

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**First Session — Sixteenth Legislature**  
**41st Day**

**Wednesday, April 17, 1968**

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

**QUESTIONS**

**ORDERS FOR RETURNS**

**MR. W.G. DAVIES (Moose Jaw South):** — Mr. Speaker, before the Orders of the Day I wonder if I could enquire from the Attorney General, the Government in general, about Returns. Sixty seven Returns have not been brought down, and of this number 33 were ordered before March 15th and an additional 7 were ordered before April 1. The first 4 Returns ordered on February 20th to February 21st are still outstanding. I wonder, Mr. Speaker, if I could also direct another query while I am on my feet to the Premier. Would the Premier inform the House whether he has replied to the Prime Minister's letter to Provincial Premiers of March 8 on the subject of the Prices Review Board, and if so if he will table the Prime Minister's letter in this House, although it was tabled in the House of Commons. I now have a copy courtesy of the House of Commons.

**HON. D.V. HEALD (Attorney General):** — The Returns are coming along very nicely, about par for the course. They'll be in good shape. I've got three more this morning that I will be turning in in a minute or two.

**HON. W.S. LLOYD (Leader of the Opposition):** — Mr. Speaker, may I ask a supplementary question on this one, to say that many of these Returns would certainly expedite the passage of Estimates, if we could have them by that time. I would hope that there be some attempt to sot out those particularly necessary for Estimates, to be sure we get those.

**HON. W.R. THATCHER (Premier):** — Mr. Speaker, in regard to the question of the Hon. Member for Moose Jaw South, if he has the Prime Minister's reply he doesn't need me to table anything, so I think that answers that question.

**ANNOUNCEMENT**

**RECESSING OF THE HOUSE**

**MR. THATCHER:** — I would like to move, seconded by the Leader of the Opposition (Mr. Lloyd):

That when this House recesses at 12:30 o'clock p.m. on Thursday, April 18, 1968, it do stand recessed until 7:30 o'clock p.m. that day.

This motion of course, Mr. Speaker, is to permit Hon. Members to attend the funeral of the wife of His Honour the Lieutenant Governor.

Motion agreed to.

## QUESTION

### ORDER FOR RETURN NO. 77

**MR. J.E. BROCKELBANK (Saskatoon Mayfair):** — Before the Orders of the Day I would like to direct a query to the Minister of Health (Mr. Grant) and the Provincial Secretary (Mr. Heald) with regard to Return No. 77 which was ordered over a month ago — it is pertinent to the discussion on Bill 39 — if it's in the works, if it's on his desk or where is it?

**HON. G.B. GRANT (Minister of Health):** — I am sorry, Mr. Speaker, I was conveying a message to the Hon. Minister of Labour and I didn't hear the question. I wonder if I could, . . . I am very sorry.

**MR. BROCKELBANK:** — I am enquiring about the whereabouts of Order for Return No. 77 which is pertinent to the discussion on Bill 39, and it was ordered over a month ago. I'd like to have a look at the information that might be contained in that Order for Return. I just want to know where it is.

**MR. GRANT:** — I'll check into it this morning.

## PRICES REVIEW BOARD

**MR. DAVIES:** — Mr. Speaker, may I take it that the Premier does not wish to reply to the question that I gave him a moment or two ago?

**MR. THATCHER:** — I did reply.

**MR. DAVIES:** — That is not so, Mr. Speaker. I asked the Premier whether he had replied to the Prime Minister's letter to Provincial Premiers of March 8th on the subject of a Prices Review Board and if he would table the copy of this reply.

**MR. THATCHER:** — No, I will not table a copy of the reply because I

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believe if I write the Prime Minister or the Prime Minister writes me, that's confidential and it's personal. I am not sure if I have or not. I've had maybe a couple of thousand letters in the last month. I'll look it up. I don't mind telling the Member maybe tomorrow. The date was March 8th was it?

