LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Sixteenth Legislature
45th Day

Monday, April 22, 1968

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

STATEMENT

BOARD OF TRADE WEEK

Mr. J.H. Charlebois (Saskatoon City Park-University): — Mr. Speaker, before the Orders of the Day, I would like to remind all Members that this week is Board of Trade Week. And on behalf of the Board of Trade of the city of Saskatoon, I am pleased to present all Hon. Members this morning with a little shot of potash. As you know Saskatoon is now potash country and I would suggest that the Members take a good look at this but be careful that you don't take too much at one sitting.

Hon. W.S. Lloyd (Leader of the Opposition): — Mr. Speaker, we ought to thank the Board of Trade of Saskatoon. We have here oil from Weyburn and potash from Biggar and wheat from Redberry, I am told.

Mr. Speaker: — On behalf of the potash capitol of the world, may I also extend our very best wishes to the city of Saskatoon.

Some Hon. Members: — Hear, hear!

SECOND READINGS

Hon. G.B. Grant (Minister of Public Health) moved second reading of Bill No. 84 — **An Act to amend The Mental Health Act**.

He said: Mr. Speaker, most of the amendments in connection with this Act are concerned with the expenses of providing care and maintenance to patients in our institutions. The four institutions in the province are the two mental hospitals at Weyburn and North Battleford and the two training schools for mentally retarded persons at Prince Albert and Moose Jaw.

Prior to 1945, each patient in an institution, then only in the two mental hospitals, was charged for the cost of care in the institution. The cost of care and treatment provided from January 1, 1945 on has not been charged against the patients. However, contrary to a fairly popular belief, this care and treatment has not necessarily been free. When the patient died, these expenses became a charge upon the patient's estate. It

stated in the Act that the Minister's claim does not extend to that portion of the estate passing to a father, mother, husband, wife, brother or sister or child of the deceased patient if residing in Saskatchewan. The Act also provides for an exemption for any such relative who is resident outside the province but is dependant upon the estate for support.

Another provision in the Act also gives the Minister broad authority to waive all or any part of this claim. It may be thought that will all these exemptions the amount realized by the Government against these estates would be very small. The facts are that the Minister has collected substantial sums each year since 1945. For example, the total properly chargeable against estates in recent years has been as follows: 1964-65, $306,000; 1965-66, $233,000; 1966-67, $335,000. These totals represent the total amount actually charged when collection seemed likely and are close to the totals of the amounts actually received. I think it is reasonable to expect that in the long run the cost of mental hospital services in Canada will become shareable under the Federal cost-sharing legislation. If and when this comes about our provisions for charging estates will be terminated. However, in the meantime this provision will be terminated. However, in the meantime this provision will remain since, although it is a rather peculiar provision, it must continue to be recognized as an effective method of raising revenue.

While some of the exemptions from the Minister's claim are entirely valid, others seem to me to be open to question. For example, why should the part of an estate passing to a brother ordinarily be exempt. The Government has decided to revise these exemptions. There are no direct precedents for these new provisions, but it will be noted that the new categories of the exemptions are already mentioned in existing legislation for other purposes.

The first exemption will be mandatory, that part of the estate passing to a husband or wife up to a value of $10,000, will be exempt from the Minister's claim. In addition, the Minister may waive all or any part of this claim by the husband and wife, child under 21, or incapacitated child over 21 who is dependant upon the estate for support. The exemption of $10,000 has a precedent of a kind in The Intestate Succession Act where if a person dies without a will, the first $10,000 in the estate passes to the surviving husband or wife, with the balance being divided between the husband or wife and children.

The persons who may be exempted from the Minister's claim if they depend on the estate for support are similar to the persons who are entitled to apply to the court under The Dependants' Relief Act for adjustment in the distribution of the estate. These are the surviving spouse, children under 21 and children over 20 who are unable to earn a livelihood because of physical or mental disability. As is now the case, the Minister will have the general authority to decide to defray the entire cost of the care and treatment in the institution in any given case.

May I now refer to the actual amendments, new Section 8, which entitles a person with 12 months' resident in the province to care and treatment in an institution, is similar to subsections one to four of the existing Section 8. New Section 8A which provides for the expenses of care and treatment to be charged to the estate of the deceased patient is similar to existing subsection 5 of Section 8. Section 8B sets out the exemptions applicable to the estate of a person dying prior to April 15. These are similar to the exemptions set out in the existing subsections 6, 6A and 7 of Section 8. In other words these sections remain the same pretty well. Section 8A is new. It sets out the new exemptions applicable where the patient dies on or after April 15. Section 8D which provides general authority for the complete waiving of the Minister's claim is similar to existing subsection 8 of Section 8. Section 9 is similar to the existing Section 9.

Mr. Speaker, I do not know just what difference these amendments will make to our revenues under this Act. It is likely that there may be some increase of revenue but it is just not possible to attempt an estimate that could be relied upon to any extent. I intend to apply these new provisions fairly and consistently, keeping in mind the reasonable needs of all persons who are dependant. The amendment to Section 19 is of a technical nature and I believe that reference in this section to a person detained under Section 15 was inadvertently omitted when this section was enacted in 1961. The amendment merely makes this correction.

Mr. G.T. Snyder (Moose Jaw North): — Mr. Speaker, I was a little disappointed and shocked if I heard the Minister correctly. I heard him say that this was an effective method of raising new revenue. I think that this is another indication that it is the intention of this Government to erode every health plan, every health service, under the jurisdiction of the Government.

The Minister of Health it seems has been assigned the unsavoury task of cutting deeply into almost every public health service under his jurisdiction. It appears that the Government is dedicated to making public health services unpopular by imposing imposts after imposts upon the users of this service.

Since the House met about two months ago, Mr. Speaker, we have seen this Government introduce legislation to provide for deterrent charges, for hospital services received. We saw the personal premiums raised by $20 per family directly following the 1964 general election, at a time Mr. Speaker, when there still was a very healthy surplus in the fund. We have seen deterrent charges imposed for medical care during this session. We have witnessed a frontal attack on the time-honoured tradition for free care and treatment for cancer patients with the amendments to The Cancer Control Act. In less than four years, Mr. Speaker, under the stewardship of this Liberal Administration, we saw the finest mental health plan in North America eroded

and desecrated to the point where it has become necessary to bring an eminent authority outside of the country to advise the Government how to correct the plan and clean up the mess.

Hon. D.G. Steuart (Provincial Treasurer): — That we inherited!

Mr. Snyder: — The mess that you, Mr. Provincial Treasurer, created while you were Minister of Public Health.

Bill No. 84, Mr. Speaker, is another link as I see it in this Liberal chain. The former CCF Government, Mr. Speaker, did more to make the public aware of the importance of public mental health programs during its 20 years in office than any other jurisdiction in North America. The CCF took the care of the mentally ill out of the shadows and developed a program which transformed the snake-pit type of operation of the pre-1944 days into a program of excellence and respectability.

Some Hon. Members: — Hear, hear!

Mr. Snyder: — The care of the mentally ill without a price tag attached to it was a good part of the basic philosophy which moulded our Provincial mental health plan into one which was cause for pride and satisfaction to all Saskatchewan people. Under the old Act, Mr. Speaker, the estate of a mentally disordered person was passed on to a father, mother, husband, wife, child, brother or sister if they were residing in Saskatchewan. If these amendments pass, Mr. Speaker, remembering the attitude of the Government respecting other sensitive matters, I expect they will. It means quite simply that the concept of free care for all mentally ill in Saskatchewan will again be a thing of the past. As I understand the amendments, Mr. Speaker, the surviving widow or widower will be exempt only the first $10,000 of the deceased person's estate.Tthe spouse of the deceased person would be in all likelihood left with an estate that would care for the survivor for probably not more than three years, after which the surviving spouse would undoubtedly, or in many cases, become a responsibility of the Province. Surviving mother, father, son, daughter, brother or sister, will almost certainly be disinherited if the patient was a long-stay patient who dies after the 15th of April. I pointed out to the Minister during Health Estimates of a specific case where a sister had cared for a mentally disordered brother for almost 15 years before this person's confinement to a mental institution. That person being in a mental institution for something in excess of 10 years, undoubtedly will result in completely disinheriting the sister from the estate of the brother, assuming that he passes away sometime after the 15th of April.

The amendments clearly establish the precedent that the care of a mentally ill person is no longer a priority item in the new Saskatchewan, Mr. Speaker. A surviving dependent other than the legal spouse could not inherit a farm of any proportion

or any other piece of property of any significant value. The amendments also raise some other questions which I hope the Minister will answer when he closes the debate on second reading. I hope that the Minister will tell us how a surviving dependent will be affected when a long-stay patient who was discharged in 1965 passes away after April 15 of this year. Will the estate in excess of $10,000 be confiscated by the Government if the patient dies after discharge from the institution? There are many other questions which may be better answered in Committee of the Whole, Mr. Speaker.

I believe in total that the amendments to The Mental Health Act are a manifestation of the Government's wish to erode and weaken another valuable public program which was developed and nurtured by a former socialistic Administration. For 20 years, Mr. Speaker, the Government attempted to build an image of public acceptance for those who were mentally ill. Much was done during the 20 years of CCF Administration. I recognize that much more needed to be done. Instead of advancing this cause, the Government sold our Mental Health Plan short.

The Frazier Report makes it clear that this Government has shown little regard for the needs of the mentally ill. The Act which we are discussing today gives a further indication of the lack of feeling of this Government for the survivors of a deceased mental patient. In many, many cases, Mr. Speaker, these people will have contributed many ours, weeks, and perhaps years of care to that mentally disordered person's care before they were institutionalised. This Act will almost certainly, I believe, Mr. Speaker, discourage a relative from making this kind of sacrifice, that kind of sacrifice that they have made in the past. I suggest also that it is doubtful if many Saskatchewan people will continue to contribute freely to the voluntary agencies who have interested themselves in various voluntary mental health programs over the years.

This Act, Mr. Speaker, is another retrograde step. I intend to vote against it on second reading and I expect my colleagues on this side of the House will be doing likewise.

Some Hon. Members: — Hear, hear!

Hon. D.G. Steuart (Provincial Treasurer): — Mr. Speaker, I am not going to say a great deal on this Bill. Once again the Hon. Member from Moose Jaw North (Mr. Snyder) has taken the opportunity that he feels was presented to him with the introduction of this Bill, which is nothing more or less than an effort to make a very unfair and inequitable situation a little more fair and a little more equitable, to drag into this Legislature the problems of the mentally ill and attempt to spread more fear and distortion about what we have tried to do with the mental health program. I am not going to go into that. We have recognized, when we brought in Dr. Frazier, that there was something wrong with the mental

health program. We didn't attempt to sweep it under the carpet. We brought Dr. Frazier in and we gave him a free hand. We intend to take action and we are taking action on the recommendations that he made.

I might say that when we inherited the program all was not well with the mental health program. When I became the Minister of Health and took over from the former Socialist Government, there were problems and some very serious problems. I am not going to stand up here and say that we solved them all or that some of them didn't get worse. We faced our responsibility then and we all have a serious responsibility now and I am confident that we will face it in trying to make this program better. I have never taken any credit away from the former Government or the people that worked for the former Government, in the efforts they made to break out of the old snake-pit tradition to change the image and change the fact of how we treated people suffering from mental illness. They didn't do it the day that they came into office. They didn't do it in 1944 or 1945, 1946 or 1947 or 1948. They did it in the early 50s.

For many years after they were the Government, the snake-pits continued. I have seen pictures of what was going on in Weyburn and North Battleford long after the Socialists were in office. So let the record be clear that suddenly when they took over in 1944, they immediately mounted a crusade to save the people suffering from mental illness and launched a new and enlightened program. They didn't launch a new and enlightened program until they hired one particular psychiatrist who came down and opened the doors and took some very drastic steps which had serious repercussions in Weyburn at that time. But the program that was launched worked out and worked to the benefit of the people suffering from mental illness and their relatives as well.

All that we are trying to do in this Bill is to make things more fair and equitable. The situation as it now exists can have a close relative in Saskatchewan who maybe pays no attention at all, has no thought or concern about someone that is in the mental hospital for many years. You can have a close relative living in Alberta, Edmonton, or wherever it is across the border. They can be the most thoughtful relatives, and come and visit the patients regularly and do all they can for them, maybe have had them on boarding-out passes or take them out on weekend leave and so on. Yet because they don't happen to live in Saskatchewan, the way the Act now reads and the way it stood under the former Government, they are cut off. They don't get anything from the patient's estate unless the Minister decides to use his prerogative and give them some of the estate. This has nothing to do with the person suffering mental illness. It is what happens to their estate after they die. Again I say that it is just an effort to be more fair and equitable. I don't think anyone can stand up and say that because a near relative happened to live in Saskatchewan at the time that they died, and another relative happened to live outside Saskatchewan, they should be treated that much different. They might have just

moved out of Saskatchewan. It doesn't take into consideration how the relatives treated the person suffering from mental illness. It doesn't take into consideration their need. It took into consideration only whether they lived in Saskatchewan or they didn't live in Saskatchewan. I expect it was put in because if they live in Saskatchewan, they can vote in Saskatchewan. If they didn't live in Saskatchewan they couldn't vote in Saskatchewan. It was discrimination on the basis of residence of the people. Maybe they paid taxes, but they didn't take into consideration that maybe the family lived here for 20 or 30 years and paid taxes and then moved out to the Coast to retire and had been out there for six or eight months. As long as they weren't residents they were cut off.

All this does not touch the mental health program. It has no bearing on the mental health program. It only has a direct bearing on what happens to the estates of those people who die in a mental hospital, and this still isn't as fair as it might be. If someone is in a mental hospital and happens to move out a week before and dies outside the mental hospital, the Act is still very unfair and should be looked at again. This has nothing to do with the mental health program. It is what happens to the estates of people who die in mental hospitals.

Mr. Snyder: — Mr. Speaker, would the Member permit a question before he takes his seat? I wonder if the Minister agrees with the Minister of Public Health (Mr. Grant) that this is an effective method for raising revenue?

Mr. Steuart: — It will raise some more money, yes, and no one will deny this. This money will be spent on the mental health program. If it were fair and equitable to raise money from people outside Saskatchewan whose close relatives died in a mental institution in Saskatchewan, which you did for years and we did, why isn't it fair and equitable to raise money from the same relatives who happened to reside in Saskatchewan? I mean if it is fair for one, it's reasonably fair for all.

Some Hon. Members: — Hear, hear!

Mr. A.E. Blakeney (Regina Centre): — Mr. Speaker, I want to make a few comments on this Bill. I want to first make a few comments on the remarks of the Provincial Treasurer. I don't think that the mental health program introduced by the Government which was elected in 1944 requires any defence from me. And certainly it doesn't require any defence from me from the strictures levelled at it by the Member from Prince Albert West (Mr. Steuart), whose knowledge I suspect is minimal in this area and whose comments were certainly very far off the mark.

Mr. Steuart: — When did this policy change? What year, if you know so much?

Mr. Blakeney: — Mr. Speaker, the Member for Prince Albert West has made his speech. When the Member will let the person who is on his feet get a word in, I will make my comments. I would like to point out to you, Mr. Speaker, and to other Members of the House that notwithstanding the considerable provocation from the Member for Prince Albert, I didn't interrupt him once during the course of his remarks, and I would request him to extend to me the same courtesy.

Some Hon. Members: — Hear, hear!

Mr. Blakeney: — Mr. Speaker, the facts are that in 1944 the Government was elected and by the end of 1944 it had new public health legislation on the books. By the first part of 1945 it had changed the financing of the mental health program. By the end of 1945 it had established a new institution for the mentally retarded and removed these patients from the overcrowded institution in Weyburn. By the end of 1945 a very substantial improvement had been made in the overcrowded conditions in Weyburn.

Mr. Steuart: — Nonsense!

Mr. Blakeney: — This is not nonsense, this is a fact. I don't expect the Member for Prince Albert even to be familiar with these facts, but I will point them out to him, because they are facts. If he calls them nonsense, it measures not the facts but his knowledge of the facts.

Some Hon. Members: — Hear, hear!

Mr. Blakeney: — I concede with him that the next step was to bring in people who could look at the program of mental health because nobody knew the answers at that time. It's perfectly obvious that in 1945 it was not possible to bring in people who knew how to reorganize the mental health program because no one knew how to reorganize the mental health program. The next step was to get first-class people in and first-class people were brought in. Dr. Humphrey Osmond was in here in the early 1950s. Dr. Grif McKerracher was in before and if Dr. Grif McKerracher is not one of the foremost mental experts in Canada, I would like to know who is. And I would like to know when the Liberal Government prior to 1945 had in its employ and directing its mental health program, one of the foremost mental experts in Canada. The facts are that it didn't Very shortly after 1945, people like Dr. McKerracher were brought in and they reorganized the mental health program. They redirected its aims. It is true that it took a few years for these policies to mature. It is not possible, notwithstanding the comments of the Hon. Member for Prince Albert West, to have instant research. Research is not possible instantly. When the Government of the party which he represents left office there was not a shred of mental health

research being carried on. Not a shred! For that he and his party must bear the blame. Let him deny this. In 1944 Saskatchewan mental hospitals were among the worst in Canada and by 1950 — and let him deny this — they were among the best in Canada and nothing he says will cancel that record.

Mr. Steuart: — I admit it.

Mr. Blakeney: — Good! Fine, that's fine! And rebuilding a Liberal decimated mental health program in five years is a very considerable accomplishment.

Dr. McKerracher was here long before eight years after the election in 1944. And Dr. McKerracher did a great deal prior to eight years after 1944. Mr. Speaker, may I . . .

Mr. Speaker: — Order, order! We are dealing with an amendment to The Mental Health Act. May I suggest that this is a serious subject and should be treated with a little less levity and a little less interruptions.

Mr. Blakeney: — Mr. Speaker, I will leave the subject of 1944 and the story of the mental health program. As I indicated it needs no defence from me and most assuredly it doesn't need any defence from an attack by the Member for Prince Albert West. I simply want to remark with some surprise, at the fact that there were indeed problems in the mental health program in 1964. I happen to know that that's accurate. But had I not previously been the Minister of Health, I would not have known it was accurate by my attendance in this House in 1965 and 1966. I did not hear it then freely admitted that there were problems in the mental health programs. I did not hear it then freely admitted that there were problems that the Government was grappling with. It seemed to me that the posture taken by the Member for Prince Albert West is all too accurately described as "sweeping any problems under the carpet." I think that any fair assessment of those sessions and any fair assessment of the comments made by the Member for Prince Albert West about any Member who suggested that there were problems makes it very clear that, while there may have been problems, they were not freely admitted by the Member for Prince Albert West. But, Mr. Speaker, we are turning our mind to Bill No. 84 and I want to make some specific comments on Bill No. 84.

I have four or five bases of objection to this Bill. I'm a little surprised to hear the Member for Regina South defend one portion of it on the basis of precedent from The Intestate Succession Act or an alleged precedent and I will come to that in a minute. I'm a little surprised to hear the Member for Prince Albert West (Mr. Steuart) say that if someone doesn't die in a mental institution, the Act doesn't in effect apply and I'll come to that. I want to discuss my objections to this Bill under four headings. I have very, very basic objections

to the new principles contained in Section 8C. I object strongly to the fact that the Bill is in effect retroactive in its application. I object to the fact that because of the particular wording of Section 8C, it's possible to argue that the exemption provided therein might be very severely limited, and I object to the fact that Section 9 applies the new principle to all facilities. Some of these objections I put with more force than others and some of them are clearer and simpler than others.

