

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Second Session — Sixteenth Legislature**  
**43rd Day**

**Wednesday, April 2, 1969**

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

**STATEMENT IN LEADER POST RE HIGHWAY NO. 104**

**Mr. E. Kramer (The Battlefords):** — Mr. Speaker, before the Orders of the Day I rise to question a statement that appears in The Leader Post this morning. It quotes the Minister of Highways (Mr. Boldt) as answering that the Highway No. 104, referred to by myself as the Primrose Path served industry in that area or it wouldn't be there. I'm sure if the Minister of Highways was here that he would agree that he didn't make that statement and that the report was completely incorrect and left the whole news . . .

**Mr. Speaker:** — It is not for one Member to try to correct what the press says about another Member. That is for the Minister himself to correct. One Member can't correct what another Member says if the Minister takes exception to it. He was reported as having said this. If he wishes to take exception to it that's his privilege.

**STATEMENT RE ACTIVITY UNDER THE COMPANIES ACT**

**Hon. D.V. Mr. Heald (Attorney General):** — Before the Orders of the Day, Mr. Speaker, I would like to make a statement with respect to activity under The Companies Act. In the first quarter of this year, the period ending March 31, 1969, these figures indicate that the number of 428 companies incorporated in that first three-month period is an all-time high for the Province of Saskatchewan. It is the first time that the figure has exceeded 400. Hon. Members might be interested in the fact that the same figure for the first quarter in 1964 was 315, that's 428 compared with 315. Members might also be interested to learn that on March 31, 1969, there were 12,156 companies on the register compared with 7,922 on March 31, 1964. It is interesting to note also that the figure of 355 companies from other jurisdictions registered in Saskatchewan during 1968 is also larger than the same figure for any previous period. Further having already registered 110 of these companies during the first quarter of this year, it is likely that we will surpass even that high figure during the current year.

**Some Hon. Members:** — Hear, hear!

**LLOYDMINSTER BORDER KINGS WIN INTERMEDIATE "A" CHAMPIONSHIP**

**Mr. M. Kwasnica (Cutknife):** — Mr. Speaker, before the Orders of the Day I would just like to bring to the attention of the Assembly that the Lloydminster Border Kings have won the Intermediate "A" Championship for Alberta and British Columbia by defeating the Paul River Rovers three games to one, winning the third game on Monday night with a score of four to two. In this same category of hockey, the Kindersley Clippers representing Saskatchewan were defeated

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by Fort Francis, Ontario. This now means that the Lloydminster Border Kings will play Fort Francis for the Western Canadian Championship. I'm sure all Members of the Assembly are proud of the achievements of our Saskatchewan hockey teams and I'm sure that they all join with me in wishing the Border Kings good luck. We hope that they come back with the Western Canada championship to even the score with Fort Francis because they have beaten our Kindersley team.

**Mr. W.G. Davies (Moose Jaw South)** —Mr. Speaker, I was going to ask the Attorney General before he sat down if he would answer a supplementary question to the effect: how many companies in the same periods for which he has given us figures this morning have failed or been dissolved?

**Mr. Heald:** — No, I don't have those figures.

**Mr. Davies** — I think you should give us those figures, Mr. Attorney General

**Mr. Heald:** — For what period – the same period?

### **SECOND READINGS**

**Hon. Mr. Heald (Attorney General)** moved second reading of Bill No. 79 – **An Act to amend The Vehicles Act.**

He said: Mr. Speaker, it gives me great pleasure to move second reading of these amendments to The Vehicles Act this morning. The people of our province are very concerned with the matter of highway safety in the province. In my Budget Speech I advised the House that we would be introducing legislation providing for programs which we consider necessary in the continuing battle against slaughter on our streets and highways. This Bill also provides for administrative changes in the Highway Traffic Board. For the first time in over 10 years the RCMP have advised me that the statistics for those areas of the province policed by their force indicate an overall reduction of accidents in all categories of 7.3 per cent for the year 1968 as compared with the year 1967. It is too early to obtain complete statistics covering areas not policed by the RCMP but we are hopeful that there has been a similar reduction. The amendments now placed before the House will, we hope, help us to continue the success of last year. We feel that these amendments will take us another step forward in our struggle to make our highways safer. I have endeavored to keep these amendments to a minimum as I propose recommending a revision and consolidation of The Vehicles Act at the 1970 session. I feel that the amendments proposed are essential to our program of highway safety.

Mr. Speaker, the workload of the Highway Traffic Board has increased to such an extent that it has become necessary to reorganize the administration of the work carried on by the Board. The chairman of the Board does not have the necessary time available to look after all of the new programs which are being carried out, such as, driver training, driver training schools, driver interviews, and vehicle inspection. The Bill provides for the establishment of the position of Director of Motor Vehicle