**MR. DAVIES:** — The Prime Minister's letter to you was March 8th.

**MR. THATCHER:** — I'll look it up and give the Hon. Member a reply tomorrow.

## **ADJOURNED DEBATES**

### **SECOND READING**

The Assembly resumed the adjourned debate on the proposed motion of Hon. D.V. Heald (Attorney General) that Bill No. 77 — **An Act respecting the Procedure for Expropriating Lands and for Determining Compensation for Expropriated Lands** be now read a second time.

**MR. E. WHELAN (Regina North West):** — Mr. Speaker, as I said earlier in the debate this legislation will be appreciated by everyone in the province particularly as Saskatchewan develops and expands. The Committee suggested in the legislation, the Public and Private Rights Committee, in my estimation can adjudicate the rights of the public, that is the rights of the public domain to take property, to acquire an easement, in the best interests of the public. The Committee would also adjudicate the rights of the private individual in such things as proper entry and fair compensation. This Committee could establish itself as a balance in the expropriation procedures. Mr. Speaker, those of us who were on the Legislative Committee will remember that time and time again people who appeared before us were under emotional stress because the location of an electrical line, telephone line, grid road or highway had been planned and laid out without consulting those who owned the property.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. WHELAN:** — Mr. Speaker, I wonder if I might proceed. This committee in an informal way could adjudicate and oftentimes bring together public authorities and private authorities so that they could understand one another's problems and arrive at a mutual and satisfactory solution. I hope that the Attorney General chooses a wise, experienced and thoroughly acceptable individual for this most necessary committee. I regret that the legislation does not include municipal expropriation, that is, expropriation by cities and towns, and expropriation by school boards. Our Committee heard lengthy and careful presentations in this regard, probably more lengthy presentations than

we received from any other group. This omission in our estimation leaves the expropriation procedure with some gaps that could have easily been covered in this Bill.

As a senior government the Bill should have established these procedures. It would set one procedure so that everyone would be aware of it and would know automatically that it would be carried out.

Mr. Speaker, omission of injurious affection which is included in Federal legislation, in Ontario legislation and Alberta legislation, is difficult to explain. The Minister has told us and given us an explanation. I wonder if I might point out in regard to the omission of municipal expropriation and injurious affection section that we did have an eight-man Committee and we had the best legal advice that you could possibly obtain. We heard dozens of briefs and we had one of the best legal research teams that it has ever been my experience to work with, and three Members from the Opposition at that time, one of whom insisted on injurious affection being included. After 35 days of study and hearing, including hearing the explanation given by the Hon. Minister, the Committee unanimously included injurious affection.

Mr. Speaker, I hope that after this legislation has been in operation with a Public and Private Rights committee functioning that those areas which have been omitted will be included. Dealing with the principle of omitting expropriation by municipalities and school boards, may I express the wish that as soon as possible these areas will be brought under the jurisdiction of one expropriation authority for the province. I believe this is one of the problems we ran into; there were something like 33 jurisdictions when we began the study. The initial study undertaken by the Committee reviewed this multitude of jurisdictions with expropriation powers. The result of so many procedures and jurisdictions multiplied problems because it established different rules and different standards for compensation. Mr. Speaker, the main advantage of one authority would be to provide one jurisdiction for the entire province with the same procedure and the same court officers handling the different aspects of expropriation. This would reduce dissatisfaction with compensation; it would reduce friction; it would reduce comparisons; and it would establish the yardstick which would be readily recognized by everyone in the province.

Mr. Speaker, it is regrettable that all expropriation is not within the jurisdiction of this Act.

**MR. R. ROMANOW (Saskatoon-Riversdale):** — Mr. Speaker, just a moment or two of the House's time to support this Bill. I, too, like the Hon. Attorney General and my colleague from Regina North West, feel that the Bill is a forward step in accommodating the conflicting and difficult area of expropriation. However, there is one matter alluded to by my colleague from Regina that I want to reinforce again from

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this side of the House to the consideration of the Government opposite. That is the question of injurious affection.