But first to deal with my basic objection. The old arrangement for financing mental health care is that set out in Section 8B, that an estate was free from any claim for the cost of mental health if it passed to the father, the mother, the husband, the wife, the child, a brother, or a sister of the deceased, if the beneficiary was residing in Saskatchewan, and similarly it was free from claim if any portion of the estate passed to a dependent whether or not the dependent resided in Saskatchewan. This in fact, Mr. Speaker, meant a very wide exemption. Please note two things: 1) the number of people who could inherit the estate so that it would be free from any claim by the Crown was substantial, the classes were large; and 2) the exemption applied to the whole estate. Keep those two points in mind. The classes of people who could inherit without claim by the Crown were large and the entire estate was exempt. In effect then, the present Act provides for free mental health care provided by the citizens of Saskatchewan for the citizens of Saskatchewan. It is true as the Member for Prince Albert West points out that there were problems in applying this inside-Saskatchewan-outside-Saskatchewan rule. Obviously where a family were permanent residents of Saskatchewan and where mental health treatment was provided to one of his relatives, it seemed or at least it seemed to the previous Government reasonable that any part of the estate passing to him ought to be exempt. The basis for that was that the mental health care was provided by the citizens of Saskatchewan out of the tax dollar of Saskatchewan, and that accordingly a fair way to distribute the cost of that mental health care was on the basis of the methods of taxation. It seemed to us that it was reasonable to provide that this health care would be without charge against the patient while he's living or the patient's estate when he dies. If the estate was to pass to people outside the province then a claim was made, and this is entirely consistent with the theory, because the theory was that the people, who were receiving the benefit, had not contributed to providing the free mental health care; they were non-residents and had not paid the taxes. Now, we will concede that if the person had been a resident and moved away from Saskatchewan, this possibly created an equity. There was a way to correct that inequity in the Act. It was by ministerial discretion. Perhaps that wasn't the best way to correct the inequity, but it was an available way and the number of cases of this was not all that large. Note for example that, if an elderly parent had moved outside the province and was a dependent parent, the exemption applied to him anyway. If the person had moved outside the province in order to get a better climate and was a dependent, then he was still entitled to all the exemptions regardless of ministerial discretion. The only

problems arose where a family may have lived in Saskatchewan all their life and then one member moved to another province. Admittedly the old rules weren't perfectly fair but I fail to see how it can be made more fair by simply taking away the money from all the children. This is the Provincial Treasurer's approach to fairness — that if one man has one finger off why the simple thing to do is take all the brothers and cut off one finger from each of them. That may have been the practice in the Steuart family, I don't know. It may have an element of Irish fairness. But it doesn't commend itself to me. It was further provided under the existing Act that, where the estate was not going to any member of the family of the classes mentioned, and the classes included almost everybody who ordinarily takes under an estate, then a stranger to the family who inherited was called upon to contribute. You might argue that this is hardly consistent on the grounds that the stranger probably paid some taxes too. And I am prepared to admit that measure of inconsistency. The theory here certainly was that if a stranger was getting a windfall gain, it was perhaps not unreasonable for the Crown to get part of it.

Well, Mr. Speaker, contrast this with the new principle. The new principle is that mental health care is no longer free. It must be paid for out of the estate of the deceased patient. I realize that all of this is a matter of degree. But the change has been so substantial and the degree of change is so great that I suggest that the principle is changed. The single exemption, the single exemption to the principle that the entire cost of mental health care must be paid for out of the estate, is that if a deceased leaves a husband or a wife behind him, then the husband or the wife will be allowed to keep $10,000 and that's all. This is such a very great change in the basis of paying for mental health that it must be called the reversal of the previous principle. One again I suggest we are back to the precise situation of the pre-1945 days except for a modest exemption for the widow or widower.

Now, Mr. Speaker, the exemption is not as great an exemption as that available under The Intestate Succession Act. The widow doesn't get as much. Under The Intestate Succession Act the widow gets the first $10,000 plus one-half of the balance if there's only one child or one-third of the balance if there's only one child or one-third of the balance if there are two or more children. Under this Act the widow gets $10,000. The Crown gets all the rest until the Crown has received 100 cents on the dollar. Yes, that is what is called Steurtship of the Provincial funds. What is the justification for this? Health care of all kinds is provided essentially free of direct charge against the estate of a person who is physically ill. If a person is in the geriatric centre or a general hospital or a tuberculosis sanatorium, there's no suggestion that his estate ought to pay anything. No suggestion whatever. Why this distinction against the mentally ill? Or is this a principle which is just being introduced and will shortly be applied to people in geriatric centres and in TB sanatoriums. If this is not the case, I would like to hear the Minister justify the distinction between the physically ill and

the mentally ill. I concede with him out of hand that there has been some distinction in the past, but the distinction in the past has been small. If any change should have been made in it, it should have been small. If any change should have been made in it, it should have been eliminated. Mental health treatment ought to have been put on the same footing as TB treatment or chronic illness treatment. Instead the Government has moved the other way and has introduced a principle which I think is wholly indefensible.

Further may I contrast this Bill with the election promises of the Government opposite during the last election. You know what they promised, that they were going to refund the Provincial portion of the estate tax. Yes, indeed, fancy that. A widow who inherited a $150,000 estate only has an exemption of $60,000 and the Crown wants some money from her after she had taken her $60,000. The Liberals said this was outrageous. In order to correct this obvious inequity, inequity, and inequity in the Premier's words, we were going to give back the Provincial share, three-quarters of the estate tax which was charged against this impoverished widow who only had the first $60,000 and had to pay 10 to 15 per cent on the remainder. And they still intend to do it, we are advised by the Premier. But if this widow has the misfortune to have her husband in the mental hospital, then is $60,000 thought to be the appropriate exemption? Oh my, no. $50,000? $40,000? $30,000? $20,000? $10,000 is the figure which the Minister of Health (Mr. Grant) thinks this widow can live on, where the Premier thinks that $60,000 is outrageously small. And this is the way it is. If this difference of view on the part of the Liberal party can be justified, I would like to hear the justification.

Suppose a husband was in hospital say since 1950 and he died in June of 1968. What is the situation? Let's take an individual case. A man goes into hospital in 1950 and leaves a wife and a couple of small kids and a farm. The farm may be a half section and this woman works through the next 18 years, raising her kids without the benefit of a breadwinner. Suppose in 1968 the man dies and leaves her this half-section and supply the half-section is worth $35,000. What do the Liberals say the appropriate disposition of that farm is? For this family who have grown up without a father who is in the mental hospital, for the widow who has brought up this family without the benefit of a breadwinner, the Liberals say, "You've got a $35,000 farm, you may have $10,000 of it and we'll take $25,000. You kids are 21 now. It doesn't matter whether they are or not, they could be 10 and it wouldn't make any difference to this legislation. You could leave a widow with five children under 10 and you'd leave her with $10,000 that's what the Bill does. But I want to be a little charitable in my example…

Mr. Steuart: — How long has the man been in the institution?

Mr. Blakeney: — That's a good point, that's a good point, but it is

unlikely they are his children unless as you say he has a weekend pass. At any rate, my example is one that doesn't involve weekend passes. My example is one where the children are now grown up and the widow is left. Is she to be left with the farm? No. With the half-section? No. She will be left with $10,000 and the Treasury is to get $25,000. This is what this Bill says. I suggest that it's a grossly unfair Bill and a grossly retrograde step in the financing of mental health care.

The second point I wanted to make was of the essential retroactivity of the thing. People have been getting care between 1945 and 1968 and they have believed that this care was provided in a manner which could not be charged against the estate of the mental health patient, provided that the beneficiaries, the widow and the children were living in Saskatchewan. It is now found that, if a patient dies after April 15, 1968, not only will the care after that date be chargeable against the estate, but in fact care since 1945 — I could indeed say care since 1905 but I'll say care since 1945 — will be chargeable against the estate subject only to the $10,000 exemption for the widow. The period from 1945 to 1968, when people felt that they were free of this unjust burden on the relatives of the mentally ill, will be found to have been a period in respect to which a charge will now be made. Mr. Speaker, I would think that if this change was going to be made, at the very minimum the change should be limited to care rendered after April 15, 1968. I'm by no means agreeing to that, but, if they are changing the principle, I would suggest that it be in respect of care rendered after this date and not in respect of care rendered since 1945. Note what they are going to do, Mr. Speaker. The care from 1945 1968 has already been paid for by the taxpayers of Saskatchewan. No one expected there would be a recovery of that unless the estate was left to a stranger or to someone outside the province. No one was looking for this or predicating their budget upon it. And now the Liberal Government will be reaching back into the 1950s and into the 1940s in respect of care which has already been paid for and they will be snitching money from estates for that care simply because the man died after April 15, 1968. And I suggest this measure of retroactivity is wholly indefensible.

Mr. Speaker, may I digress for a moment to deal with a couple of points raised by the Member for Prince Albert West. He indicated that the Bill was to make it fairer. I wonder if it would not be fairer to provide that all care rendered to people suffering from mental illness would fall into the same category as care rendered to tuberculosis victims or chronically ill people or people who are in active treatment hospitals. I'm unable to see why this distinction should be drawn. If the distinction is drawn, and it will be drawn now much more sharply than was done in the past, how is it defensible on the basis of equity? This is the defence put forward by the Member for Prince Albert West.

I want now to ask people to look at Section 8C and I'm not going to argue the details of it. But as I read Section 8A, it

provides that where a person who was admitted to an institution after December 31, 1964, thereafter dies, then his estate shall be chargeable. It doesn't say, dies in the institution, it just says dies. I say that the Bill says that, if a person dies having had care after 1944, it doesn't matter when he dies or where he dies, his estate is subject to the tax. The only exemptions are those provided in 8B and 8C. 8B deals with the situation if the patient died prior to April 15, 1968 and that date is gone. We can forget about that because the provision merely restates the present practice. But 8C says that there shall be an exemption where expenses are incurred on behalf of a patient. I hope that mean means patient or exemption-patient because patient is defined as someone who is receiving care or treatment in a mental hospital. Giving those two sections the worst interpretation, one could reach the conclusion that, if a person was ever in a mental hospital, his estate shall be chargeable for the entire amount of the expense and the only exemption is to his widow if the deceased died in the hospital. Now that may be extreme and we'll pursue this problem in Committee, but right now I simply want to say that, as I read 8A, this charge is by no means restricted to people who die in the mental hospitals. Anyone who was in a mental hospital and received care can have his estate charged.

I now turn, Mr. Speaker, to Section 9 and Section 8 is a section which has been in the Act or something like it at .least has been in the Act for a good while. It says that provisions of the Act can be made to apply to mental health facilities. Now the distinction between an institution and a facility is that the two mental hospitals and the two mentally retarded institutions at Moose Jaw and Prince Albert are institutions as defined in the Act and all of the other mental health clinics, the one at Yorkton, the Munroe wing at Regina, the MacNeill Clinic at Saskatoon, the new wing at Prince Albert and all of the other clinics are facilities. Some of those you will note are inpatient facilities. This Bill provides that the claim against the estate of the patient can be made to apply to anyone who has had treatment in a facility. Therefore, note, Mr. Speaker, that anyone who has ever had treatment in a mental health clinic since 1945, whether it be in Moose Jaw or Prince Albert, the new clinic in Prince Albert or Yorkton or the Munroe Wing or anywhere, can have his estate charged and the only exemption again is the $10,000 for the widow. I concede that some provision similar to that was in the old Act, although it never was applied. I suggest to the Minister that, because the new Act is so very much more wide-spread in its application, because it will hit estate after estate after estate which was exempt under the old Act, the application of the new Section 9 is very much more onerous and very much less defensible. Mr. Speaker, as a matter of fact, a large number of the estates of deceased persons pass to the husband or the wife of the deceased person. A very large number. In the old Act there was a virtually complete exemption for estates passing to the wife or husband. This eliminated perhaps half of the estates from consideration at all. Now with the $10,000 exemption for the widow and with the fact that a very large number of estates now

exceed $10,000 gross, we will bring into consideration for charges another large very block of estates. I would think probably one-third of the estates of all people in Saskatchewan are passed to the husband or the wife and are over $10,000 and each of those now is potentially chargeable for these charges and was not previously chargeable. Another large block of estate in Saskatchewan, and any lawyer will tell you this, pass to children who are resident in Saskatchewan. These were previously fully exempt and are now fully chargeable. So we have another 35 or 40 per cent of the estates potentially chargeable. Whereas previously we had perhaps 60 or 70 per cent of the estates, because they went to a widow or they went to children in Saskatchewan, completely exempt from any consideration, we now will have a very small number of estates, namely those passing to a widow or a widower and under $10,000 in amount which are free from charge. Those will be the only ones exempt, and I would think that three times as many estates will be potentially chargeable as before. Maybe that's a conservative figure. When this is the case, Mr. Speaker, I suggest that the application of a section like Section 9, which can charge any estate for any person who has ever been in a mental health clinic and which now will apply to three times as many estates as before is particularly objectionable.

Now, Mr. Speaker, I have tried to confine my remarks to the Bill, to the principles contained in the Bill. I can only say again that this Bill is in every sense a retrograde step. It's an unfair distinction between mental illness and physical illness. The Minister admits that if there is sharing under the Federal Hospital Program he will abolish these charges. If in fact he feels that they ought to be abolished and paid for by the taxpayers, Federal and Provincial, it's a little bit difficult to discern why he's extending the charges at this time. I suggest that the allowance for the widow is grossly inadequate at $10,000. I think that no one can suggest that a man could leave his wife $10,000 and suggest that she is adequately provided for. This level of exemption is grossly inadequate and the Government admits it's inadequate when it suggests that the exemption of $60,000 under The Estate Tax Act is too small, I've heard no defence of this figure of $10,000. It is, Mr. Speaker, a turning back of the clock. It may well act as a deterrent to people seeking care for the mentally ill. It is a wholly retrograde step being an unjust retroactive charge against thousands of estates in this province. It is all too plainly another indication of the approach of the Liberal party to public health programs in Saskatchewan. It is, Mr. Speaker, I regret to say, altogether too characteristic of the Government opposite which has decided it is going to finance its programs by under-financing health programs. I think this is a conspicuous example of an unfair tax, an unfair tax, an unfair charge against people who are among the least able to bar these extra burdens and therefore, Mr. Speaker, I will be opposing the Bill and opposing it strongly.

Some Hon. Members: — Hear, hear!

Mr. R.H. Wooff (Turtleford): — Mr. Speaker, it is with a very heavy heart that I rise to take part in this debate on Bill 84. There seems only one way to assess the Government's approach to any and all its health measures. That, Mr. Speaker, is to view them against the backdrop of Liberal health legislation of no less than 20 years ago. The startling and frightening likeness is amazing, the blend, Mr. Speaker, against such a backdrop is so complete one can scarcely distinguish Liberal legislation of today from that of 20 and 30 and 40 years ago. Bill 84 falls into this regressive area. One cannot forget the days of the complete caveat when care of the mentally ill was charged back to the family estate, if there was an estate of any value whatsoever. It was not considered enough, Mr. Speaker, that the family should have suffered the anguish and the heartache on account of such a tragedy of one of its members becoming mentally ill. It was not enough that in so many cases the family had cared for these patients from childhood to maturity. There was no concern that parents, brothers and sisters or what have you had put many years not only into the care of such patients, but into the building of a farm or a home. It was not just an estate of the person who happened to be unfortunate enough to be mentally ill. In most cases, the whole family had been involved in the building of the estate. Then to have a caveat of staggering proportions, in many cases, placed against it. Once more, Mr. Speaker, there will be a danger that the dark pages resulting from Liberal mental health policies of 20 years ago will be re-enacted. From the fear of losing farm, home, estate, whatever you like to speak of, mental patients will once again be relegated to the backrooms of family homes in places where the public will not see them. This is reminiscent of what many of us went through as we saw families battling with these problems 20 years ago. In other words, Mr. Speaker, they will be driven underground. I say this out of the bitter experiences, as I said a moment ago, of past former periods under Liberal Administration. The $10,000 exemption that is named in the Bill at the present time, Mr. Speaker, won't even buy and pay for a decent home either on the farm, in the village or in a town. However, Mr. Speaker, this is exactly what Bill 84 proposes to do. It is not enough that regressive legislation is being applied in so many other areas of public health. Now the mental health policy is getting the backward and the regressive treatment by allowing the Minister to get his fingers into the estate of family members which for many years now have been exempt, by making it all too easy for the Minister in charge to do this, whoever he may be. I am fully aware that we will be told that there is $10,000 of an exemption in certain cases and under certain circumstances at, if I may use the term, the whim of the Minister (Mr. Grant). May I point out, Mr. Speaker, once again this $10,000 exemption is absolutely inadequate for any widow or family faced with the rising costs of the present day. The former CCF Government took steps to lick the iniquitous caveat system at least for members of the family who were abiding in Saskatchewan and were taxpayers of the province. The policy for the mentally ill was virtually the same as that for TB patients or a little later for cancer patients. Because these

illnesses were for the most part of long and uncertain duration and treatment in most cases was, and still is in the experimental area, hospitalization and treatment we considered should be a public responsibility. Because of these very factors I have mentioned I am convinced there should be no change in the policy, at least no backward approaches, Mr. Speaker.

One of the criticisms I have of the Government is that no mention was made to the people of Saskatchewan during or before the 1967 election of October 11, that any legislation so basic in principle would be brought forward. The proposed changes are not mere amendments clarifying sections of the Act. Bill 84 changes the basic policy and principle of mental health service. There is much more that I could say with regard to the Bill, Mr. Speaker, as far as I am concerned the legislation once again reduces our mental health program to a dollars and cents policy. This is quite apparent by the Premier's most revealing remark the other day, "That's another Socialist mess cleaned up", that the Government does recognize many people in very difficult circumstances were getting free services, something that it has constantly opposed and something that it has constantly criticized. This is the essence of the Premier's estimation of a mess, that somebody in very grave circumstances was really getting something free. Bill 84 is recognized in its proposals as not only regressive, Mr. Speaker, but dangerous in its amendments so far as I am concerned. It lowers mental health programs once again to the basis of dollars and cents regardless of what it is doing to people. It represents the Liberal party's determination to reduce this legislation to cold, clinking basis of dollars and cents. The Minister need not argue on the basis that he as Minister is going to be benign and benevolent. The Minister of Public Health has no guarantee of life anymore than any of the rest of us. In fact, Mr. Speaker, if I have to judge the Minister by the policies and programs outlined at this session in the public health area, I am very unhappy even with the present Minister. Once again, Mr. Speaker, I would remind the House that the Government is breaking faith with the people of Saskatchewan, as I said a moment ago, for the simple reason that not a single word has led anyone to believe that legislation of this kind of such a regressive nature, and such sweeping changes in the field of mental health were going to be dealt with at this session.

Mr. Speaker, I cannot support this Bill.

Some Hon. Members: — Hear, hear!

Mr. J.A. Pepper (Weyburn): — Mr. Speaker, I would like to just add a few words of disapproval of this Bill No. 84 or the Act to amend The Mental Health Act, because I believe it gives almost full authority to the Minister in charge to apply for a sum of money to the administrator of the estate of the deceased who dies in the mental institution, a sum, which in many cases could be considerable, at least sufficient to cover the necessary expenses that were incurred while the deceased was given care while he

was in this mental institution. This could, Mr. Speaker, and would in many cases cause great hardships on the widow and within a very short time. I would say it would leave no alternative for her but to ask for social aid. True enough they are left out of their estate the sum of $10,000, but over and above that, if the Minister wishes, he may claim whatever sum is sufficient to cover the charges of this deceased gentleman.