Administration and for him to be responsible directly to the Minister. There is also a provision for the Board to assign to the director such other powers and duties as it sees fit. It is proposed that the director be in charge of the officers appointed to interview drivers and Section 9 of the Bill enacts a new Section 87 (a) and sets out in greater detail the procedure to be followed with respect to driver interviews and the suspension, revocation or restriction of the licence of any driver. The Section provides that the director after considering the report of driver interviews may suspend, revoke or restrict a licence or a cancellation on any suspension or restriction of the licence of the holder. Provision is made with respect to the service of notice by ordinary mail to a licence holder to come in for an interview or advising him of any suspension. A new Section 87 (b) provides for an appeal to the Highway Traffic Board against the decision of the director. The decision of the Board is final and there is no appeal from that decision. Of course I would remind Hon. Members that Section 103 of The Vehicles Act as amended in 1967 remains unchanged and the Lieutenant Governor in Council can under that Section relieve any person from the effects of such an order upon such terms and conditions as the Lieutenant Governor in Council may see fit. The director is also placed in charge of the program for the inspection of motor vehicles, trailers, and semi-trailers operated on the highways. Present Section 219 has been expanded in order that a comprehensive program of inspection may be developed. Provision is made for the making of regulations by the director subject to the approval of the Lieutenant Governor in Council with respect to inspections and prescribing of fees to be charged for inspections. The new Section provides that no one shall operate a motor vehicle upon a public highway or sell a used motor vehicle, unless it has displayed thereon a current inspection sticker issued in accordance with the regulations. Mr. Speaker, we are hopeful that the implementation of this program of inspection of vehicles will further reduce the possibility of accidents in Saskatchewan and make it safer to drive on our highways. The director will also be in charge of driver instructors and driver training schools under the proposed amendment to Section 65. Much concern has been expressed, Mr. Speaker, about the lack of control and regulation of driver training schools and driver training instructors. In some parts of Canada many people have taken advantage of the unwary and unsuspecting and this has led to many unfortunate situations.

Section 65 has been redrafted to make certain that satisfactory instructional methods are used and that the training schools have instructors carry on in accordance with the regulations to be prescribed under the new Section. The present proposal, Mr. Speaker, appears before this House with the expectation that if enacted the people of Saskatchewan will receive the best in driver training and driver education from qualified and reputable persons. I might say, Mr. Speaker, that I have had the odd complaint from people who have been involve in some of these driver training schools, and there is a potentiality at the present time or a possibility for abuse and for disreputable people getting involved in the driver training business. So this Section is designed to give us a proper measure of control in that field.

Section 73 of the Act which provides for examination of drivers is being amended to provide that the director may require any applicant for or holder of a driver's licence to pass a driver's examination and pay the prescribed fee therefore. In

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the past there has been no provision requiring the payment of fees by licence holders taking driver examinations. For example, the holder of an operator's licence paid no fee when he took an examination for a chauffeur's licence. The director may also require medical examination and re-examination of licence holders. The Government is hopeful that it will serve to reduce the accident toll by requiring drivers to be both physically and mentally fit to operate a motor vehicle. There is no doubt that an unsafe driver is as dangerous as an unsafe car. Provision is made for the recognition of reciprocity agreements with respect to driver examinations so that a person holding a licence in another province will not be required to take an examination in order to obtain a licence in Saskatchewan. Reciprocity now extends to all of Canada and I think this is a step forward.

Mr. Speaker, effective August 26, 1968, the Highway Traffic Board instituted a policy of imposing a minimum licence suspension of six months for a first conviction for impaired driving and a minimum of 12 months for the first conviction for drunken driving, each of these penalties to be doubled for second or subsequent convictions.

Secondly, effective October 1, 1968, the 24-hour suspension law passed at the last session was put into force. In my Budget Speech I told you that traffic deaths in Saskatchewan were reduced by over 40 per cent since the implementation of these two programs. The amendments to Section 87 which were passed last year and which were to come into force May 1, this year, provided for the licence of a person convicted of the offence of dangerous driving or driving while impaired, to be suspended for three months in the case of the first offence, with the provision that be changed to six months where there was injury or death to a person or damage to property incurred in connection with the offence. In the case of a second offence, the period of suspension was increased to six months where there was no injury or damage and to one year where there was injury or damage to property. In the case of more serious offences under the Criminal Code, such as motor manslaughter, drunken driving, and criminal negligence, the periods were six months for a first offence where there was no injury, death or damage, and one year where there was, with the corresponding periods for any subsequent offence being one and two years respectively.

Mr. Speaker, in view of the success of the six-months' suspension for a first offence, and one year for a second offence instituted by the Highway Traffic Board on August 26, it has been decided to recommend the penalties provided in the amendment passed last year be increased in accordance with such policies. The provisions passed at the last session were in substitution for the colored licences. It is also provided that a subsequent conviction means one within five years after the date of conviction either before or after the Section comes into force. The distinction made with respect to cases where injury or death of a person or damage to property occurs has been deleted because it is recognized that in many cases the damage may be very slight and would not warrant increased penalties. The Traffic Board would still have the power to increase the period of suspension where it was deemed advisable. The revocation of the licences is automatic on conviction but provision is made that, where a person appeals, the revocation does not take effect until the appeal has been disposed of or unless the conviction is confirmed or the appeal is withdrawn. The provision in subsection 11 of Section 87 which is to come into force May 1, 1969, providing

for the Board cancelling or reducing a suspension under that Section or issuing a restricted licence is to be repealed. The Bill also contains a provision confirming all orders of the Board made on or after August 26, 1968, suspending or revoking the licence of a person because of his having been convicted of drunken driving or driving while impaired. This was considered necessary because confusion has arisen under the present Sections as to whether a magistrate or a judge could require the Board to issue a restricted licence even though the Act was intended to leave the discretion with the Board. The Board is not given any power to grant a licence restricted or otherwise to a person whose licence is so revoked.

Mr. Speaker, at the present time the Bill to amend the Criminal Code of Canada which is before the House of Commons contains a provision making it an offence for a person to have more than eight parts of alcohol to 10,000 parts of blood while having charge of or driving a motor vehicle.