The Attorney General, in introducing the Bill, stated that injurious affection could run to damage claims amounting to thousands of dollars, I believe, were the words used. He posed the question to the House: how far will it go? He seemed to indicate that the implementation of injurious affection in legislation would introduce an unparalleled number of new claims and costs with respect to such expropriation. To that I merely wish to draw two points to the attention of the House. Firstly, to my mind, the very purpose of any expropriation Bill, this one included, is to afford all citizens of the Province of Saskatchewan, who have been affected in any manner reasonably so judged by the law by expropriation procedures, the opportunity to have a fair hearing and a fair price paid for the inconvenience that they have been put to as a result of the land being so expropriated; that is to say, that in my view the general intention of the statute should be to facilitate as fairly and as quickly as possible the claims of all people where they ought to be compensated for lands expropriated. I feel that a legitimate area of concern in the field of expropriation is that of injurious affection, namely where a particular parcel is taken and neighboring land is injuriously affected as a result of that taking. The Committee that my colleague from Regina and others served on reviewed the matter thoroughly and clearly stated that legislation is needed to give this person who may be so affected a particular remedy under the law. It would appear to me that a significant number of people would be denied what I consider their democratic right to compensation by non-inclusion of this particular section of injurious affection. To this extent, I feel that the Bill will be tarnished if it doesn't include the provisions of injurious affection.

Secondly, I feel the question of damages and quantum may be best determined by the courts of the land. Frankly I am fearful that the Attorney General may be pre-judging matters of costs to the state and to the other matters as well. I have confidence in general in the courts' ability to determine these matters of costs after due process of law. I feel in other words, Mr. Speaker, that this is a matter that ought not to be determined in this Legislature, but in the courts. The courts after all are the forum where arguments will be presented thoroughly and equitably and carefully. A decision will be made after all of the pros and cons are weighed.

Therefore, Mr. Speaker, I do not feel that costs will be rampant nor ought it to be suggested that they will be if injurious affection is incorporation in this Bill. Accordingly, although I will support the measure, I urge the Attorney General and the Government to heed our concerns and plead with them to make the appropriate House amendments in this regard.

**SOME HON. MEMBERS:** — Hear, hear!

**HON. A.C. CAMERON (Minister of Mineral Resources):** — Mr. Speaker, I would just like to take a moment to commend the Attorney General (Mr. Heald) for bringing in this legislation at this time. I was one of the members of the Inter-sessional Committee that spent some considerable time looking into the whole problem of expropriation. We became very conscious of the needs of a Bill, some uniform legislation which would set up a uniform procedure for all expropriation authority. We realize the 32 or 33 odd expropriating authorities in the province each with its own Act, each with its own yardstick did not assure any man who had land expropriated just and equitable compensation. He got compensation in accordance with the Act in which the action was initiated. Compensation for the same piece of land under identical conditions was not always the same to the owner of the land. I think this legislation complements The Surface Acquisition and Compensation Bills which I piloted through the House in regard to farmers' surface rights in working with the oil industry. This is another step forward in expropriation to clarify the matters and get a uniform procedural Act for the whole of the province. I think I can share some of the feelings of the Member from Regina North West. I would like to have seen it extended to municipal bodies. This stops short of course at Government bodies. I think, however, it's a major step forward and I would think that it may be a good decision to try it for a year or two, restricting this to Government expropriating authorities, to see how successful it is. Then I should think or hope at any rate that municipal men may look more favorably upon it being extended into the municipal area, because I think the day must come when all expropriation authorities must be under one expropriation procedure Act. I think the purpose of the setting up of the Public Rights Board is a good one and it's in line with the recommendations of the Committee as well. All in all I think this will go a long way to bring to an end the great uncertainty in the number of disputes originated in the Province of Saskatchewan in the field of expropriation. You will notice that this is one of the burning issues in the Province of Ontario; it's a burning issue in Alberta; it's a burning issue in British Columbia. I think Saskatchewan has pioneered the way in both The Surface Rights Acquisition and Compensation Bill and this Expropriation Bill to give leadership to the direction in which we should go, not only to the people of Saskatchewan, but to other provinces who are looking now with a great deal of interest at these two particular Bills. I want to commend the Attorney General (Mr. Heald) for bringing in this legislation.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. C.G. WILLIS (Melfort-Tisdale):** — Mr. Speaker, I too want to commend the Provincial Secretary (Mr. Heald) for bringing in this Bill, even though it is three of four years late.