Might I state just a couple of examples that could happen if this Bill is passed and enforced. Supposing, Mr. Speaker, the widow had left to her in her husband's estate a little home, perhaps worth $12,000, and her small pension which would be left to her to carry on. If I understand this Act correctly, the Minister could, if he so desires, leave the widow with this total amount not exceeding the $10,000 of this. She could be compelled to sell her house and give over and above the $10,000 in payment for her husband's care while in the hospital. Or if she had a quarter section of land which was helping her and her family to make ends meet and this was left to her from her husband's estate when he died, and while her husband had been in the mental institution this total bill, prior to his death, had reached the sum of say $10,000, which could easily happen, the Minister at the time of her husband's death could apply if he saw fit to do so to lay claim to this quarter section of land, thus leaving the widow nothing to finance her with the necessities of life. This is all at the discretion and judgment of the Minister in charge. She would have stricken from her any and all the dignity which she and her family possessed. I think this is very unfair and is just another step similar to the deterrent fees on medical and hospital care. It is striking in many cases those who are again least able to pay.

In many cases, Mr. Speaker, we must bear in mind and I think we must not forget that the family already have had the misfortune of being without the father or the assistance of the breadwinner during a crucial period of their lives. They have by hard work saved up enough to perhaps purchase a small home or have kept the home quarter free from mortgage by the family working together and perhaps by some help and assistance from neighbours. Now when the father who has been in the mental institution for several years passes away and leaves this small estate to his wife, the Minister in charge of Mental Health can claim anything over and above the $10,000, sufficient to cover expenses that were incurred during the deceased's stay in hospital. Mr. Speaker, I certainly cannot see any justice in this Act and I urge all Members to vote accordingly.

Some Hon. Members: — Hear, hear!

Hon. G.B. Grant (Minister of Health): — Mr. Speaker, once again the Members of the Opposition have rallied to the cause of imaginary circumstances that may develop as a result of the passage of this Bill and have played upon the sympathies of people as far as hospitals and medical care are concerned.

I am going to be a little kinder to the Hon. Member from Turtleford (Mr. Wooff) than he was to me. I am sorry he is sitting in the back benches but I guess he can hear me. He questioned my judgment in what I might render in the cases of these widows and dependents. I am going to be more kindly to my predecessors. As far as I can find, the Hon. Member from Regina Centre (Mr. Blakeney) and the Hon. Member from Moose Jaw South (Mr. Davies) both used excellent judgment in cases that came before them. All I can do is assure this House that I'll endeavour to follow their good examples and use every best judgement in cases that come to my attention.

The Hon. Member from Weyburn (Mr. Pepper) once again cited cases that are utterly ridiculous. Even a hard-hearted Minister of Health, such as I have been described, is never going to ask a widow to dispose of a $12,000 home in order to collect $2,000 under this Bill. This is just utter nonsense and he knows it as well as I do. We have no intention and I sure any conscientious Minister of Health will never do it, to strip a widow to the point where she hasn't the wherewithal to carry on. Now while we have heard a number of cases cited that might develop I think we can cite just as many cases on the other hand where patients have been absolutely deserted by their relatives and their immediate relatives. I'm not speaking of cousins and nephews and nieces. I am speaking of sons and daughters, husbands or wives and are in our institutions and have been there for years and years. They not only have not had a visit from their relatives, they haven't had a scratch of a pen for years and years. The only time the relatives come to light is when the patient dies and they suddenly discover there is an estate. Then they suddenly conjure up many reasons why they should share in this estate. I don't know of any more practical way than the method that the previous Government instituted to get at this type of thing whereby they set forth certain requirements that collection would be made against certain portions of the estate, but even in these cases discretion was left to the Minister to deviate if he deemed it necessary. I feel that in Bill 84, while have extended the sources that we might direct our collection efforts towards, the same discretionary power is left to the Minister that the previous Administration saw fit to put in there. It has also been suggested by the Hon. Member from Regina Centre (Mr. Blakeney) that the care of the mental patient is no longer free. Well let's not fool ourselves, it hasn't been free since 1945. At the time the Bill of the day indicated that collection could be made from certain beneficiaries, and it really hasn't been free in the true sense of the word.

I sincerely concur that these patients should be in the final analysis treated the same as any other patient. That's why I indicated that, as soon as they come under the Saskatchewan Hospital Services Plan and can be cost-shared with Ottawa, this legislation could be eliminated from the books.

The Hon. Member for Turtleford (Mr. Wooff) said as he quite frequently says — I must agree with his basic thinking and I've

cited my feeling in this regard — that hospital treatment should be a complete public responsibility. Well if he feels so strongly about this he should have prevailed upon the previous Administration to change this Bill or to change the Act, so that no one's estate was assessed after death in one of these institutions.

It is suggested by the Hon. Member for Regina Centre (Mr. Blakeney) that in Section 9 there's no restriction to patients in hospitals. Well there's no change in this regard and I believe the previous Act could have been enforced; if it had been enforced to the letter of the law we could have been collecting from patients who died outside of the facilities. To me this is an area of inequity and I'm sure the Hon. Member for Regina Centre will agree. He has recognized that there are areas of inconsistencies and I think this in itself indicates that no one is too happy with this type of legislation, but under the circumstances I feel that the amendments to the Act will bring it more in line with consistency, if such can ever be reached. With the discretion of the Minister left as it is no hardships as conjured up by the Opposition will actually occur.

Reference to the term used by one Member of the Opposition that it was a fair and equitable method of raising revenue and I think the Hon. Provincial Treasurer (Mr. Steuart) may have used these words too. I did not use them. I said it was an effective method. I suppose I'm hanging on definition of words, eyes of most people. But when this Act at the present time is producing some $300,000 a year, and I anticipate that the changes will produce about the same amount again or twice that amount, then it is an effective means of raising revenue. Whether it is equitable and fair and all that is another matter, but I didn't say that.

The Hon. Member for Regina Centre (Mr. Blakeney) said that he felt very strongly against the retroactive feature of this Bill. I think this is an area that can be discussed in more detail in Committee. I feel the Bill should be supported, Mr. Speaker, and I can assure the Members that in spite of what the Hon. Member for Turtleford says that, if he visualizes me as an individual with tail and horns, I will not exercise the duties of this depicted individual in imposing the sections of this Act.

Motion agreed to on the following recorded division:

YEAS — 31
Messieurs

Thatcher	Bjarnason	Mitchell
Howes	MacDonald	Larochelle
McFarlane	Estey	Gardner
Boldt	Hooker	Coupland

Steuart	Gallagher	McPherson
Heald	MacLennan	Charlebois
Guy	Heggie	Forsyth
Loken	Breker	McIvor
MacDougall	Leith	Schmeiser
Grant	Radloff	
Coderre	Weatherald	

NAYS — 21
Messieurs

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

Motion agreed to and Bill read a second time.

THIRD READINGS

Hon. W.R. Thatcher (Premier) moved that Bill No. 89 — **An Act to amend The Legislative Assembly Act** be now read a third time.

He said: Mr. Speaker, may I just say one word on this third reading before it's passed, Mr. Speaker. I am pleased that Members on both sides of the House have been reasonably unanimous on this rather contentious issue. We did as I said earlier take out the conscience clause. I think this is regrettable because there were three Members, the Hon. Member for Regina North East (Mr. Smishek), the Hon. Member for Moose Jaw North (Mr. Snyder) and the Hon. Member for Weyburn (Mr. Pepper) who stated in no uncertain terms that they were opposed to the principle of this legislation. Now, Mr. Speaker, talk is always one thing and action is another, and I think the people of Saskatchewan will watch with great interest to see whether the conscience of these three Members will be sufficient that they will turn down the $3,000 increase each year. As I say, we have left the matter on a voluntary basis and maybe that's as it should be, but there is nothing preventing these three Members and the other two who voted against it from instructing the Clerk or the Provincial Treasurer that they don't want to receive the increases. As I say, I'm sure the people of Saskatchewan will view the acid test with great interest as to how far their conscience goes.

Mr. Lloyd: — Among the many words in this House that should never have been said those of the Premier at this particular moment must rank first.

Mr. Steuart: — Mr. Speaker, on a point of order . . .

Mr. Speaker: — Order, order! We are debating third reading of a Bill. To my knowledge nobody in this session so far, until the Premier rose, has spoken on third reading. Now I was in the process of putting the question and perhaps I was a little hasty but I never thought for a minute that the Bill would be debated on third reading, probably I should not have started the question quite so speedily. The fact of the matter is that the Bill can now be debated on third reading. And that's the question before the House. Of course if the Premier wants to he'll have the privilege of closing debate too because he made the motion.

Mr. Lloyd: — Mr. Speaker, I don't intend to detain the House long but I think it is indeed most regrettable and unfortunate that the Premier has just made his remarks. I think it is still a privilege that this Legislature should not deny lightly for Members in this Legislature to take a personal stand on a matter without thinking they are subject to some sort of punitive action following that as a reason of that stand. The Premier is in a sense applying the whip of punishment. I think it would be most unfortunate, may I say, and say very frankly and emphatically, if any Member of the House were to feel that he should refuse or not accept this increase. I think it will be most unfortunate if we are to have some Members in this Legislature remunerated at one level and others remunerated at another level. It would be bad for the House to have that kind of a situation. I have no hesitation whatsoever in urging colleagues of mine who felt that they had reasons for opposing the measures — these reasons were their own to say — but I hope that they do accept the remuneration which is paid to other Members of the Legislature. I am sure that each and every one of them will make use of it as befitting a good MLA which all of them are.

Mr. W.G. Davies (Moose Jaw South): — Mr. Speaker, I did not rise to say anything on either of the Bills including this particular Bill, on second reading. But I did vote against it and it would be unparliamentary I believe for me to say why I did not vote for the Bill at that stage. I want at this point to make some reference only with respect to the remarks of the Premier. I think that, had this so-called conscience clause remained in the Bill, it would have been a piece of blackmail that would have been almost unheard of in parliamentary practice as we know it in this country or and others that follow the same kind of practices. I don't think that anyone wants to visit upon any Member the punitive type of sanction that will prevent him from speaking his mind and in doing that which he thinks he should do at any given moment. Surely, when we talk about indemnities we are talking about a level for all Members in the House. If we start making distinctions of the kind that the Premier evidently thinks it was regrettable were not included in the Bill, then we can think of all sorts of occasions where a similar practice could be included in other Bills and to other payment practices or emoluments where MLAs are concerned. You could go far beyond that. You could start to distinguish between people who are in

receipt of benefits by government action with respect to all sorts of programs. I think it's an outrageous thing to consider the sort of principle that the Premier regrets was not inserted in this Bill. I for one was glad when this matter was debated in Committee that the particular section was withdrawn. I say that, when you begin to think of a principle like this, you then start to make distinctions as between Members that would apply in many, many directions. That could be disruptive not of only harmony in the House and among the Members but more important, disruptive of the business of the people and parliamentary institutions themselves. I have no hesitation in saying this, that there may be reasons why a person might oppose at any point in time an increase such as the increase we have before us, while in another year he might have no reasons whatsoever for opposing such increases. But to say to Members that have strong enough feelings to rise in their places and say something about a Bill, or say nothing and vote against it, that there should be some punitive practice attached because of their opinions and actions is a regrettable thing in my opinion, a piece of blackmail that I don't want to see inserted into any piece of legislation in this House or elsewhere where we value democratic institutions.

Mr. Thatcher: — Mr. Speaker, I will only make one more comment. I want to emphatically deny to the Leader of the Opposition (Mr. Lloyd) that this was in any way punitive legislation. I want to deny to the Hon. Member for Moose Jaw South (Mr. Davies) that this clause was "blackmail." All it was designed to do was to permit those Members who in great conscience said they couldn't take the raise. We feel that if their conscience prevents them from taking the raise, they should not be obliged to take it. Far too often I think in Bills of this kind a few Members for political reasons, not for conscience, oppose legislation of this kind. Then they are the first ones to go and take the raise. That is what the "conscience clause" was designed to prevent. We had three Members make very stout speeches against this legislation. We had two more vote against it. That is certainly their privilege. Now we'll see whether their conscience is so strong they will turn down the $3,000 a year indemnity for four years. I doubt, Mr. Speaker, if it is.

Motion agreed to and Bill read a third time.

SECOND READINGS

Hon. C.L.B. Estey (Minister of Municipal Affairs) moved second reading of Bill 87 — **An Act to amend The Public Service Superannuation Act**.

He said: This Bill is confined to employees of the Wascana Hospital who as we know on April 1 were taken over, so to speak, by the South Saskatchewan Hospital Centre. Those employees were up until April 1 covered by The Public Service Superannuation Act and these amendments simply permit those employees

to elect within a period of one year, to continue under The Public Service Superannuation Act or to come under the Pension Plan of the South Saskatchewan Hospital Centre. If the employee concerned should make the necessary election, that employee under The Public Service Superannuation Act may take a deferred superannuation allowance, if the employment amounts to 10 years or more, or in the alternative, may receive a refund of his contribution with interest. I do not think, Mr. Speaker, any further explanation is required at this time.

Mr. W.G. Davies (Moose Jaw South): — Mr. Speaker, the principle of this Bill is one that I can support, since it seeks to effect a reasonable transition from one pension plan, The Public Service Superannuation Act to the pension plan of the University of Saskatchewan; or in the alternative, to provide that employees concerned may remain members of The Public Service Superannuation Act. This kind of move was also made as I remember, subject to the correction of the Minister, several years ago under somewhat similar circumstances.

While I have no fault to find with the purpose, I do feel that there are other considerations which should move the Government to take some additional action. I refer here, Mr. Speaker, to what is generally known as portability and to the pension credits of employees who do not have 10 years' service with the Saskatchewan Government, or for that matter with its agencies, because many of the agencies and corporations have very similar legislation to the PSSA. As I see it, employees are entitled, should they decide to terminate with the public Service Superannuation Act, only to a return of their own contributions plus, Mr. Minister, (and I am not quite sure here), 3 or 4 per cent, if they have what is less than the 10-year service with the Government.

Last year the Crown and its corporations or agencies were excluded from the Pensions Benefit Act. I think there were good and sufficient reasons at the time for that exclusion. The Crown and its agencies had not had an opportunity of studying their position with respect to other aspects and I freely concede that it was necessary for there to be some period during which that consideration was given. However, Mr. Speaker, this Bill reveals the fact that no action has been taken since that time to consider the vesting of pension contributions to employees with less than 10 years' service. Our pension acts of the Saskatchewan Public Employee Group, to characterize the Crown and all of the agencies, are in, I consider, drastic need of prompt remedial revision in this reference. With the changes in pension plan practice, it is inconceivable that the Government should not take some leadership in providing a more just basis for the vesting of pension credit. What I am here saying to bring my remarks to a close, Mr. Speaker, is, I believe that at this point in time there should be some prompt consideration given in all of our pension legislation, to means by which employees, with less than the 10-year service to which I initially referred, can take, should they terminate their

employment for any reason with the Crown or its agencies, their pension credit and those of the Government's, hopefully that portion which represents the implied contribution of the Government with them when they go, because, if they do not, it means that for up to 10 years they have lost the employer's portion of the pension contribution, and portability will have been weakened and injured in that particular respect.

I am also saying, Mr. Speaker, that I think that leadership has to be given by the Government, more especially because of the passage of the pension benefit legislation; but now is the time to begin. With this amendment to The Public Service Superannuation Act some recognition could have been given to the matters about which I speak. I would like to ask the Minister, because I know he is new to the responsibility of looking after the Superannuation Act, if he would not undertake, if he cannot give an answer at this time with this Bill, some assurance that this might be included, to think about these matters in the future because I think that the present situation cannot remain as it is. I believe that most of the Members would agree that when pensions are considered the Government should be the first to give a lead in this regard. At the moment there are many other situations involving employed work forces in Saskatchewan where employees leaving with less than 10 years' service are supplied not only with their own contributions to pension plans, but with that portion that the employer contributes in greater or larger degree. Some employers give it after five years or beginning at one, give one-tenth, and at the end of 10 years the whole portion is provided. We're in the unenviable position in my opinion of being not one of the better employers in this regard, but one of I hesitate to say worse — certainly one of the ones that are the least progressive. I would like to suggest to the Minister that this matter needs to be looked at soon. I know there are some difficulties because of the funding of the superannuation plan itself, (I am now speaking about the Public Service Superannuation Plan), but nonetheless this matter needs to be faced, so that employees who leave the Government service with less than 10 years' service will be able to take the lump sum representing both employer and employee contributions and put it into another pension plan. Of course I would be very happy personally to see that proviso attached to any action of that kind, because I think that pension contributions by both employee and employer are not in essence savings. They are deferred earnings, benefits or the building up of pension plan credits for retirement. Now the Minister may want to comment on some of those suggestions. Aside from that I think the Bill is a pretty good attempt to cope with the particular situation and I can support the principle.

Mr. Estey: — Mr. Speaker, in closing the debate I would just like to point out in reply to the Member from Moose Jaw South (Mr. Davies) that the Government has not given consideration to a vesting period insofar as the Superannuation Act is concerned of

being less than 10 years. During the noon hour I made some enquiries as to the public service pension plans in the various provinces of Canada. Now there may be one that is under 10 years, but certainly the majority of them vest in a similar period to the plan which we have. That is all I have to say about the Act on second reading.

Motion agreed to and Bill read a second time.

Hon. A.R. Guy (Minister of Public Works) moved second reading of Bill No. 86 — **An Act to amend The Public Works Act**.

He said: Mr. Speaker, the amendments for this Bill are for the most part of a housekeeping variety and could probably be discussed in Committee better. The Department no longer operates a repair depot, but we do operate a small trade shop for the purpose of repairing furniture and heating and plumbing equipment, so the heading "Maintenance Services" will replace "Machine Shops and Repair Depot."

The amendment also provides the Department with the authority to combine labour, materials and equipment under the term of "Construction Services", and to use advance accounts to pay for these services as is a generally accepted practice in some of the other operational departments. A second amendment increases the limit of the advance accounts for CVA from $4.2 million to $5 million. This is necessary due to the increased responsibility of CVA for Saskatchewan Power Corporation trucks and also for the transfer of Air Ambulance Service to the Central Vehicle Agency. A final amendment provides the legislative authority for the Department of public Works to carry out the responsibilities of approving plans, specifications and estimates for university buildings as provided under The University Act. With these brief comments I would move second reading of this Bill.

Mr. Davies: — Mr. Speaker, I have only briefly gone through this Bill and I must say that I don't have any questions at this time that could not be asked in Committee, but there are a number of aspects that I think need some detailed examination because we are to some extent departing from the practice in other years. I look particularly at that section that extends the amount from $4.2 to $5 million and there may be some good reasons for this, the section which the Minister last referred to with respect to the University, I think that I can safely save my comments to that time in Committee.

INTRODUCTION OF MELVILLE ARMY CADETS

Mr. J. Kowalchuk (Melville): — Mr. Speaker, with the consent of this Assembly, through you I take great pleasure in introducing to this Assembly a group of 40 young men belonging to the Melville Legion Army

Cadets. They have made a trip this morning to tour the Legislative Buildings and see the Assembly in action. They are under the direction of an outstanding citizen of Melville, Captain Abraham Nagler, and with him is Lieutenant Reinson. Captain Nagler and others in Melville have contributed many years of work and time with the young lads of Melville and district. With them also are the youthful NCOs, Sergeant Major Neil, Staff Sergeant Neil, a brother; Sergeant Herrington, Sergeant Hegan, Sergeant Wozniak. The bus driver is Corporal L'Heureaux from Moose Jaw. We wish them all a very pleasant afternoon and a very informative stay in this Chamber and a safe trip back home.

Some Hon. Members: — Hear, hear!

The Assembly resumed the interrupted proceedings on Bill No. 86 — **An Act to Amend the Public Works Act**.

Mr. J.E. Brockelbank (Saskatoon Mayfair): — It looks, Mr. Speaker, as if the armed forces integration is getting under way, when I look at the uniforms in the gallery there.