Section 104 (a) as enacted last year provides for a 24-hour suspension of the licence of the driver where he is suspected of having in his venous blood eight parts or more of alcohol to 10,000 parts of blood. I've already told the House of the success of this program which has resulted in from 200 to 300 persons being taken off the highways each month who would certainly create a hazard to other persons on the highways and to those in charge of motor vehicles. The Bill before this House now, Mr. Speaker, contains a provision reducing blood alcohol level from eight parts to six parts. It is generally accepted that the driving ability of the great majority of the drivers is impaired at a level of five parts alcohol to 10,000 parts of blood. It is considered advisable to reduce the level at which a driver's licence to drive can be suspended for 24 hours to six parts. We feel that the present provision has had a very significant effect on the accident rate in Saskatchewan. Once the Criminal Code is changed then anyone suspended for 24 hours under the present Section could in most cases be charged under the Criminal Code, provided a breathalyzer reading of over eight parts could be obtained. It has been decided to ask the House to approve the proposed reduction to six parts of alcohol as a further deterrent to persons who drink and drive. I would point out that a 155-pound man would have to drink from five to six ounces of spirits or four pints of beer within an hour to reach a blood level of six parts in 10,000. This is a person, Mr. Speaker, who should not be driving and we wish to be in a position to suspend his licence for 24 hours. The 24-hour suspension legislation has not been and will not be used to decide whether to lay a charge of impaired driving or a charge under the amendments to the Criminal Code, if it is passed. Its purpose is merely to take them off the road for 24 hours without any other penalty. I believe it has been accepted by everyone. This amendment was intended to come into force on proclamation. A House amendment will be introduced to so provide and I have given to the Hon. Members opposite a copy of the proposed House amendment. We are not making this change from .08 to .06 effective immediately but to come into force on proclamation.

Section 28 of the Act is being amended to make it clear that all extra-provincial truckers operating into or through the province must register their motor vehicles and pay the prescribed fee. This amendment is necessary because some companies have suggested for the first time that they are not required to register their vehicles and pay the fees under the present

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provisions. My friend the Provincial Treasurer (Mr. Steuart) would lose a lot of sleep and a lot of money if we didn't close that door. Last year provision was made for the elimination of the point-system by amendments coming into force on May 1, 1969. It has been decided to be more practical to provide for this date being advanced to March 15, when new licences become available. This therefore requires that these provisions be made retroactive to March 15, 1969.

The definition of snowmobile has been amended to take into account those snowmobiles on which wheels can be substituted for the treads and skis. The Lieutenant Governor in Council is given the power to exclude certain snowmobiles from the definition upon such terms and conditions as are deemed fit. Mr. Speaker, the Government is hopeful that the enactment of these provisions will make our drivers, our vehicles and our highways considerably safer. The Government is therefore pleased to place these proposals before this House with a view to obtaining these objectives.

**Mr. A. Thibault (Kinistino):** — Mr. Speaker, I am glad to hear that there will be a consolidation of this Act because there isn't an Act that is more lived by than The Vehicle Act and with all the amendments that we have had, I think it is a very good thing.

**Mr. B.D. Gallagher (Yorkton):** — On a point of order. Mr. Speaker, have we not passed this second reading of this Bill?

**Mr. Speaker:** — Well almost. But I think in the interests of freedom of expression we will let the Member from Kinistino go ahead.

**Mr. Thibault:** — I usually make my remarks very short and it will be short again in this. There's one point that I would like to raise and it is the question of the alcohol level. Now when we get down to .08 for a 24-hour suspension, we are entering a grey area of the alcohol level. If you read the Committee report you will see a chart here by the Grand Rapids Survey and this was a very careful survey that was made. We see that at .04 and under there's hardly any change in a person's reflexes and so on. But as you enter .05 and you get to .06 there's where the trouble just begins. When you get up to .08, well you are in pretty bad condition. Some countries have two levels of impairment. You have impaired driving impairment that starts about .05 and at .08 you are drunk. So perhaps we should have considered a movement in this area. To nail someone at .08 for drunken driving, I think in many cases it wouldn't be quite fair. I think it would be questionable. So I would like to see more study on this question of driving and drinking and, if we couldn't have accepted a 2-level deal, stayed with the Federal law at .08 and begin at .05, I would say, for impaired driving in the 24-hour suspension and let that be it, anything between .05 and .08. I think what we are introducing now may cause a little confusion. We may find ourselves in the position where it will not be as acceptable to the public as what we had before. Nevertheless, I would suggest that anyone who is really interested in this drunken business read an article in the Reader's Digest of December, 1968. The title is "It's None for the Roads in Scandinavia." It is written by Oscar Schisgall. "People will drive and people will drink. Our job is to find some acceptable way

of keeping the two acts apart.” That’s a comment by Professor Goldberg, director of the Department of Alcohol Research in Stockholm. So this article is very good and I certainly mention it rather than spend the time of the House reading it out to you. It is worthwhile reading and I certainly recommend it to you. With these comments, thank you, Mr. Speaker, for letting me talk on second reading.

**Mr. E. Whelan (Regina North West):** — Mr. Speaker, as I said last year when The Vehicles Act was before this House, a complete reorganization and rewriting of The Vehicles Act is long overdue. It is important to us for the automobile has become as much a part of everyday life that it is highly unsatisfactory to have an act that is such a patchwork of amendments. The amendments are so involved that even some of the lawyers find them difficult to comprehend. I wonder, Mr. Speaker, if I couldn’t look at some of these amendments, the principle in the amendments by listing them one at a time.

First, the principle involved in the appointment of a director. There may be a need to develop a director of Motor Vehicle Administration, but I sincerely hope he will have a knowledge of the safety program that is required and will be strictly a non-political appointment. Since the amendment states that he may be assigned any types of duties, I am rather concerned and most anxious to know who their appointment may be and what the qualifications and background of the director will be. I hope that the Minister will give us this when he closes the debate.