**MR. THATCHER:** — 20 years, George!

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**MR. WILLIS:** — It was back in 1963, when this House set up a Committee to look into the whole matter. We even drew up a model Bill. We anticipated that this Bill would be before the House in 1965 at the latest. Here it is 1968. While the Attorney General deserves a great deal of commendation for overcoming the resistance of his colleagues, I think he should have worked a little bit harder and had this Bill before us a couple of years ago, Mr. Speaker. I want to take some of the credit for this side of the House too, not only for setting up the original Committee which drew up the Bill, which the Attorney General has modelled his Bill on, but I also want to take some part of the credit to this side of the House for the fact that we will have after this Bill becomes law, an Ombudsman in the Province. For four years now this side of the House introduced Resolutions requesting such a person be appointed. Now at long last we have an appointment here in the public and private commission or committee which is being set up, an Ombudsman in fact. It's probably regrettable that, when we had the argument a week or so ago regarding an Ombudsman following the motion which I introduced, the back benchers on the other side of the House didn't realize there was an Ombudsman going to be appointed by the Government. One of the Members on the other side got up and opposed the appointment of an Ombudsman for the Province, mainly because I think of the expense. Mr. Speaker, I am a little dubious of just what the Government has in mind and I would echo the feelings of the Member for Regina North West that when it does look for an Ombudsman, that it gets a qualified, competent person and that it doesn't spare the money when it is looking for such a person. I realize that the people on the other side don't like spending money, particularly the taxpayers' money, but they shouldn't spare any money when they are looking for a person to fill this position or we will not have a person who will do the job we expect will be done.

I too want to agree with what was said on this side of the House regarding injurious affection being missed from the Bill. This is one thing, Mr. Speaker, which I didn't agree with. I put up quite a struggle as I remember in the Committee talking against injurious affection. At that time, the information presented to us convinced me against my will probably, but convinced me that we should have an item for injurious affection here. I would agree with the two Members who spoke on this side that it is regrettable that we haven't included this in the present Bill.

The Minister, when he was introducing the Bill, mentioned too, Mr. Speaker, that another part of the original Bill has been dropped, and that is the title which is being expropriated does not have to be secured before the expropriating authority can proceed. He says that this is good in that it allows the Department of Highways particularly to proceed immediately with their project — that if we were to include this in the Bill that would cause the Department of Highways delay in some of the projects which they want to go along with. Mr. Speaker, it seems to me that this would be a very beneficial effect of the Bill,

if we had in the Bill the provision which would delay the Department of Highways from proceeding post-haste, from proceeding on crash programs. it would be very good if they had to wait and procure all the land before they were able to bulldoze a road over somebody's property. If they were to take time, a year or two years to actually plan their whole program, it would have gotten away from crash programs, it would have gotten away from the tremendous increase in cost which has resulted because of the fact that the Department of Highways just couldn't take time to do proper planning. This too it seems to me is a weakness in this Bill.