I just wanted the Minister to comment in his concluding remarks if he could with regard to the matter of the recommendations in the Provincial Auditor's Report. When I questioned him on Public works he mentioned that I should ask this question of Treasury. It seems to me that the suggestion is rather pointed in the recommendation of the Provincial Auditor, that these practices should be incorporated in the Central Vehicle Agency. His recommendations are as follows: Referring to the CVA, the Auditor refers to Chapter 12 of the 1967 Statute, and he says that there is a practice established with regard to advance accounts, the operating surpluses and deficits are treated in a certain manner. He suggests that this consideration be given to proceeding with the necessary authority for the disposition of operating surpluses and deficits in this particular area, also the recommendations with regard to the operation of aircraft. I can't help but think that this should come under this Act and not the Treasury. Perhaps he could clear me up with some comment when he concludes the debate.

Mr. Guy: — Well I think that I mentioned to the Member when we were in Estimates that the final decision to which he refers is a decision of Treasury Board and not a decision of the Department of Public Works. However, I am sure that the Committee will be a better place to ask the more detailed questions and we will probably be able to give him more detailed answers at that time.

Motion agreed to and Bill read a second time.

Hon. G.B. Grant (Minister of Health) moved second reading of Bill No. 88 — **An Act respecting The Medical Care Act (Canada)**.

He said: Mr. Speaker, all of the provisions of this Bill are related to The Medical Care Act (Canada) and the expectation that it will have practical effect, July 1, 1968. Some of the provisions clarify the relationship between the Provincial law and the Federal legislation, while other amendments bring the Provincial law in line with the Federal enactment in all technical aspects. The Medical Care Act (Canada) sets out various factors that are to constitute a medical care insurance plan of the Province towards which the Federal Government will make payment under that Act. Among other conditions is the provision that the plan of the Province will provide for the insurance of all physician services provided within the province, except services to which a person is entitled from the Federal Government and services received by Workmen's Compensation cases. In this Province medical services includes not only services insured by the Saskatchewan Medical Care Insurance Commission, but services provided to persons with certain specific diseases such as, tuberculosis, cancer and psychiatric illnesses. In addition certain preventative medical services are provided by the medical health officers in our province. Our Medical Care Insurance Plan is therefore for Federal Government purposes, not only the plan of insurance established under The Saskatchewan Medical Care Insurance Act, but the plan for making payments for medical services established under (a), The Cancer Control Act, (b) The Mental Health Act, (c) The Tuberculosis Sanatorium Hospital Act, (d) The Health Services Act, (e) The Public Health Act and (f) The Venereal Disease Prevention Act. The Health Services Act is included because the authority for Swift Current Health Region No. 1 to operate its Medical Care Plan comes to a large extent from this Act.

Mr. Speaker, actually the Act that I am proposing here makes amendments to all six of these Acts. The Federal Act also refers to a provincial authority as the body within a province charged with the responsibility for administering the Provincial Medical Care Insurance Plan. You will quickly realize, Mr. Speaker, that in addition to the Medical Care Insurance Commission, the Minister of Public Health, the Saskatchewan Cancer commission, the Saskatchewan Anti-Tuberculosis League and the Swift Current Health Region Board are all vested with administrative responsibilities in this regard. All of these bodies are therefore being stated as constituting the provincial authority in this province for the purpose of the Federal Act as a kind of composite authority. It is also stated in this Bill, Mr. Speaker, that the Minister of Public Health will represent the provincial authority in any dealings with the Federal Government. This arrangement just has to be the case and is accepted without question by everyone concerned. The Federal Act also requires the records of the Provincial Authority relating to medical services to be subject to audit by the Provincial Auditor. Provision has been made in this

regard. The only two components of the Provincial Authority affected are the Saskatchewan Anti-tuberculosis League and the Swift Current Regional Board.

Another condition set out in the Federal Act with respect to a provincial plan is that it requires residence in the province for eligibility for insurance benefits shall not exceed three months. It is also stipulated that a resident of the province who has established his residence in another participating province shall continue to be entitled to insurance benefits until he becomes eligible to participate in the plan of the province to which he has moved. The Mental Health Act now requires residence of twelve months in the province before admission to an institution as a condition of settlement. The Tuberculosis Sanatorium Hospitals Act contains a six-month residence requirement. Neither Act contains any provision respecting payment for services received outside the province. Both Acts are being amended so that they will conform with the Federal Act requirement respecting residence qualification and other province benefits. Both Acts are also being amended to provide more flexibility in the kind of agreement that can be entered into with the Federal Government. At the present time the Government pays the hospitalisation tax on behalf of war veterans' allowance recipients and Treaty Indians residing on reserves. Both groups are now excluded from the Provincial Medical Care Insurance Plan by the regulations. It is understood by both Governments that as of July 1, the Federal Government will pay the medical care premium for these two categories of persons. The Federal Government now pays the League for providing sanatorium care to Treaty Indians resident on reserves. As of July 1, 1968, the Government will pay for the hospital component only of that care, with the medical component being a Provincial responsibility. The Federal Government will continue to pay for all services provided by mental hospitals and the tuberculosis sanatorium to inpatients entitled to care from the Government of Canada, and that is war veterans receiving treatment for a pensionable disability. As previously indicated both Acts are being amended to give sufficient flexibility to authorize the various kinds of agreements to be made with the Federal Government. You will also note, Mr. Speaker, that Section 21 of The Tuberculosis Sanatorium Hospitals Act providing for grants by the Province to the League is being revised. The basic change is to provide that in addition to the $5 per patient day grant, the Province will pay for all medical services provided by the League. The remaining provision of this Bill repeals Clause House of Section 14 under the Medical Care Insurance Act. This clause excludes a service from being an insured service if it is not rendered by or at the request of the physician. A repeal of this clause is necessary in order that optometric services may be added as an insurance service. This is because optometrists are independent practitioners working separate and apart from the physician.

Mr. Speaker, reference is made in this Bill to the fixed date. It has also stated that the Act will come into force on the day to be fixed by proclamation. As the Federal Act now

stands the date in both cases will be July 1.

Some Hon. Members: — Hear, hear!

Mr. W.E. Smishek (Regina North East): — Mr. Speaker, I don't intend to take long in discussing this Act. It seems to me, Mr. Speaker, that the way this Bill is being introduced, amending several statutes is a bad form of proceeding and amending legislation, particularly since several Acts that are included in here are open this year, for example The Mental Health Act, The Medical Care insurance Act. It would seem to me to have been better to have these particular amendments included in the legislation that is or has been up for amendment. It will create a great deal of confusion in terms of reference. While admitting that there is nothing to prevent these kinds of amendments, I think it will add to the confusion. I am concerned about the kind of power the Minister is taking onto himself. I suppose, Mr. Speaker, really that we will have an opportunity to discuss the individual sections when the Bill comes up in Committee, but I would suggest that the Government in future years consolidate the amendments that are concluded in this Act in the appropriate Acts for better reference, where people will be able to follow much better than in the form that it is presented here.

Some Hon. Members: — Hear, hear!

Mr. A.E. Blakeney (Regina Centre): — Mr. Speaker, and Mr. Minister I think that I would say that not all of us understand the Bill, but all of us to be extent that we understand it, approve of the contents of the Bill. Certainly we want to see Saskatchewan participate in the Canadian Medical Care Plan. And we want to see Saskatchewan get all of the money that it can whether or not the services rendered are under any particular Act. So we have to deal with all six or seven Acts. I would like to ask the Minister when he closes the debate to make a comment if he can on this question of uniform terms and conditions. I think that we are aware of the requirements laid down by the Federal Government in order to get Federal sharing. For that to be the case, the Provincial Authority must be providing medical care to the beneficiaries on "uniform terms and conditions." As I indicated at an earlier time, I am concerned that the developments which are happening under The Medical Care Insurance Act will make it impossible for us to get the benefits of the Act before us, because we may be violating the Federal requirement of uniform terms and conditions. I would appreciate the Minister when closing the debate offering any up-to-date comment which he may have on that particular situation.

Some Hon. Members: — Hear, hear!

Mr. Grant: — Mr. Speaker, in answer to the Hon. Member for Regina North East (Mr. Smishek). It seems to me if we had brought these

in six different stages with six different Bills, I think that the confusion would have been increased as a result of doing so. Such procedure would necessitate referring each clause to the Federal Medical Care Act. It seems to me that this is about as simple a way as you can bring a complicated matter to the attention of the House and deal with it. I can't agree with him that it would reduce the confusion or the complexity of the matter by bringing in six different amendments.

Naturally these changes will be incorporated in the Acts as he suggested. He questioned the powers of the Minister; if he has any suggestions or anyone in the Opposition has any suggestions as to how this difficulty or requirement of the Federal Government can be overcome in any other manner, I would like to hear them. We explored this in depth with the Federal authorities and within our own Department, and it was felt that this was the only way that it could be done because naturally, the Federal Government, while it recognizes these separate authorities, doesn't want to have to be dealing with three or four different ones. The authorities readily agreed that the Minister could be the spokesman.

In answer to the Member for Regina Centre (Mr. Blakeney), we are satisfied that we are meeting the Federal requirements of uniform terms and conditions as a result of negotiations and conversations with them. We anticipate no difficulty in this regard.

Motion agreed to and Bill read a second time.

Hon. L.P. Coderre (Minister of Labour) moved second reading of Bill No. 73 — **An Act to amend The Trade Union Act**.

He said: Mr. Speaker, as I propose second reading of this Bill, we should of course always keep in mind the rights of the individual, providing these rights do not interfere with the health, the life, safety, welfare and the well-being of others.

The amendments proposed do not in any way interfere with the internal affairs of any specific unions. There are some politically orientated agents and others involved who would say that my handling of this legislation is contrary to their opinions. If that is so, so be it! Legislation is only necessitated because some strong groups or associations over-exercise privileges that are granted to them. On several occasions I have had employers, employees or individual members of unions ask me what could be done about what appears to be an unfair condition. What has been so, what may be an unfair situation will be taken care of here in these amendments. I would like to say also that it would be ridiculous to consult with all the unions as there are over 2,000 of them. We have consulted with the Saskatchewan Federation of labour and on many points we have agreed — to disagree. We have consulted with many trade

unionists. Also, there has been no attempt on the part of the Government to rush these amendments through as opportunities will be available to all Members of this House to voice any objections if any. If we are concerned, truly concerned, with the personal freedom of the individual I can see no objections from anyone. Also, when I prepare legislation and I bring it to this House, I have no intentions actually to discuss it will every Tom, Dick and Harry aspiring politician, possibly to feather their nests as the case may be. I have discussed this legislation with responsible people, some who are for it and some who are against. There are many international reps, business agents and unionists themselves that I called upon to discuss all matters regarding the labour movement. If I have some problems where I feel that I would like to have outside advice, there are many of these people that I call. With most of them that I have discussed this matter with they gave me their frank and honest observations on any of this suggested legislation, whether it was favourable or unfavourable. I know then that they don't run to the press and create a distorted picture before the facts are in front of the Legislature. Regarding any such proposed legislation or changes that might take place, some Members across will dare to say that I have not listened to protests. This I have done. I repeat, Mr. Speaker, that this legislation has been discussed very thoroughly and on some areas we have agreed or disagreed. I suppose that legislation is bound to be in conflict with the thoughts of some union leaders. After all there are some who would like to consider The Trade Union Act as a sacred cow that should never be touched. In an ever-changing society, we must see the changes and prepare to meet these changes.

I believe, Mr. Speaker, that every Act of the Legislature should be reviewed from time to time to ensure that individuals in our society have their rights firmly guaranteed by a law. Therefore, Mr. Speaker, I propose the following amendments to The Trade Union Act.

Section 2 of the Bill is intended to correct an error in reference to a section made when Bill No. 79 was passed. I might say that there will be a House amendment in this section and that further comment should best be left to the Committee. There is also provision that is intended to clear up a possible ambiguity in Section 7 of the Act. I think that this can be best handled in Committee.

Regarding number three, when a collective bargaining agreement is initially entered into, the various clauses of the contract are not agreed upon separately. This being the case, of course, it is equally obvious that when notice is given to open a clause of an agreement for renegotiation, the other clauses of the agreement should be by implication open to bargaining. There is a section in the amendment that provides that where the proper notice to revise an agreement is given and the subsequent bargaining breaks down, the agreement terminates when the employees take strike action. In other words they have withdrawn their services and the agreement is

non-existent because therefore they can always go back in.

The reason that this termination takes effect after strike action is to maintain the conditions of employment while the employees are still on their jobs.

Now the next one is this section which is identical to the British Columbia legislation and the Ontario legislation. There is also provision in the amendments to give the Board power to investigate amalgamations. Everyone knows that the Labour Relations Board is a quasi-judicial Board. It is the one that establishes the bargaining unit after proper presentation has been made. As I have said, there are provisions in the amendment to give broad powers to investigate amalgamations, mergers and transfers of jurisdiction between unions. There will be a House amendment to this which will establish a time limit where a person could challenge this situation, where an application has been made after a merger has taken place. The reason for this section is to protect the individual employees from action by the union that could be detrimental or may be detrimental to them. I am not concerned, Mr. Speaker, what happens at the national or in the international level of unions. But I am very much concerned what happens in this province insofar as the people in this province are concerned. Many mergers have taken place and local people have not, or may not have had in effect the opportunity to determine for themselves. For example, where the union has a very large membership — in Ontario for example — at the upper level the members of that union have in fact been canvassed for amalgamations. They agree though that the eastern wing may have agreed by numbers and the Saskatchewan members have not had the opportunity to say anything. This makes it quite clear for them.

The people in the shop chose their bargaining agent by majority decision. The nature of the bargaining agent can only be changed if the majority approves. Again, it gives the Labour Relations Board the right to look into it. If there is a complaint and if the majority approve, then it would have the right for the merger. This is as it should be. The Board is given wider powers under this section so that it can cope with any situation that may arise. I have sufficient confidence in judicial bodies, in this quasi-judicial body to give it this additional responsibility. I think it is as it should be, not arbitrarily decided by any levels of union, any levels of management, but left in the hands of this judicial body.

Mr. W.G. Davies (Moose Jaw South): — Mr. Speaker, the first thing that I want to say with respect to this Bill is that it comes to us unrecommended by any body of labour and management in this province. Therefore, I say that it has been drafted without that kind of consideration that was given to amendments two years ago by the Labour Management Legislative Review Committee, which was headed by Dr. E.C. Leslie, Q.C., at that time.

Mr. Speaker, the Minister, in proposing these amendments,

seems to argue that they are relatively and mostly unimportant and innocuous. However, from comments that I have heard during the past several weeks in trade union circles, some elected union officials appear to think that they are anything but that. There is a feeling abroad that these amendments may very well serve to undermine the safety of trade unionism and its ability to bargain collectively in Saskatchewan. Trade unions, of course, as the Minister must know, are combinations of the individuals for whom he professed great concern in his initial remarks.

The amendments that were acted upon by this House in 1966 were, as everyone knows in this province, distinctly unpalatable to the 53,000 members of the trade union movement of this province. As anticipated they have caused difficulties to employees who have wanted to form unions. Additionally, they have weakened the protection formerly afforded employees when they hoped to form a trade union. They have also made obstacles in the path of collective bargaining; and generally they have not helped to improve the standard and quality of management-labour relations in Saskatchewan.

You know, Mr. Speaker, in this House from time to time there is talk to the effect that what we need is a labour court like in Sweden. The Hon. Premier and others in the Government have made reference to this fact, as though a labour court was some sort of arbitration board for organized employees, to do all that such a tribunal thinks they should do. But this is in effect compulsory arbitration by a labour court. I would like to recommend to the attention of the Minister and to his colleagues, a little document that came to my hand not so long ago, prepared by the Swedish Institute at Stockholm. It is prepared by the Swedish Information Service. It is called "Fact Sheet on Sweden." It is about collective bargaining in Sweden. I make reference to it at this time with respect to this Bill because it contradicts the concept that seems to have been held about labour relations in Sweden by Members of the Government. I am going to refer, Mr. Speaker, with your permission to only a few extracts. The first paragraph is probably the important one that I should mention to start with. And it says:

> By virtue of the wide scope for self-government in Swedish labour relations, collective bargaining is singularly free from collective arbitration. Legislation enters on only four points. It protects the rights of the association in negotiation on each side against certain measures on the other that violate these rights. It makes existing collective contracts enforceable and compels adjudication of disputes over their interpretation or application. It makes the intervention of a government mediator obligatory if the parties cannot reach agreement in negotiations for a new contract. And it requires one week's notice of strikes or walkouts if mediation fails. This means that compulsion is limited to the interpretation and enforcement of existing contract terms.

If I may digress here, Mr. Speaker, that last line simply means that arbitration is only employed with respect to the term of a contract on the items of a contract that may have been misconstrued by either party and require adjudication by arbitration.

They are in this document a whole number of references, but what it says without my quoting directly, is that in Sweden what has happened is that the powers of corporate combinations have been balanced by the powers of employee combinations. For the employee combinations have been given in the state a high degree of consultative capacity. The excesses of the corporate areas have been limited by the state and by the balance of powers that have been achieved by these parties. All of this has resulted in the relatively low level of labour strife — to use a popular phrase — in Sweden so that in the years from 1930 up to 1963 which is the period quoted in this bulletin, the last four years show an infinitesimal rate of strike-time lost. There is no restriction on the strike. The point is that the philosophy of the legislation and the practice there as opposed to the practice of the Government of this province, is to balance the powers of the two combinations and to limit the excesses, above all of the corporate institutions so that trade unionism is in fact free, and so that collective bargaining is independent and the ratio of strength of the parties is approximately equal at all times.

I say, Mr. Speaker, that this was not achieved in the legislation brought in to amend The Trade Union Act two years ago by this Government. The situation is to some degree worsened by the amendments that we have before us in this Bill. Mr. Speaker, whatever one might have had to say about the report of the Leslie Committee from which the changes of two years ago were derived, it can be said with authority that the Leslie Committee did subscribe without reservation to the idea that labour relations legislation should not be sprinkled with harassing, troublesome and technical features that would not only make it more difficult for labour but more difficult for both bargaining parties. The Leslie Committee in its report mentioned the following quotation with approval, in this regard. I would like to read this paragraph, Mr. Speaker, into the record.

> The Trade Union Act is an expression in statutory form of the liberal view that given the necessary protection of rights by the law, men should be free to work out their own affairs with government interfering as little as possible. In this respect, the Saskatchewan Act stands in marked contrast to other Canadian labour relations legislation where the process of collective bargaining is hedged with a multitude of restrictions, and where government presumes the right to interfere in the process and subject the parties to advice and suggestions whether or not such interference, advice or suggestions are desired by either party.

Mr. Speaker, my opinion of the amendments before us, at least

with respect to the main ones, is that they will accomplish in labour relations in Saskatchewan exactly what the Leslie Committee voiced its fears about. I feel strongly that the amendments that we have before us should never have come to the House until the Minister had given a similar body, if not the same Leslie Committee body, the opportunity of studying the kind of principles that are dealt with in this Bill. I am sure that the Minister will say that some of the changes that are covered are simply so-called housekeeping amendments. I believe, though, that, while some of the changes may well be in this category, others might open the door to practices and possibilities that would be wholly unfair to organized labour and most important to the working people of this province.

At the moment the Act lists the professional associations in Saskatchewan that under the Act can have their members exempted without all of the formalities — and I say that they are rigid formalities — which unions have to follow if they are to receive collective bargaining status in this province.

Mr. Speaker, it is by no means clear that a second housekeeping change about which I spoke may not in fact permit the Labour Relations Board to broaden this list of professional associations beyond the list that was approved by the Legislature in 1966. This, then, would open the door to a situation where organizations not formerly classed as professional associations, could weaken collective bargaining units by extracting their membership or parts of their membership from the unit.

I think the Minister should today assure the House that this is not intended if indeed it is not intended. I must confess that since I prepared this talk I have heard that the Minister can assure the House that this is not intended. But I think that the point does need clarification because it is certainly causing a good deal of anxiety in the form in which it was originally viewed.