The worst possible thing that can happen to any agency of this kind is to have the public lose confidence in its ability to look neutrally at every question and every problem. This is why I think that the person should be absolutely neutral.

Regarding the amendment to the Bill which takes in account, which talks about any statement, document, information or matter that in his opinion will assist him in dealing with the matter before him whether or not the statement, document, information or matter would be admissible as evidence in a court of law, this is something that sort of alarms me. I think the principle in this particular Section is something we should take a good look at. It strikes me as being contrary to good jurisprudence, and the kind of arrangement that has little respect, particularly among law officers.

Under the driver training in schools Section, I approve of this wholeheartedly. Recently a questionnaire submitted to students in my riding disclosed clearly that some of the driver instructors are less than adequate. This Section in this Bill contains a principle that will meet with the approval of these young students who, although they may have taken driver training, feel that the instructor was unable to communicate with or instruct them properly and they said so in answering the questionnaire. In the near future, and I would suggest immediately, we must impress upon every young driver the serious responsibility that he assumes when he gets behind the wheel of a car. Adequate, competent instructors are necessary to carry out this program effectively.

Under the Section dealing with driver examinations, it says that the director may require a driver to take a test. If this is as a result of an accident and where the driver may be at fault, I have no quarrel with this. But if it is a routine

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driver test, where there is no cause and no indication that the driver is at fault, I think it would be unfair to insist that the fee be paid as prescribed by the regulations. It adds up to one more cost to a motor vehicle operator. When you look at the millions that are paid in compulsory insurance, the increase of \$1.4 million in reserves in the compulsory insurance this year – the two categories where reserves have been increased – this amount over the amount that was put aside last year, the increase in compulsory insurance fees on a 1970 car over a 1968 car, something like 27 per cent, in addition to almost \$500,000 being paid by taxes on compulsory insurance; \$250,000 from the levy on drivers 25 and younger; \$610,000 paid by those assessed \$25 surcharges for accidents; certainly we should be able to carry out an inspection of licences without socking it to them again. The cost of driving a car has gone up tax-wise in this province by leaps and bounds, and we haven't increased the services that much.

Section 87 (b) is where I would like to make a comment on the appeal. I view with some concern the fact that there is no appeal whatsoever from the decision of the Board under this Section. It says:

Orders and decisions shall not be reviewable by any court of law or any certiorari, mandamus, prohibition, injunction or other proceedings whatsoever.

Mr. Speaker, this proposed amendment I think is high-handed and unfortunate and I question whether it will stand up. I recall a Board that I had something to do with at one time. As I look back on it, I don't believe any human being or a group of human beings in our province should be allowed to function in such a manner, making such important decisions without some form of an appeal.

I listened with a great deal of interest to the remarks by the Hon. Attorney General regarding the breathalyzer and I certainly approve of the reduction to .06. But unless this is on a compulsory basis, it isn't going to be that effective. On three occasions in the last short while, as a result of statements I have made about the use of the breathalyzer, individuals have contacted me regarding communities in this province where they claim, as soon as the beverage rooms are closed at night and the occupants rush to their cars, those who believe in safety and those who care for their lives make sure they are off the streets at that particular hour of the evening. Now it seem to me, if one or two of these people are apprehended and refuse to take a breathalyzer test, they have got 24 hours without a motor vehicle and the next night or two are the centre of the stage in the beer parlor. In my estimation, Mr. Minister, it isn't effective to have the beer parlors open continuously all afternoon and evening. Then when they close some inebriated occupants of the beer parlor get in their cars and rush off. We are not going to have a safety program under these circumstances. We must check this. If we are going to stop the practice there is only one method that I think will stop it and that is periodically setting up in an area close to the beer parlor, after a warning, breathalyzer testing for every occupant, every driver. And before they can leave the area if they are going to take cognizance of the seriousness of what they are doing, they would have to be deprived of their cars more than 24 hours. A refusal to take the breathalyzer test has to be extended from 24 hours to 30 days on the first offence. I asked this question in a



questionnaire to my constituents a year ago and gave the people answering the questionnaire a choice of how long they thought a licence should be suspended if the driver was found to have .08 alcohol content in their blood. 78 per cent of them suggested that the suspension should be more than 30 days when they replied to the questionnaire. When this policy is confirmed and incidentally I understand from the House amendment that is going to be introduced, it will be confirmed when the Federal legislation is passed. I hope that we will look at a 30-day suspension rather than a 24-hour suspension. Then again there will be a feeling of some safety and I think it will be a good deterrent on some of these communities where a certain group of people rush out of beer parlors when they close, to the wheel of an automobile.

