the general public. It is something new and he called it an Ombudsman. It is the type of thing that people who appeared before our Expropriation Legislative Committee were asking for and I compliment him for sticking with it. I thought that it might get lost along the way. I think that it is something that we should try, and we should make it work. All Members of the Legislature will back up this idea. It gives the ordinary person who is being hammered by big government an opportunity to have his case heard.

Mr. Speaker, I would not like to move adjournment of the debate.

Debate adjourned.

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