It would, of course, be possible for the Legislature at this session to make the situation amply clear. A simple amendment to the clause stating that the list of professional organizations was the list defined in the Act and that the Board could not make additions, would make the amendment, I think, much more acceptable. It may be that the Minister can give that assurance in the House. If he can, I think that would be very helpful.

Now Item 4, Mr. Speaker, of the draft Bill amending Section 30 deals with the whole question of the terms and the operations of collective bargaining agreements. I have heard the reasons given by the Minister for this amendment and I would not dispute perhaps the need to make some changes in the direction he points to, if the amendments did not accomplish something that would do far greater damage in other directions.

There is every possibility now in the particular changes that, when a legal strike takes place, the employer will be able

to unilaterally withdraw benefits and make other adverse changes in working conditions without any recourse to collective bargaining. Now, it seems to me that such an action would be in defiance of the well-know principles of the Saskatchewan Trade union Act. But I believe that there is every possibility that such an action could nonetheless be taken. I again, believe that the Minister should assure the House that, if any such advantage is taken in this way because of the sec that he is now proposing, he will undertake that remedial action will be taken to correct it.

At the moment those that have to do with management-labour relations in Saskatchewan, have enough to concern themselves about in maintaining good relationships without having the possibility of further disastrous and disruptive features thrown into the arena. Now, this would certainly be the case if an employer could provoke a strike in order to thereafter withdraw the favourable benefits and the working conditions that were stipulated in a trade union agreement in an effort to dispose of the union organization with which he had to bargain.

Again, Mr. Speaker, I suggest that the Government's intended cure is worse than the disease. This would seem to be one of the results of failing to encourage sufficient advance consultation between the parties that are affected in Saskatchewan by this Bill just as the Government has not given sufficient attention to policy that would ensure more stability in labour relations in this province.

Mr. Speaker, the whole framework of Saskatchewan labour relations legislation in Saskatchewan since 1944 has been constructed so as to reduce the possibility of industrial conflict. One of the ways that this has been accomplished was by keeping trade union agreements in force, even where there were cessations of work, even where there was a strike. This meant that there was always something upon which to build and it made settlement procedures for industrial relations officers of the Government a great deal easier. Now, with this amendment I suggest the way is open for bitter internecine clashes between management and labour that could stretch over a long period of time. These of course could not only be disruptive of the economy but perhaps even more important impose a considerable hardship for many working people that are affected.

The working conditions of an employee and his rates of pay are to some extent even in the absence of labour legislation, governed by common law. The supposition is that these conditions cannot be withdrawn in a completely arbitrary fashion. Now the amendment we have before us, Mr. Speaker, would create the justification for employers to bypass traditional practices in common law and by wholesale withdrawal of benefits, create the battleground for lengthy, protracted and damaging disputes.

I believe that the Minister should inform the House that he will either withdraw this amendment and bring in a changed version or delete this section entirely from the Bill.

Now, Mr. Speaker, the most serious change in the Bill is the one dealing with the rights of successor unions where mergers have taken place. Section 35 that governed these practices to this time, will be wiped out by this Bill, and a new section substituted. Previously, Mr. Speaker, I think it can be said that the old practices governed by this part of the Act worked quite satisfactorily. I feel, however, that this present section is one that will not only create trouble and difficulty but which is largely unnecessary. The need for a section of this kind arose at the time of the merger of the two Labour Congresses in 1956. There was an automatic change in affiliation for all or most of the trade unions involved in Canada and some procedure was needed at that time to be stated, whereby the orders of certification of Labour Relations Boards provided a quick and simple means of changing the certification to correspond with the new affiliation. Now, since the Labour merger there have been a good many union organizations that have decided to join together in a larger union body.

I think, Mr. Speaker, that this is in keeping with the times and such mergers in fact have had the effect of eliminating jurisdictional disputes between the union bodies concerned. I believe that it is not only in the interests of working people, but generally in the public interest that such mergers be encouraged. I don't know whether the Minister may have taken note of these facts, but where one looks at Great Britain and United States and Canada, a basic comparison between the three countries, you will see that we have a large number of relatively small union bodies, often in different jurisdictions that could very well afford to come together in everyone's interest, even in the interest of employers who frequently have to bargain with a larger number of union organizations than should be the case. Certainly in Britain where the best example is shown, the numbers of unions have been so reduced that the comparison between Britain and Canada is quite remarkable and this process is still going on. No one can say that this has encouraged labour difficulties in England. The reverse is true. I believe the Minister is aware of the fact that the management-labour atmosphere in Great Britain is on the whole excellent. There are very few disputes really in their whole picture.

But in any case, the amalgamations as we are concerned about them in this province and in Canada are almost wholly (I'm suggesting to the Minister) internal matters for the trade unions and the members concerned. The desirable and wise procedure for a Labour Relations Board is to act upon applications of trade unions where mergers have been concluded and to generally accept the evidence of mergers as the basis for changing the name and/or the affiliation of the relevant union in the order of certification issued previously by the Board.

The new section that we've got before us does not stipulate that it applies only to merger or amalgamation situations that will take place following the passage of this amendment to The

Trade Union Act. It therefore opens up the possibility of changes that have taken place many years ago becoming a matter of contention. The bargaining rights of many thousands of employees can thereby be endangered and damaged. The Minister here may say, Mr. Speaker, that some changes have been made to guarantee that this will not take place. I would welcome his reassurance in that regard. The fact is as I saw it initially that that danger was present.

The change that would result from the passage of this part of the Bill would mean in any case that the actions of trade unions in effecting amalgamations could be obstructed by the Board. Even although a trade union had represented employees for many years and had the bargaining rights in a given plant, the Board could make every inquiry that it wanted to, require the holding of representation notes, if it wished, and generally introduce an area of interference and inquisitorial practice that had never been envisaged by the previous part of the Act that dealt with this whole question. The situation, Mr. Speaker, that's contemplated by this section of the Bill is in any case most one-sided. The Labour Relations Board will have all powers to exercise any opportunity it wishes to exercise to acquire evidence, disregard evidence, and make decisions that might be quite contrary to the decisions that have already been arrived at by the members of trade unions.

If this section had any validity, it would also require that, in the case of any consolidation, amalgamation, or change in corporate enterprises where trade unions had bargaining rights, some similar procedure would have to be gone through. The Act does not now require that employer bodies should have to satisfy the Board about any internal changes that they may decide upon and I'm not really here suggesting that they should. I am, however, saying, Mr. Speaker, that if an Act provides that a Board may undertake to interfere and to pry into the affairs of trade unions that should properly be decided by trade union members themselves, then there must logically be some corresponding action taken with respect to the corporate bodies.

I'm sure the Minister would disagree and argue. I think superficially that there are laws governing company mergers. But I submit that this argument if advanced is not directly analogous to what we have before us. First, company mergers provided the technical considerations are observed are largely formalities based often on shareholders' meetings attended by only a fraction of the shareholders dominated by proxies held by a tight company hierarchy. The Government accepts the evidence of decision provided by the companies, does not operate in general to undertake votes or to overtly interfere in a manner that is now possible by the amendment before us to The Trade Union Act. Nor, Mr. Speaker, can any law governing corporation mergers result in the total dissolution and failure of the corporate institution by reason of the action of government and all this I'm suggesting is analogous to the

section in the Bill that we are now discussing.

This change in the Act, Mr. Speaker, has imposed another arduous bit of red tape for trade union organizations that in the aggregate will cost them a great deal of money. The Labour Relations Board is now constituted and the Minister has pointed this out to us this afternoon, almost like a court and very, very few union organizations appear before it on technical matters without having to secure the advice of and presence of legal counsel. I don't need to tell you that an application before the Labour Relations Board lasting a couple of days can cost trade unions hundreds, sometimes thousands of dollars in legal fees. In this province a great many of our trade unions, Mr. Speaker, are small groups of much less than fifty people. There is not reason whatsoever for imposing upon small union organizations the kind of large-scale costs that they will have to pay with the onerous and technical requirements that appear to have been thrust upon them by this amendment.

Mr. Speaker, I submit that there is no pressing reason for this Bill being before us at this time. The matters that this Bill seeks to deal with are matters that can be dealt with at the next session of the Legislature following a sufficient and proper investigation, without doing any damage to anybody. The Minister says that he is all for personal freedom of the individual and this is his objective. He says that The Trade Union Act is not a sacred cow. Well I would like to say this that where cows are sacred, Mr. Speaker, it is illegal to shoot them and abuse them. I think many of the amendments that we have had from this Government on The Trade Union Act do abuse and are lethal in their character. He says that he is much concerned with what goes on in the Province of Saskatchewan and he drew an analogy about merger where an eastern vote would dominate the small western vote. I would like to suggest that in large measure a situation of that kind is mostly with regard to organizations that are now under the jurisdiction of the Canada Labour Relations Act and that in any case the majority in mergers of this kind must govern. If there is a national body that has members in Saskatchewan and this effect would be present, as long as votes are democratically conducted, and this is all present and accounted for — stipulated by the constitution of the trade unions concerned — I see no reason why he should be so concerned about possible abuses. If there are abuses, the Labour Relations Board can certainly deal with them fully by the legislation as it is now constituted. The Minister says that he is concerned about the personal freedom of the individual. I want to tell him this, Mr. Speaker, that the amendments that he piloted through two years ago to The Trade Union Act have done more to damage the personal freedom of the individual with respect to rights of organization than any other legislation effecting working people in the last 50 years. Because what has happened is that it is more difficult for people to exercise the rights that are conferred upon them by this Act. Mr. Speaker, I'm talking about large groups of employees in this province that would like to have the advantage of union organizations but are frankly too frightened to secure them. I'm

talking about people in the service industries, like the hotel industry and I could go on. The Minister knows about them. These are the people who are on miserably low wages. They would like to organize; they are frankly fearful about so doing and everything that the Minister does that makes it more technical, more difficult for people to join in organizations, that gives the employer by one of the amendments two years ago the right to "talk union", the democratic right to talk to employees. What an ironical phrase in this context! This makes it harder for the employee to make his choice without this overt interference and discrimination by the employer concerned. These are facts, these are not imaginary. Talk to any employee, any unorganised employee in the kind of area that I have referred to, on a confidential basis, and he will assure you that this is true.

Mr. Speaker, the Government has announced that it is contemplating some changes in trade union procedure respecting the certification of craft unions. This was announced in the press; the Minister had not told the House about it, but I take it that this is an accurate report. This, I suppose, would mean that the Act will be open next year whatever happens. Therefore, there is really no reason why these amendments could not be considered with the others in some sort of a joint consultative body, so that the next session could consider any needed changes.

If the Government, Mr. Speaker, would agree to this reasonable course, then I would further suggest that the Government give consideration to the main items in this Bill with the trade union organizations of the province. I'm not disputing what he has told us, that there has been some consultation. It has been, however, quite hurried, also, because of the fact that the session is on, because there are many matters that should be considered. I know that there have already been discussions, but these have not satisfied the organizations that are concerned by any means. I believe that should this course not be deemed feasible then the Leslie Committee might be reconstituted to deal with the several questions that are involved. I say, again, however, that whatever the case there is no pressing need to proceed at this time with these amendments.

I cannot personally see how the amendments that we have before us could have been drafted, if good labour relations were the objective. There is every indication to me that the drafters of these clauses do not understand the realities of management — labour relations here or anywhere else for that matter. The Bill might have initiated action to change some of the damaging amendments made in 1966. It hasn't however, done so. It has simply added to the difficulties that had been brought about at that time, and this Bill if approved will further reflect in a more uneasy labour-management situation in Saskatchewan.

Mr. Speaker, the central part of The Trade Union Act is to give employees the free and independent rights of bargaining through association of their own choosing. This main consideration was in many ways successfully realized during the period 1944-1964. The changes that have been instituted in the

legislation by the present Liberal Government of the Province have had a contrary influence on the rights of labour to organize in the province. I've already pointed out to the Minister of Labour (Mr. Coderre) that the rate of increase in union membership in Saskatchewan was far lower than the Canada-wide increase. Between January 1966 and January, 1967, the last period for which full figures are available, union membership in Canada rose 185,000 or 10.6 per cent. But in Saskatchewan in the same period, union membership increased by 2.9 per cent. The Canada rate is three and one-half times the rate growth of Saskatchewan in the same period. I want to contrast the situation under a CCF Government when to 1964 the union membership in Saskatchewan had risen by 102 per cent; that is it had more than doubled. In that period, that was the fastest relative increase in any province in Canada. The Trade Union Act, I want to remind the Minister, is not a document that concentrates so much on legalities as it concentrates on enabling as many employees as possible to enjoy the rights of collective bargaining. It seems to that this is disputed in the Government thesis so that it set up a kind of a technical, onerous framework that employees must conform to, a framework of course that is to the advantage of employers and other groups that seek to counteract the process of employee organization.

It is evident to me, Mr. Speaker, that the legislation we have before us is going to still further restrict the opportunities of ordinary employees to join into organizations that will improve their economic lot and as well, and probably in the last analysis the most important, their human dignity and self-respect in the world of work. The present Government has set out to make organization and bargaining not less but more difficult for the people who are chiefly concerned, namely the employed class, the working people. They are continuing to hedge the Act in with technicalities, obstacles, and legal requirements that as I have said will please only the people who sell their services in the disputes that will be created by this Bill.

Mr. Speaker, I would have strong doubts about several of the amendments in this Bill that are before us and I would hope that the Minister and his colleagues would give due consideration to the withdrawal of this Bill until suitable consultations have devised a document that could be more satisfactory having regard to all the circumstances.

Some Hon. Members: — Hear, hear!

Mr. W.E. Smishek (Regina North East): — Mr. Speaker, I too must rise to speak in opposition to Bill 73. On October 7, Mr. Speaker, of last year, there was a full-page advertisement that appeared in the Regina Leader-Post. The head of that advertisement was "Declaration of Saskatchewan Liberal labour policy." The centre of that newspaper ad read like this, part of it was quoted by the Hon. Member for Moose Jaw South (Mr. Davies), - let me quote a brief part of it:

> It is an expression in statutory form of the Liberal view that, given the necessary protection of rights by the law, men should be free to work out their own affairs.

The reference already referred to by the Hon. Member from Moose Jaw (Mr. Davies), Mr. Speaker, this quotation was taken say out of context from the submission the Saskatchewan Federation of Labour made to the Labour-Management Legislative Review Committee of the Province of Saskatchewan which was established by this Government in 1965. Then a part of it was included in the Leslie Committee Report. Mr. Speaker, the full text or statement of the Federation appears on page 6 of the Federation submission, I have it here before me.

More important than the quotation being taken out of context, Mr. Speaker, is the mischievous distortion of the spelling of the word "liberal." In the SFL Brief it is spelt with a small "1", it is also spelt with a small "1" in the Leslie Committee Report. In the newspaper ad it is spelt with a big "L", Mr. Speaker. In checking the newspaper ad, I also notice, Sir, that there does not appear to be an authorization as to who inserted this ad…I notice the Attorney General coming in. The requirement of The Election Act is that anyone sponsoring newspaper advertisements during the election must authorize them and have the sponsor's name appear in the ad. Mr. Speaker, I know that this newspaper ad was not sponsored by the NDP candidates. I doubt very much whether the Conservative or Social Credit party sponsored that advertisement, particularly when you take a look at the pictures of the six Liberal candidates appear in this newspaper ad. The Attorney General (Mr. Heald) might want to take a look at it and investigate whether the law was broken. I believe it was, and he might want to consider taking some legal action against the party that inserted that newspaper ad.

Mr. Heald: — Mr. Speaker, on a point of order, since my name has been mentioned, if the Hon. Member will make a formal complaint to me I will be glad to look into it in the usual manner. I might say that I noticed that some of the supporters of some of the people trying to get elected for your party also were guilty of a violation of that Act. I think it happened inadvertently from time to time and I think that if we wanted to prosecute people for a violation of that section of The Election Act we would probably prosecute a great many candidates and probably all the political parties that took part in the last election. But if you want to make an issue of it and want to make a complaint, well you write me a letter and we'll look into it.

Mr. Smishek: — Mr. Speaker, I thought I would bring this to the attention of the at. It may be the Liberals are now disclaiming that this is their policy and perhaps they are. Here is a more serious offence, Mr. Speaker, more than the part that I quoted. The fact is that the language was used by the Federation to describe The Trade Union Act as it was written and

applied prior to 1966 amendments, prior to Bill 79 being introduced. Therefore, I cannot help but describe the authors and the sponsors of this advertisement with using crafty, deceptive distortion, because since the passage of Bill 79 in 1966, no longer does The Trade Union Act stand in marked contrast to other Canadian labour relations legislation.

Since the enactment of Bill 79 and Bill 2, the process of collective bargaining has become hedged with a multitude of restrictions, where this Liberal Government has taken unto itself directly through its stacked Labour Relations Board the right to interfere in the process of collective bargaining and has subjected the employees and unions to advice and suggestions where no such interference, advice or suggestion is desired by either the employees or the employers.

Mr. Speaker, Bill 73 extends restrictions. Well, Sir, last year during one of the speeches I made in this Assembly, I said "labour-management relations, collective bargaining, is a human relations process. It cannot be legislated and forced upon by law anymore than you can legislate love, marriage or honour." It requires mutual respect and understanding. It is well recognized that a good law must command wide respect and support, particularly by those to whom it applies. This Bill 73 like Bill 79 in 1966 and Bill 2 adopted at the 1966 Special Session does not have the respect and support of labour and many employers and it will not work.

If the Hon. Member for Regina South West (Mr. McPherson) really subscribes to the beliefs he espoused during the Throne Speech on the matter of labour-management relations, he will use his influence on the Minister of Labour (Mr. Coderre) and the Government to withdraw this Bill. He is reported in the press saying:

> Labour leaders as well as management should sincerely concern themselves and jointly request the elimination of all restrictive labour legislation.

I say to him that neither labour nor management asked for this piece of restrictive labour legislation. There is no evidence whatsoever that either employers or employees have made representation to the Government to bring in the amendments that are contained in this Bill.

The proposed amendment to Section 30 will only bring about more difficulty in resolving a dispute once a strike occurs. Surely, Mr. Speaker, the employer and the union know what sections of the collective bargaining agreement they want to negotiation revisions to and upon serving notice will advise each other of the specific terms on which they want to negotiate changes. Surely it's not up to the Legislature to dictate to the parties that once a strike takes place that every clause, every term, every sentence, every word and every comma of a collective bargaining agreement must be thrown out the window once a strike takes place.

This is irresponsible legislation. It invites the procrastination of disputes. This sort of law can only give aid to those who view good labour-management relations with contempt. This kind of law does nothing else but inflame an already aggravated situation when a strike occurs. It will promote the importation of strike-breakers, because the employer will be permitted to change the working rules and standards and bonus strike breakers.

Referring again to the newspaper advertisement of October 7, it asked this question, “Is the Liberal party a friend of the union member?” The answer, “Positively Yes.” Another part of the ad said, “Union members shall have a fair formula enabling them to choose alternative bargaining units.” If this is the declared Liberal policies, how can they possibly justify the new Section 35? This new section denies, Mr. Speaker, the right of union members an alternative union through a merger, amalgamation, or transfer.

The section completely contradicts the present Section 3 of the Act which confers a right on employees to form and join unions by a majority decision, unions “of their own choosing.” The proposed provision denies the employees a right to a merger, amalgamation, or transfer of the union, even though the decision may be made by a majority or unanimous approval of its members, because, Sir, upon application of “any person or trade union concerned,” the Board has the power to deny the wishes of the majority or unanimous wishes of employees.