I wonder if I could talk about the principle of the vehicle inspection Section of the Bill. The Section calling for vehicle inspection is necessary and I think it should have been introduced before. It will save lives and as a matter of fact it is already 24 months late. The need for a committee to study all aspects of traffic safety continuously where people can make representation urging such a program still remains. Recently when the largest motor car manufacturer in the world was forced to recall vehicles as a result of an unfortunate accident with a school bus, and it recalled something like six million vehicles for exhaust and brake defects, it must have told all of us of the desperate need to examine vehicles involved in every accident. Some of the vehicles recalled are four years old. Unless we have a research bureau to analyze every accident we will not know the cause of accidents. To palm this job off on the Federal Government is buckpassing. A real research bureau if we had one would have long since discovered that defective brakes existed on certain 1965 models. To drive a car with defective brakes is far more serious than carrying a loaded shotgun with a defective trigger, because a car with bad brakes could have six passengers in it and could meet another car with four or five or six passengers. I think we are ignoring completely our responsibility in this area if we don't have a research bureau to find out the cause of accidents. As I said earlier, the money, the millions of dollars that we are asking drivers to put up is evidence that money from them has already been made available. To say that is General Motors' responsibility is hardly accurate. To say that is to admit that General Motors is bigger than the Government. To say that we should not do anything when thousands of people in our province are driving vehicles which may have defective brakes or bad exhaust systems and goodness knows what would be wrong with some of the other automobiles is a sad commentary on our sense of responsibility and our prejudice worship of big business. To say that these people are not responsible, that is the manufacturers of the vehicles, and in any case that they will notify the drivers is unrealistic. I have had calls from people including a fellow who had a 1965 General Motors car wanting to know whether it had defective brakes, if that was one of the right models. It had changed hands three times since it was purchased from the General Motors dealer, I don't think the General Motors people could find this vehicle to notify him. More serious was another call about someone who had a relative that died in an accident in which a 1965 General Motors car was involved. This person wanted to know if he could get the evidence, and the details and the complete record of the accident so that he could begin a suit against General Motors. Mr. Speaker, we have been paying death and accident claims on behalf of the people of this province under The Automobile Accident

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Insurance Act. Where any of these defective cars were involved we should have sought payment from General Motors. It is with extreme regret that I have learned that there is no research bureau included in these amendments to keep track of accidents and their causes, and no provisions made through a legislative committee for representations by the general public regarding this Act or any other aspects of motor vehicle operations.

**Some Hon. Members:** — Hear, hear!

**Mr. Heald:** — Mr. Speaker, I will only make a few brief comments as a result of the observations of the Member from Kinistino (Mr. Thibault) and the Member from Regina North West (Mr. Whelan).

The Member for Kinistino showed some concern about .06. I don't really think there is any concern amongst the researchers and amongst the people who spend full time in this area. The figures that I quoted, the number of ounces of liquor that a man would have in order to produce a reading of .06, is certainly a man that I wouldn't want to be meeting on the road, and I don't think the Member for Kinistino would either. There is an area here of argument. As a matter of fact the Member for Regina North West and the Member for Kinistino sit together but they don't agree on this point because the Member for Regina North West wants to make the penalty tougher. He says that when we do get this .06 and get it proclaimed that the suspension shouldn't be for 24 hours, it should be for 30 days. The Member for Kinistino says it is a gray area. Along the same lines when we changed our policy last fall and went to six-months suspension for impaired driving the Member for Riversdale (Mr. Romanow), who isn't in his seat this morning, I was in Saskatoon I think a day or so later and he took off at great lengths in the Star Phoenix saying that it was too little too late. Then one of my officials about the same time was at an opening of a convention here in Regina with the Mayor of Regina, the Member for Regina South East (Mr. Baker) and he said, "Oh, he has gone far too far. You know, it's too tough." I don't say this is an unkindly way but there are differences of opinion in our party and differences of opinion in your party. But I really think that this is the kind of thing that is a minimum that really nobody can seriously disagree with. I think I would agree that .06 is in a gray area from the point of view of taking them to court and giving them a criminal record, I think it is too low for the Criminal Code. But surely it is a reasonable thing to say that a man who has a blood alcohol reading of .06 shouldn't be driving on the highways of the Province of Saskatchewan and this is really what this does. It's a 24-hour suspension. It takes another group of people off the roads who shouldn't really be driving.

Now the Member for Regina North West (Mr. Whelan) made a comment about the appointment of the director. I would agree with what he says and I can assure him that the man who gets this appointment will be a man who can do the job. He has to report directly to me and I hope I am realistic enough to realize that, if this man doesn't do the job, the kind of job that has to be done here, there is a lot of challenge to this job, if he is not the man that can do this job properly, it will of course rub off on me. I like to sleep at nights too, and I want a man who will do this job.

He made a comment about no review from decision of the

Board in Section 87 (b). You know the buck has to stop some place and who was it, Harry Truman, had a sign in his office, "The buck stops here." Well, these are people who have had offences, who are problem drivers. We have had them in for an interview and the director has the power to recommend a suspension to the Board. Now I quite agree that in matters involving drivers' licences and suspensions and so on there should be an appeal, but you will note we have provided an appeal from the decision of the director of the Board. And I think that in this situation this legislation is not different than many, many more Acts that are the law of the land in this province. I think that the Labour Relations Board, the Provincial Mediation Board, to which the Hon. Member for Regina North West referred, and he is right in this sense that no matter what you put in an Act that it is not reviewable by way of certiorari, etc., etc. He know and I know that the courts do review these matters so that if the Board acts in such a matter as to constitute a denial of natural justice then of course the courts will interfere. So, that protection is still there, the protection in the courts.

**Mr. Thibault:** — Could I ask . . .

**Mr. Speaker:** — No. We've started this thing and it got off on the wrong track and Members didn't get up on their feet when they were supposed to, after a motion was passed. No. You are not going to open the debate, and reopen it and reopen it and reopen it and rehash and rehash. That's the end of all that. If you want to get up and speak from here on in, you are going to get up on your feet when you are supposed to.

Motion agreed to and Bill read a second time.

## ADJOURNED DEBATES

### SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of Hon. Mr. Grant (Minister of Public Health) that Bill No. 62 – **An Act to amend The Saskatchewan Medical Care Insurance Act** be now read a second time.