Again I want to congratulate the Attorney General for overcoming the opposition on the other side of the House. While this Bill doesn't live up to everything we want, doesn't give us everything we want, I think the people on this side of the House will be supporting it, Mr. Speaker.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. R. HEGGIE (Hanley):** — Mr. Speaker, I want to join with the other Members in congratulating the Attorney General on the introduction of this new Bill on expropriation. I think we all agree that is long overdue. Being brought in at this time it will be of great benefit to farmers and other landowners whose property is being affected by rapid expansion of the highway system and industrial projects, water conservation projects and other matters in this province. The application of the Act binds the Crown the same as the person affected which is good legislation. This Act is supreme where other Acts conflict with it. I think the main point that I would like to add to my few words of congratulation, is to Section 6, the setting up of the Public and Private Rights Board. As a practising lawyer I have had many applications from farmers and others whose land has been expropriated or affected. Many felt aggrieved that the amount was insufficient and the biggest deterrent they had in trying to get what they thought was a just price was the fact that they would have to go to court and have it adjudicated by District Court Judge. Just the thought of going into court, the time and expense involved was enough to keep the average farmer, to use him as an example, from proceeding to oppose the expropriation of his property for whatever purpose. Now the fact that the landowner or the farmer can get before a Review Board, which consists of one person as a sort of an Ombudsman in this particular Act, will enable that farmer with little expense to have his case heard. After all, when both sides of the petition are presented it is quite likely that in over 90 per cent, I daresay in 95 per cent of the cases, the applicant or landowner whose land is affected will go away satisfied. There will be less and less of expropriation matters that will go through the regular courts.

I suppose like any other Act it falls short of what would be the ideal, but I think this is a long step in correcting expropriation procedures in this province. Likely there will be amendments to it from year to year to bring it into line as the



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public sees how this Act will work out in actual practice. I want to say that I am very happy that this Bill has come before the House this session and I will be supporting it with a great deal of enthusiasm.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. A. THIBAUT (Kinistino):** — Mr. Speaker, as another member of the Committee I want to congratulate the Attorney General for taking the step that he has taken. He hasn't taken the entire recommendations, but I am happy to see that the report of the Committee formed a very good background for the Bill that is now presented.

I also want to point out that the legislatures could save themselves a lot of trouble if they used inter-sessional committees a great deal more. It is sure refreshing this morning to see how much agreement can be brought into the House when you deal with matters using this procedure. You've got congratulations coming from every side. I am sure the Attorney General feels good about it, and I don't blame him, I respect him for it. I would say that the parts that were left out of the recommendation, although I'd like to see them in here, I want to say that the Member for Maple Creek (Mr. Cameron) and the former Member for Melville (Mr. Gardiner) were two of the strongest supporters of injurious affection. We were unanimous in supporting the idea and I hope that the Attorney General hasn't given up the idea all together so that after giving this thing more study you consider the question of injurious affection. It certainly is a step in the right direction and I would also warn the Minister due to the fact that he has left out Municipal Affairs I believe, and a few others, not to be tempted by the other departments of his Government to take their own way because during the Committee study this is what we found. The Members on the Government side had to be pretty rough with the Cabinet Ministers to bring them into line. That's what I enjoyed very much. The Member for Melfort (Mr. Willis) will back me up on that. But this is where we thrashed the whole thing out. Now I hope that the Government doesn't give in too easy to different departments wanting little changes in this Act because I think the public is entitled to have a uniform procedure when it comes to expropriation, because as it was mentioned a while ago, 32 different expropriation Acts were just simply ridiculous. If you wanted to expropriate you had to go see a lawyer to set yourself straight, but once you have one Act, the entire thing is going to put Roy Romanow out of business. I was just kidding about that. But nevertheless I want to congratulate the Attorney General and I hope he does not forget the other parts of the Bill — the recommendations that were left out — and I will support the Bill.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. W.J. BEREZOWSKY (Prince Albert East-Cumberland):** — I did not sit on any Committee but I thought I