Note the words “any person,” Mr. Speaker. It may be a person totally unaffected. It does not have to be an employer who bargains with the employees. It does not have to be a member or employee in the bargaining unit. It says “any person” may make an application to the Labour Relations Board and drag the employer and the union before the Board. The provision does not require that the parties shall be notified of such an application. Mr. Speaker, a union merger or amalgamation or transfer sometimes becomes necessary because of the action of the employer. Let me give you a concrete example, Mr. Speaker, and I want to Minister to take note, of a concrete example affecting my own union. I will not give the name of the employer and the numbers of the locals but this is an exact case:

Plan A employed close to 100 employees. These employees belong to Local No. 1. Plant B employed about 40 employees and they belonged to Local No. 2. Plant C employed about 15 employees and the employees also belonged to Local No. 2. Company A and Company B merged. The union worked out an agreement between Company A and Company B, that is, employee contract rights and retention of jobs. However, there were more employees than jobs as a result of the companies merging. It was agreed that all employees who acquired seniority would be retained and employees with less than 3 months’ seniority would be laid off. Some ten employees were affected by the lay off, but it was agreed that they still had the right of recall for a period of time in case there were some job openings later.

Naturally those laid-off were unhappy, no employee wants to lose a job. However all parties agreed we had resolved the issue reasonably satisfactorily in respect to the two companies that merged. But the union had a problem in respect of the employees in Plant C still remaining in Local No. 2; a Local with 15 members is too small for administrative and financial purposes. The members in this shop agreed to merge with the larger amalgamated group. The matter was discussed with the employer of Plant C. His answer was that this was an internal union matter and he couldn't care less. Local 2 disappeared. Under the new law, Mr. Speaker, "any person", any one of the employees who were laid-off or anyone else, could have taken the union and presumably the employers before the Labour Relations Board, forced the expenditure of money on the employers and the union, and the public, as time would have to be taken up by the Labour Relations Board, and no doubt the Board might order a vote and thus an expenditure of public money unnecessarily.

I know of no law that forces such restrictions and/or right of interference by "any person" if companies merge, amalgamate, or transfer shares. Why should such discriminatory contentions and unfair restrictions apply in respect of trade unions. I know of no such statutory restrictions that apply in the case of lawyers, doctors, dentists, druggists or any other profession when they want to amalgamate or merge their offices of practice. Why the unions?

Mr. Speaker, students of the North American labour movement generally agree that some of the difficulties confronting labour and unions and employers in this age of technology and rationalization, are that there are too many unions and it would be desirable that mergers be expedited. This would help prevent jurisdictional disputes. Improve union education, organization, research, streamline administration and bring about more mature collective bargaining. Yes, Mr. Speaker, improve labour management relations. But it appears that this Government is hell-bent on prohibiting and restricting that process.

You know, Mr. Speaker, several years ago I had the privilege of attending a number of national conferences sponsored by what was then called the National Productivity Council. I attended a conference in Montreal, another in Vancouver and one in Saskatoon. At these conferences the national leaders of the labour movement and presidents of large national companies were in attendance. I remember while sitting in informal sessions and buzz groups that a number of employers raised the problem that they had in bargaining negotiations because there were too many unions in Canada. I remember one employer saying they have plants in every province including Saskatchewan. He said his company had to deal with 22 different unions. There was one problem in dealing with the matter of wages, job classification, but the major problem they had was and had difficulty in resolving the introduction of welfare and pension plans. They pleased and suggested that unions might do well to bring about mergers, thus help labour-management relations and thus help collective

bargaining. This was the view expressed by some of the largest industrialists that we have in Canada. Mr. Speaker, there must be a motive behind these amendments, and I am afraid that it is not a good motive.

The Saskatchewan Trade Union Act as amended by Bill 79 is now hedged with a multitude of restrictions, where the Government through its policy and its biased Labour Relations Board has made a mockery of industrial relations. Let me quote or continue with a quote from the paragraph of the SFL brief that the Liberals stole for inclusion in their newspaper ad of October 7. It went on stating this:

> It is, we respectfully observe, something of an anomaly, that it appears to be precisely in those provinces where the existing Governments proclaim themselves to be the staunchest proponents of free enterprise and individual liberties untrammelled by the interference of the state, that we find the highest degree of interference with the process of collective bargaining.

I have already in an earlier debate documented in some detail the biased, inconsistent, and unfair practices of the present Labour Relations Board and the irresponsible decisions that emanate from that body caused by two reasons, Sir, one, the composition or structure of the Board and two, the unfair provisions of the Act.

I ask again why the amendments? Who asked for them? I know of no employer or union groups that have petitioned this Government for the amendments that are contained in Bill 73. What is their purpose? In as far as Section 35 is concerned dealing with union mergers, it appears the Government wants the power of veto. But why? Is the Minister of Labour (Mr. Coderre) fearful that the building trades or printing trades may merge into single unions and he wants the right to say yes or no to such a possible development?

Does the Minister of Municipal Affairs (Mr. Estey), the Minister in charge of the Public Service Commission want to veto a possible merger between the Canadian Union of Public Employees and the Saskatchewan Government Employees Association, and is it that the Provincial Treasurer (Mr. Steuart) wants the power to veto a possible merger between IBEW and OCAW and/or other unions? Should not these unions have the right to merge without Government interference? I say they do. Mr. Speaker, I know of no government in Canada that has taken unto itself the right of this kind of interference. It appears that except for this Liberal anti-labour Government none are asking for that kind of authority. It appears that fairly soon they will be bringing in legislation telling the worker when or when he may not be able to go to a washroom. Yet these are the people who during the election period in the newspaper ads said that they were the "friends of labour." Well, Sir, I'll tell the workers how friendly they are. Their example of friendship was certainly

demonstrated here a few days ago when I tried to introduce an Hours of Work Act. These Liberal friends of labour even denied me the right to introduce this Bill.

Mr. Speaker, I really urge the Minister (Mr. Coderre) to withdraw this legislation. I don't think it is legislation that is desirable. I don't think that this legislation will do anything for the promotion of good labour-management relations. I have already said that we have too many restrictions. I hope the Hon. Member for Regina South West (Mr. McPherson) agrees with that and I hope, as I have said earlier, that he will use his influence with the Minister of Labour, with the Government, to have this Bill withdrawn.

Some Hon. Members: — Hear, hear!

Hon. D.V. Heald (Attorney General): — Mr. Speaker, I hadn't intended to say anything in second reading debate on this Bill, but I found it very difficult to sit in my place and listen to the rather extravagant distortions and the almost hysterical outbursts of the Member for Moose Jaw South (Mr. Davies) and the Member for Regina North East (Mr. Smishek). So I find it necessary to make a few comments with respect to the statements that they have made. I am going to confine my comments to new Section 35 because as the Minister of Labour (Mr. Coderre) said in opening debate on this Bill, the other clauses in the Bill are basically housekeeping clauses and they are not too significant.

Section 35 does involve a new principle and so I am going to make some comments with regard to that. Now the Member for Moose Jaw South (Mr. Davies) said that this new Section 35 comes un-recommended by anybody in the province. I wrote it down and that's what I though you said. You said you had a feeling that it might undermine the safety of trade unionism in the province. You were more restrained than the Member for Regina North East (Mr. Smishek). Then we received an interesting if not too relevant historical dissertation on the situation in Sweden, which I won't refer to. He said the amendment would worsen labour relations, was wholly unfair to organized labour. You predicted bitter struggles ahead. You said it would promote wholesale withdrawal from membership. You predicted that the section would create trouble and difficulty. Now you were fairly restrained compared to the Member from Regina North East (Mr. Smishek). He said the Bill wouldn't work. He said it would invite the importation of strike breakers. Nobody consulted any person concerned or any trade union concerned. Then I think he said near the end that he knew of no other Government who had introduced this kind of legislation. Is that correct? I don't want to be unfair to the Hon. Member but that was what I wrote down. He said he knew of no other Government "except this anti-labour Liberal Government of Saskatchewan" and there he was at his demagogic best when he said that, "No Government other than the anti-labour Government of Saskatchewan would have done this kind of thing."

Well now I would like to state for the record in this House and to tell the Hon. Members who have spoken, and I am sure they know this, that this Section 35 that all the fuss is about is taken letter perfect from the Ontario statute and it has been in effect in Ontario since 1956. It has also been in the British Columbia statute since 1951. I don't know that these dire predictions that both of these Members have made have come to pass either in Ontario or in British Columbia. As a matter of fact I was at a meeting last Friday when Mr. Gilbey of the Federation of Labour were discussing this section with myself and my colleague, the Minister of Labour (Mr. Coderre) and the Premier and the Provincial Treasurer. I asked this question point blank both of Mr. Elkin and Mr. Gilbey, whether this section that they are making so much noise about in this proposed Bill has within their knowledge caused any difficulty in either Ontario or British Columbia. After repeating the question four or five times and seeking an answer, I finally got the answer from both of them that it hadn't caused any difficulty. It hadn't caused the dire things that you are now predicting will happen in the Province of Saskatchewan. So, let's not have anymore talk, Mr. Speaker, of bitter struggles ahead and inviting the importation of strike-breakers and that this is a terrible thing that this violently anti-labour Liberal Government has done to the trade union movement in the Province of Saskatchewan. This is just nonsense. It hasn't worked out that way in British Columbia. It hasn't worked out that way in Ontario and it won't work out that way in the Province of Saskatchewan.

Now what is the purpose of the amendment, Mr. Speaker? The purpose of the amendment is to provide for some democracy within the trade union movement. It will protect the rank and file members of the trade union from dealing at the top, from transfers at the top. I noticed both of the Members talked about mergers but they didn't talk about transfers. There are three words in the second line of Section 35, "A merger or amalgamation or a transfer." Now you talked about a merger and I am going to talk about a merger in a few minutes but I would like to talk about a transfer. The way it has been, an international union with affiliates in the pas could transfer a certification under The Trade Union Act from one union to the other, from one international union to the other without the consent of the rank and file membership of that union. Let me give you an example of what could happen under the laws that exist. We all know that a year or two ago in the SPC we had some problems and there was a strike and so on. Originally the SPC had one international union representing all of the employees. It was called the OCAW, the Oil and Atomic Workers. At one time the OCAW represented both the gas workers in the SPC and the electrical workers and then there was a vote ordered — what — a year ago? Something like that. Anyway after that vote the majority of the membership on the electrical side of SPC voted to have as their bargaining unit the IBEW, which is the International Brotherhood of Electrical Workers. The result has been since that time that we have two unions certified in the SPC, the OCAW in respect to the gas workers and the IBEW in respect

to the electrical workers. Now the way the law has been, and I don't say it would happen, but the way the law is at the present time in the Province of Saskatchewan, the IBEW and the OCAW, international unions, who are both members of the Canadian Labour Congress, could make a deal at the top and the IBEW would be able to transfer its certification for the electrical workers in the SPC to the OCAW without consultation at all with the majority of the membership who about a year ago voted against the OCAW in favour of the IBEW. So the purpose of this section, Mr. Speaker, is to prevent dealing at the top in frustration of the rights of the majority of the rank and file members of the union. That's the purpose of the amendment, that's what it does, and that is what it did in these other provinces. Now are you against that" Neither one of the Hon. Members who spoke talked about a transfer. Surely to goodness all this section does is to provide that any person concerned, and the Member from Regina North East (Mr. Smishek) didn't read it the way I read it. He said "any person", somebody not involved at all could come and apply to the Labour Relations Board. That is not the way I read it; with every deference, it says "any person or trade union concerned." It means any person concerned or any trade union concerned. It simply provides that the rank and file membership of the union could go to the Labour Relations Board as a result of one of these mergers or amalgamation or transfers, and object if they want to. I don't think that one Member would be sufficient. I'm sure that you have to assume that the Labour Relations Board is going to act judicially in this matter. But the mechanics are there to provide that the rank and file membership, if they object and only if they object, don't have to sit still for some wheeling and dealing at the top. That's what this section is there for.

Now, one of the Hon. Members mentioned corporations and he said he tried to draw an analogy in the case of corporations. Well I have The Companies Act here, Mr. Speaker, and I would refer Hon. Members to Sections 187, 188 and 189, 190 of The Companies Act which provide for arrangements, schemes, and amalgamations having to do with mergers or amalgamations of companies. In every case, Mr. Speaker, the statute provides that a majority of shareholders in a company or two companies can provide the amalgamations and mergers but in every case the amalgamation or merger has to be approved by a court order, a court order in every case and surely there is a good reason for that Mr. Speaker. The reason is that again it wouldn't be fair for the board of directors in control of a company to approve a merger which is good for them but which might not be very good for the rank and file members and shareholders in that company. So there is the provision there for a court order. All we are doing in this amendment, Mr. Speaker, is to provide the same kind of protection for the rank and file membership of a trade union, simply to provide them the right to go to the Labour Relations Board and put the whole thing in front of the Labour Relations Board and ask the Labour Relations Board to consider whether or not this merger, amalgamation or transfer should be sanctioned. I can't for the life of me understand why the trade union leadership in this province is concerned or

worried about this section. It has worked in other provinces, it's not there for the purposes that they are suggesting. It's worked in Ontario, it's worked in British Columbia, and I'm satisfied it will work in this province. It is simply a protection to the rank and file member of a trade union in the event that he may object to a merger, then he has the right to go to the Labour Relations Board.

Now, Mr. Speaker, I have some other observations I may want to make in this matter and I would beg leave to adjourn the debate.

Mr. Davies: — I was about to put the two questions that the Attorney General agreed to reply to. My first question is, Mr. Speaker, and Mr. Minister: do you know of any case where employees have not been consulted in Saskatchewan prior to any transfers or any merger in Saskatchewan? And if I may put a supplementary question at the same time; do you know of any cases where the Labour Relations Board would not have been able to do the same things under the present legislation as under the one you proposed?

Mr. Heald: — Yes, answering your last question first, we think, my law officers think and I agree with them that there is a very real question as to the jurisdiction of the Labour Relations Board to interfere in a situation of this kind under the existing section. This section, the new section, will spell it out loud and clear. So far as individual instances, the Minister of Labour may know of individual instances, I don't, but I suggest and I did suggest and I do suggest in all seriousness that the kind of situation I described in the IBEW and the OCAW could occur without clarification by this section. I think we should clarify this section and spell out the rights of the individual member of a trade union before something like this happens.

Mr. Davies: — Mr. Minister, do you know of any case where this has taken place yourself? I want to get that clear.

Mr. Heald: — I'm advised by the Minister of Labour (Mr. Coderre) that he knows of cases, I don't.

Mr. Smishek: — Mr. Speaker, I wonder if I can direct a question to the Attorney General that he might want to consider this when he speaks again if he hasn't got the answer. What happens in the event of a merger that does take place of say two national unions? In Saskatchewan under Section 35, the matter is contested in some way but in fact the union that they belonged to before disappeared because there was a merger and they formed a new organization through a merger of two organizations. Where do all those employees stand?

Mr. Heald: — Well, it would be up to the Labour Relations Board but as far as I'm concerned, I know you don't have the same confidence in the Labour Relations Board as I do, and I'm going to talk about that when I resume debate in this matter. But I'm sure that the Labour Relations Board would act reasonably and if the circumstances are such that you described, I wouldn't think there would be any difficulty in having the merger approved. But I still say that the burden of my remarks is still that the individual trade union member should have an opportunity to bring this matter before the Labour Relations Board if he so desires. I don't understand what you're worried about quite frankly.

Debate adjourned.

Hon. D.V. Heald (Attorney General) moved second reading of Bill No. 76 — **An Act to amend The Vehicles Act**.

He said: Mr. Speaker, I am very pleased to have the opportunity this afternoon to say quite a few words about the amendments to The Vehicles Act which we are proposing at this session of the Legislature. I think these amendments are probably some of the most important and significant amendments and this Bill is one of the most important Bills which will come before this session of the Legislature.

Mr. Speaker, in recent years there has been a growing awareness and concern respecting the matter of highway safety in this province as well as in all other provinces in Canada and in the United States and other parts of the world. Private associations and governments at all levels have been active in this regard, but statistics show that the accident toll is rising with the resulting loss of lives, limbs and property. Police agencies everywhere are required to devote more personnel and energy to the enforcement of traffic laws and to the investigation of accidents. Government agencies are experiencing the shock of the increase in the incidence of motor vehicle accidents and the resultant pain and sorrow. Several years ago a Legislative Committee was established in this Province to study this problem from a Provincial point of view and to recommend changes in the law. Last year, there were fairly extensive amendments to The Vehicles Act to make the operation of motor vehicles upon Saskatchewan highways safer. One example of an amendment along these lines that we did pass last year was the legislation dealing with the type of equipment required by operators of motor bikes. Our experience so far with these amendments has been quite satisfactory in the comments that I've received, and the letters that I've received have been quite complimentary so far as those amendments were concerned.

Now of course the Government and I'm sure all Hon. Members, remain very, very concerned about the increasing accident rate and we have to take concrete steps to see what can be done to control this rate and to get it under control. The amendments

which are being proposed in this Bill will, the Government believes, result in another gigantic step being taken forward to make our highways safer places. Now this Bill, Mr. Speaker, is a lengthy Bill and I don't propose today to dwell on those portions that provide for administrative and procedural changes but rather I shall confine my remarks to those portions of the Bill that I think will help to reduce accidents upon our highways.

Mr. Speaker, it is common knowledge that the consumption of alcohol is a contributing factor to the high motor vehicle accident rate which exists in this province and in other areas of our country. Convictions in the courts for drunken and impaired driving offences have increased and penalties for these offences have become heavier, but I am sorry to say that the increase in prosecution and the heavier penalties have had little or no effect it seems towards reducing the practice of drinking and driving. Last year a progressive program was implemented in the Province of British Columbia in an attempt to reduce the incidence of motor vehicle accidents in that province that were caused by or were contributed to by the consumption of alcohol. The Motor Vehicle Act of British Columbia was amended to provide for the statutory suspension of the driving privileges of persons whose level of alcohol in the blood contains not less than eight parts of alcohol to 10,000 parts of blood. The B.C. Motor Vehicle Act empowered a police officer who suspected a driver of having consumer alcohol in a quantity sufficient to give this reading of .08 to surrender his driver's licence. The B.C. statute provides that the licence would be suspended upon such a request for a period of 24 hours, unless a physical test indicated that the alcohol blood relationship was less than the statutory figure or the person produced a doctor's certificate to the same effect.

Mr. Speaker, the B.C. legislation permits the removal from the highways in that province of drivers who are potential causes of accidents. The legislation is preventive not punitive and the results of the program, I suggest, are most significant. I would like to quote some figures to show how successful the program has been during its first few months of operation. In the city of Vancouver alone, 1,110 persons were the object of police actions for operating motor vehicles while under the influence of alcohol during the period August 1, 1967 to October 31, 1967. That figure was made up of 305 charged with impaired or drunken driving and 705 persons who were taken off the roads under this new section of The Vehicles Act. Now that's over 1,000 people, Mr. Speaker, in 1967 in this short period of a few months. By contrast during the same period in the same period in the previous year, 1966, only 456 persons were dealt with by the policy in regard to the matter of drinking and driving. We can readily appreciate that a significant reduction in the accident rate would be the result of this program in which about 2 ½ times as many people were taken off the roads. Let me emphasize, Mr. Speaker, that the B.C. legislation does not create offences with respect to the operation of motor vehicles by persons with the

statutory alcohol content in the blood but provides for the statutory suspension of the driving privileges for a period of 24 hours of drivers who do operate motor vehicles while they have this .08 reading in the blood.