**Mr. E.I. Wood (Swift Current):** — Mr. Deputy Speaker, I would like to say a few words in regard to this Bill concerning the way in which it affects the Swift Current constituency and the Swift Current Health Region. I am sure that the House is aware of the contribution made to Saskatchewan and to the general public by the Swift Current Health Region. It was commenced on July 1, 1946. When I first entered public life and became a municipal councillor, January 1, 1947, I was appointed to the council of the Health Region to represent the municipality of which I was a councillor. I think that at that time it was only six months old and we were in the process of breaking ground for prepaid health schemes which have now come forth throughout all of Canada. This was definitely breaking ground in regard to all of this province, in regard to such a wide area at least. There had been municipal doctor plans before, but this was the first time that there was a doctor plan brought forward in regard to such a large area of the province, and we were breaking ground in regard to such things for Canada and North America. The Swift Current Health Region proved for 16 years the viability of such a scheme before the Provincial plan came into operation on July 1, 1962.

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Now this plan has been somewhat different from that of the Medical Care Insurance Plan for the rest of the province. For one thing we have had prepaid dental care for children which has been found to be of a good deal of value in the Health Region. This is one thing we have had which has not been had in the rest of the province. Also since the very inception of the program all the doctor bills have been paid by the Board. There has been no billing of the patient by the doctor and this has been a part of this plan which has been very much appreciated by the people of the Swift Current Health Region. When the other Medical Care Plan came into effect in the rest of the province there has been some difficulty and some trouble for the patients along these lines. We have not had that sort of thing in Swift Current. I think that this is a very good feature of the Swift Current Health Region Plan and in these ways the Swift Current Health Region has been different from the rest of the province. We were prepared to go ahead and start this thing back there in 1946 and I think that the spirit of the frontier is not dead in that area. I am quite sure that, if they were approached, quite probably the Swift Current Health Region might be prepared to sponsor a prepaid drug program if the Government were to initiate such a one and ask them to try it out in the Swift Current area. I think that the Swift Current Health Region Plan, in these words that I have said, has proven that it is a good plan, that it is prepared to do things in a different way to what they are done elsewhere and has proved that these things have been successful. Now as for this legislation which we have before us, Mr. Speaker, I don't think it can be considered as a forward step really to allow the billing of patients by the doctors in the Swift Current Health Region, with patients receiving all or part of the charge back from the Board. I really can't feel that this is a step forward. I think that the people of the Swift Current Health Region Plan, the ones that I have talked to, are not too happy about this proposed change. I do realize, Mr. Speaker, that the Health Region Board has asked for this legislation and I have discussed it with members of the Board and the secretary of the Board, and I do believe that they feel that they have good and just reasons for asking for this legislation, so I don't feel that I can in all good conscience oppose this Bill in that regard. But I do raise the question on this, I think that, whereas at the present time it appears quite plain that the doctors will not use this legislation, it does make it permissive for them to bill the patients, collect from the patients and the patients receive their money back from the Board. And if this is done, if this becomes practised to any great extent, I would feel that it would really hurt the Swift Current Health Region and might be a blow struck towards its destruction.

I felt that I would like to put these remarks on record at this time, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**Hon. G.B. Mr. Grant (Minister of Public Health):** — Mr. Deputy Speaker, I appreciate the Hon. Member's (Mr. Wood) remarks about this Bill. I will bring to his attention of course that the reason for this special arrangement in the Swift Current Health Region was that the medical profession in that area had the privilege of negotiating their own contracts with the Swift Current Health Region and their own schedule of fees. In return for this recognition the Swift Current Health Region and the doctors entered into this arrangement, such as

cited by the Hon. Member, whereby there would be no direct billing of patients. Now this was only possible because each doctor had a contract with the Swift Current Health Region. If there had been any doctor without a contract then it would have meant that he could not have billed the Swift Current Health Region for the bill; he would have had to send it to the patient, in which case the patient would submit the bill to the Medical Care Insurance Commission and the Swift Current Health Region would be bypassed completely. This never happened because all of the doctors had contracts and everything went along very smoothly.

Now with the advent of Federal medicare on July 1, 1968, it was necessary that there be uniformity and this meant uniformity of fee schedule, so that we had to advise the Swift Current Health Region that this arrangement could not be continued because of the inconsistency in the fee schedule between the Swift Current area and the rest of the province. They recognized this and as the Hon. Member pointed out the Health Region has actually requested this change. It would be most unfair to indicate to the doctors in the Swift Current Health Region that they no longer could negotiate their fee schedule with the Swift Current Health Region and that they had to accept the general fee schedule of the province and that at the same time they would be denied the privilege of billing the patients direct as all the other physicians have in the province as a result of the 1962 Act.

I think that explains the situation that actually this change would not have taken place if it hadn't been for the advent of Federal medicare.

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by Hon. Mr. Coderre (Minister of Labour) that Bill No. 44 – **An Act to amend The Workmen's Compensation (Accident Fund) Act** be now read a second time.

**Mr. W.G. Davies (Moose Jaw South)** — Mr. Deputy Speaker, when I last rose to speak on second reading on this Bill I pointed out that there had been a report of the Committee of Review of the Workmen's Compensation (Accident Fund) Act and Regulations, that a substantial number of recommendations had been made by this Committee and that it was indeed regrettable that the Bill before us was paltry in respect of benefits conferred. Certainly it does not recognize the extent of recommendations of the Committee nor does it either, Mr. Speaker, recognize the very numerous recommendations that have been made by people most affected by Workmen's Compensation, the workmen themselves. I point out again that widows' pensions as an example have risen only \$5 a month by action of this Government last year, whereas the value of widows' pensions has declined by almost \$19 since the 1962 amendment was made prior to last year's amendment altering widows' pensions. This is just one example of the extent of loss or the extent of decline of value of pensions that are set under the Act.