would make a few remarks nevertheless. First of all I am very happy to see that progress is being made in bringing in a Bill of this nature. However two points stand out that should be considered either at this time or at a future time. One of them is the rights of a community when it comes down to expropriation. I can't see anything in this Bill which would indicate that, when the Government wants to build a highway, as in the case of a highway between the pulp mill and Spruce Home, which we heard a lot about, the public would have the right to sit before a designated board and present a case, and maybe a better decision could be made. There is nothing provided of that nature in this Bill. Maybe it can't be, I don't know, I'm not a legal person. Now secondly, I refer to injurious affection. I see in this Bill some very good sections which say that, after notice has been given and when expropriation proceedings are in effect, from that time on a person can collect damages or a price for property that has been taken away from him. That's fine! What about the situation where the Government notifies a party that it is going to expropriate, but not by legal notice. It makes surveys and this person fully believes that the land is going to be expropriated so he makes arrangements to dispose of buildings or other property. Then a few days later, after he may have gone to considerable expense, he discovers that the Government has changed its mind. Now there should be some kind of compensation in cases like that. I don't think that any authority should go in and notify any person, make surveys and then leave that person flat. These are the two suggestions I thought I could make to the Attorney General (Mr. Heald) so that they might be looked at now or in the future.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. R.H. WOUFF (Turtleford):** — Mr. Speaker, I'm not entirely sure that I am going to be in order but I will abide by your decision. Land expropriation, Mr. Speaker, has troubled me for a long time. I don't care who the Government is, was or what color or particular stripe it had, it has still worried me. I agree that it would help a great deal if all these various bodies that are responsible for land expropriation could come under one board, one committee or whatever terminology it might be. As I said this is a problem that has worried me for a long time. I'm not going to discuss it on any party lines, I assure you.

Firstly I am alarmed at the amount of good agricultural land that is being buried under our roads and under our highways. I know that we are considered to be wealthy in agricultural land across these prairies, but I see a day coming when land is going to be much more difficult to obtain than it has been in the past. This is not just the only point that I have in mind either. I know that we've got to have roads, I know that we've got to have highways, but when I see farm after farm being carved up in angles and crescents and what have you, farms which families and farmers have put a lifetime of toil into building, it frankly alarms me. I am not one of those who are convinced, Mr. Speaker, that the driving public should be considered before

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the farmer. I've taken this view for a long, long time. I've argued with my colleagues when we were the Government and I'm prepared to argue the case still. When my farm is cut up, it's not just for a short time, it's for the duration of the farm. Certainly if not that, it's for the duration of my lifetime, and all the inconveniences that go with it whether it be working the land — in all the various shapes in which it is left — or whether it interferes with my farming operations from one quarter to another. I can't forget one of my neighbors in the St. Walburg area who had three-quarters of a section of land. No. 26 was re-routed across country and it went through in a great arch on the half-section on the east side of the old highway. The junction of No. 3 took off from the north line and made another great arch through the third quarter on the opposite side of the road. This man didn't have one solitary quarter of the three that wasn't carved up. And I'm not arguing price, Mr. Speaker. I don't know what he got, I didn't ask. But I am satisfied, Mr. Speaker, that we as governments have never really compensated farmers for the inconvenience and for the devaluation of property in lieu of the highways going through their property. I for one wouldn't want to buy a farm that was carved up like this. Further, Mr. Speaker, if I saw a highway heading for me and my farm at the present time and going to angle through it, or circle through it from one corner to the other, as I have seen happen to farm after farm, I would feel like leaving the country before it got there. I'm merely putting in a plea, Mr. Speaker, that greater consideration, greater care be taken before we take our roads and highways hither and yonder across country. I know that at times it cannot be helped.

The second thing is that we give greater consideration to what we pay these farmers for land that is cut up in this fashion. Its valuation has gone down and the inconvenience is for all time. I'm merely making a plea that we be more careful before we decide to cut across farm land and if we must, I think that farmers up to the present have not been sufficiently reimbursed for the inconvenience and for the devaluation of the land that occur by highways cutting through their property.