Mr. Speaker, the Government believes that the increase in the incidence of drinking drivers and the success of the B.C. program warrants the trail of a similar program in this province. The new section in our Act similar to the B.C. section provides for the suspension of the driver for 24 hours by a peace officer who has reason to suspect that the driver may have consumed alcohol in such amount that his blood alcohol level amounts to .08 per cent. This section provides that a driver in Section 104 (a) in the new Bill has the right to request a test of his breath if he feels that his blood alcohol is below .08 per cent. The test is to be of a kind authorized by the Attorney General. I could tell Hon. Members in the Legislature that the test which it is intended to approve for this section for the present is a balloon test called the "Mobat", which has been used in B.C. under this legislation. Now this section is based on the B.C. legislation. It was first tried out, I'd like to tell you a little bit about the way in which they phased it in, in British Columbia. They first started the operation of the legislation in Greater Victoria on April 5, 1967 and with good success. They report that the experience in Victoria was that of those who were stopped and required to surrender their licences, less than 5 per cent of the people stopped by the police requested that they be tested by the balloon. In all such cases the test was positive which of course confirmed the actions taken by the police officers. Now in July and August, the operation of the statute was extended to Vancouver Island and Vancouver. I have talked to a number of the B.C. officials and they tell us that the legislation has been very successful and well received by the public. I noticed a little bit in the paper the other day from Vancouver somewhat to the contrary. I don't think the experience perhaps in Vancouver is quite as satisfactory as it is in other parts of the province, but certainly in Victoria and the interior of British Columbia, they are very happy with the results of this section that they put in a year ago. The B.C. people feel that it has resulted in a large number of drivers who are potential traffic hazards being removed from the highways without any significant change in the number charged with impaired driving. The purpose of course of this section is to remove these drivers from the highways and until they are sober and without any charge being laid. Now the present provision in our Section 94 (1)(d) providing for the Highway Traffic Board suspending the licence of a driver refusing to take a breath test when requested by a police officer to do so is being retained by this Bill. This is the old section which went to the Supreme Court of Canada and was found to be constitutional. This provision has been very useful to obtain breath tests which are used in corroboration of physical signs of impairment. Now while the Federal Government has placed the Bill to amend the Criminal Code before Parliament which provides for compulsory blood tests, I don't suppose anybody knows when it will be passed or what its final form will

be. We therefore consider it advisable to retain existing Section 94 (1)(d) until we have an opportunity of assessing the effectiveness of the Criminal code provision when it is passed by the Federal Parliament.

Mr. Speaker, in view of the fact that the new Section 104A provides for the Attorney General authorizing a device for the test which a driver may request under that section, it is necessary to make a similar provision in Section 94 under which I as Attorney General can designate the breathalyser which has been used for over 10 years in this province. The breathalyser cannot be used on the highway and requires trained operators whereas the Mobat which is used in B.C. and which we intend to use for this new section can be used anywhere and any police officer can be easily trained in its use. This amendment to Section 94 is in Section 19 of the new Bill.

During the holiday season, Mr. Speaker, from December 15, 1967 to January 4, 1968, the RCMP in British Columbia in the areas outside Victoria and Vancouver checked 89,862 vehicles for all purposes and suspended 461 licences. Of these 461 licences suspended over Christmas and New Years, only 11 of them requested the Mobat test and all proved positive. During the same period, 163 other drivers were charged with impaired driving. I should point out that once a driver's licence is suspended under this legislation he is never charged with impaired driving. I'm advised that up to the end of February there have been 4,902 suspensions in B.C. under this statute that has been going for less than a year. Of this number, only 184 requested the Mobat test with all but a few showing a positive result. Mr. Speaker, I submit that this proposal is progressive. It's progressive because it is aimed at taking potential killers and maimers from behind the steering wheels of motor vehicles on our highways. This proposal was one of two that the Government has been considering, the other being an amendment to The Vehicles Act to make it an offence for a person to operate a motor vehicle with an alcohol blood level content of .08. As I've stated many times in this House and also outside this House the Federal Parliament is now in the process of occupying this field. While their present legislation is .10, I am still hopeful that it will be possible to convince the new Prime Minister who is still Minister of Justice — at least he was when I cam into the House — to go from .10 to .08, because I've had a number of discussions with him about this and I know that he personally favour .08. So I'm still very hopeful that when the legislation does get into the final stages in the House of Commons that the reduction will be from 1.0 to .08. For this reason, Mr. Speaker, because the Federal Government is in the process of occupying the field and because of the initial success of the B.C. legislation, the present proposal appears before this House with the expectation that if it is enacted by Hon. Members, a significant decrease in motor vehicle accidents will result.

Mr. Speaker, this Bill to amend The Vehicles Act also provides for the termination in May of 1969 of the use of the

coloured licence system in the province of the Highway Traffic Board. At present, demerit points are entered in the driving record of persons convicted of certain offences, both Provincial and Federal. When the number of points entered in the record of the person reaches a certain total, that person is required to apply for and secure a coloured licence. Upon the number of points reaching a higher total, that person is required to apply for and secure a different coloured licence, and if his bad driving continues, his driving privileges are suspended under the Act.

Mr. Speaker, this program has been very costly to administer and in addition the administration of it has been difficult and burdensome. We have made an overall assessment of the program and we have reached the conclusion that the program has not produced the results that were intended or that were hoped for. In place of the coloured licence program, will be established a program providing for the statutory suspension of the driving privileges of persons who are convicted of certain offences under the Criminal Code by means of a motor vehicle. These offences include criminal negligence, motor manslaughter, impaired driving, drunken driving and dangerous driving. The new program will allow for a restricted licence to be issued to persons who have had their driving privileges suspended if a licence is necessary for that person to earn his livelihood. In addition, flexibility is written in with the proposed amendments in the form of a delegation to the Highway Traffic Board of a discretionary power to remove or vary the suspension in deserving cases. The discretionary power as contained in the proposal will, I am sure, provide flexibility in the program to relieve the harshness of licence suspension in proper cases only, of course. Let me make clear, Mr. Speaker, that the present system of issuing coloured licences will continue until May 1, 1969 at which time the new program will be put into force. Until the new program is brought into force, changes have been proposed to The Vehicles Act which will provide for statutory suspension of persons whose point records exceed a certain total, only upon that person being notified of the number of points entered into his records. Previously I might say the licence of a person whose point entry reached a certain total was automatically suspended by operation of the Act. This will now not be the case and the suspension will take effect only upon the person being notified of the number of points that are entered in this record. But of course as I say that is a transitory provision until 1969.

Now I would like to go into some detail with respect to the various penalties which are being imposed because it is very important. Of course it's a discussion of the new Section 87 of the Bill. For a number of years I stated that we felt that the overall total effectiveness of the coloured licence and demerit point system was open to question and the Special Committee, the Legislative Committee on Highway Traffic and Safety drew our attention to a number of the deficient aspects and objectionable features existing with the point system.

Here I would just like to review some of the objectionable features of the point system. First of all, it was pointed out to us that prosecutions do not follow all accidents, consequently the point system really doesn't reflect a complete record. Secondly, there was considerable disparity in points assessed for highly similar or identical offences. Thirdly, it was felt that the courts were unable to assess the complete driving records to properly deal with the offender. When somebody comes up before court they don't have the driving record there. Fourthly, the Highway Traffic Board could do little to adequately adjust points on the basis of the driving record once the court award was made. Fifthly, it was felt that the point system contributed very little toward improving the driving attitude of the offending motorist. And sixth, it was felt that for only the most flagrant of offenders was action taken to suspend or restrict the driving privileges. A very impersonal and machine-like approach was taken by this system toward the offending driver. I think adequate evidence of this was found, Mr. Speaker, in the recording and processing routine for each conviction which amounted to slightly more than a problem in arithmetic to enter the points and compute the total. Thereupon depending on the point level the process resulted in an impersonal stereo-typed letter giving information on points and the point reduction process as well as establishing the colour of the licence and the date on which it can be purchased. During the accumulation of points, nothing was done to alert the driver that he was developing a driving problem, and the system functioned essentially as a punitive measure and contributed little, we feel, to traffic safety. Mr. Speaker, a pilot program of driver interviews being conducted by the Highway Traffic Board received wholehearted endorsation by the Legislative Committee and this together with several other recommendations becomes the foundation for the new Section 87. The new Section 87 in effect will provide for; 1. the abolition of coloured licences; 2. the abolition of the demerit point system; 3. the provision for automatic revocation of licences for the more serious offences under the Criminal code of Canada; and 4. the continuation and I emphasize this, the continuation and expansion of the driver-interview program which is directed toward producing ultimate results of driver improvement and overall traffic safety. We feel very strongly and we intend to continue and expand substantially the driver-interview program.

Now the proposed legislation will accomplish these ends we think by several means. First of all, the repeal of the present Section 87 will abolish both coloured licences and points; secondly, it will provide mandatory periods of suspension for conviction and second or subsequent convictions of a charge for death or injury through criminal negligence with a motor vehicle; reckless or dangerous driving; failing to report or remain at an accident; hit and run, drunken and impaired driving; and also for driving while prohibited or disqualified. This new legislation will establish a driver-interview program and interview of drivers under terms and conditions laid down by the Lieutenant Governor in Council. I should say, Mr. Speaker, that in Committee study of this Bill, I propose to make available to all Hon. Members the proposed criteria for the driver-

interview program. This new section will also empower the Highway Traffic Board to suspend or restrict licences after driver interview, and the new section also — and this is important and it is new — provides for appeal against the ruling of the Highway Traffic Board to the courts and this is a new proceeding. It is felt that because the livelihood of people is involved here there should be provisions for appeal to the courts, so there is provision in the new section by filing notice in the District Court.

Mr. Speaker, the proposed amendments separate the several Criminal Code driving offences into three groups based on the gravity of the offence and the desirability of relating certain convictions with others to establish second or subsequent offences. When the mandatory suspension comes into force a conviction under Section 222 of the Criminal Code which is drunken driving will mean loss of licence for three months to start with. However, if death, injury or property damage occur in connection with the above or in connection with the conviction under Section 192, which is death by criminal negligence, or under Section 193 which is injury by criminal negligence, or under Section 207 which is manslaughter by a motor vehicle, the period for loss of licence is doubled from three months to six months, mandatory. So it's three months in respect of those sections that I've listed. Then if there is injury, death or property damage it's automatically increased to six months, from three months to six months; that's the automatic suspension. Then, Mr. Speaker, suspension becomes more severe with multiple offences. The legislation relates convictions under any of the sections mentioned above in such a manner that any one becomes second or subsequent to any other prior conviction. Now let me give you an example. First offence, reckless driving; this would be six months. Let's take the case of the fellow whose next offence is drunken driving. This becomes a second and subsequent offence if it occurs within a five-year period and demands the suspension of one year. Again provision is made for death, injury or property damage. If any of these were associated with both convictions in my example, the suspension would increase to one year and two years respectively. Now we can discuss this in detail in Committee, but you will see that we're giving effect, we're cracking down on the serious offences with mandatory suspensions; we're making the suspension greater if there is injury involved; and of course we're making the suspension greater if there is a subsequent offence.

Now, Mr. Speaker, a somewhat lighter penalty is attached to the next grouping of convictions wherein suspensions have been cut by one-half. Convictions under Section 221, subsection (4) of the Criminal code, which is dangerous driving, or under Section 223, which is impaired driving, for the first offence carries a suspension of three months. Here again for involvement through death, personal injury, property damage the suspension doubles to six months. Again these are added penalties for subsequent and second offences under any one or either of the two sections and the result is doubling suspension periods to six months and with accident involvement, one year. In a manner

similar to that described in the last two paragraphs, the legislation proposes to relate the various convictions one with the other into one large pool, so that all may become subsequent offences regardless of the order in which they occur. For any second or subsequent conviction within the five-year period the more severe penalty, namely the longer period of suspension attached to the particular later offence shall apply. For example, first offence impaired driving with no involvement, three months; second or subsequent offence, hit and run, with personal injury, two years.

Now, Mr. Speaker, in the third group of criminal offences we find only one, Section 221(2), failing to stop or report (this is commonly know as it and run). Conviction where property damage only occurs, three months suspension; with personal injury or death, this rises to a six-month suspension. Again any subsequent offence within the five-year period doubles the suspension in either category. Unlike the first two groups that I have been dealing with, this particular offence is independent, and not related to any of the previous identified Criminal Code charges and does not become part of the large pool used for determining second or subsequent offences. Because any order of the courts under Section 225, subsection (1) of the Criminal Code supersedes any suspension that will be imposed under these amendments, a prohibiting order issued for a longer period than the mandatory one being imposed under The Vehicles Act will take precedence. The licence of any person subject to the prohibition order will remain suspended for such longer period. As the use of a motor vehicle is deeply involved in our daily movements and as in many cases the necessity to drive is a requirement for employment, the ability to earn a living, steps have been taken to allow recovery to a limited degree only of the licence to drive when faced by suspension. Any judge, magistrate or justice of the peace may at the time of conviction recommend to the Highway Traffic Board the issue of a restricted licence; that is, the court looks into the circumstances and if it considers it advisable it can recommend to the Highway Traffic Board the issuance of a restricted licence. Also any person may make application to the Board for a review of his suspension and request a licence to drive. The Board may after considering the circumstances lift the mandatory suspension or without removing the suspension issue a restricted licence on such terms and conditions it deems fit. To replace the many one, two, three and four point convictions under The Vehicles Act, which when accumulated to seven or more points brought about a mandatory suspension, a driver interview and driver improvement program will be expanded in the next few months and will be in full operation by the time points are abolished. The various convictions will be weighed and used in combination as criteria for selecting drivers for interview. The acceptable values of the various convictions under The Vehicles Act and the Criminal Code will be established by order of the Lieutenant Governor in Council (and I will be providing that for you in Committee). Computer programming will then print out weekly lists of persons with sufficient accumulated convictions within a one-year period who warrant attention of the Driver Review Board.

I'll give you an example of an accepted criterion (I don't say this will be accepted criterion but I could give you an example of an accepted criterion for driver interview); one conviction for impaired driving plus one for running a red light, plus one maybe for inadequate brakes, this would initiate an interview. This is the kind of think and this is all done by the computer. Another interview procedure could start because of one conviction for each of the following: no operator's licence, failing to dim, speeding and driving without due care and attention, these four in any order within one year. Now you may think that's too many, but these are the things that I would like to discuss with you in Committee because we have a suggested criterion that we will be submitting to you for your consideration.

It should be remembered that there are 92 separate offences under The Vehicles Act and 10 under the Criminal Code from which combinations of offences can accumulate. Repeated involvement in accidents, complaints by enforcement officers, recommendations of judges or magistrates will also result in an individual interview appointment. The selected licensee will be called to appear and will be given every opportunity to attend and discuss his driving problems and will be offered advice and guidance for improvement. An assessment will be made of the facts and relevant information and a decision made on the type of disciplinary action to be taken. For many, it will mean a warning or period of probation, for which the driver must improve his attitudes and skills and be without accident or conviction. Failure to maintain a clear record during this period will mean suspension or restricted privileges. Also failure to appear without valid reason would incur suspension. On the other hand, the Highway Traffic Board may, if the facts so indicate, immediately suspend, cancel or revoke or restrict the licence of any person interviewed for any period being proper. The most severe suspension under such action would be permanent disqualification from holding a licence.

Because of the wide powers given to the Board by these amendments it becomes necessary to provide protection for the individual against any arbitrary decision affecting his licence. The right of appeal, as I said earlier, is therefore provided for through application to the District Court within 30 days of suspension. The judge will on application fix the date of the hearing, advice of which must be given to the Highway Traffic Board. Under such procedure the person affected by the Board's suspension or restriction may be successful in having the Board order cancelled or modified as stipulated by the judge. On the other hand, the Board order may be confirmed if the appeal is dismissed. Both the appellant and the Board of course are bound by the judge's decision. I feel, Mr. Speaker, that these safeguards should adequately ensure protection for licensed drivers, but at the same time take the people off the roads of Saskatchewan who have to come off the roads. The legislation as well as the criteria for interview has been prepared on the basis of knowledge gained during the Board's activities and

and from references to practices in other jurisdictions. Experience in the months ahead will no doubt present some problem and it will require amendments to develop more effective procedures. It is, however, my considered opinion that these changes will improve the present proposals and increase the effectiveness of this major attempt to introduce and extend a dynamic program of driver improvement and traffic safety.

Mr. Speaker, the remainder of the Bill contains in the main administrative and procedural changes. The significant proposal in the Bill is the provision that would delegate to the Highway Traffic Board the power to prescribe standards and specifications for tires to be used on motor vehicles. I should tell Hon. Members that I expect very shortly that some of my colleagues, my opposite numbers in the other provinces, will be announcing the imposition of new tire standards and I think I can indicate to Hon. Members that as soon as this enabling legislation is passed, that we will be doing likewise. I think this is very important to have proper standards and specifications for tires and also to have some degree of uniformity with the other provinces. And that is the object of the exercise here.

The procedure of hearings conducted under the Act will also be updated to provide for more streamlined procedure. In recent years questions have arisen in the courts in respect of the applicability of The Vehicles Act to areas that are not conventional streets or roads, which are used by the motoring public to a considerable extent. An example of this is a parking area in a shopping centre. The Bill proposes to make clear that these areas are not public highways, within the meaning of The Vehicles Act. It is proposed, however, in the amendment to provide that certain misconduct in the operation of a motor vehicle, such as speeding and careless driving on parking lots, will constitute an offence under The Vehicles Act. We feel that effective control is required in these areas for the purposes of safety. I am sure you have all seen some fairly reckless driving and speeding in some of these shopping centres. Under the Act as it is at the present time you can't do very much about it. So we're going to try and cover that loop-hole.

Over the years a question has arisen as to the lawfulness or legality of people towing trailers in our province without having them registered under the Act. There is a proposal in the Bill to provide that people who are towing trailers in the province need not register those trailers, if the trailers have been leased from people in other jurisdictions and the persons in those jurisdictions have complied with the laws of those jurisdictions with respect to the trailer. This would be a trailer coming in, one of these Union-Haul deals we'll say from Ontario or Manitoba. As long as it is properly licensed there, there is no problem when it comes into Saskatchewan. But the law has not been very clear in this regard.

Last year The Vehicles Act was changed and amended to place in the hands of city councils the matter of determining the

maximum number of vehicles that could be used as taxis in the respective cities. This Bill proposes to extend this local government determination to towns and villages as well, in the light of the trend for taxis businesses becoming established in more of our towns and larger villages. We're doing for town and villages what we did last year for cities, taking it out of the hands of the Provincial Government giving the power into the hands of the local council.

Mr. Speaker, the increased use of snowmobiles on our highways and streets tends to create a safety problem, both from the standpoint of the driver and the motoring public This Bill now before you contains a prohibition against the operation of snowmobiles upon public highways, except on the un-travelled portions, unless those portions are unsuitable or unavailable. This way, Mr. Speaker, snowmobiles will not be operated near the areas of our highways where vehicles travelling at high speed are operating.

Mr. Speaker, this Bill also embodies a requirement respecting flashing signal lights on school business. Any vehicle registered for the first time as a school bus will require flashing red lights as standard equipment. This requirement is a safety feature and is a move to establish uniformity in this regard. Coupled with the requirement for flashing red signals is the duty on the part of a school bus operator to activate these lights when loading and unloading children, and on the part of the motorist to bring his vehicle to a stop when approaching from the front or rear of a school bus that has stopped upon a public highway.

The last significant proposal that I intend to comment upon is the requirement of persons involved in accidents that cause damage apparently of $100 or less to seek the owner of the property damaged in the mishap for the purpose of supplying that owner with particulars. At present as you know, I am sure, accidents involving property of more than $100 must be reported to the police, but no duty rests with the driver in respect of accidents causing damage of less than $100. The Criminal Code does have a hit and run section, but in many cases prosecution under the Criminal Code may be too severe, so we have covered this in the Provincial statute and we think this is desirable.

Mr. Speaker, I am pleased to place these proposals before the House. As I say, they are quite complicated and I am sure that many of the features, particularly the conversion from the coloured licences and probably the new point .08 legislation are sections of the Bill which can be more adequately discussed in committee. But I am confident that this Bill is a good Bill. I am confident that this Bill will attack in a substantial and effective way the problem which we have and which all of us in this province want to overcome, namely, slaughter on our highways. I am sure that all Hon. Members will agree that this is an honest effort and a workman-like effort I hope to get at the problem of traffic safety in our province. I can tell Hon.