I also, Mr. Deputy Speaker, at the time of my last speaking pointed out the fact of accident prevention in the Province of Saskatchewan and the undoubted deficiencies of accident prevention as carried on by the Workmen's Compensation Board. I have had a good deal to say about this and I don't think that this view can be effectively challenged. I said that in view of

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this situation the Bill that we are now looking at should have been amplified to strengthen the provisions of the Act and to do something effective in the way of accident prevention. I think that the accident prevention provisions of the Act should be immediately revised so that we can improve the very grim figures that I have referred to previously – 29,000 accidents a year, 66 people killed on the job last year – as an example.

Now I want to point out that other provinces are doing substantially more than we are doing in Saskatchewan in this regard. The 1966 report of the Alberta Compensation Board – I was not able to provide myself with a copy of the 1967 report - but the 1966 report the Albert Compensation Board reveals that provision was made for the expenditure of \$310 million in a rehabilitation reserve. To make clear what I am speaking about, here it is that this is not a total reserve of the Alberta Board that has been accumulated over the years, but it is a reserve, Mr. Speaker, for rehabilitation, and a very large reserve it is, one that we might look to providing in this province. And by the end of 1966 in Alberta they had spent a total of \$2,100,000 on capital for rehabilitation plant and equipment for the provisions of buildings, for the provision of equipment that would more effectually do something in the area of rehabilitation of workmen injured in Alberta industry. Of course, we have nothing like that in this province. Rehabilitation is carried on through another agency, I don't say that some of that rehabilitation is not worthy rehabilitation but I don't think that it is adequate, I don't think it is good enough.

In the British Columbia situation we find that the British Columbia Compensation Board has a Rehabilitation Centre in a large and well-appointed building with staff that includes six doctors, a radiologist, 22 physiotherapists, 10 occupational therapists and 10 remedial gymnasts. Now I am not trying to suggest to the Minister that our situation is on all fours with the British Columbia situation. They have, of course, a much larger labor force, but a situation where there are almost 50 people working directly on remedying physical disorders so as to bring workmen back into useful work in that province. You see that sort of situation and see the situation in this province. It shows that there is a good deal of room for improvement. I am suggesting, Mr. Speaker, that this is the kind of thing that should have been recognized this year by amendments in the Bill that we have before us.

The amendments that we have before us are very small indeed and refer only to a very limited area. I want to say this again, that it is an astonishing situation for us in this province to have a board that refuses to produce a figure of the number of employees that are affected by Workmen's Compensation in the province and has in fact said, and said this before a tribunal, that they don't consider this important, because, as I have pointed out previously and I intend to continue to point it out very often again until something is done about it, it is impossible to find out what the accident rate in industry is in this province until we know the number of employees that are covered by Workmen's Compensation. We can't even make the simple division of the number of employees and the number of accidents to arrive at that very elementary figure. I say that this is a shocking situation because the Board has, and I just discovered this this year, a requirement in the forms that companies, employers are required to fill out, a line that asks for the number of employees in the firm or the establishment. So all that would

be necessary for the Board to do is to collate the information on these forms to arrive at the total number of employees that are affected by Workmen's Compensation in this province and that has not been so. It is illustrative of the neglect in this field. I ask the Minister, again, why is this simple information not collated and used to some good purpose? I point out that he has the responsibility in the terms of Section 142 which gives him the complete power to require the Board to produce, not only information, but to do all of these things that the Minister considers should be done in the way of providing not only better compensation, administration, but a better accident prevention administration and utilization in this province.

Industrial accidents, Mr. Speaker, cause losses in time in industry in this province 30 or 40 times that of all time lost in labor disputes. I tell the Minister again he could not produce this figure for me and said that he didn't have it when I asked for it in a Return, but the information is in his own Department of Labour reports. I say again that this Government will rail at unions and labor bosses and make all kinds of uncomplimentary comparisons and irrelevant references. It brings down labor legislation that restricts employees' rights and injures industrial peace, but steadfastly refuses to take the steps that would adopt modern, effective steps in legislation and its administration that would reduce the enormous losses in time and enormous pain and anguish that result because of industrial accidents.

The limited nature of the Bill before us is just another example of this Government's inadequacy in labor policy as well as its anti-wage and salary-earner fixation. I say, Mr. Speaker, that the Minister should withdraw this Bill. He should bring back to this House substantial additions on lines that I have proposed. It can be done at this present session and it can be done quickly even this day, because in its present shape it can only be described as a wretchedly, slim document. We should not have to see more time go by before the needed reforms that should be in this Bill are made. Too much time has already gone by and I think that the Minister should recognize this.

We, on this side of the House, ask the Government to make these settlements. If you will not, we will of course, support the revisions that are in the Bill, that are by themselves changes to which we have no argument. It is really simply an expansion of benefits that are already provided by the Act or making clear what is already provided by the Act. Our reservations are because the Bill does not recognize the need to implement many more important amendments.

**Some Hon. Members:** — Hear, hear!

**Mr. A.E. Blakeney (Regina Centre):** — Mr. Speaker, I simply want to say a few short words on The Workmen's Compensation Act.