**SOME HON. MEMBERS:** — Hear, hear!

**HON. D.V. HEALD (Attorney General):** — Mr. Speaker, first of all I'd like to thank all of those Hon. Members who have been so kind this morning in their damning me with faint praise in some cases. I'd like to make a few comments with respect to each of the Hon. Gentlemen who have spoken and I'd like to start first of all with the Member for Turtleford (Mr. Wooff) because he has echoed my sentiments with respect to building highways and power lines across the middle of farmers' fields. I don't think there is any constituency in the Province of Saskatchewan that has been more affected by highways and power lines than the constituency which I have the honor to represent in this Legislature. Therefore I hope you'll forgive me if for a minute or two I profess to speak a bit from experience, at least the experience of my constituents. I would agree with the Member for Turtleford one

hundred per cent that great care should be exercised in locating highways, power lines and so on. This is why I'm so excited, Mr. Speaker, about this Act because I believe that in the function of the Ombudsman or the Public and Private Rights Board, one of his most important functions will be to review. He has the power to review with the expropriating authority, the Department of Highways or whoever it happens to be, he has the power to review with them their location. If he is convinced after due consideration that the location should be changed, he goes to them — he has the weapon of publicity — and he probably will be successful, I hope, if we get the right man, in many cases in persuading the expropriating authority that the location is wrong. Now you talk about highways going across the middle of farmers' fields. I don't know of any highways like that that this Government has built, but I can tell you quite a few that the former Minister of Highways, the Member for Melfort-Tisdale (Mr. Willis) was responsible for building in my constituency. I can tell you one that we were harnessed with when we became the Government, and that was the road from Balgonie to Fort Qu'Appelle. It sets a record believe me for going across farmers' fields and I only wish that the Member for Turtleford (Mr. Wooff) had been able to exercise his persuasive talents on his Minister of Highways at that time so that we wouldn't have that road. It's a good road but you go and tell the farmers out there that it should go across the middle of those fields.

**MR. WOOFF:** — On a point of order, Mr. Speaker. I don't know whether he was my Minister or not.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. HEALD:** — Well in any event I agree with what the Member for Turtleford said and I hope we won't have any more of this fact of highways going across the middle of fields. I know that I have been instrumental in some considerable measure in persuading or dissuading the incumbent Minister of Highways and his predecessor from building other highways across the middle of farmers' fields, and I'm very happy about that.

Now we have the comments of the Member for Prince Albert East-Cumberland (Mr. Berezowsky) and he asked a couple of questions which I'll answer. You said what about the rights of a community to make a case? Yes, of course a community has the right to make a case before this Public and Private Rights Board. If the interests of the community and one of your little villages feel that this road is not going in the right location, then you would have the opportunity to make the representations to the Ombudsman or to the Public and Private Rights Board. Then you asked the question about the case where the Government had come in and indicated its intentions to expropriate and then perhaps changed its mind in a week or a month or so. The phrase in the new Act is "due compensation." In answering your question I would feel that, if you could establish that it had taken steps and the owner had acted to his detriment and had suffered damage,

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any court would hold that that would be due compensation, so that you would be compensated. If you had acted to the detriment of yourself, your financial detriment as a result of some actions of Government, I think you'd be covered in that.

I also agree with the comments of the Member for Kinistino (Mr. Thibault) and I know that he was a member of that Committee. I've sat on other committees with him and I know that he's a very hard-working member of any committee that he sits on. He said that we should have a uniform Act and that's what we have. This is a uniform procedural Act and I can assure him that certainly, so far as I am concerned, there will not be changes in this Act which will have the effect of eroding away the rights which were given by this Act to the landowner. This is a Magna Carta for landowners in the Dominion of Canada. This will be the finest Act with regard to expropriation. More protection is built into this Act than in any Act that I know of in this country of ours.