Members that we in the Highway Traffic Board and myself in the Attorney General's Department will do everything in our power if this legislation is passed to see to it that it does the job that it is intended to do, namely stop slaughter on our highways.

Some Hon. Members: — Hear, hear!

Mr. E. Whelan (Regina North West): — Mr. Speaker, we on this side of the House support this Bill. A number of the Highway Traffic and Safety Committee's recommendations are being carried out by the sections of the Bill, and for this action I give the Attorney General full credit. I compliment him for putting into effect the recommendations of the Joint Committee of the Legislature. Some of the remarks that I will be making in this debate will be of a critical nature, but should be interpreted as an effort to encourage action in some areas where I think there should be a speed-up in activity. This comes about as a result of interviewing surviving victims of automobile accidents and the relatives of those who have lost their lives in automobile fatalities. They have convinced me that I should draw attention to some matters that I am sure will get attention that much sooner if we constantly keep them before the Minister.

I wonder if I might make at the outset a comment on the Act itself. In its present form, Mr. Speaker, without the amendments that are contained in this Bill, The Vehicles Act is made up of more patches than whole cloth. To the average layman, with its deletions, amendments and additions it represents a legal entanglement almost beyond comprehension. When the Highway Traffic and Safety Committee studied the Act some years ago, at that time the Act was patched up and stuck together and rewritten to a point that it was difficult to follow. This is the second time it has been amended extensively since the Committee wrote its report. I am sure, Mr. Speaker, that peace officers and lawyers and magistrate judges and justices of the peace and anyone working with this Act must be just about ready to pull their hair out by the handfuls. What we need, I think, is a new streamlined, clear-cut, easily read Act that the average citizen can read and understand and I hope that we will soon have one. I recommend this activity to the Minister.

Rather than take the time of the House to list the recommendations of the final report of the Special Committee on Highway Traffic and Safety, I would hope that the Hon. Minister would include in the final draft of the new Act — and he says he is going to bring it to the House next year — the recommendations — some of them I think are important — that have been omitted thus far from the present legislation. For instance, the implementation of a program of driver examination whereby every licensed driver will be required to pass the driver examination every five years; but that with respect to certain drivers they be required to pass a physical examination every two years. I would hope that the new Act would include a vehicle safety program in accordance with the recommendations in the report, whereby

vehicles would be made subject to periodic tests. Probably more important than any other, a recommendation might be initiated by legislation calling for a standing committee that would constantly study traffic problems. With introduction of a tax on the compulsory insurance that we all pay this particular year, the funds, it seems to me, are now available at the expense of the automobile drivers for complete driver training. I would hope that this recommendation in the report would also be included in the new Act, or some other Act; that at least recognition of this program should be initiated in The Vehicles Act. Mr. Speaker, there are other possibly lesser recommendations of the Committee which I think need attention and perhaps should be written into the legislation. I hope the Hon. Minister's reason for not taking action in regard to them is because he is planning to include them when he rewrites The Vehicles Act next year.

There is one aspect of this Bill which I think is fraught with shortcomings, which I predict will be, in the long run, ineffective because it is toothless in its application, and that is the section regarding the use of a breathalyser. Mr. Speaker, this section provides for the use of the breathalyser in a limited fashion. Failure to comply with the request for a breathalyser test provides for a 24-hour suspension of the driver's licence. When it was first introduced by the Government of the day in 1957, against the most concentrated opposition that any new idea had experienced, like the Legislature of this day, the Government was faced with highway traffic deaths. According to the Minister who introduced the amendment to The Vehicles Act in 1957, those drinking and driving were not being found guilty before the courts because of lack of evidence. In the debate which followed, speaker after speaker in the opposition rose to fight, in their words, for human rights against high-handed and arbitrary compulsion. The statements made at that time if I were to read them would certainly provide comic relief, in view of the adoption of the breathalyser in many states and in many provinces as a legal measurement of impairment. Let me give you one example, the Hon. Lade Member for Humboldt concluded her comments as follows:

> I certainly feel it is most despicable for me to have to sign an undertaking to have to submit to any chemical test or blood test in order to give me the right to drive on the highways for which I pay taxes to build.

This use of this scientific instrument, Mr. Speaker, if it had been endorsed by the Opposition, the press and the courts at that time would, I am sure, have saved many lives in this province. However, the opponents of the breathalyzer argued with energy for the right of the drunken driver armed with an automobile to drive without being apprehended, because his right to refuse to take the test had been recognized. They argued for his right to endanger the lives of others. With this type of opposition, use of the breathalyzer was restricted and the accident toll climbed.

The first sign of a change in the Members opposite came when they were elected to the Government and charged with the responsibility of preventing accidents. In March, 1965, the Hon. Attorney General to his credit, speaking in a debate said, and I quote him:

> It is reasonable to set a limit for drivers in this respect as it is to limit the speed at which cars may be driven.

He endorsed as a limit, 0.06 per cent alcohol content in the blood. Legislation contained in this Bill, I am sure, recognizes the scientific value of the breathalyzer and the right of the majority to safety. Last year the accident toll in this province on the highway was 287 deaths. The 0.08 per cent recommendation for the blood alcohol content limit in the legislation is nothing more than adequate. But unless we introduce laws in conjunction with this measure, that are strong and carry an automatic penalty that is clear-cut and severe, certain drivers will continue to drink and drive in motor vehicles.

To say that we can turn to the Federal code for breathalyzer reading or a yardstick is ridiculous if their recommendation is going to be 0.10 per cent. I suggest that anyone who would recommend this percentage is out of touch with and not aware of the relationship between the use of alcohol and the operation of a motor vehicle. Breathalyzer amendments contained in this legislation should have been introduced, I submit, as soon as the Committee signed its recommendations. Even now I question, as I said, its effectiveness and its value and its application. It calls for taking away a licence overnight for a short period of time if the driver refuses to take a test. If it is legal within the constitution for one-day suspension, then the principle should be applied to lengthen the term of suspension. If a driver refuses to take a test, then it may be a clear-cut indication that he is driving impaired, and there is a possibility that he could take his own life or the lives of others on the highway a week following the one-day suspension. To suspend a licence overnight for such a violation of the rights of everyone is ineffective, half-hearted and in the words of a layman, pussy-footing. This section in the Bill will not stop impaired drivers from operating vehicles.

An overnight suspension for refusing to take a test is not an adequate penalty. You would almost expect, when you read of this type of penalty for refusing to take a breathalyzer test, that they should also supply the suspended person with a hotel room, breakfast the next morning, and a card showing the location and time of opening of every bar in the locality. Some are in an accident the first time they over-indulge. Severe legislation with an automatic penalty will convince all drivers that they should not drive and drink to excess.

Mr. Speaker, if drivers refuse to take the breathalyzer test, if we have the right to suspend their licence overnight, then we should suspend if for a certain specified period. I

would suggest on the first offence for a period of at least three months, so that the driver will realize that he has endangered his life and the lives of others. If he has a second offence, if he refuses a second time, after one suspension, there should be an automatic suspension for refusal to take the test and suspension for a period, I suggest, of 12 months. Unless we as Legislators establish in the minds of the public that those who drink to excess are not responsible and should not be driving, and do not have the right to kill their passengers, themselves or anyone else on the highway, then I say we are shirking our responsibility.

I had a discussion with one of my legal friends as to the effectiveness of the British Columbia legislation. Mr. Speaker, I am indebted to the Leader-Post for providing information regarding the British Columbia legislation, in a summary after one year because if confirms the comments of my legal friend. In this story, they talk about the city of Victoria and I quote, April 16, 1968:

> Victoria police, the first to experiment with the unique law, said 238 drivers were ruled off the road as borderline impaired drivers between April 5, 1967 and April 5, 1968. The drivers thus avoided prosecution, but the city also charged 182 motorists with impaired driving and six with drunken driving during the same period, compared with 166 impaired and six drunken driving charges in the previous year.

The heading of the story is "Drunks still drive."

> The first full year of British Columbia's roadside licence suspension law in Greater Victoria indicates that more drivers are drinking than ever before. In a small area close by, neighbouring Colwood, RCMP suspended the driving licences of 57 drinking motorists during the first year, but the number of impaired driving charges rose by two to 72.
>
> In Saanich police used the suspension law sparingly, preferring to send home borderline, impaired driving suspects. They lifted bout 15 licences during the year to which the number of impaired charges went up 4 to 84.

This is a comparison in different areas, Colwood, Saanich and Victoria.

> The officers said the suspension technique probably discourages some social drinkers from drinking and driving, but they said that the law encourages many others who knowing that if they are caught might not be prosecuted. The law empowers police to suspend driving privileges of borderline impaired drivers for 24 hours and no charges are laid under this procedure. Drivers can challenge an officer's ruling by taking a breathalyzer test and if successful have their licences returned immediately.

> Victoria police said only nine of 238 drivers suspended in the city last year challenged suspension orders and none of them were successful.

I think, Mr. Speaker, this report thoroughly indicates that this type of legislation has not stopped people who drink from driving. They go right on the road the next day. They are off the road for 24 hours. You would have to have a fantastic police force to catch up with them. You are just lucky to catch the same one twice. You would have to have one policeman sitting outside of the front door of every last person to make sure that there were no repeats. The legislation among those who drive and drink is a laughing stock. I have heard it described in British Columbia as a taxi service, where the police officer brings you home and hands the keys to your wife. As a matter of fact I had a visit from a person who described it exactly as I am describing it to you.

Do we have enough police officers to do this and baby-sit every person who drinks to excess and drives? I think to introduce this legislation will prove to be ineffective and a half-measure and will prove only one thing, that we should have written legislation which would take the impaired driver off the road for a longer period of time automatically. This would make the highways safer and this would reduce traffic deaths. We should not wait for Federal legislation nor copy British Columbia legislation. Now that the breathalyzer has been accepted as a scientific measure, we must write legislation and make it a condition of driving, that the operator will give up his driver's licence for a period specified, three months, at least, if he refuses to take a breathalyzer test; or it he takes a test and the blood alcohol reading is 0.08 per cent or higher. Think of some of the people that have been lost to this province, the university graduates, professional people, community leaders. Think of the husbands and wives. Think of the people who have died without reason because of our failure to protect them, because some drivers with too much to drink violated their basic right — the right to live.

Hon. D.V. Heald (Attorney General): — I wonder if the Hon. Member would permit a question? Any my question is: he made a comment about impaired drivers having an automatic suspension. I hope you realize that in the amendments that I have just described, impaired driving carries with it an automatic suspension for three months in the first instance and if there is property damage or human damage, it is six months. You realize that, do you?

Mr. Whelan: — Mr. Speaker, I am aware of that. What I am thinking of is the use of the breathalyzer where the person refused to take the test and will automatically have a suspension.

Mr. A. Thibault (Kinistino): — Mr. Speaker, in rising to speak on this Bill, I will

say that it is a step forward. Last night I heard over the news that the Manitoba Legislature is dealing with something similar. I would be rather curious to know what step they are taking. I think that the Member for Regina North West made a very good point. A person that is impaired can refuse to take the breathalyzer test and he is suspended for one day and it gets him off the hook. I think that people get wise to this and I think that everyone would naturally refuse. Now to say that there was only one repeater, the chances of being caught the second time perhaps would be very small. So there is another area there.

One more think that I would like to point out is that I hope that we can see the reinstatement of the Highway Safety Committee that made studies on highway safety. The reason for this is that we must keep pace with developments as they present themselves. With the Highway Safety Committee, I think that we can have an approach, a non-political approach, to this problem. I think the Member for Regina North West clearly pointed it out how on a previous occasion the former Member for Humboldt (Mrs. Batten) opposed the breathalyzer very vigorously. As a matter of fact, I listened to it over the air. That was before I was in the Legislature. I couldn't understand why this Member was taking such a strong opposition to this question of the breathalyser.

There are many other things that need studying. There are standards of tires that we talked about and it is a very good thing. But at the present time you meet a car on the highway with four worn-out tires, almost down to the core. What do the police do about that? I think there are studies to be made here. What approach do we use? There again if the Government proceeds in this area without having the backing of both sides of the House, this could enter into the realm of politics again, as much as did the former Member for Humboldt some years ago.

I think another thing is the checking of cars by a police officer. The warnings, is what I am referring to. They should also be registered for future reference by the Highway Traffic Board, because the warnings why a fellow could be warned several times and never be fined. He could be a bad driver. I don't know whether you keep track of him in this sense. A fellow could probably have a full string of warnings and has never been taken off the road and still be a very dangerous driver. If there was a way of keeping track of these, I think it would have some merit depending upon what kind of warnings they are. There is faulty brakes. If you happen to be caught on a municipal road with faulty brakes you might not be fined, but if you are on a blacktop highway they will drag you in. But I think that it is just as wrong driving a car with faulty brakes on a municipal road as it is on the highway. Some police might use this to make their decision whether they lay charges or not. There again, unless you have backing of both sides of the House on a question like this, it enters into the political arena.

I think that we are making good steps ahead now and in

order not to — say in plain language — louse this thing up, I would suggest that the Government really consider the reinstatement of the Highway Safety Committee. It will certainly help us to keep pace with the problems as they present themselves and not have the decisions made here enter into the realm of politics. Because the moment this happens I want to say that we will have a slow down, we will have another upsurge of killing on the highways.

Now with regards to school buses. The Attorney General mentioned signal lights. At the present time I don't know if it is legal for the school buses all to be painted with the chrome coloured paint. Is this law now?

Mr. Heald: — They are new buses.

Mr. Thibault: — Yes, but I believe that there are a lot of buses driving today that are not properly painted. I think that we have to have a good look at this question of paint, whether we should not discourage the use of this colour by any other motor vehicle so that the general public will be aware that when they see this type of colour, that know that it is a school bus and nothing else. I think that our fire department should come in under the same thing also, so that nobody imitates the colour of the fire machines. I know that it will be a sort of inconvenience to some people, but I think that for the sake of safety it has a lot of merit to discourage the use of these colours by others motorists.

I think that there will be more discussion during the Committee and so at this time I want to say that I will support the Bill. It is a good step forward, but not as far ahead as I would like to see it, but we will go along with it.

Some Hon. Members: — Hear, hear!

Mr. J.E. Brockelbank (Saskatoon Mayfair): — Mr. Speaker, I just have a few words to say about this Bill. I think that this is a step in the right direction, but unfortunately the actions of this Government fall far short of the ringing declarations of concern that we have heard about highway traffic safety.

I think that it is worthwhile examining the timetable of action regarding highway traffic safety in this province to illustrate this point about their actions falling short of their declarations with regard to highway safety.

The Resolution which the Members from our side of the House put forward in 1965, and which the Members on that side of the House — to their credit — amended to include the investigation of drinking with regard to driving, was passed in the amended form and subsequently the Highway Traffic Report came down in 1966. Nothing was done on this particular matter in 1967.

Mr. Heald: — The only one in the North American continent,…and don't say that we didn't do anything.

Mr. Brockelbank: — Oh, no. I am referring specifically to the fact three…

Mr. Heald: — That's one of the recommendations.

Mr. Brockelbank: — With regard to drinking and driving? That's the point that I am getting at. There were three Members on that Committee from this side of the Chamber that disagreed and had reservations with regard to the breathalyzer legislation and they stated them in the report. It is here for anyone to see who cares to read the report. In 1968 we submitted a Resolution which was ruled out of order because a Bill superseded it in the order of this House. Now there is a serious problem in highway traffic safety and we only have to look at the figures on deaths, injury and property damage to realize this. In 1965 there were 233 deaths, 4,238 injuries and property damage of $9.2 million. In 1966 there were 279 deaths, 4,338 injuries and $11.7 million of damage. In 1967 there were 287 deaths, 4,465 injuries and $12.2 million of damage done in the Province of Saskatchewan. It is unfortunate, Mr. Speaker, that I cannot altogether accept the presentation or shall I say, the partial presentation, put forward by the Attorney General with regard to the British Columbia figures on the success of their 24-hour suspension legislation.

I understand that in Britain if a person refuses to take the breathalyzer test they are yanked off the road. I cannot understand why the Government, when it has at this point in time more public support for good strong legislation in this field than at any time in the past.

Mr. Heald: — It is the strongest in Canada barring none, and you know it.

Mr. Brockelbank: — And still not strong enough to do the job. I submit that the partial figures submitted by the Attorney General will show when the full figures are disclosed that he cannot build a case for the 24-hour suspension on the basis of British Columbia figures.

Mr. Heald: — Don't condemn it before you try it!

Mr. Brockelbank: — I say that the public is with the Government if they want to move ahead. I have received a considerable number of letters on this, right next to deterrent fees, I might inform

the Attorney General. It's not the 287 that were killed in highway traffic accidents, but there may be some of their relatives who may have written a letter, and I don't think they have made a mistake in this.

Mr. Heald: — There is nothing that you won't play politics with.

Mr. Brockelbank: — Now, I don't want the Attorney General to take issue with me for attacking the fact that this Government hasn't gone far enough in this legislation. All I want him to do is to bring in the appropriate changes so that they can go farther.

Mr. Heald: — You are just playing politics with life.

Mr. Brockelbank: — Oh, no. I'm not playing politics with life, Mr. Attorney General. I have asked for information on this and we will just see how Swinging Pierre is going to do on this particular matter. Mr. Speaker, Swinger Pierre is . . .

Mr. Heald: — You be as constructive as the other two that spoke and you will be all right.

Mr. Brockelbank: — I submitted a question, Mr. Speaker, in this Legislature on February 16.

Mr. Heald: — I'll answer it.

Mr. Brockelbank: — You'll answer it, yes after the debate is over probably, just like the deterrent fee question that I asked in this Legislature. It hasn't been answered yet. And this question said: From the date of presentation of the final report of the special Committee on Highway Traffic and Safety to the present time, how many times has the Government of Saskatchewan made representations to the Government of Canada about changes in the Criminal Code regarding, (a) .08 blood alcohol content and, (b) .10 blood alcohol being the basis for conviction on a charge of impaired and/or drunk driving. In what form was each representation made?

It is unfortunate that this information is not before us to see . . .

Mr. Heald: — . . . if you were in the House you would have heard it as I answered it.

Mr. Brockelbank: — Well, Mr. Speaker, I think that the Rules of the House demand of the Minister that when I submit a formal question in

writing that he answer me formally in writing. I don't think that we can ignore this.

I say, Mr. Speaker, that the Attorney General's remarks fall short of that action which is demanded by the public of Saskatchewan. My colleague from the constituency of Saskatoon Riversdale (Mr. Romanow) wishes to say something on this debate and unfortunately he is detained, as I understand it, by sickness in Saskatoon today, and I would beg leave to adjourn the debate, Mr. Speaker.

Debate adjourned.

ADJOURNED DEBATES

SECOND READING

The Assembly resumed the adjourned debate on the proposed motion of the Hon. C.L.B. Estey (Minister of Municipal Affairs) that Bill No. 74 — **An Act respecting the Sharing of Rural Municipal Tax Levies on Potash Development with Municipalities Located within an Area of Influence of the Potash Development** be now read a second time.

Mr. E.I. Wood (Swift Current): — Mr. Speaker, I would simply like to say in regard to this that I have had some discussions with the Hon. Minister of Municipal Affairs (Mr. Estey) and he has given us some details in regard to the regulations that may be expected under this Bill and I have nothing further to say at this time.

Some Hon. Members: — Hear, hear!

Mr. Estey: — Mr. Speaker, I think that we have had sufficient discussion on this Bill in second reading. I just want to point out again that it is our hope that this Bill will bring benefits to a large number of municipalities and certain urban centres.

Motion agreed to and Bill read a second time.

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