I think all Hon. Members must necessarily in the course of their duties have a large number of complaints addressed to them with respect to the Workmen's Compensation Board. I think that it will be recognized that a majority of those complaints will be ill-founded, arises from a lack of understanding of what the Board is to do. However, there is one class of complaints which has persistently come to me which I thought had some merit. And it is those people in respect of whom there is no argument that

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the person is injured. Very frequently there is no argument that the person is injured while at work. The argument comes about as to whether the injury arose because of the work. The Board takes the position that, if there is a pre-existing condition that contributed to the disability, they are not responsible or they are only partially responsible for the injury.

This strikes me as being a view with respect to liability which is no longer tenable. The current thinking, really, of compensation statutes is at variance with this. If I am in an automobile accident and I am injured I am fully compensated for the injuries which result even though some of them are contributed to by a pre-existing condition. In fact the person who is responsible for my auto accident has to take me as he finds me. He can't expect me to have a perfect back. It is usually a back I find – degenerative condition of the spine is the common one. He must take me as he finds me.

The Workmen's Compensation Board frequently takes the view that they, as I would view it, are only insuring perfect physical specimens and to the extent that the disability arises from the fact that the person had a degenerative condition of the spine as an example, they will not compensate for it. As I say, I think this view, while it might have been appropriate 30 years ago, is no longer appropriate. We have to decide who is going to look after this injured workman, who by common consent is injured and frequently by common consent is injured while at work or at least work contributed in part to the injury. I think the right decision is not to put that on all of society but rather to put it on the employers of the industry where he was employed. I realize that this is somewhat apart from the strict portions of the Bill that we are considering. I do urge that the Minister give some thought to this. It is not a problem which arose particularly under his jurisdiction. I know that it was there before. It permeates the thinking of the Board and my only hope is that, by suggestion from various sources, and I have done my bit in respect to individual cases trying to outline a different philosophy of compensation in these cases, if others can do the same, I think that we may change the outlook of the Board. I am not here suggesting that the idea of the principle of the Board is bad, anything but. It is a good principle and it works reasonably well on the vast number of cases.

I wish to take no more of the house time except to put on the record of the House this point which I am sure others must have had troubling them as well.

**Some Hon. Members:** — Hear, hear!

**Hon. L.P. Mr. Coderre (Minister of Labour):** — I will agree with the Hon. Member from Regina Centre (Mr. Blakeney) in respect to these types of complaints. And in all cases I tried to follow up as much as possible those that have come to my attention and most of them do. The Board does bend backwards to try to assist though there are no provisions.

I tabled, a few days ago, the report of the Review Committee and one of the requests that I made in there particularly was that there would be – that was a personal request of mine, in view of my knowledge of the disabled veterans and procedures used in DVA – a pensions advocate. Now I am asking for that



because he would be in a position that an individual that is hurt would have someone to plead his case with the Board. It is most difficult and most improper for a Minister to directly influence a Board. I think that everyone will agree with this principle. This is why you have a representative of labor, of management and the chairman appointed by the Government. I think that this is very important. I think that you end up in a monstrosity, if the Minister would be able to influence the Board as to who should get it or not.

So I felt and I recommended to the Committee that some sort of a pensions advocate should be brought in. In regards to the remarks made by the Member from Moose Jaw South (Mr. Davies) of course he went on to criticize the problem and said he would support the Bill. I indicated when I introduced this Bill that this had been in the mill for a period of over six months and it was just a question of bringing it in. At the time that the Bill was presented, I did not know when the Workmen's Compensation Review Committee would report. As the Hon. Member knows full well that when the Committee reports on the 1st of November, you just haven't got the time to prepare and go through the legislative process and to bring in good legislation. This always has been the case. You can bring crash Bills that will not provide the necessary remedies. The recommendations of the Committee that are within the scope of the Board are being handled very, very well. Accident prevention, there is a concerted effort by the Board in order to give more assistance in accident prevention. I don't believe that there is any Province doing any more right now as far as accident prevention is concerned than is this Province. You know that yourself. We are much more advanced than the other provinces.

In regards to rehabilitation work, it is very fine to say, "Well, build a rehabilitation hospital." It is more economical to the employers because they are the ones that are going to be paying the shot by hiring out this rehabilitation program which we have from the Wascana hospital and other hospitals. Why go to the additional expense of building another centre where the patients, for that matter, would be away from home? We have services that are available in Saskatoon, Yorkton and other places. Of course then you have the question of accusing the Board of not making information available to this Legislature. I know that when I was in the Opposition that I cried, asked and begged for information regarding the Board and it was not available. It never has been available and this session, Mr. Speaker, there has been more information available to the Opposition than ever at any time that they had before.

**Mr. Davies** — Could I ask the Minister a question?

**Mr. Coderre:** — Therefore, I say, when he says to withdraw the Bill and continue whatever is in there is to the advantage of some people, it is a step in the right direction and I don't intend to withdraw or change it at this moment. I will continue as it is and at the next session we will bring the legislation well thought out, not haphazard and direct it in the direction of assisting those who need the help.

**Mr. Davies** — Mr. Speaker, before the Minister takes his seat could I ask him a question? I would like to ask the Minister on what

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occasion has he asked for information in this House, on what subjects with respect to the board that was denied? I can never recall any occasion.

**Mr. Coderre:** — I may not be as complete as the hon. gentleman in having a diary of everything I have done, but on many occasions I have asked questions of the House and the Chair ruled that it was out of order to ask questions of the Board – I have been in this House since '57 – because it was not within the scope of this Legislature. You can't prove it because the question was denied before it was presented.

**Some Hon. Members:** — Hear, hear!

Motion agreed to and Bill read a second time.

The Assembly adjourned at 10:27 o'clock p.m.