Then of course we come to the Member for Melfort-Tisdale (Mr. Willis) and he couldn't resist even in an Act such as this which is a non-partisan Act, from becoming partisan and of course this is very much in character. I'm delighted of course with his death-bed repentance having to do with injurious affection. As a matter of fact, I would belatedly like to thank him for helping elect me in 1964 because it was his actions as Minister of Highways more than any other thing that resulted in my being able to defeat the incumbent Member of the Legislature. There was no disrespect for the Member but it was the actions of the Minister of Highways, the arrogant actions of the Minister of Highways, having to do with expropriation which probably resulted in my election and I suppose that's when I first started to think about expropriation Acts. I started to become concerned with what could happen to poor innocent landowners who became caught between arrogant civil servants and weak Ministers.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. HEALD:** — He was the man who told some of my constituents who had businesses on the highway east of Regina, "Close them up, close them up." He took all of their access away; they had to go four or five miles for access. He said: "Close your businesses up, find another business." This is the man that today comes in and says: "I think injurious affection is a good thing."

**MR. WILLIS:** — On a point of order, on a point of privilege, would the Minister name one business that I told it had to close its business up.

**MR. HEALD:** — Yes, I'd be glad to. North Star Motel is one; Mr. Bechard is another one, on the cafe out there. You were out there and talked to them, I heard all about it.

**MR. WILLIS:** — And I told them to close their business up, Mr. Minister?

**MR. HEALD:** — You said to find another business. You were going to put them out of business so they should find another one. The Member for Melfort-Tisdale (Mr. Willis) said it was good to delay the Department of Highways in some of their crash programs. I will agree with that. I think sometimes eager civil servants might want to move along too fast, but I'm sure that that is one accusation that could never be levied against the Member for Melfort-Tisdale when he was Minister of Highways that he built highways too fast. Many accusations could be levied against him but one wouldn't be that he built highways too fast.

Now the two basic points I think that were made, the two serious points that were made by the Member for Saskatoon Riversdale (Mr. Romanow) and the Member for Regina North West (Mr. Whelan). First of all, why did we leave out municipal expropriation? We had very strong representations after the report of the Committee was tabled and after the draft Act was prepared, we had very strong representations from the SARM and SUMA that at least to begin with we shouldn't include them in this Act. Their argument was that their Acts were working quite well. There weren't too many instances of municipal expropriation going to the courts and that really there wasn't the same kind of injustice here to the landowner that there was in the case of government expropriating authorities. So they felt very strongly and they urged very strongly and have been urging over the last three or four years that at least to start with we exempt them from the provisions of this Act and allow the provisions of their own Acts to carry on. We agreed to do this. We'd like to try it. There haven't been very many examples of municipal expropriations brought to our attention where the provisions of those Acts have been proven to be deficient. There aren't the same deficiencies in those Acts and there aren't the same injustices at least in my opinion that there were in the government expropriating authorities.

Now then injurious affection is left out. Let me make it very clear that injurious affection in the case of somebody whose land is being taken is not left out. The only injurious affection which we are leaving out of this Act is the chap, the owner who is not having any land taken. As I said when I moved second reading, this is the case of perhaps somebody who has been deprived of access and who may live two, three or four miles back from a four-lane highway and you get into conjectural damages. You get into a situation where somebody says, "Well I don't have as good access, I have to use a service road now," he might be able to argue injurious affection, but I repeat, Mr. Speaker, where land has been taken for a highway, we'll say, and there is injurious affection, of course there will be compensation. There will be severance damage. This is what all the courts have decided, that a road going through the middle of a farmers' field involves severance damage. They take some of his land,

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they injuriously affect the rest of his land — that is covered by this statute. This farmer will be covered and he will receive due compensation from the courts. The only ones we've left out are the ones who have not lost any land to the Government for expropriation. This is perhaps the fellow who is three or four miles away. I think that to start with we should try it. I'm very excited about the prospects and the possibilities and the potential of this Ombudsman. I think that we'll have fewer cases, I think we'll have happier landowners, and I think it is a gigantic step forward in the Province of Saskatchewan.

Motion agreed to and Bill read a second time.

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